



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 10:00 OP DINSDAG
12 DESEMBER 2023**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY,
12 DECEMBER 2023 AT 10:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

TEENWOORDIG / PRESENT

RAADSLEDE / COUNCILLORS

Me	J August-Martinus	
Mnr	D Burger	(Speaker)
Me	K Donald	
Dr	A Eksteen	
Mnr	D Jantjies	(tot 11h50)
Mnr	R Louw	
Me	M Matthysen	
Mnr	R Mokotwana	
Mnr	J Nieuwoudt	
Mnr	R Ross	(Onder-Burgemeester)
Mnr	P Swart	(Burgemeester)

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H van Biljon	Direkteur: Finansiële Dienste
Mnr	W Linnert	nms. Direkteur: Infrastruktuurdienste
Me	M Boyce	Direkteur: Bestuursdienste
Mnr	Z Baca	Internal Audit
Mnr	O January	Bestuurder: LED en Toerisme
Me	L Valentine	wnd. Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	N Mhlati-Musewe	Divisional Head: HR and OD
Me	A Jonker	Snr Admin Beampte: Komiteedienste

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1. **VERWELKOMING / WELCOME**

Die Speaker heet die teenwoordiges welkom.

2. **OPENING MET GEBED / OPENING WITH PRAYER**

Die Munisipale Bestuurder open die vergadering met gebed.

3. **KWORUM/AANSOEKE OM VERLOF TOT AFWESIGHEID / QUORUM/APPLICATIONS FOR LEAVE**

Mnr H Kröhn Direkteur: Infrastruktuurdienste
Me M Stone Afdelingshoof: Strategiese Dienste

4. **AANVAARDING VAN AGENDA / ACCEPTANCE OF AGENDA**

Na die byvoeging van addisionele items word die Agenda aanvaar.

5. **LIEF EN LEED / JOY AND SORROW**

- Me Jonker word sterkte toegewens met die heengaan van haar moeder.
- Die Speaker wens die nuwe personeel aanstellings by KAM geluk.
- Twee werknemers van KAM, mnr Henry Behr en Kobus Slammat ontvang hul 40-jaar langdiens sertifikate en word hul bedank vir hul getroue en toegewyde diens.

6. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**

Geen.

7. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE / INTERVIEWS WITH DELEGATES AND/OR OTHER VISITS**

Geen.

8. **NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**

8.1 **NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

31 Oktober 2023 *(Notule was onder lede versprei)*

BESLUIT 242/2023

Die Notule word as korrek en volledig bekragtig.

(Voorsteller: Rdl Donald / Sekondant: Rdl Eksteen)

8.2 **NOTULE VAN SPESIALE RAADSVERGADERING GEHOU OP:**

13 November 2023 *(Notule was onder lede versprei)*

BESLUIT 243/2023

Die Notule word as korrek en volledig bekragtig.

(Voorsteller: Rdl Ross / Sekondant: Rdl Swart)

9. **NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE**

9.1 **NOTULE VAN UBK VERGADERING GEHOU OP:**

25 Oktober 2023 (Notule was onder lede versprei)

BESLUIT 244/2023

Die Raad neem kennis van bogenoemde UBK Notule.

(Voorsteller: Rdl Ross / Sekondant: Rdl Eksteen)

10. **NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME**

10.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings was onder lede versprei.

BESLUIT 245/2023

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

11. **SAKE VOORTSPRUITEND UIT NOTULES / MATTERS ARISING FROM MINUTES**

RAADSVERGADERING: 31 OKTOBER 2023 / COUNCIL MEETING: 31 OCTOBER 2023

ITEM	BESLUIT / RESOLUTION	VORDERING / PROGRESS
SUMMER SEASON READINESS PLAN 2023/24 (Director Management Services)	219/2023	
HOUSING COMMITTEES	220/2023	Finalized
APPEAL: FIREWORKS (ARNISTON HOTEL) (Division Head: Planning and Administration)	221/2023	Applicant informed of resolution on 7 November 2023. Application made for the event as per the resolution. Finalized
MFMA SECTION 52(D) QUARTERLY BUDGET- AND PERFORMANCE REPORT FOR THE QUARTER ENDING 30 SEPTEMBER 2023 (Director: Finance and IT / Division Head Planning and Administration)	222/2023	Submitted to Provincial Treasury and placed on Municipal Website
VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (J WILLIAMS) (Acting Manager: Administrative Support)	223/2023	The applicant has been informed about the business plan. Still waiting – Will follow up.
ALIENATION: PORTION OF ERF 1148, BDORP (CLEARLAKE) (PTY) LTD	224/2023	Applicant informed of resolution on 7 November 2023. Meeting held with applicant to discuss draft agreement. Applicant considering bringing application to change name of purchasing entity.
PROPOSED LAND USE RIGHTS: PORTION OF ERF 1148, BREDASDORP (UNREGISTERED ERF 5783) (WARD 3) (Manager: Town Planning)	225/2023	Survey in process. Properties on proposed auction list
PROPERTIES SOLD ON AUCTION: CAPE AGULHAS MUNICIPALITY / V AND P CONSULTING: ERF 1557, BREDASDORP (Division Head: Planning and Administration)	226/2023	Applicant informed of resolution on 7 November 2023. He requested some time to consider the options put forward.
VERVREEMDING (KOOP): ERF 3539, BDORP (MEV KLOPPERS) (Acting Manager: Administrative Support)	227/2023	Application was not approved by Council (Resolution 227/2023). Applicant has been informed.

ITEM	BESLUIT / RESOLUTION	VORDERING / PROGRESS
FINALISATION OF OUTSTANDING COUNCIL RESOLUTION 118/2020: ALIENATION OF A PORTION OF ERF 955, STRUISBAAI (Acting Manager: Administrative Support)	228/2023	Valuation has been received and will be submitted to Council on 12 December 2023
HEROORWEGING VAN RAADSBESLUIT 203/2023: VERGUNNING VIR VERLAAGDE OORSKREIDINGS-KOSTES: ERF 574, L'AGULHAS (A STEYN) (Division Head: Planning and Administration)	229/2023	Applicant informed of resolution on 7 November 2023. Application advertised and closing date is 1 December 2023. Objections received and an item will be submitted to Council on 12 Dec 2023.
VERVREEMDING (HUUR): GEDEELTE ERF 373, WAENHUISKRANS (M MURTZ) (Acting Manager: Administrative Support)	230/2023	Applicant informed of resolution. Application advertised and closing date is 1 December 2023. No objections received and an item will be submitted to Council.
OORWEGING VAN REGSTELLINGSKOSTE: GED ERF 374, WAENHUISKRANS PINKSTER KERK (Acting Manager: Administrative Support)	231/2023	Applicant has been informed of resolution. The applicant excepted the resolution and muyst start with the Town Planning process.
VERSOEK OM GOEDKEURING VIR DIE AANKOOP VAN VYF (5) LESSENAARSTOELE IN TERME VAN ARTIKEL 29 (1) VAN DIE MFMA (Director: Finance and IT)	232/2023	Shaun
STRATEGIC RISK REGISTER: 2023/24 REPORT ON RISK RESPONSES: QUARTER 1 (Division Head: Planning and Administration)	233/2023	Risk register amended. Finalised
REPORT: WATER SERVICES DEVELOPMENT PLAN (WSDP) / WATER SERVICES AUDIT (WSA) (Director: Infrastructure)	234/2023	Submitted to applicable authorities on 31 October 2023 as required. Finalised

BESLUIT 246/2023

Die Raad neem kennis van bogenoemde kommentaar/terugvoer.

12. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**

12.1 **BRIEWE VAN DANK**

Die Raad neem kennis van aangehegte briewe van dank.

12.2 **FUNKSIES VIR DIE MAAND**

Geen.

12.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

12.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker lees die onderstaande skrywe aan die Raad voor:

“Kollegas, as voorsitter is dit seker ook my prerogatief om ‘n paar woorde te sê of ‘n paar gedagtes te deel hier waar ons nou aan die einde van 2023 se raadsaktiwiteite gekom het. Dat dit nie ‘n maklike jaar was nie, is gewis! Dat 2024 ‘n selfs moeiliker jaar gaan wees, is na alle waarskynlikheid ‘n gegewe! Eksterne faktore soos ‘n krimpende of drasties verslegtende ekonomie en die moontlik ontwrigtende Provinsiale en Nasionale verkiesing is maar van die enkele voorspelbare redes hoekom ons as klein, plaaslike munisipaliteit moeilike tye kan verwag.

Kiesers gaan vashou aan beloftes wat politici gaan maak of reeds maak en weinig daarvan gaan maklik realiseer. Dit gaan die reeds onstuimige / onstabiele atmosfeer verder aanblaas, en ons gaan dit as munisipaliteit nie vryspring nie. Voeg hierby inwoners wat gevolglik verarm en meer in KAM se oë gaan kyk vir verligting terwyl ander eis dat KAM meer moet fokus op ons mandaat: dienslewering. Aansienlik minder bronne vir sosio/ekonomiese behoeftes of versugtinge gaan uit eie fondse of van eksterne bronne beskikbaar wees.

Die 2024/25 begroting gaan dus 'n baie belangrike en deursigtige oefening moet wees! Kohesie en inkoop van die volle Raad gaan van uiterste belang wees. Ons sal dus na die 31 Januarie 2024 raadsvergadering moet vergader en strategiese riglyne saam met die munisipale bestuurder en direkteure ontwikkel - basiese diensleweringstrategie per direktoraat met die MB as dirigent!

Brand Pretorius het op 'n keer opgemerk dat: "Voor jy 'n leier kan wees, lê sukses daarin opgesluit om jouself te ontwikkel. Wanneer jy 'n leier word, gaan sukses daarvoor om ander te ontwikkel. Gun my dan nou die voorreg om julle en julle gesinne 'n Geseënde en vredevolle Kersfees toe te wens asook prettige en veilige Nuwejaars vieringe. Mag ons op 15 Januarie 2024 terugkeer met nuwe moed en krag om hierdie grootse taak met nuwe passie saam aan te pak - tot voordeel van die groter gemeenskap aan wie ons aanspreeklik is.

Ek dank julle vir die afgelope jaar se samewerking en ondersteuning."

13. **TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON**

Die Burgemeester woon die volgende vergaderings by:

- (i) 28 November 2023: Forum of Provincial Ministers of Local Government and Executive Mayors (MinMay) in Goudini saam met die Munisipale Bestuurder.
- (ii) 1 Desember 2023: District Coordinating Forum (DCF) vergadering in Hermanus oor alternatiewe kragbronne.
- (iii) Vergadering by P & B Limeworks tesame met ZWASA asook 'n afvaardiging van die VSA, ander provinsies en die Stad Kaapstad met betrekking tot "waste management solutions".

14. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER**

- (i) The Mayor expresses his gratitude to everyone who has contributed to the municipality's work, even in difficult circumstances, such as the recent floods and load shedding.
- (ii) The municipality received its 10th consecutive clean audit. The Mayor expresses his gratitude to the Municipal Manager and his team, the Directors and their teams and all on "ground level".
- (iii) He welcomes all the new staff appointments at CAM.
- (iv) Hy wens die "Elim Blues" rugbyklub geluk met hul oorwinning tydens die Boland Sanlam Top 16 finaal.
- (v) Hy wens amptenare en Raadslede 'n geseënde Kersfees toe.

15. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING / ITEMS REFERRED TO COUNCIL FOR CONSIDERATION**

15.1 **CAPE AGULHAS MUNICIPALITY DRAFT ANNUAL REPORT 2022/23**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION

PURPOSE OF REPORT

To present the Draft Annual Report for the 2022/23 financial year to Council for adoption in terms of section 27 (2) of the Municipal Finance Management Act, (Act 56 of 2003).

BACKGROUND

Following the tabling of the 2022/23 draft Annual Report to Council, it will be made public and submitted to the relevant organs of state. It will also be referred to MPAC to perform the oversight process which shall include the consideration of any representations received from the public and organs of state and the compilation of the oversight report.

The Draft Annual Report for 2022/23 has the following Annexures:

- The final consolidated Annual Financial Statements for 2022/23 as signed-off by the Auditor-General; **Annexure A.**
- The final consolidated Audit Report from the Auditor- General; **Annexure B.**
- The Audit Committee report for 2019/20. **Annexure C.**
- The Performance Audit Committee report for 2019/20. **Annexure D.**

DISCUSSION

The most important documents of the Municipality are the Integrated Development Plan (IDP), Budget, Service Delivery Budget Implementation Plan (SDBIP) and Annual Report.

The IDP, Budget and SDBIP are planning documents that focus on the year ahead; the IDP identifies the objectives, strategies and projects that the Municipality will achieve and implement in the year, the budget indicates how they will be funded and the SDBIP indicates the key performance indicators against which performance will be measured. The Annual Report is retrospective and focuses on the year’s actual performance as measured against the key performance indicators set out in the SBIP during the year under review.

The 2022/23 draft Annual Report will be made public and submitted to the relevant organs of state following its adoption. The report will also be referred to MPAC to perform the oversight process which shall include the consideration of any representations received from the public and organs of state and the compilation of the oversight report.

LEGAL IMPLICATIONS

The submission of the Annual Report is regulated by the Municipal Systems Act, Act 32 of 2000 and the Municipal Finance Management Act, Act 56 of 2003.

The following table provides an overview of the main provisions:

MUNICIPAL SYSTEMS ACT NO. 32 OF 2000	
Section 46: Annual performance reports	<ol style="list-style-type: none"> 1) <i>A municipality must prepare for each financial year a performance report reflecting -</i> <ol style="list-style-type: none"> (a) <i>the performance of the municipality and of each external service provider during that financial year;</i> (b) <i>a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and</i> (c) <i>measures taken to improve performance.</i> 2) <i>An annual performance report must form part of the municipality’s annual report in terms of Chapter 12 of the Municipal Finance Management Act.</i>
MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003	
Section 121: Preparation and adoption of annual reports	<ol style="list-style-type: none"> 1) <i>Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality’s sole or shared control in accordance with section 129.</i> 2) <i>The purpose of an annual report is-</i> <ol style="list-style-type: none"> (a) <i>to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;</i> (b) <i>to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and</i> (c) <i>to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.</i>

	<p>3) <i>The annual report of a municipality must include-</i></p> <ul style="list-style-type: none"> (a) <i>the annual financial statements of the municipality, and in addition, if section 122 (2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126 (1);</i> (b) <i>the Auditor-General's audit report in terms of section 126 (3) on those financial statements;</i> (c) <i>the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act;</i> (d) <i>the Auditor-General's audit report in terms of section 45 (b) of the Municipal Systems Act;</i> (e) <i>an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;</i> (f) <i>an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17 (3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;</i> (g) <i>particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);</i> (h) <i>any explanations that may be necessary to clarify issues in connection with the financial statements;</i> (i) <i>any information as determined by the municipality;</i> (j) <i>any recommendations of the municipality's audit committee; and</i> (k) <i>any other information as may be prescribed.</i>
<p>Section 127: Submission and tabling of annual reports</p>	<ul style="list-style-type: none"> 1) <i>The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year to the municipal manager of the entity's parent municipality.</i> 2) <i>The Mayor must within seven months (by end January) of the financial year, table in the municipal council the annual report of the municipality.</i> 3) <i>If the mayor, for whatever reason, is unable to table in council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must:</i> <ul style="list-style-type: none"> a) <i>Promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and</i> b) <i>Submit to council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.</i> 4) <i>The Auditor-General may submit the financial statements and audit report -</i> <ul style="list-style-type: none"> (a) <i>of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2) or (3); or</i> (b) <i>of a municipal entity directly to the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (1).</i> 5) <i>Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must -</i> <ul style="list-style-type: none"> (a) <i>in accordance with section 21A of the Municipal Systems Act -</i> <ul style="list-style-type: none"> (i) <i>make public the annual report; and</i> (ii) <i>invite the local community to submit representations in connection with the annual report; and</i> (b) <i>submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the Province.</i>
<p>Section 129: Oversight reports on annual reports</p>	<ul style="list-style-type: none"> 1) <i>The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127 adopt an oversight report.</i>
<p>Section 130 Council meetings open to the public and certain officials</p>	<ul style="list-style-type: none"> 1) <i>The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed -</i> <ul style="list-style-type: none"> a) <i>for the discussion of any written submissions received from the local community or organs of state on the annual report; and</i>

	<p>b) for members of the local community or any organs of state to address the council.</p> <p>2) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).</p> <p>3) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).</p>
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FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council adopts the 2022/23 draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2022/23 draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2022/23 draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report.

RESOLUTION 247/2023

- (i) That Council adopts the 2022/23 draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2022/23 draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2022/23 draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report.

(Proposer: Ald Nieuwoudt / Seconder: Clr Eksteen)

Implementation: Division Head - Strategic Services (T Stone)

15.2 **PERFORMANCE EVALUATIONS 2022/23: MUNICIPAL MANAGER AND SENIOR MANAGERS AND PAYMENT OF PERFORMANCE BONUSES**

REPORT BY THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To submit the 2022/23 performance reviews of the Municipal Manager and Senior Managers to Council, and to request approval to pay performance bonuses. The full performance reviews report is attached on **page 3 to 10**.

LEGAL IMPLICATIONS

The Municipal Manager and senior managers reporting directly to the Municipal Manager are required to conclude an annual performance agreement for each financial year in terms of Section 57 (1) (b) of the Local Government: Municipal Systems Act. Performance evaluations are done twice a year in terms of the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers (2006).

Performance bonuses are payable in terms of Sub regulation 8 of the aforementioned regulations that state that:

“a performance bonus, based on affordability, may be paid to the employee, after -

- 1) *the annual report for the financial year under review has been tabled and adopted by the municipal council;*
- 2) *an evaluation of performance in accordance with the provisions of regulation 23; and*
- 3) *approval of such evaluation by the municipal council as a reward for outstanding performance.”*

The bonus structure is as follows:

RATING	LEVEL	BONUS CALCULATION
0% - 64%	Poor performance	0% of Total package
65% - 69%	Average Performance	5% of Total Package
70% - 74%	Fair Performance	8% of Total Package
75% - 79%	Good Performance	11% of Total Package
80% - 100%	Excellent Performance	14% of Total Package

DISCUSSION

The performance reviews for the full 2022/23 financial year were done on 14 November 2023 and were done by a panel which was constituted in terms of legislation and the performance agreements of the respective managers.

The following officials were evaluated:

1. Municipal Manager - Mr E Phillips
2. Director Management Services - Mr H Krohn (1 July 2022 - 28 February 2023)
3. Director: Infrastructure Services - Mr H Krohn (1 March 2023 - 30 June 2023)
4. Director: Finance and IT Services - Mr H van Biljon

PERFORMANCE EVALUATION PROCESS

The officials were given an opportunity to make a presentation to the panel and scoring was done in terms of evidence provided.

The following information was considered during the evaluation:

1. The presentation of the official.
2. The actual achievements in terms of the key performance indicators based on the performance agreements (80%).
3. Core competencies (20%).

EVALUATION OUTCOMES

The evaluation outcomes following the assessment were as follows:

NAME	KPI'S WEIGHTED % 80	CORE COMPETENCIES WEIGHTED % 20	FINAL ASSESSMENT
Mr E Phillips: Municipal Manager	56.20	18.67	74.87 (75%)
Mr H van Biljon: Director: Finance and IT Services	64.60	18.33	82.93% (83%)

***All scores rounded off to align to bonus allocation as contained in contracts which is based on rounded numbers.**

NAME	KPI'S WEIGHTED % 80	CORE COMPETENCIES WEIGHTED % 20	FINAL ASSESSMENT	% CONTRIBUTION TO TOTAL SCORE	ACTUAL % CONTRIBUTION TO TOTAL SCORE
Mr H Krohn: Director: Management Services (1 July 2022 - 28 February 2023)	52.80	18.00	57.60	66.65	47.22 (47%)

NAME	KPI'S WEIGHTED % 80	CORE COMPETENCIES WEIGHTED % 20	FINAL ASSESSMENT	% CONTRIBUTION TO TOTAL SCORE	ACTUAL % CONTRIBUTION TO TOTAL SCORE
Mr H Krohn: Director: Infrastructure Services (1 March 2023 - 30 June 2023)	65.00	18.00	70.80	33.35	27.64 (28%)
				100	74.86 (75%)

*All scores rounded off to align to bonus allocation as contained in contracts which is based on rounded numbers.

** To be noted that the Director Management Services had two evaluations and his score was based on the time that he occupied each position. (He was Management Services Director for 66.6% of the financial year and Director Infrastructure Services for 33.3% of the financial year)

These outcomes were communicated to the employees and signed off immediately following the evaluation. No appeals were received.

PERFORMANCE BONUSES PAYABLE

Bonuses payable in terms of clause 11.3 of the performance agreements are a percentage of the official's annual remuneration package. The proposed bonus allocation based on the performance achieved and the input of the panel, is as follows:

Name	KPIs Weighted % 80	Competencies Weighted % 20	Final Assessment	Bonus
Mr E Phillips: Municipal Manager	56.20	18.67	74.87 (75%)	11%
Mr H van Biljon: Director: Finance and IT Services	64.60	18.33	82.93% (83%)	14%
Mr H Krohn: Director: Management Services	52.80	18.00	74.86 (75%)	11%
Mr H Krohn: Director: Infrastructure Services	65.00	18.00		

*All scores rounded off to align to bonus allocation as contained in contracts which is based on rounded numbers.

A prerequisite for the payment of bonuses is that the Draft Annual Report for 2022/23 is tabled and adopted prior to or at the same council meeting.

FINANCIAL IMPLICATIONS

A provision was made on the 2022/23 Annual Financial Statements for the payment of full performance bonuses.

PERSONNEL IMPLICATIONS

1. Regulated in terms of the 2021/22 performance agreements.
2. MFMA
3. Municipal Systems Act.

MANAGEMENT RECOMMENDATION

- (i) That Council takes note of the content of the 2022/23 performance evaluation report.
- (ii) That Council approves the payment of performance bonuses to the Municipal Manager and Senior Managers for the 2022/23 financial year as per the outcome of the performance evaluations.

RESOLUTION 248/2023

- (i) That Council takes note of the content of the 2022/23 performance evaluation report.
- (ii) That Council approves the payment of performance bonuses to the Municipal Manager and Senior Managers for the 2022/23 financial year as per the outcome of the performance evaluations.

(Proposer: Clr Donald / Seconder: Clr Ross)

Implementation: Division Head - Strategic Services (T Stone)

15.3 **ALTERNATIVE WASTE MANAGEMENT SOLUTIONS**

REPORT FROM THE OFFICE OF THE DIRECTOR: INFRASTRUCTURE SERVICES

PURPOSE OF REPORT

To report on the optimum alternative waste management solution(s) for future implementation and decision making, given the current risks experienced at the landfill site in Bredasdorp.

BACKGROUND

CURRENT OPERATIONAL PROCEDURES

The disposal sites at Napier, Struisbaai, and Waenhuiskrans have been issued with closure licenses, but still receive garden waste and builder's rubble in the interim.

A solid waste drop-off facility has been constructed at each of these disposal sites and is equipped with 30m³ containers for the transport of waste to the Bredasdorp Landfill site by an appointed contractor.



INVESTIGATION REGIONAL LANDFILL SITE

A study was done by Jan Palm JPCE (PTY) LTD (Specialist Consulting Engineers) - April 2018 - ODM. Combined Landfill Requirements. The combined landfilling requirement of the two municipalities is 1,762,178.96 m³ to operate and accept waste for a period of 25 years.

Site Location Options:

- Use and extension of the current Bontebok Landfill in Swellendam.
- Use and extension of the current Bredasdorp Landfill.
- Development of new regional landfill near the boundary of the two municipalities.
- Transport of waste to Karwyderskraal Landfill.

See full report attached as an annexure on page 11 to 23.

MANAGEMENT RECOMMENDATION

- (i) For Council to approve for waste to be transported to Karwyderskraal in the short to medium term.
- (ii) To start an **aggressive** recycling, organic waste/green waste, at source campaign as soon as possible.
- (iii) To work closely with ZWASA to ensure and promote the current successes of ZWASA.
- (iv) To finalise the SLA with the Overberg District Municipality.
- (v) To budget accordingly during the coming budgeting process.
- (vi) To ensure that the strategy is included in the final IWMP.
- (vii) To start compiling the tender to transport waste, in order to be ready to advertise directly after the approval of the budgeting process.
- (viii) To be ready for implementation by October 2024.
- (ix) To negotiate with DEADP for extending the non-compliance permit conditions until October 2024.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

- (i) That the management recommendation be accepted.
- (ii) That the process of determining the service delivery mechanism for management of the Bredasdorp landfill facility in terms of Section 76 of Local Government: Municipal Systems Act (32 of 2000) be commenced with.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

That the recommendation of the Infrastructure Services Committee be accepted.

RESOLUTION 249/2023

- (i) That Council approves the transportation of waste to Karwyderskraal in the short to medium term.
- (ii) That an **aggressive** recycling, organic waste/green waste at source campaign starts as soon as possible.
- (iii) That CAM works closely with ZWASA to ensure and promote the current successes of ZWASA.
- (iv) That the SLA with the Overberg District Municipality be finalised as soon as possible.
- (v) That there be budgeted accordingly during the coming budgeting process.
- (vi) That the strategy be included in the final IWMP.
- (vii) That the process of compiling the tender to transport waste starts as soon as possible, in order to be ready to advertise directly after the approval of the budgeting process.
- (viii) To be ready for implementation by October 2024.
- (ix) That there be negotiated with DEADP for extending the non-compliance permit conditions until October 2024.
- (x) That the process of determining the service delivery mechanism for management of the Bredasdorp landfill facility in terms of Section 76 of Local Government: Municipal Systems Act (32 of 2000) be commenced with.

(Proposer: Clr Ross / Seconder: Clr Donald)

Implementation: Director: Infrastructure Services (H Kröhn)

15.4 **FINAL DRAFT INTEGRATED WASTE MANAGEMENT PLAN (SEPTEMBER 2023)**

REPORT FROM THE OFFICE OF THE DIRECTOR: INFRASTRUCTURE SERVICES

PURPOSE OF REPORT

For Council to approve the final draft Integrated Waste Management Plan (IWMP) before it will be advertised for public inputs and comments by Department of Environmental Affairs and Development Planning (DEADP) and Overberg District Municipality.

BACKGROUND

The Integrated Waste Management Plan (IWMP) is a statutory requirement of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and has as its goal, the transformation of the current methodology of waste management to a sustainable practice focusing on waste avoidance and environmental sustainability. In addition, the revised National Waste Management Strategy 2020 (NWMS) provides a framework and strategy for the implementation of the Waste Act and outlines national policy and strategic approach to waste management that is equitable, inclusive, sustainable, and environmentally sound. The Cape Agulhas Municipality (CAM) developed its 3rd generation IWMP in 2016.

This has undergone review in 2020, 2021, 2022 and 2023. This IWMP is the **4th generation plan replacing the 2016 version**. The development of the IWMP is necessary as it is an integral tool to identify current needs and act as a guide towards sustainable waste management. The IWMP is required to be incorporated as part of the CAM's Integrated Development Plan (IDP) but is submitted as a separate document. In addition, its goals are aligned with the Western Cape IWMP and the NWMS. The Plan covers all 6 wards of the Municipality, reviews services currently rendered and sets goal to be achieved.

OBJECTIVES OF AN IWMP

The primary objective of the IWMP is to integrate general waste management within the local authority using a cradle-to-grave approach that incorporates appropriate, affordable and an environment-friendly mix of solutions. This will continually reduce the mass of waste requiring disposal, providing a dynamic framework to manage the Municipality's waste stream effectively based on the waste hierarchy. Principles of the Circular Economy will be included in order to allow for the beneficiation of suitable wastes. The IWMP will establish a dynamic system, which will aid decision-making and ensure that waste is handled in such a way that does not cause harm to human health or well-being or the environment. It shall acknowledge that:

- Everyone has the right to have the environment protected through reasonable measures which prevent pollution and environmental degradation, and which promote sustainable development;
- Waste must be managed in a responsible manner, promoting avoidance, reduction, reuse, recovery, recycling, and responsible disposal in terms of the waste hierarchy;
- The achievement of equity will be pursued, and no person or community shall be discriminated against in the provision of solid waste services;
- There will be a thrust towards poverty alleviation through empowerment projects e.g., waste recovery, reuse, and recycling;
- There is integration between the different municipal functions in the provision of services.
- Political and administrative structures will be capacitated to make appropriate and informed decisions.

The specific objectives of the IWMP should be:

To provide an integrated waste management strategy combining all methods of waste management with regard to the waste hierarchy.

This strategy will inform the establishment of programmes:

- To increase education, awareness and the marketing of strategies.
- To progressively reduce the amount of waste which is disposed of at landfill.
- To provide an adequate waste collection service to everyone in the municipal area.
- To increase waste minimisation and recycling.
- To treat and dispose of all of the waste generated within the municipal area.
- To minimise adverse social and environmental impacts related to waste management and thereby improve the quality of life for the population.
- To identify and plan for future waste management needs and requirements.
- To minimise waste management costs by optimising the efficiency of the waste management system.
- To ensure that there is adequate capacity to implement the IWMP.
- To increase law enforcement capabilities
- To ensure legislative compliance with regards to waste management facilities/operations and National diversion targets.

- To inform strategies for monitoring and enforcement.
- To present the IWMP to the public and all stakeholders and thereby ensure that the waste management systems and strategies chosen, as well as the institutional, legal and financial framework proposed, are accepted.

FINANCIAL IMPLICATION

Depending on the inputs from the public, Overberg District Municipality, the Department of Environmental Affairs and Development Planning and the decision on the outcome of the challenges faced at the landfill site Bredasdorp by Council, will ultimately determine the financial implication.

LEGISLATIVE REQUIREMENTS

South Africa has extensive legislation that has been promulgated to ensure protection of the environment and people. Relevant acts, regulations, and guidelines applicable to waste management are summarised in the following tables.

Legislation/regulations	Synopsis
	<ul style="list-style-type: none"> • Ensure that people are aware of the impact of waste on their health, well-being and the environment. • Achieve integrated waste management planning; • Ensure sound budgeting and financial management for waste services; • Provide measures to remediate contaminated land; and • Effective compliance with and enforcement of the Waste Act.
National Domestic Waste Collection Standards (GN 21 of 2011)	Provides standards relating to the collection of general waste. Distinguishes between the levels of service relating to waste collection whilst emphasising that equitable waste collection services must be provided to all households within the jurisdiction of the Municipality.
National Waste Information Regulations (GN 625 of 2012)	To regulate the collection of data and information to fulfil the objectives of the National Waste Information System as set out in section 61 of the Waste Act. Specify registration and reporting requirements.
Waste Classification and Management Regulations, (GN 634 of 2013)	To regulate the classification and management of waste in a manner that supports and implements the provision of the Waste Act and provides a mechanism and procedure for the listing of waste management activities that do not require a Waste Management License. Prescribes requirements for; disposal to landfill, timeframes for management of certain wastes and general duties of waste generators, transporters and managers.
National Norms and Standards for Assessment of Waste for Landfill Disposal, GN 635 of 2013	The National Norms and Standards for the assessment of waste for landfill disposal prescribe the requirements for the assessment of waste prior to landfill. Provides a standard assessment methodology for waste prior to disposal at landfill and advises on the total and leachable concentration limits.
Legislation/regulations	Synopsis
Amendment Act (Act 26 of 2014)	definitions. Introduces the Waste Pricing Strategy and the establishment of the Waste Management Bureau.
National Pricing Strategy for Waste Management (GN 904 of 2016)	To provide the basis and guiding methodology for setting waste management tariffs so as to increase diversion from landfill and encourage reduction, reuse and recycling of waste. Identifies and details three economic instruments for waste management namely; downstream instruments, upstream instruments and subsidy-based instruments.
Minimum Requirements for Waste Disposal by Landfill, 1998	The then Department of Water Affairs and Forestry (DWAFF), having a concern for the protection of water resources of South Africa and at the time being responsible for permitting of waste facilities developed a part series of documents commonly referred to as the 'Minimum Requirements'. The first edition was published in 1994, followed by a 2nd edition in 1998, a 3rd edition was drafted in 2005 but never. The minimum requirements for waste disposal addresses landfill classification, and the siting, investigation, design operation and monitoring of landfill sites. In the landfill classification system, a landfill is classified in terms of waste class, size of operation, and potential for significant leachate generation, all of which influence the risk it poses to the environment. Graded requirements are then set for all aspects of landfilling, including public participation.

New and updated legislation since 2016.

Legislation/regulations	Synopsis
National Norms and Standards for the Sorting, Shredding, Grinding, Crushing, Screening or Baling of General Waste (GN 1093 of 2017).	These norms and standards were developed to reduce the licensing requirements for low impact waste management activities. The norms and standards are applicable to all facilities where general waste is sorted, crushed, ground, crushed, screened or baled. All facilities where such activities are undertaken need to be registered with the provincial authority. Facilities with an operational area in excess of 1,000m ² need to be registered and comply with all the requirements of the norms and standards.
National Environmental Management Waste Act (GN 1094 of 2017) Amendment	Amendment to the list of waste management activities that have, or are likely to have, a detrimental effect on the environment. The list of waste management activities that have, or are likely to have, a detrimental effect on the environment were updated in 2015 to remove low impact activities related to waste management including the sorting, shredding, grinding, crushing, screening and baling of general waste.
Extended Producer Responsibility (GN 1184 of 2020)	Aims to provide the framework for the development, implementation, monitoring and evaluation of extended producer responsibility schemes by producers in terms of section 18 of the Waste Act. To facilitate the effective and efficient management of identified end of life products and to encourage and enable the implementation of circular economy initiatives. Details and the roles and responsibilities of producers as well as the minimum requirements and criteria for EPR schemes.
National Waste Management Strategy (2020)	The National Waste Management Strategy 2020 (NWMS) clearly shows the intention of DFFE to prioritise diversion of waste from landfill sites and increasing the beneficiation of waste through recycling and organic waste beneficiation. The NWMS is structured around a framework of three pillars each with their respective goals. The goals along with their respective targets are to be achieved by dates (year) indicated in the NWMS. The 2020 NWMS has three strategic pillars to improve waste management in South Africa: <ul style="list-style-type: none"> • Waste minimisation

Legislation/regulations	Synopsis
	The goal is to prevent waste, and where waste cannot be prevented, divert 40% of waste from landfill within 5 years; 55% within 10 years; and at least 70% of waste within 15 years leading to Zero-Waste going to landfill through reuse, recycling, and recovery and alternative waste treatment. <ul style="list-style-type: none"> • Effective and sustainable waste services All citizens live in clean communities with waste services that are well managed and financially sustainable; • Compliance, enforcement and awareness. Mainstreaming of waste awareness and a culture of compliance resulting in zero tolerance of pollution, litter and illegal dumping.
Amendment of the regulations and Notices regarding Extended Producer Responsibility (GN 400 of 2021)	Provides updates to the Extended Producer Responsibility (GN 1184 of 2020) regulations. Provides updates to definitions and amendments to regulations pertaining to the EPR schemes as well as their effective date.
National Norms and Standards for Organic Waste Composting (GN 561 of 2021)	Provides a uniform approach for controlling the composting of organic waste. Aims to reduce the environmental impacts of composting and to ensure that the best practicable environmental option is implemented.
National Norms and Standards for the Treatment of Organic Waste (GN 1984 of 2022)	Aims to reduce the amount of organic wastes that would go to landfill by diverting to facilities that will treat it for beneficial use. The Norms and Standards are also aimed at controlling the processing of organic waste at specific facilities in order to avoid, prevent or minimise potential negative impacts on the environment.

MANAGEMENT RECOMMENDATION

- (i) For Council to in principle approve the final draft Integrated Waste Management Plan (IWMP).
- (ii) The IWMP will be available for public inputs, for a period of 30 days.
- (iii) Comments from the Overberg District Municipality and the DEADP.
- (iv) Incorporate comments in the IWMP and submit to Council for final approval.
- (v) Submit final IWMP to DEADP.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

- (i) That Council in principle approves the final draft Integrated Waste Management Plan (IWMP).
- (ii) That the IWMP be made available for public inputs, for a period of 60 days (to be advertised after Council meeting of 12 December 2023).
- (iii) That comments from the Overberg District Municipality and the DEADP be obtained.
- (iv) That above comments be incorporated in the IWMP and submitted to Council for final approval.
- (v) That the final Integrated Waste Management Plan be submitted to DEADP.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

That the recommendation of the Infrastructure Services Committee be accepted.

RESOLUTION 250/2023

- (i) That Council in principle approves the final draft Integrated Waste Management Plan (IWMP).
- (ii) That the IWMP be made available for public inputs, for a period of 30 days (to be advertised after Council meeting of 12 December 2023).
- (iii) That comments from the Overberg District Municipality and the DEADP be obtained.
- (iv) That above comments be incorporated in the IWMP and submitted to Council for final approval.
- (v) That the final Integrated Waste Management Plan be submitted to DEADP.

(Proposer: Cnr Eksteen / Seconder: Ald Nieuwoudt)

Implementation: Director: Infrastructure Services (H Kröhn)

15.5 **SOUTHERN AFRICAN ENERGY PROGRAM (SAEP)**

REPORT FROM THE OFFICE OF THE DIRECTOR: INFRASTRUCTURE SERVICES

PURPOSE OF REPORT

To report on progress made regarding the Southern African Energy Program (SAEP).

BACKGROUND

Cape Agulhas Municipality was selected to be assisted by SALGA via SAEP to develop a PPP process to investigate the feasibility of alternative generation for the area.

The progress is as follows:

1. Kick off meeting and presentation workshop was held in the Council Chambers on 23 June 2022.
2. Letter of collaboration was signed by both parties on the 1 July 2022.
3. Received detailed scope of works on 1 July 2022.
4. Draft terms of reference for both project officer and transaction advisor received 12 July 2022.
5. Workshop scheduled for 21 July 2022 to tackle the completion of the term of reference documents and drafting a letter to register the project with national Treasury.
6. Workshop was held on 28 July to work through the terms of reference for the project officer and the transaction advisor.
7. A workshop was held in the ODM Council Chambers on 3 August to familiarize senior management, who were not previously able to attend working groups, with the scope of the project.
8. **There was a presentation from CAM regarding the following:**
 - State of electricity supply within CAM, sources of electricity and reliability of supply.
 - Renewable energy sources.
 - Service delivery in Municipal areas of supply vs Eskom areas of supply.
 - Forecast on the future of own generation.
 - Capacity of the distribution network.

9. **There was a presentation from SAEP regarding the following:**
 - Recap of the amendment to the Electricity Regulations on new generation capacity for Municipalities.
 - Scope of works for this project.
 - Case study of an unsolicited bid: Kannaland Municipality.
10. A formal letter of request was sent to the GTAC department of National Treasury requesting registration of the Municipality's project.
11. The GTAC unit has acknowledged receipt and stated that they are busy with registration.
12. The Municipality has received a letter from National Treasury confirming that the Municipality has been approved for assistance with a possible PPP project and that the GTAC unit will send the Municipality the registration information.
13. The letter from GTAC was received with a name of a dedicated senior project officer allocated to the Municipality and a project registration number of: TASM201.
14. The Municipality is busy putting all the required information together for submission to DBSA who are willing to fund the PPP transaction advisor and chief project officer 100% for 5 years or until financial close.
15. The Municipality has submitted a grant funding request to DBSA for R 23 100 000 over a 37-month period to fund the Transaction Advisors and a project officer to take the project to financial close.
16. Item to Council to adjust the decision on delegation to MM to be able to commence project.
17. This Council item was approved during February 2023.
18. CAM is looking to take the lead in an aggregated district approach for energy independence, District Energy Forum needs competent knowledgeable members as part of the forum, and a champion who can lead the project for the district.
19. Had meeting with MAYCO, MM and Manager: Electricity Services together with Mr Sikhumbuzo Gqoli of SAEP to report on progress and get clarity on certain issues.
20. The revised application to DBSA was submitted on 22 March 2023 and the following was included in the reply from DBSA, ***"We sincerely apologize for the delayed response. We were busy with our financial year-end. We are now in a position to adequately assess all the info and will proceed with scheduling a meeting for next week. We will endeavour to provide you with feedback in the next couple of days. We also engaged Power Africa last week, who highlighted the project in the discussion. Just thought I should let you know."***
21. The funding from DBSA that we have applied for is necessary to appoint the transaction advisor panel and Senior project officer.
22. The feasibility study will be carried out by the transaction advisor panel and senior project officer.
23. The latest correspondence from DBSA is as follows: ***"We reviewed all the document submitted. Kindly clarify whether the municipality will be able to contribute more than R1m. Based on the information at hand, we should be in a position to commence with the process. Perhaps a call will aid in us aligning on the way forward."***
24. A Meeting was held on 9 May 2023 and DBSA confirmed their satisfaction with the documents submitted and promised a reply within 2 - 6 Months for the finance approval.
25. Manager: Electricity Services gave a presentation at a webinar hosted by SAEP, SALGA and USAID in relation to this project and the progress made to date.

PROGRESS

1. A Project office was appointed by NT to drive the NT process, but the approval of funding must still be confirmed whereafter the Transaction Advisor Panel will be appointed to start the PPP process and feasibility study.
2. After no reaction from SAEP or DBSA we sent numerous emails to request an urgent meeting to discuss the status quo and progress of the project.
3. Meeting was held with IFC and SAEP in the council chambers on the 11 October 23 discussing the status quo and way forward, and the involvement of IFC in the program.
4. A teams meeting with SAEP and DBSA were also held on the 7 November 2023 to discuss the progress of the funding application made to DBSA.
5. During the meeting DBSA confirm that they still busy with the funding application and that they still fully support CAM in the process.

MANAGEMENT RECOMMENDATION

For notification.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note of the report on the progress made regarding the Southern African Energy Program (SAEP).

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

The Mayco takes note of the report on the progress made regarding the Southern African Energy Program (SAEP).

RESOLUTION 251/2023

That Council takes note of the report on the progress made regarding the Southern African Energy Program (SAEP).

Implementation: Director: Infrastructure Services (H Kröhn)

15.6 **CONTAINERISED SOLAR PV SOLUTION**

REPORT FROM THE OFFICE OF THE DIRECTOR: INFRASTRUCTURE SERVICES

PURPOSE OF REPORT

To report on progress made regarding the proposed Containerised Solar pv Solution.

BACKGROUND

The Municipality was invited to make a presentation to the Premier of the Western Cape and his energy advisory team on the willingness and readiness to implement a possible solar PV containerized battery solution. The Municipality prepared a comprehensive presentation outlining the area that has already been earmarked for such an intervention together with the required additional electrical infrastructure already in place.

The Municipality is currently busy with DEADP to ensure that the EIA process is completed and that no violations take place. The NEMA questionnaire has been completed and submitted together with a site plan to DEADP for evaluation and feedback. If successful, the Municipality will have a containerized battery PV solution which will mitigate up to stage 4 of load shedding in Bredasdorp. We are now waiting for the premier to advise the public of the decision as to which areas will receive this assistance.

Below is the proposed site for the possible intervention:



PROGRESS

A Premiers forum meeting was held on the 12 October 2023 on teams. During the meeting the Municipal Manager ask the question what the status of the selected municipalities regarding the containerised solar pv solution is. Unfortunately, only two municipalities were selected where CAM was not one of the two municipalities. Reasons were the unexpected high cost and long processes for implementation, and that the projects will be phased in over time.

MANAGEMENT RECOMMENDATION

For notification.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note of the report on the progress made regarding the proposed Containerised Solar pv Solution.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

- (i) That the report on the proposed Containerised Solar PV Solution be noted.
- (ii) That in view of the fact that the Municipality was not selected for the programme specific focus be placed on an alternative energy solution for Bredasdorp as part of the PPP process.

RESOLUTION 252/2023

- (i) That Council notes the report on the proposed Containerised Solar PV Solution.
- (ii) That in view of the fact that the Municipality was not selected for the programme specific focus be placed on an alternative energy solution for Bredasdorp as part of the PPP process.

(Unanimously)

Implementation: Director: Infrastructure Services (H Kröhn)

15.7 **VOORLEGGING / PRESENTATION**

Mnr Gavin Mageni, wat aangestel was om die omkeerstrategie by die Verkeersdepartement te behartig doen 'n voorlegging aan die Bestuursdienste Komitee met betrekking tot die vordering van genoemde strategie (die volledige voorlegging word **apart aangeheg** tot hierdie Agenda).

AANBEVELING: BESTUURSDIENSTE KOMITEE

- (i) Dat kennis geneem word van die voorlegging van die vorderingsverslag rakende die KAM Beskermingsdienste Omkeerstrategie.
- (ii) Dat toekomstige vorderingsverslae ingesluit word in die maandverslag van die Direkteur: Bestuursdienste.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (5 DESEMBER 2023)

Die UBK neem kennis van die voorlegging deur mnr Mageni gedoen met betrekking tot die vordering van die omkeerstrategie by die Verkeersdepartement.

BESLUIT 253/2023

- (i) Die Raad neem kennis van die voorlegging van die vorderingsverslag rakende die KAM Beskermingsdienste Omkeerstrategie.
- (ii) Dat toekomstige vorderingsverslae ingesluit word in die maandverslag van die Direkteur: Bestuursdienste.

Implementation: Director: Management Services (M Boyce)

15.8 **DRAFT CAPE AGULHAS MUNICIPALITY: NUISANCES, BEHAVIOUR IN PUBLIC PLACES AND CRIME PREVENTION BY-LAW**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: DIVISION HEAD STRATEGIC PLANNING AND ADMINISTRATION

Submission to all 3 Portfolio Committees (To be introduced by the Executive Mayor at Council)

PURPOSE OF REPORT

To present a draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law for consideration.

BACKGROUND

The draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law is attached on **page 24 to 43**.

SUMMARY

3.1 Objects of the By-Law

The objects of the draft By-law are to provide -

- (1) measures to regulate and control conduct or behavior which causes or is likely to cause discomfort, annoyance, or inconvenience to the public or users of any private and public place, so as ensure that any such discomfort, annoyance or inconvenience is avoided, and where total avoidance is impossible or impractical, is minimized and managed; and
- (2) for measures to regulate certain conduct or behavior within a private and public place in order to prevent nuisances; and
- (3) for measures to prevent crime within the Municipal area of jurisdiction; and
- (4) for penalties for breach of its provisions.

3.2 Summary

The draft By-Law sets out general prohibitions on certain behaviour in public places and property as well as nuisances. It covers the following aspects:

- | | |
|--|---|
| i. Car guards | xii. Parking |
| ii. Fireworks displays | xiii. Handbills |
| iii. Signage | xiv. Airspace |
| iv. Places of worship | xv. Excavation in public places |
| v. Vegetation | xvi. Weed-killer, herbicides, poisons or pesticides |
| vi. Washing | xvii. Municipal property |
| vii. Noise | xviii. Nuisances arising from use of a premises |
| viii. Litter | xix. Street numbers |
| ix. Motor vehicles in public places | xx. Refuse removal and tampering |
| x. Skating, roller-skating and other dangerous acts | xxi. Refuse removal sites |
| xi. Obstructing, blocking or disturbing of traffic and pedestrians | |

It also provides for the general powers of the municipality, enforcement of the By-law, offences and penalties and general provisions.

3.4 By-Laws Repealed

Cape Agulhas Municipality: By-Law to prevent and control public nuisances published under notice 3194 in Western Cape Provincial Gazette Extraordinaire 6303 on 3 October 2005.

DISCUSSION

This draft By-Law was previously tabled to Council during 2019, but the process never concluded. The previously tabled By-Law has been updated and recirculated internally for amendments including the amendment of Section 7 (Fireworks) as required by Council Resolution (32/2023) which reads as follows:

- (i) *Dat alle vuurwerke, soos in die Verordening vervat, voortaan verbied sal word.*
- (ii) *Dat 'n volledige publieke deelname proses gevolg word om die publiek toepaslik in te lig oor die inhoud van die Verordening.*

In accordance with legislation and public participation.

LEGAL FRAMEWORK

Constitution

In terms of Section 162, a municipal by-law may be enforced only after it has been published in the official gazette of the relevant province.

Municipal Systems Act (Section 12 sets out the procedure for adopting a by-law)

- 1) Only a member or committee of a municipal council may introduce a draft by-law in the council.
- 2) A by-law must be made by a decision taken by a municipal council -
 - (a) in accordance with the rules and orders of the council; and
 - (b) with a supporting vote of a majority of its members.
- 3) No by-law may be passed by a municipal council unless -
 - (a) all the members of the council have been given reasonable notice; and
 - (b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.

Rules of order (2013)

FINANCIAL IMPLICATIONS

Publication costs following approval.

PERSONNEL IMPLICATIONS

None.

DEPARTMENTAL COMMENTS

The draft has been circulated to relevant departments on multiple occasions.

MANAGEMENT RECOMMENDATION

That Council approves the publication of the draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law for public comment in terms of the Municipal Systems Act.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE / INFRASTRUCTURE SERVICES COMMITTEE / FINANCE- AND IT SERVICES COMMITTEE

- (i) That the draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law be noted.
- (ii) That a workshop be convened for Councillors on the By-Law before submission to Council.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

- (i) That the draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law be noted.
- (ii) That a workshop be convened for Councillors on the By-Law before submission to Council.

RESOLUTION 254/2023

- (i) That Council notes the draft Cape Agulhas Municipality Nuisances, Behaviour in Public Places and Crime Prevention By-Law.
- (ii) That a workshop be convened for Councillors on the By-Law before final submission to Council.

Implementation: Division Head: Strategic Services (T Stone)

15.9 **REPORT: IMPLEMENTING AGENT FOR HOUSING DEVELOPMENT PROGRAMMES**

REPORT COMPILED BY THE DIRECTOR: MANAGEMENT SERVICES

PURPOSE OF REPORT

To table a requested report on the status of the contractual commitments with the current implementation agent for housing development programmes.

BACKGROUND

The current implementing agent for housing development programmes was appointed in terms of SCM resolution T56 of 2016. It has come to attention of the current management that this appointment had since expired. The original appointment was done on the basis of the completion of total development of certain identified land parcels. Each of these parcels are various development process stages. Management held an engagement with the implementing agent to discuss the expired status of the appointment, as well as the current stage of each project. The implementing agent was requested to provide the municipality with status of each project and the scope of the current stage that needs to be completed for handover of the programme to a potential different implementing agent.

DISCUSSION

After consideration of the inputs from the implementing agent, it is management's view that in order to not lose value on the commitments to-date, the following end-of scope activities need to be completed prior to logical handover:

Project	Progress	End of Scope
Bredasdorp Area D2	Decanting site for Zwelistsha. A due diligence exercise will be required to confirm the most suitable site, in line with the conditions of Approval Resolution 23/25 of the Western Cape Department of Infrastructure.	Completion of pre-feasibility assessment.
Napier Site B	The report for the Phase 1 Geotechnical Site Investigation was completed during October 2013. The site handover meeting for the supply and construction of 20 additional toilet structures was held on 17 November 2015. The Certificate of Completion was issued on 10 December 2015. An updated layout was prepared during October 2023, taking informal settlement growth into consideration.	Completion of services.
Struisbaai Area A	The Environmental Authorisation was issued on 20 September 2017. On 04 October 2022, the validity was extended for a further 5 years. The Town Planning Approval was received from Council on 31 July 2018, confirmed in a letter dated 07 August 2018. The application for extension of validity has been lodged.	Completion of services.

	The services designs were completed during June 2019. The stormwater design will be confirmed with additional geotechnical testing.	
Bredasdorp Area F	The site handover meeting for the services phase was held on 13 June 2017. The Certificate of Completion was issued on 26 June 2018. The site handover meeting for the top structure phase was held on 20 September 2018. The last top structure, out of 570 completed, was desnagged on 11 September 2020, and the final handover date was 03 July 2021. Deferred Ownership Project: As of the end of September 2023, 31 properties had been sold in the project, of which 14 were sales and 17 used the deferred ownership approach. To date, 22 have been completed and handed over, while 3 are in construction.	Completion of balance of deferred ownership project identified for affordable housing initiatives.
Napier Site A2	The Environmental Authorisation was issued on 18 April 2023. The layout was finalised on 20 August 2019. The LUPA application, with motivation and annexures, was submitted on 15 September 2023. The report for the Phase 1 Geotechnical Site Investigation was completed during November 2017. The draft services designs were amended and completed on 02 October 2023.	Completion of services.
Bredasdorp Area H (Services)	The site handover meeting for the services phase was held on 01 March 2017. The Certificate of Completion was issued on 11 August 2017.	Completed
Struisbaai (Oukamp/Blompark)	A draft layout was prepared in Struisbaai North, re-subdividing residential erven originally serviced during 2014 and 2015, yielding 84 potential erven. The layout was presented at a community Open Day on 29 August 2023. The LUPA process is expected to be completed by January 2024.	General plan registration and top structures.

Management has developed draft specifications for the new appointment of a service provider the specifications are currently being circulated for approval to be tabled to the specifications committee. The specifications make specific provision of the appointment to be time-bound and not project-site bound. This will ensure that project phases will likely be accelerated, as the preferred bidder will only be compensated in total for the phases of the project that have actually been completed.

LEGAL FRAMEWORK

The Municipal Financial Management Act, 56 of 2003

FINANCIAL IMPLICATIONS

The current conditional grant funding covers the end-of-scope commitments.

MANAGEMENT RECOMMENDATION

That the report be noted.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

That Council notes the report on the status of the contractual commitments with the current implementation agent for housing development programmes.

RESOLUTION 255/2023

That Council notes the report on the status of the contractual commitments with the current implementation agent for housing development programmes.

Implementation: Director: Management Services (M Boyce)

15.10 **REVISED ACTING POLICY**

PURPOSE OF REPORT

For Council to take note that the current Acting Policy has been revised. Council needs to take cognizance of the focus on capacitating service delivery departments, rely on extra work duties during peak, seasonal and unforeseen circumstances (*see annexure on page 44 to 49*).

BACKGROUND

The Acting policy was approved on 14 June 2022.

The following changes have been made to the below points in the current approved policy:

6. **CRITERIA FOR ACTING APPOINTMENT**

- g) There was conflict (MSR) in the one grade higher; it is resolved with the SALGA Circular 4/2023, in which the Bargaining Council prevail.
- b.3) Authorized by the municipal manager or the person to whom this function is delegated. *Prior to acting commencing* (included in policy).

8. **ACTING AS DIRECTOR OF A DEPARTMENT**

- (a) The *Municipal Manager* (in line with the approved delegated powers) must appoint an employee to act as Director of a department during his/her absence (it stated Director, change it to Municipal Manager).

9. **ACTING IN OTHER POSTS**

- (a) The acting allowance is only payable when an official acts in other **post** for a minimum of ten (10) uninterrupted consecutive working days (Spelling error - needs to be post not posts).

10. **ACTING ON HORIZONTAL / EQUIVALENT POSTS**

- a) *The Municipal Manager will in terms of the provisions in the Local Government: Municipal Systems Act, Act 32 of 2000, approve acting in a horizontal position and the remuneration therefore based on 25% of the salary of the incumbent and of the vacant post* (MSR makes provision for equivalent/horizontal acting, but the MSR only determines the criteria, not allowance, that must be paid.

There is no determination for the 25% in the Western Cape Collective Agreement or BCEA any other related legislation, this **must have been a Council resolution** on the 25% equivalent or horizontal - Currently the practice is 25%.

11.2 **ADDITIONAL / EXTRA WORK ALLOWANCE**

That the 25% allowance for additional/extra work be abolished.

FINANCIAL IMPLICATIONS

Unknown.

LEGISLATIVE REQUIREMENTS

1. Municipal Systems Act, No 32. of 2000
2. Task Policy-SALGA
3. Cape Agulhas Municipality Remuneration Policy
4. Municipal Finance Management Act, Act No 56 of 2003
5. Main Collective Agreement, SALGBC
6. Municipal Staff Regulations No 890/891

MANAGEMENT RECOMMENDATION

That Council considers and approves the affected changes on the current approved Acting Policy of 14 June 2022.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE (22 NOVEMBER 2023)

That the management recommendation be accepted.

RECOMMENDATION: LOCAL LABOUR FORUM (27 NOVEMBER 2023)

- (i) That the Cape Agulhas Acting Policy be workshopped, and that HR communicate the date.
- (ii) That a time frame be added in the SOP.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

That Council approves the amendments to the Acting Policy of 14 June 2022.

RESOLUTION 256/2023

That Council approves the amendments to the Acting Policy of 14 June 2022.

(Proposer: Ald Swart / Seconder: Clr Ross)

Implementation: Division Head: HR and OD (N Mhlati-Musewe)

15.11 **SALE OF MUNICIPAL PROPERTY 2023/24**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: DIVISION HEAD STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To submit a report to Council on properties earmarked for sale in the 2023/24 financial year.

BACKGROUND

With the compilation of the 2023/24 budget an amount of R10 000 000 was put forward as income from property sales. This was changed to R15 000 000 on the final budget. Properties earmarked for sale should be disposed of through a public process.

The two processes that can be considered are auction and open tender. A combination could also be considered whereby some properties are identified for sale on auction and others on tender.

AUCTION

The advantages of an auction are:

- Higher prices can be achieved as was proven with the last auction which contributes to our income.
- An auction is an easier platform for government officials who are our target market.
- A buyer has a measure of control over the outcome.

The disadvantages of an auction are:

- It is difficult to attach conditions such as first time buyer / one property per person.
- The bidding process can push properties out of the financial range of some of the buyers, especially those entering the property market.
- The community were very dissatisfied with the last auction and may not have much confidence in the process.

TENDER

The advantages of a tender are:

- It is possible to attach conditions such as first time buyer / one property per person etc.
- The prices for the buyer are generally lower.
- Tenders can include the call for development proposals.

The disadvantages of a tender are:

- Income is generally much lower, with most bidders tendering the reserve price or just above.
- Government / municipal officials are precluded from participating. This is a significant portion of our target market for residential even.
- A buyer has no control over the outcome.

DISCUSSION

The table below identifies 27 properties that can be considered for sale. The purchasers of two of the properties on the last auction have been given a last opportunity to pay, and if they do these two will come off the list (possible cancellations).

**NOTULE: ALGEMENE RAADSVERGADERING / GENERAL COUNCIL MEETING
12 DESEMBER / DECEMBER 2023**

Erf number	Town	Address	Zoning	Size	Municipal Valuation	Price / Reserve Price	Mode of sale	Comment
5543	Bredasdorp	Albertina Sisulu Street	Business	1243 m ²	120 000	Pending valuation	Tender (Development proposals)	New (Next to Lesedi Square)
5221	Bredasdorp	Sophia de Bruynstr	Business	1 091m ²	110 00	Pending valuation	Tender (Development proposals)	Reserve price not reached at February 2022 auction
6443	Bredasdorp	Mill Park	Business	165m ²	Unknown	Pending valuation	Auction	New
6444	Bredasdorp	Mill Park	Business	165m ²	Unknown	Pending valuation	Auction	New
6445	Bredasdorp	Mill Park	Business	165m ²	Unknown	Pending valuation	Auction	New
6446	Bredasdorp	Mill Park	Business	165m ²	Unknown	Pending valuation	Auction	New
6447	Bredasdorp	Mill Park	Business	165m ²	Unknown	Pending valuation	Auction	New
6691	Bredasdorp	Mill Park	Civic and social	2104m ²	Unknown	Pending valuation	Tender (Will need to include playpark)	New
4194	Struisbaai	Unnamed	Industrial	970m ²	Unknown	Pending valuation	Auction	Reserve price of R1000000 not reached at February 2022 auction
5783 (A)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	Pending valuation	Auction	New
5783 (B)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	Pending valuation	Auction	New
5783 (C)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	Pending valuation	Auction	New
5783 (D)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	Pending valuation	Auction	New

**NOTULE: ALGEMENE RAADSVERGADERING / GENERAL COUNCIL MEETING
12 DESEMBER / DECEMBER 2023**

Erf number	Town	Address	Zoning	Size	Municipal Valuation	Price / Reserve Price	Mode of sale	Comment
3619	Bredasdorp	Kalkoentjie singel	Single residential	643m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction
4179	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction
4185	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction
4190	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction
4184	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction (In process)
4186	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Cancellation from February 2023 Auction (In process)
4178	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	Pending valuation	Auction	Possible cancellation
937	Napier	Rose Avenue	Single residential	575 m ²	15 000	Pending valuation	Auction	Possible cancellation
3602	Bredasdorp	Kalkoentjie Singel	Single residential	750m ²	100 000	Pending valuation	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given
3625	Bredasdorp	Kalkoentjie Singel	Single residential	750m ²	100 000	Pending valuation	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given
3617	Bredasdorp	Kalkoentjie Singel	Single residential	643m ²	90 000	Pending valuation	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given
3616	Bredasdorp	Kalkoentjie Singel	Single residential	673m ²	94 000	Pending valuation	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given
1576	Bredasdorp	Disa Street	Single residential	717m ²	270 000	Pending valuation	Auction	Reserve price not reached at February 2022 auction

**NOTULE: ALGEMENE RAADSVERGADERING / GENERAL COUNCIL MEETING
12 DESEMBER / DECEMBER 2023**

Erf number	Town	Address	Zoning	Size	Municipal Valuation	Price / Reserve Price	Mode of sale	Comment
94	Napier	Jan van der Bylstraat 14	Single residential	2 823m ²	560 000	Pending valuation	Auction	Reserve price not reached at February 2022 auction
1111	Napier	Monsantoweg	Small holding	18351m ²	1 000 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1112	Napier	Monsantoweg	Small holding	16458m ²	910 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1113	Napier	Monsantoweg 6	Small holding	16431m ²	900 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1114	Napier	Monsantoweg 8	Small holding	16365m ²	900 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1115	Napier	Monsantoweg 10	Small holding	16257m ²	890 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1330	Napier	Monsantoweg 12	Small holding	17011m ²	940 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1331	Napier	Monsantoweg 14	Small holding	18377m ²	1 000 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1332	Napier	Monsantoweg 16	Small holding	16205m ²	890 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1333	Napier	Monsantoweg 18	Small holding	16604m ²	910 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1334	Napier	Monsantoweg 18	Small holding	17275m ²	950 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1335	Napier	Monsantoweg 20	Small holding	18403m ²	1 000 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1336	Napier	Monsantoweg 24	Small holding	23506m ²	1 300 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1337	Napier	Monsantoweg 26	Small holding	21773m ²	1 200 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached
1338	Napier	Monsantoweg 28	Small holding	14420m ²	790 000	Pending valuation	Auction	Auction / tenders before but not reserve price not reached

Council is requested to approve the list so that valuations can be obtained to determine the reserve prices which must be market related, and also indicate the mode of disposal of the different properties.

LEGAL IMPLICATIONS

1. **Legislation**

- (i) Local Government Municipal Finance Management Act, Act 56 of 2003 (MFMA) (Section 14).
- (ii) Municipal Asset Transfer Regulations 2008 (GN R878 in GG 31346) (MATR).
- (iii) Municipal Supply Chain Regulations 2005 (GN 868 in GG 27636) (SCM).
- (iv) Local Government Municipal Systems Act, Act 32 of 2000 as amended (MSA).

2. **Policy**

Cape Agulhas Supply Chain Management Policy (Council Resolution 152/2022 of 28 June 2022 (SCM Policy).

FINANCIAL IMPLICATIONS

Income for the Municipality.

PERSONNEL IMPLICATIONS

None.

COMMENTS BY RELEVANT DEPARTMENTS

DIRECTOR: FINANCE AND IT

The item is straight forward with no further input except for the budget to be aligned accordingly.

MANAGER: LED AND TOURISM

I would rather suggest the calling for proposals for the development of the business erven as a means of disposal. This can be achieved through public participation processes where we shall be guided by the needs of the particular communities where the erven are situated. Positive spin-offs could include the creation of jobs more expeditiously, however this means of disposal will create a negative impact on the medium term revenue to be generated by Council. The mere selling of the business plots on the open market might open the window for property prospectation by private individuals, in terms of which purchasers are acting as some sort of intermediary selling off the purchased plots to big business against huge profit margins, which might not necessarily be in the interest of the community.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the list of properties to be disposed of so that valuations can be obtained to determine the reserve prices which must be market related.
- (ii) That Council indicates the mode of disposal of the different properties.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) That Council approves the list of properties to be disposed of so that valuations can be obtained to determine the reserve prices which must be market related.
- (ii) That the proposed sale of the following erven contained in the list be subject to cancellation:
 - a. Erf 937, Napier
 - b. Erf 4178, Bredasdorp
 - c. Erf 3602, Bredasdorp
 - d. Erf 3625, Bredasdorp
 - e. Erf 3617, Bredasdorp
 - f. Erf 3616, Bredasdorp
- (iii) That the Napier small holdings be added to the list.
- (iv) That Council approves the mode of disposal of the different properties as indicated on the list.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

- (i) That the recommendation of the Finance- and IT Services Committee be accepted.
- (ii) That Council approves the list of properties to be disposed of so that valuations can be obtained to determine the reserve prices which must be market related.
- (iii) That the list be amended as follows:
 - 1. The Napier small holdings be removed from the list.
 - 2. That all residential erven be put on auction.
 - 3. That all business/industrial erven, with the exception of erf 4194, Struisbaai be put on tender.
 - 4. That Erf 4194, Struisbaai be put on auction.

RESOLUTION 257/2023

- (i) That Council approves the list of properties to be disposed of so that valuations can be obtained to determine the reserve prices which must be market related.
- (ii) That the proposed sale of the following erven contained in the list be subject to cancellation:
 - a. Erf 937, Napier
 - b. Erf 4178, Bredasdorp
 - c. Erf 3602, Bredasdorp
 - d. Erf 3625, Bredasdorp
 - e. Erf 3617, Bredasdorp
 - f. Erf 3616, Bredasdorp
- (iii) That the list be amended as follows:
 - 1. The Napier small holdings be removed from the list.
 - 2. That all residential erven be put on auction.
 - 3. That all business/industrial erven, with the exception of erf 4194, Struisbaai be put on tender.
 - 4. That Erf 4194, Struisbaai be put on auction.

(Proposer: Cnr Donald / Seconder: Cnr Ross)

Implementation: Division Head: Strategic Services (T Stone)

15.12 **VERVREEMDING (KOOP): GEDEELTE ERF 1277, STRUISBAAI (STRUISBAAI ISLAMIC SOCIETY)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr Z Jackson namens Struisbaai Islamic Society ten einde 'n gedeelte van erf 1277, Struisbaai by die Raad te koop en vir 'n Islamitiese Moskee aan te wend.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1277, Struisbaai
Sonering	:	Publieke Oopruimte
Erf Grootte	:	4744m ²
Voorgestelde Grootte	:	1500m ²

AGTERGROND

'n Skriftelike versoek is vanaf mnr Z Jackson ontvang om 'n gedeelte van erf 1277, Struisbaai by die Raad te koop.

MARKWAARDASIE

Moet verkry word.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth

DEPARTEMENTELE KOMMENTAAR

FINANSIËLE DIENSTE

No objection subject to land use / town planning requirements aligned with the SDP objectives.

INFRASTRUKTUURDIENSTE

No objections.

ELEKTRISITEITSDIENSTE

Eskom supply area.

ADMINISTRATIEWE DIENSTE

Noted.

STADSBEPANNING

Indien die Raad dit sou goedkeur sal die grond onderverdeel en gehersoneer moet word na Publiek en Sosiaal.

STRATE EN STORMWATER

Toegang na die gedeelte grond sal slegs vanaf Deinelaan gegee word.

WATER EN RIOOL

No objection. Water and sanitation connection for owner.

BESTUURSDIENSTE

Geen beswaar vanaf verkeer teen die aansoek.

KOMMENTAAR: WYKSKOMITEE: 16 MAART 2023

Voorstel en aksie: Dat KAM sal kyk na 'n ander stuk grond vir hierdie doeleindes. Motivering is dat dit in die ingang na die dorp is. Nie beswaar teen moskee nie, maar teen ligging van so 'n gebou.

Na 'n vergadering met mnr Jackson is daar besluit om voort te gaan met die oorspronklike aansoek vir 'n gedeelte van erf 1277, Struisbaai.

BESTUURSAANBEVELING

- (i) Dat die Raad oorweging skenk om 'n gedeelte van erf 1277, Struisbaai aan Struisbaai Islamic Society te vervreem.
- (ii) Dat alle stadsbeplanningsprosesse vir die koper se rekening sal wees.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE (2 AUGUSTUS 2023)

- (i) Dat die Burgemeester eers 'n gesprek sal hê met alle belangegroepes, wat onder andere sal insluit die identifisering van alternatiewe grond vir die oprigting van 'n moskee asook bevestiging van registrasie by die "Muslim Judicial Council".
- (ii) Dat die LED-afdeling se insette ook verkry word.

AANBEVELING: UBK (21 AUGUSTUS 2023)

Dat die aangeleentheid terugverwys word om die aansoekers 'n geleentheid te bied om 'n gesamentlike versoek aan die Raad te rig.

RAADSBESLUIT 169/2023 (31 AUGUSTUS 2023)

- (i) Dat die Munisipale Bestuurder en Wyksraadslid met die aansoeker en ander relevante rolspelers vergader ten einde uitsluitel te kry aangaande aansoek prosedures.
- (ii) Dat, na die bogenoemde vergadering, 'n nuwe aansoek aan die Raad voorgelê word vir oorweging, indien 'n alternatiewe stuk grond beoog word.

BESTUURSAANBEVELING

- (i) Dat in beginsel goedkeuring verleen word dat 'n gedeelte van erf 1277, Struisbaai, ongeveer 1 500m² in grootte verkoop word aan Struisbaai Islamic Society vir die doel van 'n Islamitiese Moskee.
- (ii) Dat ingevolge Artikel 14 (2)(a) van die MFMA bevestig word dat die bate nie vereis word om die minimum vlak van basiese dienste te verskaf nie.
- (iii) Dat alle koste verbonde aan die verkoop vir die rekening van die koper sal wees.
- (iv) Dat die voorgestelde verkoping vir openbare insette geadverteer word.
- (v) Dat 'n markverwante koopprijs deur 'n onafhanklike waardeerder bepaal word, vir oorweging deur die Raad, indien finale goedkeuring gegee word, na oorweging van enige openbare insette wat ontvang is.
- (vi) Dat die koper verantwoordelik sal wees vir alle stadsbeplanningsprosesse, insluitend 'n onderverdeling en hersonering.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die aangeleentheid terugverwys word sodat 'n volledige verslag ten opsigte van alle kostes ter sprake aan die Raad voorgelê kan word vir oorweging.

(Mnr Jackson is intussen ingelig oor die stadsbeplanningskoste en het hy aangedui dat hy wil voortgaan met sy aansoek.)

AANBEVELING: UBK (5 DESEMBER 2023)

- (i) Dat die bestuursaanbeveling aanvaar word.
- (ii) Dat die aangeleentheid na afhandeling van bogemelde, weer aan die Raad voorgelê word vir finale oorweging.

BESLUIT 258/2023

- (i) Dat in beginsel goedkeuring verleen word dat 'n gedeelte van erf 1277, Struisbaai, ongeveer 1 500m² in grootte verkoop word aan Struisbaai Islamic Society vir die doel van 'n Islamitiese Moskee.
- (ii) Dat ingevolge Artikel 14 (2)(a) van die MFMA bevestig word dat die bate nie vereis word om die minimum vlak van basiese dienste te verskaf nie.
- (iii) Dat alle koste verbonde aan die verkoop vir die rekening van die koper sal wees.
- (iv) Dat die voorgestelde verkoping vir openbare insette geadverteer word.
- (v) Dat 'n markverwante koopprys deur 'n onafhanklike waardeerder bepaal word, vir oorweging deur die Raad, indien finale goedkeuring gegee word, na oorweging van enige openbare insette wat ontvang is.
- (vi) Dat die koper verantwoordelik sal wees vir alle stadsbeplanningsprosesse, insluitend 'n onderverdeling en hersonering.
- (vii) Dat die aangeleentheid na afhandeling van bogemelde, weer aan die Raad voorgelê word vir finale oorweging.

(Voorsteller: Rdl Eksteen / Sekondant: Rdh Nieuwoudt)

Implementation: Acting Manager: Admin Support (P Valentine)

15.13 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 1148, BREDASDORP (INDIWE OVERBERG PRIMARY CO-OPERATIVE)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van Indiwe Overberg Primary Cooperative (IOPC) ten einde 'n gedeelte van Erf 1148, Bredasdorp by die Raad te huur ten einde vir varkboerdery doeleindes aan te wend (liggingsplan aangeheg op **bladsy 50**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 1148, Bredasdorp
Sonering	:	Meentgrond
Voorgestelde Grootte	;	24 630.95m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 51 tot 57** is van Indiwe Overberg Primary Cooperative (IOPC) ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur.

Indiwe Overberg Primary Cooperative (IOPC) bestaan uit 8 lede, wat individueel varke het wat tans op voorgenoemde terrein is. Die groep is bewus van die varke wat dwaal en wil graag hulle deel doen om dit te voorkom. Om hierdie probleem te bekamp, moet kos vir die diere verseker word.

Die enigste manier waar die Departement van Landbou bereid is om die boere by te staan, is as daar 'n huurooreenkoms in plek is.

MARKWAARDASIE

R5 000,00 per jaar met 'n jaarlikse eskalاسie van 5% (sien **bladsy 58 tot 62**).

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> (a) by displaying the documents at the municipality's head and satellite offices and libraries. (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

The application from the entity to lease the piece of land which is currently being used for informal pig keeping is supported. This will result in a more formalised pig keeping setup within the fenced perimeter. The lease agreement will ensure that a formal entity takes responsibility for the upkeep, allocation of pig keeping spaces and overall management of the pig sties. A formal lease agreement will enable the entity to apply for funding for infrastructure, feeding and technical assistance from the Department of Agriculture.

BESTUURSDIENSTE

The directorate is in support of the community taking ownership and responsibility for the responsible keeping of their pigs. It should, however, be noted that no additional pig keepers should be allowed to erect structures outside of the enclosure. There should also be a maximum limit on the number of pigs that should be allowed to be kept.

ELEKTRISITEITSDIENSTE

No electricity on site, will be for tenants account.

EKONOMIESE ONTWIKKELING EN TOERISME

Die aansoek word sterk deur ons kantoor ondersteun, want dit kan meebring dat die huidige probleme rondom rondloper varke, en die invloed wat dit op die welstand van mens sowel as die omgewing het, hok te slaan.

ADMINISTRATIEWE DIENSTE

Rondloper diere (varke) is tans 'n groot uitdaging veral in die informele areas van KAM. Die aansoek sal beslis die huidige uitdagings wat ondervind word met rondloper varke aanspreek en word die aansoek ondersteun.

STADSBEPANNING

Indien die Raad dit sou oorweeg om die grond te verhuur vir 9 jaar en 11 maande moet alle beplanningsprosesse gevolg word (Omgewingsimpak, onderverdeling en hersonering) Let wel, varke moet 1000m / 1k vanaf residensiële areas wees-anders is dit 'n risiko.

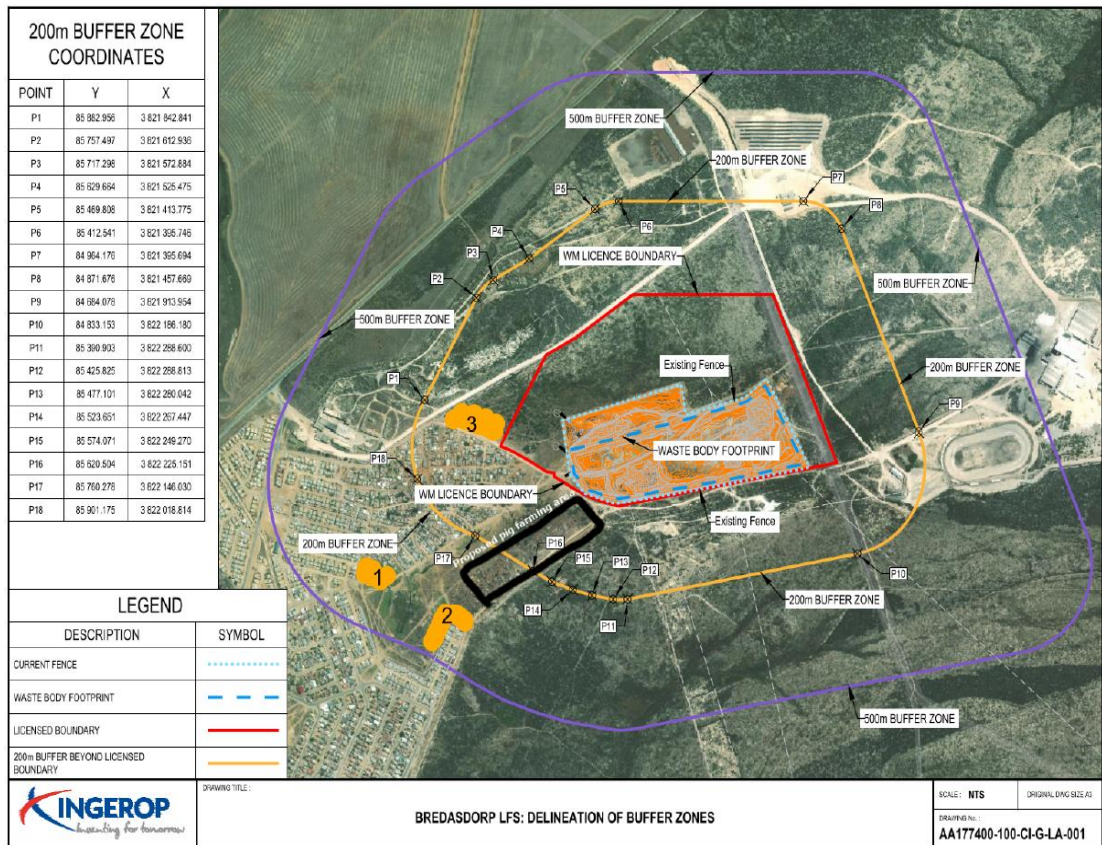
BOUBEHEER

Geen beswaar teen die voorgelegte aansoek.

COMMENTS FROM THE DIVISION HEAD: PLANNING AND ADMINISTRATION

The keeping of pigs in an urban area is regulated in terms of the Animal Care and Control By-Law for the Keeping of Animals, Poultry and Bees (2015) which is under review, but still applicable and which provides interalia under section 4.12(b) that no person shall “Keep any pigs in such a manner that they are likely to create a nuisance, or become injurious to health, or offensive, or in such a manner as to pollute or be likely to pollute any water.”

With reference to the comments of the Manager Town Planning, the following diagram illustrates the proximity of the proposed lease area to existing houses and the proposed alternative settlement sites.



KOMENTAAR VAN DIE DIREKTEUR: INFRASTRUKTUURDIENSTE

- Is vrywaring vanaf DEADP verkry om binne die 200 m radius die heining te mag oprig?
- Daar sal water en elektrisiteit aangebring moet word.
- Daar sal ook 'n oppervlakte voorsien word asook 'n septiese tenk om die area skoon en higienies te hou - sal weekliks skoongemaak moet word.
- 'n Strategie is reeds opgestel wat saam met die huurooreenkoms gebruik word vir befondsing om formele gestandaardiseerde hokke daar te vestig.
- Die doel van die heining is om ons mense te beskerm teen moontlik siektes wat kan uitbreek, swarsakke wat stukkend geskeur word en om 'n skoner higieniese omgewing te skep.
- Die omheing moet ten minste 300 mm onder grondvlak wees om te verhoed dat omheining opgelig of dat daar onderdeur gegrawe en gekruip kan word.

- Toesig sal gehou moet word om te rapporteer indien daar vandalisme plaasvind of varke moontlik buite die omheing sal wees.
- Varke sal gemerk moet word en gekoppel word aan 'n eienaar om eienaars te identifiseer wat nie aan die kontrak voorwaardes voldoen nie.
- Opstel van besigheidsplan vir aansoek vir befondsing vanaf Dept. Landbou, vir kos en om hokke te formaliseer.

MANAGEMENT RECOMMENDATION

- (i) That principle approval be granted to lease of a portion of Erf 1148, (measuring 24 630.95m²) Bredasdorp to the Indiwe Overberg Primary Cooperative (IOPC).
- (ii) That the term of lease be 9 years and 11 months.
- (iii) That the rental be determined at R5 000,00 per annum with an escalation of 5% per year.
- (iv) That the proposed lease be advertised for public comment.
- (v) That Town Planning submit an environmental checklist to DEADP in respect of the project to determine the necessity of an environmental impact assessment prior to conclusion of the lease agreement.
- (vi) That on receipt of the outcomes of (iv) and (v) above a further report be submitted which must include a detailed breakdown of town planning costs.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

- (i) That the management recommendation be accepted.
- (ii) That the rental be determined at R1,00 per annum for the first five years whereafter it shall escalate to a market value.

RESOLUTION 259/2023

- (i) That principle approval be granted to lease of a portion of Erf 1148, (measuring 24 630.95m²) Bredasdorp to the Indiwe Overberg Primary Cooperative (IOPC).
- (ii) That the term of lease be 9 years and 11 months, which will include a fallback clause.
- (iii) That the rental be determined at R1,00 per annum for the first five years whereafter it shall escalate to a market value.
- (iv) That the proposed lease be advertised for public comment.
- (v) That Town Planning submit an environmental checklist to DEADP in respect of the project to determine the necessity of an environmental impact assessment prior to conclusion of the lease agreement.
- (vi) That on receipt of the outcomes of (iv) and (v) above a further report be submitted which must include a detailed breakdown of town planning costs.
- (vii) That the current by-law be reviewed at the next Finance- and IT Services portfolio committee meeting to the effect that no pigs be kept by any resident in any town and be removed if/when found outside of fenced camp.

(Proposer: Clr Ross / Seconder: Clr Eksteen)

Implementation: Acting Manager: Admin Support (P Valentine)

15.14 **APPLICATION FOR ENCROACHMENT OVER ERF 574, L'AGULHAS (A STEYN)**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To give effect to Council Resolution 229/2023 which relates to an application by Ms A Steyn to erect a tent over Erf 574 L'Agulhas following the public participation process.

"BESLUIT 229/2023"

- (i) Dat die versoek vir die verlaging van die oorskreidingstarief nie toegestaan word nie, en daar nie afgewyk word van die vasgestelde tariewe vir oorskreidings nie.
- (ii) Dat **in beginsel** goedkeuring verleen word vir die aangaan van 'n oorskreiding ooreenkoms met A Steyn vir 'n oorskreiding van 2.5 meter op erf 574, L'Agulhas om 'n tent te akkommodeer.
- (iii) Dat die termyn van die ooreenkoms vir 'n periode van 2 jaar sal wees.
- (iv) Dat die jaarlikse oorskreidingstariewe van toepassing sal wees.
- (v) Dat die aangrensende eienaar (erf 262, L'Agulhas) te alle tye toegang tot haar eiendom sal hê, soos reeds deur die Raad goedgekeur.
- (vi) Dat, indien enige klagtes ten opsigte van die gebruik van erf 574, L'Agulhas ontvang word, die Munisipale Bestuurder gemagtig word om namens die Raad enige beherende maatreëls in plek te stel, insluitend die onmiddellike beëindiging van die kontrak.
- (vii) **Dat 'n publieke deelname proses gevolg word en indien geen besware ontvang word, die Munisipale Bestuurder gemagtig word om die ooreenkoms met die aansoeker aan te gaan"**

The full report is attached on **page 63 to 64**.

It must be noted that the application was advertised for a size of 2.5 x 6m (15m²) as this was the size requested by the applicant. It transpired later that the actual size is 25.83m².

PROPERTY DETAILS AND LOCALITY PLAN

Ownership	CAM
Size applied for	25.38 m ² (Portion B)
Current zoning	Public Open Space



BACKGROUND

The application was advertised for public comment and the closing date was 1 December 2023. A total of 26 objections were received from the following persons (**see page 65 to 103**):

1. A Fourie	14. J Vermeulen
2. A Struwig	15. J Viljoen
3. A Swart	16. L Du Plessis
4. A J Bester	17. L Lennox
5. B Lennox	18. L Van Heerden
6. C Mackenzie	19. M Koen
7. C Pannell	20. S Swart
8. CM Hamman	21. S Schum
9. D Vermeuen	22. V Swart
10. H Otto	23. C van der Merwe
11. J Du Toit	24. H Steyn
12. L Struwig	25. N Viljoen
13. J Vermeulen	26. Hofmeyer Attorneys

Objections 1 - 24 are all similar and take the form of a fill in form that was distributed. Objections 25 and 26 are more specific. A brief summary of the objections is included below:

NUMBER	OBJECTION
1 - 20	<ol style="list-style-type: none"> Erf 574, is 'n publieke oopruimte en moet vir alle lede van die publiek toeganklik wees. (20 insette) Erf 574, word gebruik vir basiese dienslewering. (20 insette) KAM het in die verlede 'n in beginselbesluit geneem dat groen en openbare terreine nie te versnipper of te vervreem n dat dit ter alle tye beskerm word. (20 insette)
25	<ol style="list-style-type: none"> Aansoeker het 'n jarelange geskiedenis van onwettige oprigting van (strek)tent en misbruik van Public Place (spesifiek erf 574 Agulhas - reg voor die eiendom bekend as erf 262 Agulhas) Aansoeker en/of familie het alle natuurlike plantegroei verwyder en dit vervang met grasperk met besproeiing wat selfs tydens erge waternood tydens spitsseisoentye op ons kusdorpe bloot voortgaan met natspuit van grasperke ten spyte dat munisipaliteit dit verbied het. Voorts word die area reeds onwettig beset deur die Steyn familie vir etlike jare sonder enige aksies deur die munisipaliteit. Ek verwys spesifiek na die oprigting van 'n permanente sementstoep op erf 574 Agulhas (public place) wat sonder enige gevolge geduld word deur munisipaliteit. Aansoeker het Reg van Weg naerf 262 Agulhas die afgelope somervakansie seisoen weereens geblokkeer deur hul voertuie letterlik dag en nag te parkeer sodat 'n verswakte bejaarde nie haar goedgekeurde Reg van Weg enigsins kon gebruik nie. Hierdie versoek skep 'n presedent vir soortgelyke aansoeke in die gemeenskap wat publieke areas vir persoonlike doeleindes wil gebruik ten koste van die algemene publiek. Munisipaliteit het reeds voorheen vir dieselfde area soortgelyke versoek/versoeke ontvang (bevestig deur mnr Moelich). Ander het reeds begin deur eenvoudig ook hul bruinkleurige tent op public place op te rig wat gebruik is vir slaapplek tydens 'n hele vakansieseisoen. Met so 'n permanente goedkeuring (bv. vir 2 jaar periode) kan geredeneer word dat dit verseker 'n nadelige impak het op eiendomswaardasies aangesien erf 262 Agulhas se see uitsig direk belemmer word.
26	<p>Procedural:</p> <ol style="list-style-type: none"> The objector has not been furnished with a copy of the application and does not know, therefore, what submissions have been made in support thereof. As the application must necessarily address the impact that its granting will have on the objector, and as she is the only person that will be able to respond to submissions in that regard, the application process will only meet the fundamental requirements of natural justice once she is furnished with a copy of the application and if she is then granted a reasonable opportunity to comment thereon. Erf 269 is registered in the name of Marthinus Jacobus Steyn. What has been presented, though, as the public notification of Council's intention to lease the property states that the intended lessor will be one AJ Steyn. Except if the application is brought under a power of attorney given to AJ Steyn by Mr Marthinus Jacobus Steyn, we question AJ Steyn's entitlement to lease land for the purpose of using it in conjunction with Erf 269. According to the public notification of the application, permission is sought to encroach onto an area of approximately 15m², but in correspondence that has been furnished to our client, the applicant appears to suggest that the area would be 25m x 6m, which equates to a total area of 150m². It cannot be said that the public has been given i) adequate notice of the nature and purpose of the proposed decision and ii) a reasonable opportunity to make representations in respect if the information about the proposal that has been shared with them is substantially incorrect, as is the case here.

26	<p>Fundamental right to an environment that is not harmful to one's health or well-being</p> <p>14. The applicant and owners of other properties around this part of Erf 574, gradually appropriated parts of it for themselves. It started with the clearing of indigenous vegetation that covered the open space, and the planting of grass in its place. No approval was granted for this.</p> <p>15. there is ample space east of the dwelling on Erf 269 for outdoor living, and there is therefore no need for the additional land, other than to add to an already large property. The applicant's property is 639m² in extent. If the Erf 574 Portion is added, it will be one of the largest private erven in the area, at just over 654m² or 789m² depending on the size of the land parcel to which the application relates.</p> <p>16. The public land that the applicant has been using for several years now as part of his plot has become the venue for private braais, parties and all kinds of nuisance-creating social events, just a few metres from the objectors cottage. As a consequence, the objector been exposed to not only the noise emanating from those gatherings, which often continues until the early hours of the morning, but also to the smoke from barbeque fires. The Bedouin tent that is erected over the area extends the sheltered area on Erf 269, which means that sound emanating from the area is amplified and noisy gatherings can take place no matter what the weather conditions are.</p> <p>17. The objectors right of way across Erf 574 had been blocked every now and again, sometimes by vehicles of residents and visitors at Erf 269 and sometimes by boulders placed in the road right next to the applicant's house.</p> <p>18. The objector has reason to believe that the applicant has until failed to pay to the Municipality the fee that was levied in December 2022 in exchange for the concession granted to it. If that is so, the applicant's attitude appears to be that he is entitled to occupy the land and that he owes no gratitude or respect to either our client or the Municipality.</p> <p>19. The historical unlawful encroachment onto the public land on the objectors doorstep, has caused the objector severe distress as it effectively deprived her of the enjoyment of her home, and of the amenity of living onto a natural open space, the status of which she believed was secured by its zoning and ownership.</p>
26	<p>Impact on value</p> <p>20. Property experts take a dim view of the impact that the sanctioning of the encroachment will have on the objectors property.</p>
26	<p>Balancing of rights</p> <p>21. The objectors property rights and her right to an environment that is not harmful to her health or well-being will be impacted significantly if the 'encroachment application' is granted, whilst the applicant's rights will not be impacted at all if the application is unsuccessful.</p>
26	<p>Historical unlawful use</p> <p>22. The applicant, together with others, has cleared a public open space of its indigenous vegetation, seemingly without any state approval;</p> <p>23. The applicant has in years gone by appropriated a part of the Municipality's property for its own use, without the Municipality's approval; and</p> <p>24. The applicant has repeatedly obstructed the entrance to Erf 574 off George Street, limiting public access to a public open space, without the Municipality's consent or approval.</p>

The summary of objections were sent to the applicant for comment and their response is summarised as follows:

<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 	<p>The bulk of the objections are from freinds and family of objectors who do not have an interest in the application</p> <p>Tthe cement stoep is built on the applicants property - there is nothing illegal about the stoep</p> <p>The water issue, we were told, if we do not exceed our water limit we can water the grass.</p> <p>We did not park our vehicles in a manner that blocks the access to Erf 262 – all the accusations are invalid.</p> <p>The public also objected to the access to 262 and it was approved despite the electricity box being there</p> <p>These is no reason why the owner of 262 cannot as always enter her house from the main road.</p> <p>The vehicles that were parked were not theirs and they cannot stop neighbours parking in a public open space.</p> <p>The rock was not put there by the applicant</p> <p>The fact that some house further down uses a brown tent to sleep in – how is this my problem?</p> <p>Last year the application was approved for 12 months and cost R4500. This year it will cost R6000.</p>
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11. We are only using this tent for 3 weeks of the year.
12. Gazebos are allowed every else. It is common practice to make ke use of tents / gazebo's next to the beaches - as everyone is doing – they setup for the day and then put it down when leaving. If we do the same, why do I break the law but all the other “campers” are left alone?
13. The applicant has owned that house for over 40 years and the tent is only in use for the last 3-4 years – and was never a problem till recently. They request that -
 - a) Council reconsiders the R6000 as they do not have the money to pay for that.
 - b) The Municipal Manager to please allow us to use the tent without law enforcement on their doorstep.
 - c) They will not block the way for Mrs Viljoen.
 - d) We know the rules and know what is allowed and what is not.
 - e) They do what is expected of them and will again despite the effort shut the tent down at night.

COMMENTS BY THE WARD COMMITTEE

1. Die aanbeveling van die Wykskomitee is dat die aansoek **nie** goedgekeur behoort te word nie (2023).
2. This application together with the previous application for a right of way to Erf 262 (objectors 25 and 26) was also considered by the ward committee in 2022 and not recommended, but Council subsequently approved both.

DISCUSSION

The following additional comments are made on the application:

- The application was advertised for a size of 2.5 x 6m (15m²) as this was the size requested by the applicant. It transpired later that the actual size is 25.83m² when the placement of the tent was measured by this office.
- The area is an open space and remains open to the public as the proposed encroachment is 2.63m wide and runs parallel with the applicant's boundary.
- Service delivery was not affected previously and was considered previously when this application and the right of way to Erf 262 were considered.
- The objections tabled could become a real concern if the encroachment is allowed for 2 years as per the resolution and it is suggested that if approved, the period be limited to 30 days per annum between 15 December and 15 January, and that application be made annually so that it can be reviewed.
- The allegations of obstacles are known to this office but there is no proof that the applicant is responsible for it.
- The application is intended to rectify past infringements and ensure that the use is regulated through the application of conditions that will ensure fairness and a balance of interests in respect of all parties and ensure that valuable law enforcement resources are not spent on resolving conflict.
- The approved 2023/24 encroachment fee is R4000 for the first 20m² and R500 per m² thereafter. 25,38 square metres is thus R4000 per annum plus R2500 which is R6500 per year. The applicant has made it clear that they do not want to use it for more than the December / January holiday period and consideration could be given to a pro rata amount of the approved tariff based on a month of use. (R541.66). This has been discussed with the Director Finance and IT and does not constitute a deviation from the tariff.

Should Council consider the application favourably, the following is proposed:

- (i) That approval be granted that an encroachment agreement be concluded with A Steyn (if duly authorised thereto by the owner) to encroach Erf 574 L'Agulhas.
- (ii) That the encroachment does not exceed 2.63 in width and 9.65 m in length.
- (iii) That the encroachment only be allowed for 1 month from 15 December 2023 to 14 January 2024
- (iv) That the annual encroachment fee as approved in the budget remain applicable but that it be applied pro rata (annual tariff divided by 12).
- (v) That paragraphs (iv) and (vi) of Resolution 229/2023 remain applicable.
- (vi) That Paragraph (iii) and (iv) of Resolution 229/2023 be rescinded.
- (vii) That all objectors be informed accordingly.

LEGAL IMPLICATIONS

Legislation:

1. Local Government Municipal Finance Management Act, Act 56 of 2003 (MFMA)
2. Municipal Asset Transfer Regulations 2008 (GN R878 in GG 31346) (MATR)
3. Municipal Supply Chain Regulations 2005 (GN 868 in GG 27636) (SCM)
4. Local Government Municipal Systems Act, Act 32 of 2000 as amended (MSA)

FINANCIAL IMPLICATIONS

If Council approves the application, the approved 2023/24 encroachment fee is R4 000,00 for the first 20m² and R500 per m² thereafter. 25,38 square metres is thus R4 000,00 per annum plus R2 500,00 which is R6500 per year. The applicant has made it clear that they do not want to use it for more than the December / January holiday period and consideration could be given to a pro rata amount of the approved tariff based on a month of use (R541,66). This has been discussed with the Director: Finance and IT and does not constitute a deviation from the tariff.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

For consideration by Council.

RESOLUTION 260/2023

That the application for an encroachment on Erf 574, L'Agulhas in order to erect a tent over aforementioned erf, not be granted.

(Proposer: Clr Eksteen / Seconder: Clr Ross)

Implementation: Acting Manager: Admin Support (P Valentine)

15.15 **VERSOEK OM VRYSTELLING VAN 20% TOESLAG OP WATERVERBRUIK: P & B LIMeworks**

DOEL VAN VERSLAG

Oorweging van 'n versoek deur P & B Limeworks om vrystelling te verkry op die 20% toeslag wat op waterverbruik bo 50kl gehef word (sien skrywe aangeheg op **bladsy 104**).

AGTERGROND

P & B Limeworks se waterverbruik per maand beloop gemiddeld 4 000kl. In die lig van die hoë verbruik versoek hulle dus die Raad om dit te oorweeg om hulle van die 20% toeslag op verbruike bo 50kl vry te stel.

FINANSIële IMPLIKASIE

4 000kl met 20% toeslag	R177 765,00
4 000kl sonder die toeslag van 20%	R148 137,00
Verlies aan inkomste	R 29 628,00

BESTUURSAANBEVELING

Dat die Raad die versoek van P & B Limeworks vir die 20% kwytstelling op die waterverbruik oorweeg.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee neem kennis van die versoek vanaf P & B Limeworks vir die 20% kwytskelding op die waterverbruik en dat die aangeleentheid na die Raad verwys word vir oorweging.

AANBEVELING: UBK (5 DESEMBER 2023)

Die UBK ondersteun die versoek vanaf P & B Limeworks vir die 20% kwytskelding op die waterverbruik.

BESLUIT 261/2023

Dat P & B Limeworks kwytskesel word van die 20% addisionele toeslag op hul waterverbruik.

(Voorsteller: Rdl Donald / Sekondant: Rdh Nieuwoudt)

Implementation: Director: Finance- and IT Services (H van Biljon)

15.16 **VIABILITY STUDY: LESEDI- AND OU MEULE SQUARE**

REPORT COMPILED BY THE MANAGER: ECONOMIC DEVELOPMENT AND TOURISM PROMOTION

PURPOSE OF REPORT

For Council to take cognisance of a study relating to the optimal use of both Lesedi and Ou Meule Square.

BACKGROUND

Ou Meule Square and Lesedi Square were established to formalise upcoming businesses. The viability study aims to assess the potential and sustainability of these two container parks. The study has been commissioned to provide insights into the suitability of these parks for business activities, identify viable and attractive businesses, analyze the current state of operations, propose improvements, and forecast their viability over the next five years. The focus is on understanding the strengths, weaknesses, opportunities, and threats associated with each container park and provide actionable recommendations for enhancing their overall success and contribution to the local economy. It provides clear guidelines for the LED-division to consider.

FINANCIAL IMPLICATIONS

Expenditure relating to the upgrade of these two facilities.

MANAGEMENT RECOMMENDATION

For Council to consider and note the report.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

The Mayco takes note of the report relating to the optimal use of both Lesedi- and Ou Meule Square.

RESOLUTION 262/2023

- (i) That Council takes note of the report relating to the optimal use of both Lesedi- and Ou Meule Square.
- (ii) That the recommendations as contained in the abovementioned report, be implemented by LED.
- (iii) That urgent attention be given to the maintenance of the toilet facilities and premises in general.

(Proposer: Clr Donald / Seconder: Clr Eksteen)

Implementation: Manager: LED and Tourism (O January)

15.17 **CLOSURE OF OFFICES: EASTER AND CHRISTMAS HOLIDAYS**

PURPOSE OF REPORT

That Council considers the annual closure of the Cape Agulhas Municipality's offices the day before the start of the Easter Holidays and the day before December holidays as well as between Christmas and New Year.

BACKGROUND

The past years the Cape Agulhas Municipality Council received requests from the Local Labour Forum (LLF) to consider closing the offices early the day before the Easter Holidays and between Christmas and New Year. The days between Christmas and New Year were given as paid leave days. These days were given as a gesture from Council to the staff for the fact that no performance bonuses were paid to the staff and for the accolades the Cape Agulhas Municipality had achieved.

These requests from the LLF to the Council was on an ad hoc basis yearly. This leads to uncertainty amongst the staff to make early holiday plans because of the fact that Council now has to make ad hoc decisions on an annual basis for the closure of the offices during the December holidays. There are always requests from unions to the Municipal Manager to close the offices earlier on the day before Easter weekend and the day before Christmas holidays. This prompts the Municipal Manager to make ad hoc decisions in the absence of a Council Resolution. The purpose of this report is for Council to apply its mind and make a Council decision in this regard.

PERSONNEL IMPLICATIONS

If the recommendation is accepted and Cape Agulhas Municipality's offices are closed the day before the Easter Holidays and during the December Holidays, personnel will have to take compulsory leave. Provided that personnel who have insufficient leave to their credit can either arrange with senior management to work, or apply for unpaid leave, excluding those personnel who performs essential/emergency services and those on Standby duties.

It is also tradition that personnel of the Division: Roads and Stormwater take their annual vacation leave approximately from the middle of December to the middle of January, and that only personnel that perform essential/emergency services remain on duty.

The Division: Traffic and Law Enforcement Services will continue with normal duties. There will be officials on standby duty for Municipal Disaster Management to attend to municipal emergency service delivery and disaster management coordination that might need to be attended to during this period.

There are different pay points for municipal accounts to be paid during this period

1. My Citizen App (Collaborator App)
2. Bredasdorp: Checkers, Spar
3. Napier: OK
4. Struisbaai: Oord
5. L'Agulhas: Oord
6. Waenhuiskrans: Oord
7. EFT Payments

FINANCIAL IMPLICATIONS

Three days leave = R1 287 637,20

LEGAL IMPLICATIONS

- Main Collective Agreement.
- Collective Agreement on Conditions of Service for SALGBC: Western Cape Division.

COMMENTS: MUNICIPAL MANAGER

Supports the closure of all municipal offices (except essential services staff) for the week between Christmas and New Year to provide staff with a well-deserved break and start the new year afresh. This will contribute towards productivity and overall wellness of employees.

Also support the early closure of offices (except essential services staff) on the working days preceding the Easter and Christmas holidays. The splitting of leave days (half of the days given as special leave and the other half annual leave) was a type of goodwill gesture to acknowledge and incentivise the commitment, dedication, and hard work of staff in the absence of an individual Performance Management System. It is suggested that this practise continues. This will however change with the comprehensive implementation of Chapter 4 of the Municipal Staff Regulations (MSR) in future.

COMMENTS: ACTING DIRECTOR FINANCIAL- AND ICT SERVICES

Support that the offices be closed as per the request from Unions. The recommendation that all personnel apply for leave as per the leave policy and rules. The officials that do not have sufficient leave can be allowed to have negative leave balances and this will be credited from future leave cycles.

The principle of compensating the personnel with leave days in December for outstanding performance should be relook and a proper performance system implement to accommodate the officials that is truly deserving of recognition. Leave days is a high cost to council, whereas the municipality needs to be made provision for the leave provision staff balances, as well as the actual payout of leave balances in the event of resignations or leave of employment. This has a negative impact on the sustainability of the municipality.

COMMENTS: DIRECTOR INFRASTRUCTURE SERVICES

Agree with the proposal, but all essential services must be on duty.

COMMENTS: DIRECTOR MANAGEMENT SERVICES

That leave during this December holidays be granted in the same manner as during December 2022.

COMMENTS: MANAGER HUMAN RESOURCES

I concur with the request for the closing of offices during Christmas and New year.

MANAGEMENT RECOMMENDATION

That Council considers granting approval that -

1. The Cape Agulhas Municipality's offices be closed between Christmas and New Year.
2. Cape Agulhas Municipality's Municipal offices will be closing at 13:00 on the workday preceding the leave period concerned before the start of Easter.
3. Cape Agulhas Municipality's offices will be closing at 13:00 on the workday preceding the start of the December holidays.
4. The offices re-open on the first working day after the Easter and the December Holidays.
5. The public will be notified in advance by SMS, Facebook and Website.
6. All planned service delivery will be scheduled as normal.
7. All telephonic enquiries will be attended to, by the standby personnel.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Council considers granting approval that -

- (i) The Cape Agulhas Municipality's offices be closed between Christmas and New Year.
- (ii) Council grants two (2) days special leave to employees and that employees submit annual leave for one day.

- (iii) Cape Agulhas Municipality's offices will be closing at 13:00 on the workday preceding the start of the December holidays.
- (iv) The offices re-open on the first working day after the Easter and December Holidays.
- (v) The public will be notified in advance by SMS, Facebook and Website.
- (vi) All planned service delivery will be scheduled as normal.
- (vii) All telephonic enquiries will be attended to, by the standby personnel.

RECOMMENDATION: LOCAL LABOUR FORUM (27 NOVEMBER 2023)

That Council grants three days special leave to employees.

RECOMMENDATION: MAYCO (5 DECEMBER 2023)

That the recommendation of the Finance- and IT Services Committee be accepted.

RESOLUTION 263/2023

That Council grants approval that -

- (i) The Cape Agulhas Municipality's offices be closed between Christmas and New Year.
- (ii) Council grants two (2) days special leave to employees and that employees submit annual leave for one day.
- (iii) Cape Agulhas Municipality's offices will be closing at 13:00 on the workday preceding the start of the December holidays.
- (iv) The offices re-open on the first working day after the Easter and December Holidays.
- (v) The public will be notified in advance by SMS, Facebook and Website.
- (vi) All planned service delivery will be scheduled as normal.
- (vii) All telephonic enquiries will be attended to, by the standby personnel.

(Proposer: Clr Ross / Seconder: Clr Eksteen)

Implementation: Division Head: HR and OD (N Mhlali-Musewe)

15.18 **MUNICIPAL AUDIT COMMITTEE REPORT FOR THE QUARTER ENDED 30 SEPTEMBER 2023**

PURPOSE OF REPORT

To present to Council the Audit Committee report on its activities for the quarter ended 30 September 2023.

BACKGROUND

In terms of National Treasury Circular 65 of 2003, the municipality's Audit Committee must report to Council, on a quarterly basis, on its functions and activities for that quarter including its oversight function over the Internal Audit Function. The Committee has completed its report, attached on **page 106 to 108** for the quarter ended 30 September 2023 for consideration by the Council.

The Committee wishes to bring to Council's attention to following items in their report:

- Par. 5(a) - Areas of satisfaction
- Par 5(b) - Areas of concern
- Par 5(c) - Internal Audit reports reviewed by the Committee

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Compliance to National Treasury Circular 65 Of 2003.

RECOMMENDATION: AUDIT COMMITTEE

That Council approves the Audit Committee's quarterly report for the quarter ended 30 September 2023.

RESOLUTION 264/2023

That Council approves the Audit Committee's quarterly report for the quarter ended 30 September 2023.

(Proposer: Ald Nieuwoudt / Proposer: Cnr Eksteen)

Implementation: Internal Audit (Z Baca)

15.19 **FILLING OF VACANT COMMITTEE POSITIONS: AUDIT AND PERFORMANCE AUDIT COMMITTEES**

PURPOSE OF REPORT

To inform the Council of the recent advertising and interview results for the filling of the current vacant Committee position, and to make a submission to Council for the filling of the vacancy with proposed candidate for Council's consideration.

BACKGROUND

A position became vacant in the Audit and Performance Audit after the resignation of Mr Basil Vink who was appointed from 1 February 2023. The Committee decided to advertise to avoid a situation where there unavailable of one member may result in the quorum not being met. The advertisement was placed on the Municipal Website, Hermanus Times as well as the Institute of Directors South Africa weekly newsletter.

This process was very effective and a total of 29 applications were received of which 9 were from the Western Cape Province. In view of cost effectiveness, preference was given to the Western Cape candidates. Since there is only one vacancy, three candidates were shortlisted and invited for interviews.

Of the three candidates invited for an interview, one candidate withdrew his application a day before the interviews, citing an offer that came after he was invited for the interview. The Committee decided to interview the two candidates that were available given that cancelling or inviting another candidate for interviews scheduled to take place in less than 24 hours would have been seen as unprofessional on part of the municipality.

The interviews were held on 17 November 2023 with all Committee members in attendance and both candidates attended. The process followed in scoring was very clinical to avoid any discussions or influencing of each scorer. The scoring was done individually and summarised by the Chief Audit Executive, the candidate with the highest score was selected.

Below is the three candidates shortlisted:

Name	Qualifications	Experience and value adding
Nicolas J J Olivier (Prof.)	<ul style="list-style-type: none">• Doctor of Laws (Private Law and Comparative Law)• Doctor of Law (Recognition of Legal Pluralism)• B.Phil (Cum laude)• BA (Honours) Development Planning	<ul style="list-style-type: none">• International law, Constitutional, Legal, Strategic, Monitoring & Evaluation consultant and advisor.• Extraordinary professor in the Faculty of Law at North-West University.• Reviewed KZN draft Business Growth and Development Framework Bill.• Drafted policies for various municipalities and institutions including Stellenbosch Municipality.

Name	Qualifications	Experience and value adding
Denise Johnson (Ms.)	<ul style="list-style-type: none"> • B.Juris • LLB • Post Graduate Diploma in Leadership 	<ul style="list-style-type: none"> • Admitted Attorney of the High Court. • Former Chairperson of the Divisional Acquisitions Counsel (Procurement Board), B-BBEE Committee, Corporate Governance and Regulatory, and Legal Risk Committees.
Abdul Qadir Chogle (Mr.) (Candidate withdrew his application)	<ul style="list-style-type: none"> • Postgraduate Diploma in Accounting • Bachelor of Commerce • CA (SA) 	<ul style="list-style-type: none"> • Non-Executive Director – Ports Regulator of South Africa • Independent member of finance & Investment Committee • Former Head of Finance: Sanlam • Former Senior Audit Manager: EY

The highest scoring candidate was Nicolas Olivier. The Committee is of the opinion that Nicolas Olivier is right candidate for the position, will add the necessary value and will make for a strong and capable Audit Committee. The Committee therefore propose that the Council approves the appointment of the said candidate.

STAFF IMPLICATIONS

Filling of one position on the municipality's Audit and Performance Audit Committee position.

FINANCIAL IMPLICATIONS

None - Provision has already been made in the 2023/24 budget.

LEGAL IMPLICATIONS

Compliance to section 166 of the Municipal Financial Management Act, 2003, as well as The National Treasury Circular 65 on Audit Committees.

RECOMMENDATION: AUDIT COMMITTEE

That Council approves the appointment of Nicolas Olivier as a member of the Audit and Performance Audit Committees from 1 January 2024.

RESOLUTION 265/2023

That Mr Nicolas Olivier be appointed as a member of the Audit and Performance Audit Committees from 1 January 2024.

(Proposer: Clr Donald / Clr Eksteen)

Implementation: Internal Audit (Z Baca)

15.20 **EXTERNAL AUDIT ACTION PLAN FOR THE AUDITOR GENERAL AUDIT OF THE 2022/23 FINANCIAL YEAR (OPCAR): MONTHLY PROGRESS REPORT AS AT 1 DECEMBER 2023**

PURPOSE OF REPORT

To present to Council the Audit Action Plan (OPCAR) meant to address the audit findings made by the Auditor-General of South Africa during the 2022/23 financial year audit.

BACKGROUND

The Auditor General's audit of the municipality's operations and activities for the 2022/23 financial year revealed some shortcomings that needs to be addressed.

These shortcomings have been taken up in the 2022/23 OPCAR, as attached on **page 109 to 111** where specific corrective measures have been determined for implementation. The progress made with the implementation of the plan is submitted to the municipal Council and the Western Cape Provincial Treasury on a monthly basis as well as quarterly to the Cape Agulhas Municipality Audit Committee for review.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Council consider and accept the presentation of the 2022/23 OPCAR action plan as at 1 December 2023.

RESOLUTION 266/2023

That the 2022/23 OPCAR action plan as at 1 December 2023, be accepted.

(Unanimously)

Implementation: Internal Audit (Z Baca)

15.21 **INTERNAL HEALTH- AND SAFETY RISK AUDIT REPORT FOR NOVEMBER 2023**

PURPOSE OF REPORT

The Council of Cape Agulhas municipality sought a legal compliance opinion from the Health and Safety officer on the reasonably practicable adherence to and compliance with the requirements of the Occupational Health and Safety Act 85 of 1993 (as amended and hereinafter referred to as "the Act"). This service was delivered on November 2023.

BACKGROUND

The OHS Officer of CAM conducted a health and safety risk audit report for Cape Agulhas Municipality. The health and safety risk audit were conducted by the OHS Officer on the following areas: Bredasdorp, Arniston, Napier and Struisbaai (see **page 112 to 133**).

LEGAL IMPLICATIONS

Health and Safety Act of 85 of 1993

PERSONNEL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council takes note of the internal Health and Safety Audit report for November 2023.

RESOLUTION 267/2023

Council takes note of the internal Health and Safety Audit report for November 2023.

Implementation: OHS Officer (S Sokabo)

15.22 **JAARBEPLANNER / YEAR PLANNER: 2024**

DOEL VAN DIE VERSLAG

Om die Raad se jaarbeplanner van vergaderings vir 2024 te oorweeg.

AGTERGROND

Die jaarbeplanner van die Raad word jaarliks deur Komiteedienste opgestel om die beplanning van vergaderings te koördineer. 'n Voorlopige beplanner is na verskeie rolspelers gesirkuleer, en nadat insette in berekening gebring is, word die volledige dokument aan die Raad voorgelê vir oorweging (***sien dokument apart aangeheg tot hierdie Agenda***).

FINANSIËLE IMPLIKASIE

Geen.

ANDER ROLSPELERS GENADER

Alle raadslede, Munisipale Bestuurder, Direkteure, Departementshoofde

BESTUURSAANBEVELING

- (i) Dat die aangehegte skedule as beleidsraamwerk van die Raad aanvaar word.
- (ii) Dat die skedule op strategiese plekke binne die Raad se lokale vertoon en versprei sal word.

BESLUIT 268/2023

- (i) Dat die aangehegte skedule as beleidsraamwerk van die Raad aanvaar word.
- (ii) Dat die skedule op strategiese plekke binne die Raad se lokale vertoon en versprei sal word.
- (iii) Dat die vooropgestelde datums voorrang sal geniet en alle rolspelers hul dagboeke dienooreenkomstig sal beplan.

Implementation: Acting Manager: Admin Support (P Valentine)

16. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**

16.1 **VERVREEMDING (HUUR): GEDEELTE ERF 373, WAENHUISKRANS (M MURTZ)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van M Murtz ten einde 'n gedeelte van Erf 373, Waenhuiskrans by die Raad te huur.

ALGEMENE INLIGTING

Eienaars : KAM

Ligging	:	Gedeelte Erf 373, Waenhuiskrans
Huidige Sonering	:	Publiek en Sosiaal
Erf Grootte	:	4189m ²
Voorgestelde Grootte	:	8m

AGTERGROND

'n Skriftelike versoek is van M Murtz ontvang om 'n gedeelte van erf 373, Waenhuiskrans by die Raad te huur.

MARKWAARDASIE

R1.00 pj

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

1. MFMA
2. MATR
3. SCM Regulations / SCM Policy
4. Systems Act (public participation)
5. Town Planning legislation

KOMMENTAAR: WYKSKOMITEE: 28 MAART 2023

Die saak moet terug verwys word na Abraham Theron, vir deeglike terrein ondersoek, om seker te maak dat dit nie 'n effek sal hê op die nuwe erwe wat uitgelê sal word nie. (***Die Wykskomitee is intussen ingelig dat die genoemde gedeelte geen effek sal hê op die nuwe erwe nie.***)

RAADSBESLUIT 230/2023: 31 OKTOBER 2023

- (i) Dat in beginsel goedkeuring verleen word vir die verhuring van die 8m stuk grond aanliggend aan Erf 748, Waenhuiskrans vir 3 jaar.
- (ii) Dat die huurbedrag vasgestel word op R1,00 per jaar.
- (iii) Dat geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklousule in plek gestel sal word.
- (iv) Dat die Raad se voorneme geadverteer word en indien geen besware ontvang word nie, die Munisipale Bestuurder gemagtig word om die huurooreenkoms namens die Raad aan te gaan.

'n Advertensie van die Raad se voorneme is op 10 November 2023 in die plaaslike pers geplaas en geen besware is ontvang nie.

BESTUURSAANBEVELING

- (i) Dat goedkeuring verleen word vir die verhuring van 'n 8m stuk grond aanliggend aan Erf 748, Waenhuiskrans vir 3 jaar.
- (ii) Dat die huurbedrag vasgestel word op R1,00 per jaar.
- (iii) Dat geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklousule in plek gestel sal word.

BESLUIT 269/2023

- (i) Dat goedkeuring verleen word vir die verhuring van 'n 8m stuk grond aanliggend aan Erf 748, Waenhuiskrans vir 3 jaar.
- (ii) Dat die huurbedrag vasgestel word op R1,00 per jaar.
- (iii) Dat geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklausule in plek gestel sal word.

Implementation: Acting Manager: Admin Support (P Valentine)

16.2 **PROCESS FOR APPOINTMENT OF DIRECTOR: MANAGEMENT SERVICES**

PURPOSE OF REPORT

To obtain approval from Council for the advertisement of the vacant position of Director: Management Services and the establishment of a selection panel.

BACKGROUND

The current Director: Management Services, Ms Marlene Boyce, submitted her resignation 11 December 2023 (see attached resignation letter). Her last working day will be 31 January 2024.

According to Section 56 of the Local Government: Municipal Systems Act (32 of 2000), a municipal council, after consultation with the Municipal Manager must appoint a manager directly accountable to the Municipal Manager or acting manager directly accountable to the Municipal Manager under these circumstances, for the period as prescribed. According to section 56(3) of the Local Government: Municipal Systems Act (32 of 2000), the Municipal Council must advertise a vacant post nationally and select from the pool of candidates a suitable person who complies with the prescribed requirements as contained in the Act and the Regulations.

Section 57 regulates employment contracts for municipal managers and managers directly accountable to municipal managers. Council to note that the Local Government: Municipal Systems Amendment Act (32 of 2000) came into effect on 17 August 2022, and that sub section 7 was inserted that states "*The contract of employment of a manager directly accountable to the municipal manager **must** be on a permanent basis.*" In the past Municipalities had the option to appoint a manager reporting to the municipal manager permanently or on a fixed term contract, but this is no longer optional.

The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014, regulates the procedures for the appointment of senior managers in local government. In terms of Regulation 12, a municipal council must appoint a selection panel to make recommendations for the appointment of candidates to the vacant Senior Manager post. In deciding who to appoint to a selection panel, the nature of the post, gender balance of the panel, expertise, experience, and availability of the persons to be involved must be considered.

The selection panel for the appointment of a Manager Directly accountable to a Municipal Manager must consist of at least three and not more than five members, constituted as follows:

1. The Municipal Manager, who will be the Chairperson.
2. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio; and
3. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post.

LEGAL REQUIREMENTS

1. Local Government: Municipal Systems Act (32 of 2000) as amended.
2. Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014.
3. Regulations on Appointment and Conditions of employment of Senior Managers GNR 21, GG 37245 dated 17 January 2014.

FINANCIAL IMPLICATIONS

The financial Implications for the advertising phase would be that of the appointment of a recruitment service provider and the cost of advertising in the national papers. A conservative estimation of the costs for this phase would depend on the Supply Chain Management Process to avail sufficient budget in the current budget.

MANAGEMENT RECOMMENDATION

- (i) That Council accepts the resignation of Miss Marlene Boyce with her last day 31 January 2024.
- (ii) That the position be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iii) That Council approves the filling of the vacant position, Director: Director Management Services, in line with the applicable legislation.
- (iv) That Council appoints a Selection Panel as follows:
 - a. Municipal Manager - who will be the Chairperson.
 - b. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio.
 - c. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post (that the Municipal Manager be authorized to source the availability of an external expert panel member).
 - d. Municipal Councillors to be invited as observers.
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Systems Amendment Act.
- (viii) That Council approves the appointment of the Manager: Human Development, Ms Luzeth Smith as Acting Director: Management Services until the position is filled provided that such appointment shall not exceed 3 months.

RESOLUTION 270/2023

- (i) That Council accepts the resignation of Miss Marlene Boyce with her last day 31 January 2024.
- (ii) That the position be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iii) That Council approves the filling of the vacant position, Director: Director Management Services, in line with the applicable legislation.
- (iv) That Council appoints a Selection Panel as follows:
 - e. Municipal Manager - who will be the Chairperson.
 - f. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio.
 - g. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post (that the Municipal Manager be authorized to source the availability of an external expert panel member).
 - h. Municipal Councillors to be invited as observers.
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Systems Amendment Act.
- (viii) That Council approves the appointment of the Manager: Human Development, Ms Luzeth Smith as Acting Director: Management Services until the position is filled provided that such appointment shall not exceed 3 months.

Implementation: Division Head: HR and OD (N Mhlathi-Musewe)

16.3 **PROCESS FOR FILLING OF VACANCY OF DIRECTOR: FINANCIAL SERVICES (CHIEF FINANCIAL OFFICER)**

PURPOSE OF REPORT

To obtain approval from Council for the advertisement of the position of Director: Financial Services (CFO) and the establishment of a selection panel.

BACKGROUND

The Chief Financial Officer, Mr Hannes van Biljon, submitted a notice of early retirement (see attached resignation letter). His last working day will be 31 March 2024.

According to Section 56 of the Local Government: Municipal Systems Act (32 of 2000), a municipal council, after consultation with the Municipal Manager must appoint a manager directly accountable to the Municipal Manager or acting manager directly accountable to the Municipal Manager under these circumstances, for the period as prescribed. According to section 56(3) of the Local Government: Municipal Systems Act (32 of 2000), the Municipal Council must advertise a vacant post nationally and select from the pool of candidates a suitable person who complies with the prescribed requirements as contained in the Act and the Regulations.

Section 57 regulates employment contracts for municipal managers and managers directly accountable to municipal managers. Council to note that the Local Government: Municipal Systems Amendment Act, 2022 came into effect on 17 August 2022, and that sub section 7 was inserted that states "*The contract of employment of a manager directly accountable to the municipal manager **must** be on a permanent basis.*" In the past Municipalities had the option to appoint a manager reporting to the municipal manager permanently or on a fixed term contract, but this is no longer optional.

The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014, regulates the procedures for the appointment of senior managers in local government. In terms of Regulation 12, a municipal council must appoint a selection panel to make recommendations for the appointment of candidates to the vacant Senior Manager post. In deciding who to appoint to a selection panel, the nature of the post, gender balance of the panel, expertise, experience, and availability of the persons to be involved must be considered.

The selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members, constituted as follows:

1. The Municipal Manager, who will be the Chairperson.
2. A member of the Mayoral Committee or a councillor who is the portfolio head of the relevant portfolio; and
3. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post.

LEGAL REQUIREMENTS

1. Local Government: Municipal Systems Act, 32 of 2000 as amended.
2. Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014.
3. Regulations on Appointment and Conditions of employment of Senior Managers GNR 21, GG 37245 dated 17 January 2014.

FINANCIAL IMPLICATIONS

The financial Implications for the advertising phase would be that of the appointment of a recruitment service provider and the cost of advertising in the national papers. A conservative estimation of the costs for this phase would depend on the Supply Chain Management Process to avail sufficient budget in the current budget.

MANAGEMENT RECOMMENDATION

- (i) That Council accepts the resignation of Mr Hannes Van Biljon with his last day 31 March 2024.
- (ii) That the position be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iii) That Council approves the filling of the vacant post of Director: Financial Services, in line with the applicable legislation.
- (iv) That Council appoints a selection panel as follows:
 - a. Municipal Manager - who will be the Chairperson.
 - b. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio.
 - c. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post (that the Municipal Manager be authorized to source the availability of an external expert panel member).
 - d. Municipal Councillors to be invited as observers.
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Local Government: Municipal Systems Amendment Act (32 of 2000).

RESOLUTION 271/2023

- (i) That Council accepts the resignation of Mr Hannes Van Biljon with his last day 31 March 2024.
- (ii) That the position be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iii) That Council approves the filling of the vacant post of Director: Financial Services, in line with the applicable legislation.
- (iv) That Council appoints a selection panel as follows:
 - e. Municipal Manager - who will be the Chairperson.
 - f. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio.
 - g. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post (that the Municipal Manager be authorized to source the availability of an external expert panel member).
 - h. Municipal Councillors to be invited as observers.
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Local Government: Municipal Systems Amendment Act (32 of 2000).

Implementation: Division Head: HR and OD (N Mhlati-Musewe)

16.4 **UPDATED LONG-TERM FINANCIAL PLAN ASSESSMENT BASED ON THE 2022/23 PRE-AUDITED FINANCIAL RESULTS**

PURPOSE OF REPORT

For Council to take note of the reviewed and updated long-term financial plan assessment done by INCA Portfolio Managers in respect of the 2022/23 pre-audited financial statement results.

BACKGROUND

The initial long-term financial plan (LTFP) has been completed by INCA Portfolio Managers during May 2015 and in terms of its arrangement been updated on an annual basis to reflect any progress made with the implementation of the approved long term financial plan strategies aligned with this council's term of office.

The reviewed and updated long term financial plan assessment has been completed for the period 1 July 2022 till 30 June 2023 and the Cape Agulhas municipality's financial position remained sound despite many challenges which reflects the view of sluggish economic recovery due to high operating costs, the effect of the increased unemployment rate on the households' ability to pay for municipal services as well as the negative impact of the electricity loadshedding with a decrease in electricity sales and additional expenditure with reference to fuel cost / rental of equipment (additional generators). The long-term financial plan includes proposals to be implemented to safeguard the financial sustainability of the municipality and the key findings and conclusions drawn from the 2022/23 long term financial plan (LTFP) update can be summarised as follows:

Historical financial analysis of Cape Agulhas LM shows:

- Cape Agulhas's liquidity position is healthy with a ratio of 1.63:1 as at FYE2022/23; a reduction from 2.06:1 as at FYE2021/22.
- An operating deficit (excluding capital grants) of R12.1 million was posted in FY2022/23; following a surplus of R8.6 million in the prior year.
- Cash generated from operations (excluding capital grants) increased to R24.8 million during FY2022/23. This is largely due to an increase in operating grants received and working capital management. This is despite a decline in the collection rate from 98.1% in FY2021/22 to 95.3% in FY2022/23.
- Net debtors' days increased from 69 days in FY2021/22 to 74 days in FY2022/23. This increase is consistent with the decline in the collection rate.
- The electricity surplus margin reduced to 20% in FY2022/23 from 21% in FY2021/22, continuing the downward trend since FY2018/19. NERSA tariff increases have resulted in a diminishing of surplus margins as municipalities are unable to fully pass on the added cost to the consumer. Electricity distribution losses increased marginally from 6.4% in FY2021/22 to 6.6% in FY2022/23 – remaining within the NT norm range.
- Water distribution losses increased to 19.7% in FY2022/23 from 17.3% in the prior year.
- Total grants received (R75.4 million) constituted 17% of total revenue (R433.8 million) in FY2022/23.
- The municipality's unencumbered cash of R115.0 million far exceeded the NT and statutory minimum liquidity requirements of R95.3 million - resulting in a cash surplus of R19.7 million. Cape Agulhas has posted cash surpluses in the last 3 consecutive years.
- Gearing and debt-service to total operating expenditure ratios were 17% and 5%, respectively, providing scope for additional borrowing to fund capital expenditure.
- Repairs and maintenance expenditure as a percentage of PPE & IP came in at 12.3% in FY2022/23. This is high relative to the NT norm of 8% and can likely be reduced without risking the integrity of the municipality's asset base.

A work session was scheduled for Wednesday, 6 December 2023 with all councillors and management whereby the outcome of the LTFP assessment and the scenario analyses was presented by Inca Portfolio Managers with proposal in respect of key focus areas for consideration in terms of the municipality's long term budget planning to ensure sound financial management. (A copy of the updated long term financial plan is attached as **Annexure A** for council's consideration).

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

Proposals to be reviewed for updating the LTFP strategy and incorporation as part of the 2024/25 MTREF budget consideration aligned with the updated targets for implementation subject to availability of funding.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

MANAGEMENT RECOMMENDATION

- (i) Council takes note of the updated long term financial plan submitted by INCA Portfolio Managers as **Annexure A**; and
- (ii) Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

RESOLUTION 272/2023

- (i) That Council takes note of the updated long term financial plan submitted by INCA Portfolio Managers.
- (ii) That Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

Implementation: Director: Finance- and IT Services (H van Biljon)

16.5 **RATINGS AFRICA: MUNICIPAL FINANCIAL SUSTAINABILITY INDEX REPORT**

PURPOSE OF REPORT

For Council to take note of the updated municipal financial sustainability index (MFSI) report prepared by Ratings Africa based on the 2022/23 pre-audited financial statement results.

BACKGROUND

The municipality appointed Ratings Africa as a leader in the assessment of municipal financial sustainability within local government by evaluating several financial and related components of the municipality based on this Municipal Financial Sustainability Index (MFSI) model. By using the MFSI as a benchmark the focus remains on achieving measurable improvements in the six components which constitute the MFSI, namely operating performance, liquidity management, debt governance, budget position, affordability and infrastructure development.

Some of the key findings, suggestions and / or remedial action required in terms of the outcome of this report amongst other includes:

- The operating performance is the weakest component.
- Look at revenue enhancement possibilities given the decline in electricity revenue.
- Reassess revenue and expenditure budget in relation to actual experience to date.
- Control expenses tightly and with discipline, especially staff costs.
- Make adjustments based on the actual situation.
- Be vigilant in the revenue collection to keep it at historical levels.
- Keep infrastructure spending at a high level.
- Monitor cash flows tightly on a regular (daily) basis to detect any variances from expected negative performance.

The main objective and suggestions from this analysis is to improve long-term financial sustainability which will enable the municipality to increase its spending on infrastructure development and to expand service delivery. This analysis combined with the updated Long-Term Financial Plan recommendations definitely adding value to the municipality as a way forward in order to improve the municipality's financial sustainability position.

It is therefore suggested that the attached report from Ratings Africa as **Annexure A** be further interrogated to identify and address some of the concerns raised during the presentation made to the full council and management on Wednesday, 15 November 2023. The key findings raised are essential for future decision making on how to further strengthen the municipality's financial position.

The Municipal Manger in consultation with the Director Finance and Information Technology recommends as follows:

MANAGEMENT RECOMMENDATION

Council takes note of the content in respect of the financial sustainability analysis report prepared by Ratings Africa for further interrogation and discussion as part of any strategic session with regard to the 2022/23 budget preparation.

RESOLUTION 273/2023

That Council takes note of the content in respect of the financial sustainability analysis report prepared by Ratings Africa for further interrogation and discussion as part of any strategic session with regard to the 2022/23 budget preparation.

Implementation: Director: Finance- and IT Services (H van Biljon)

17. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**

Geen.

18. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

19. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

20. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 61** van hierdie Notule.

21. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

22. **SLUITING**

Hierna verdaag die vergadering om 13h50.

ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuring. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Publieke deelname proses. Marketing value to be determined. Item will be resubmitted to Council on the meeting of 12 December 2023.	Eiendoms-administrasie
184/2022	Vervreemding (koop): Ged erf 5209, Bredasdorp (H Vaaltyn)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Publieke deelname proses. Management recommendation will be submitted to Council for final decision on 12 Dec 2023.	Eiendoms-administrasie
186/2022	Vervreemding (koop): Ged erf 670, WHKrans (United Outreach Ministries)	Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.	Terreinbesoek nog nie plaasgevind nie - Datum sal vasgestel word in Oktober 2023. Abraham het reeds in Oktober 2022 saam met die Raadslid 'n terreinbesoek gedoen. Daarna het hy twee planne aan die Raadslid gemail op 13 Maart 2023, sodat die Wykskomitee die uitleg kon goedkeur om met die stadsbeplannings-prosesse voort te gaan. Dus is die Wykskomitee se besluit steeds uitstaande.	Eiendoms-administrasie
31/2023	Duikerstraat, Struisbaai: Uitdagings Ou Jaarsdag en Nuwe Jaarsdag	(i) The proposal be noted. (ii) Alternative sites be identified for recreational purposes in Struisbaai. (iii) A layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning. (iv) That the SDF also includes investigation towards the "OK-plein" in Struisbaai, the parking area at the harbour and the parking area on the southern side of the harbour. (v) Proposed layouts for the abovementioned premises be tabled at the next Finance- and IT Services Portfolio Committee meeting by the Town Planning Department.	The parking area at the harbour and the parking area on the southern side of the harbour. The layout was circulated internally and wil go to Committees & Council during October 2023. Currently we do not have an Auto Cad programme. Abraham was doing layouts on his own computer at home- the license expired. A quote from a service provider for an AutoCAD 3D license is estimated to cost R27,000 per year, making it a crucial investment for efficient functioning of our department and Cape Agulhas Municipality as a whole. We have motivated for the purchase of AutoCad 3d license - it will have to go to the ICT Steering Committee for consideration. Abraham will only be able to continue preparing layouts, after approval and purchase of the Autocad 3d license. An Agenda item went to the ICT Committee where it was approved to buy the software license. However, IT doesn't have a budget available. Abraham will continue with the layouts before the end of December 2023, as soon as the software has been paid.	Stadsbeplanning

**NOTULE: RAADSVERGADERING / COUNCIL MEETING
12 DESEMBER / DECEMBER 2023**

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223/2023	Vervreemding (huur): Ged 1148, Bredasdorp (J Williams)	Dat die aansoeker 'n volledige besigheidsplan aan die Raad voorlê vir oorweging.	<i>The applicant was informed about the business plan. Still waiting but will follow up.</i>	Eiendoms-administrasie
228/2023	Finalisation of outstanding Council resolution 118/2020: Alienation of a portion of erf 955, Struisbaai	(i) Valuation be obtained. (ii) After obtaining the valuation, the matter be submitted to Council for final decision making.	<i>Valuation has been obtained and will be submitted to Council in January 2024.</i>	Eiendoms-administrasie
229/2023	Heroorweging van Raadsbesluit 203/2023: Vergunning vir verlaagde oorskredingskoste: Erf 574, L'Agulhas (A Steyn)	(i) Versoek nie toegestaan word nie, en daar nie afgewyk word van die vasgestelde tariewe vir oorskredings nie. (ii) In beginsel goedkeuring verleen word vir die aangaan van 'n oorskreiding ooreenkoms vir 'n oorskreiding van 2.5 meter om 'n tent te akkommodeer. (iii) Dat die termyn van die ooreenkoms vir 'n periode van 2 jaar sal wees. (iv) Jaarlikse oorskreidingstariewe van toepassing sal wees. (v) Aangrensende eienaar (erf 262) te alle tye toegang tot haar eiendom sal hê (vi) Indien enige klagtes ontvang word, die MB gemagtig word om namens die Raad enige beherende maatreëls in plek te stel, insluitend die onmiddellike beëindiging van die kontrak. (vii) Publieke deelname proses gevolg word en indien geen besware ontvang word, die MB gemagtig word om die ooreenkoms aan te gaan.	<i>The application has been advertised for comments and the closing date is 1 Dec 2023. Item will be submitted to Council for final December 2023.</i>	Eiendoms-administrasie
230/2023	Vervreemding (huur): Ged erf 373, Waenhuiskrans (M Murtz)	(i) In beginsel goedkeuring vir die verhuring van 8m stuk grond vir 3 jaar. (ii) Huurbedrag vasgestel word op R1,00 per jaar. (iii) Geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklousule in plek gestel sal word. (iv) Raad se voorneme geadverteer word en indien geen besware, die MB gemagtig word om die huurooreenkoms namens die Raad aan te gaan.	<i>The application has been advertised for comments and the closing date is 1 Dec 2023. Item will be submitted to Council for final decision in December 2023.</i>	Eiendoms-administrasie

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 274/2023

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

Hierna gaan die Raad "In Komitee" om sake van vertroulike aard te bespreek.

BEKRAGTIG op hierdie

dag van

2023

SPEAKER

DATUM