



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 13 DESEMBER 2022**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY,
13 DECEMBER 2022 AT 10:00 AT THE MUNICIPAL
COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

Me	J August-Marthinus	
Mnr	D Burger	(Speaker)
Me	K Donald	
Mnr	D Jantjies	(tot 12h35)
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	S Stanley	nms Direkteur: Finansiële Dienste
Mnr	H Kröhn	Direkteur: Bestuursdienste
Mnr	S Cooper	wnd Direkteur: Infrastruktuurdienste
Mnr	B Swart	Interne Ouditeur
Mnr	M Moelich	wnd Afdelingshoof: Strategiese Dienste
Mnr	O January	Manager: Economic Development and Tourism Promotion
Me	S Nel	Stadsbeplanner
Me	L Smith	Facilities- and HD Manager

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom en mnr Dawid Van Wyk open die vergadering met skriflesing en gebed.

2. **AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE**

Mnr	H van Biljon	Direkteur: Finans- en IT Dienste
Me	N Mhlali-Musewe	Divisional Head: HR and OD
Me	T Stone	Afdelingshoof: Strategiese Dienste

3. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE**

Geen.

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

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

10 November 2022 (*Notule was onder lede versprei*)

BESLUIT 306/2022

Die Notule word as korrek en volledig bekragtig.

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

5.1 **NOTULE VAN UBK VERGADERING**

- 1 November 2022 }
- 29 November 2022 } *Notules was onder lede versprei*

BESLUIT 307/2022

Die Raad neem kennis van bogenoemde UBK Notules.

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

6.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings *was onder lede versprei*.

BESLUIT 308/2022

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 **ICT STEERING COMMITTEE VERGADERING: 11 NOVEMBER 2022**

Notule van ICT Steering Committee vergadering *was onder lede versprei*.

BESLUIT 309/2022

Die Raad neem kennis van die ICT Steering Committee vergadering Notule.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

8.1 **BRIEWE VAN DANK**

Die Raad neem kennis van die aangehegte skrywes op **bladsy 1 tot 3**.

8.2 **FUNKSIES VIR DIE MAAND**

Geen.

8.3 **AANWYS VAN AFGEVAARDIGDES**

(i) **Municipal Representative(s): Governing Body of Affiliated Museums**

BESLUIT 310/2022

Dat Raadsheer Nieuwoudt aangewys word as verteenwoordiger en Raadslid Ross as secundi op die "Governing Body of Affiliated Museums".

(ii) **Clinic Cluster Committee**

BESLUIT 311/2022

Dat Raadslid Donald aangewys word as verteenwoordiger.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker beklemtoon weereens die waterbeperkings wat sedert 2018 in KAM munisipale gebied van toepassing is. Hy versoek dat dringende wetstoepassing ook dienooreenkomstig moet geskied.

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

- (i) Die Burgemeester maak melding van 'n "Red-Tape Reduction" vergadering wat plaasgevind het en daaropvolgende aksieplanne wat in werking gestel sal word.
- (ii) Die Munisipale Bestuurder verwys na die "Minister's and Mayoral Forum" en die "District Coordinating Forum" vergaderings wat plaasgevind het.

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

- (i) Raadslid Renier Louw meld dat Zaydene Claasen reeds vir drie dae vermis word.
- (ii) Alle Raadslede en amptenare word bedank vir hul harde werk en toewyding gedurende 2022.
- (iii) Raadslede word versoek om sosiale funksies waarby Kaap Agulhas Munisipaliteit betrokke is, by te woon.
- (iv) Gedurende die feesseisoen word ouers versoek om die drankgebruik van minderjariges te monitor en te ontmoedig.
- (v) Inwoners en besoekers word attent gemaak op toenemende vandalisme wat plaasvind en Wetstoepassers sal optree teen sodanige vandale.
- (vi) 'n Geseënde Feestydperk word alle inwoners en besoekers toegewens.
- (vii) Raadslede Mokotwane en Louw wens ook die gemeenskap 'n geseënde feestyd toe.

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

11.1 **VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (W MURTZ)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr W Murtz ten einde 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur ten einde vir veeboerdery doeleindes aan te wend (liggingsplan aangeheg op **bladsy 4**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148, Bredasdorp
Huidige sonering	:	Meentgrond
Voorgestelde Grootte	:	1.7ha

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 5** is van mnr Murtz ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R1 274,96 per jaar (soos per vorige ooreenkoms)

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

DEPARTEMENTELE KOMMENTAAR

DIREKTEUR: BESTUURSDIENSTE

Verkeers- en wetstoepassing implikasies - Behoorlike grensdrade moet gespan word. Sou daar enige diere van die eienaar binne die pad reserwe opgemerk word moet daar oorweeg word om die bestaande ooreenkoms op te skort sou daar een bestaan. Indien nie moet so 'n ooreenkoms aangegaan word.

ELEKTRISITEITSDIENSTE

There is no Municipal electricity supply in that area.

BESTUURDER: STADSBEPLANNING

Geen beswaar.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoekser het nie 'n bestaande ooreenkoms met die raad, soos hy beweer nie. Aansoek word ondersteun, maar wel op die volgende voorwaardes:

1. Huurder is self aanspreeklik vir sy eie waterrekening.
2. Die stuk grond waarna verwys, strek slegs vanaf die Suid-Westelike deel tot teenaan die P & B Limeworks se nuwe toegangspad (Noord-Ooste).
3. Geen diere mag in die pad loop nie (deeglike grensdrade moet gespan word wat diere binnehou).
4. Geen persone mag op die eiendom bly nie.

BESTUURDER: BOUBEHEER

Daar moet eers na die Wetlike aspekte gekyk word, daar bestaan nie 'n kontrak nie.

BESTUURDER: BESTUURSDIENSTE

Aansoek word nie ondersteun weens die gevaar van rondloper diere.

KOMMENTAAR: WYKSKOMITEE (3 SEPTEMBER 2022)

Objections: None

Decision: Support

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring gee dat Gedeelte van Erf 1148, Bredasdorp aan mnr W Murtz verhuur kan word.
- (ii) Dat die huurtermyn vir 3 jaar sal strek, met ingang 1 Januarie 2023 tot 31 Desember 2025, sodat deeglike monitering kan plaasvind.
- (iii) Dat, indien enige diere wat aan die huurder behoort buite die perseel opgemerk word, sy ooreenkoms onmiddelik opgesê sal word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

- (i) That this matter be referred back for further investigation by property management, regarding the applicant's previous agreement with Council.
- (ii) That LED try to assist with financial support from the Department of Agriculture.
- (iii) That the risk of high volumes of traffic on the Swellendam Road, be investigated.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Eiendomsbestuur gedurende die eerste kwartaal van 2023 'n werkswinkel aanbied waartydens alle Raadslandbougrond en opkomende boere bespreek sal word.

BESLUIT 312/2022

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Eiendomsbestuur gedurende die eerste kwartaal van 2023 'n werkswinkel aanbied waartydens alle Raadslandbougrond en opkomende boere bespreek sal word.

11.2 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 4339, BREDASDORP (T MAARMAN EN X RINI)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoeke van me T Maarman en me X Rini ten einde 'n gedeelte van erf 4339, Bredasdorp te huur (liggingsplan aangeheg op **bladsy 6**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 4339, Bredasdorp
Ligging	:	Olienhoutlaan 62, Bredasdorp
Erf Grootte	:	639m ²
Huidige Sonering	:	Publieke Oopruimte

AGTERGROND

Skriftelike versoeke, soos aangeheg op **bladsy 7 en 8** is van me Maarman en me Rini ontvang om 'n gedeelte van erf 4339, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R

FINANSIËLE IMPLIKASIE

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

	ME T MAARMAN EDUCARE FACILITY	ME X RINI SHELTER FOR CHILDREN
MUNISIPALE BESTUURDER	Noted.	Noted.
FINANSIËLE DIENSTE	Geen beswaar onderhewig dat alle wetlike vereistes nagekom word!!	
BESTUURSDIENSTE	No Objection.	Aansoeker moet besigheidsplan indien en behoorlike gesprekke he met die Bestuurder: Menslike Ontwikkeling sodat alle tersaaklike informasie ter tafel gele word, rakende die versoek. Waarna oorweging tot goedkeuring dan kan geskied.
INFRASTRUKTUURDIENSTE	Approval for alienation cannot be granted in isolation of the whole LED application and funding request to be considered.	
ELEKTRISITEITSDIENSTE	All costs of electrical connections and possible upgrading of supply are for the tenants account.	There are powerline distribution stays on that property that cannot be moved.
STADSBEPLANNING	We should remember with a lease agreement she is not allowed to put up any permanent structures. It's better to sell the land via tender to make it more viable- land should then be rezoned according to the proposed usage.	Die erf is Publieke Oop Ruimte gesoneer en net oor die 600vk.m goot. Die sonering is nie in lyn met die versoek van die applikant nie. Daar is dienste op die erf wat nie geskuif kan word nie- soos deur Steve aangedui. My aanbeveling is dat ons eerder na 'n aternatiewe terein kyk.
ADMINISTRATIEWE DIENSTE	Dat, indien die raad die gedeelte grond wil vervreemd, dit per tender vervreemd moet word. Daar is ook verskeie ander organisasies wat die grond kan gebruik. oa kerke, speelskooltjies ens. Infra-struktuur moet net bepaal of daar nie "bulk-dienste" deur die erf gelê is nie.	Aansoek word nie ondersteun nie. Daar is verskeie ander organisasies wat ook kerke, skooltjies, sokkombuise ens wil oprig. Die perseel is nie goed genoeg geleë nie, en die aansoek moet binne die ROR aangespreek word.

	ME T MAARMAN EDUCARE FACILITY	ME X RINI SHELTER FOR CHILDREN
BOUBEHEER	Die aansoek word ondersteun, alle Wetlike prosese moet gevolg word. Omliggende en aanliggende eienaars moet geken word oor die moontlike geraas wat veroorsaak sal word deur kinders.	Aansoek word nie ondersteun nie. Daar moet eers versker word wat die impak van dit op die omliggende omgewing gaan he. Is die sonering in plek. Die soort bedryf moet ook die nodige aansoeke en magtiging verkry voordat hulle enigsins sal kan voortgaan. Dink hulle moet na aneder geskikte perseel soek.
STRATE & STORWATER	Die betrokke erf grens aan 'n formele straat vir toegang.	Dienste is beskikbaar vir die erf.
BESKERMINGSDIENSTE	Geen beswaar vanaf verkeer.	

KOMMENTAAR: WYKSKOMITEE (3 SEPTEMBER 2022) (T MAARMAN)

Objections: None
Decision: Support

KOMMENTAAR: WYKSKOMITEE (9 OKTOBER 2022) (X RINI)

- Ms T Newman applied for erf 4339. The ward committee supported the initiative when it appeared before the committee in September.
- A separate application was submitted for Erf 4339 by Ms Rini for a children's center. The ward committee considered the application, but clarity is needed regarding the actual activity Ms Rini want to implement.

BESTUURSAANBEVELING

- Dat die Raad die twee aansoeke oorweeg.
- Dat die nuwe ROR die twee aansoeke in berekening neem tydens die huidige publieke deelname proses.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE- AND IT SERVICES COMMITTEE

That the matter be referred back for further investigation by property manangement, and a meeting with the two applicants and the Ward Councillor to see if they can use the plot together as one business.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- Dat die aansoeke nie ondersteun word nie.
- Dat die aangeleentheid terugverwys word na Menslike Ontwikkeling om statistiese data te versamel om 'n weldeurdagte werkwinkel gedurende Maart 2023 aan te bied.

BESLUIT 313/2022

- Dat die aansoeke nie ondersteun word nie.
- Dat die aangeleentheid terugverwys word na Menslike Ontwikkeling om statistiese data te versamel om 'n weldeurdagte werkwinkel gedurende Maart 2023 aan te bied.
- Dat Menslike Ontwikkeling en LED, in konsultasie met die aansoekers, 'n besigheidsplan voorberei wat op 'n latere stadium weer aan die Raad voorgelê sal word vir oorweging.

11.3 **VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (A WILLIAMS EN M VAN NIEKERK)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoeke van mnre A Williams en M Van Niekerk ten einde 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur (liggingsplan aangeheg op **bladsy 9**).

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte Erf 1148, Bredasdorp
Huidige sonering : Meentgrond
Voorgestelde Grootte : 2ha

AGTERGROND

Skriftelike versoeke, soos aangeheg op **bladsy 10 en 11** is van mnre Williams en Van Niekerk ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R1 500,00 per jaar

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

DEPARTEMENTELE KOMMENTAAR

	MNR A WILLIAMS VARKE, BEESTE EN TAMATIE TONNELS	MNR M VAN NIEKERK BYE
MUNISIPALE BESTUURDER	Noted	
FINANSIELE DIENSTE	Verseker dat die erf wel geskik mag wees vir vark/bees boerdery aangesien inligting voorgelê vaag en onvolledig.	
INFRASTRUKTUURDIENSTE	Application not supported. Insufficient information provided to support such a request. A detailed business plan must accompany such a request for alienation of land for long term usage.	
BESTUURSDIENSTE	Behoorlike geskikte omheining om diere weg te hou van R 319 gaan noodsaaklik wees. Status van grond moet vasgestel word, en besigheidsplan moet voorgele word.	
ELEKTRISITEITSDIENSTE	Any electrical connection for the tenants account.	No electricity supply on that property

	MNR A WILLIAMS VARKE, BEESTE EN TAMATIE TONNELS	MNR M VAN NIEKERK BYE
STADSBEPLANNING	Die grondregte van Erf 1148 is onbepaald. Meer inligting word benodig ten opsigte van die beoogde gebruik. Ons sal 'n terein besoek moet doen.	
ADMINISTRATIEWE DIENSTE	Geen probleem met die aansoek word voorsien nie. Die bestaande huurder het sy huur "opgegee" en sy kontrak gekanseleer. Varkboerdery mag 'n probleem skep, maar 'n volledige besigheidplan sal seker aan die raad voorgelê word. Geen permanente of tydelike akkommodasie mag op die perseel gevestig word nie.	Aansoek word ondersteun. Teen 'n markverwante huurtarief.
STRATE EN STORMWATER	Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.	Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.
BOUBEHEER	Daar moet seker gemaak word is daar nie reeds langtermyn huur op die gedeelte grond toegeken nie.	Aansoek word ondersteun. Alle Wetlike vereistes nagekom word.

KOMMENTAAR: WYKSKOMITEE (20 OKTOBER 2022)

Komitee voel dat grond waarvoor Mnr Van Niekerk aansoek gedoen het, is reeds voorgestel dat Mnr Williams dit kan kry. Voorstel van Komitee is dat Mnr Williams meer baat sal vind by een van die 3 stukke meentgrond en grond waarvoor mnr Van Niekerk aansoek gedoen het is meer geskik vir bye boer.

BESTUURSAANBEVELING

- (i) Dat 'n huurooreenkoms met mnr Van Niekerk aangegaan word vir 'n termyn van 3 jaar, beginnende 1 Januarie 2023 - 31 Desember 2025.
- (ii) Dat geen munisipale dienste op die perseel aangebring is nie.
- (iii) Dat, indien die byeboerdery 'n gevaar vir die publiek inhou, die huurooreenkoms gestop word.
- (iv) Alle wetlike vereistes gevolg sal word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE & IT SERVICES COMMITTEE

- (i) That the matter be referred back for further investigation by property management for alternative land to mr Williams, due to the danger of animals close to the public road.
- (ii) That the Committee take note that mr Van Niekerk have received other property to rent.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aansoeke nie goedgekeur word nie.
- (ii) Dat die aanbeveling van Finansies- en IT Dienste Komitee aanvaar word.

BESLUIT 314/2022

- (i) Dat die aansoeke nie goedgekeur word nie.
- (ii) That the matter be referred back for further investigation by property management for alternative land to mr Williams, due to the danger of animals close to the public road.
- (iii) That Council take note that mr Van Niekerk have received other property to rent.

11.4 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 270, BREDASDORP (H BEHR - BREDASDORP POSDUIF)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr H Behr namens Bredasdorp Posduif ten einde 'n gedeelte van erf 270 (gebou), Bredasdorp te huur ten einde dit vir 'n klubhuis vir Bredasdorp Wedvlug Duiwe Sport aan te wend (liggingsplan aangeheg op **bladsy 12**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 270, Bredasdorp
Erf Grootte	:	1.8517ha
Huidige Sonering	:	Publiek & Sosiaal

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 13** is van mnr H Behr namens Bredasdorp Posduif ontvang om 'n gedeelte van erf 270, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R

FINANSIËLE IMPLIKASIE

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Noted.

DIREKTEUR: FINANSIËLE DIENSTE

No objection.

DIREKTEUR: BESKERMINGSDIENSTE

No Objection.

DIREKTEUR: INFRASTRUKTUURDIENSTE

No impact on infrastructure services.

ELEKTRISITEITSDIENSTE

Any required electrical connections for the tenants account.

BESTUURDER: STADSBEPLANNING

Geen beswaar.

BESTUURDER: BOUBEHEER

Die voorstel word ondersteun solank dit net nie vir ander doel met toekomstige ontwikkeling sal inmeng nie.

BESTUURDER: STRATE & STORWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

BESTUURDER: BESTUURSDIENSTE

Aansoek word ondersteun.

KOMMENTAAR: WYKSKOMITEE (20 OKTOBER 2022)

Komitee volstaan by aanbeveling van vroeër dat dit toegeken word aan Mnr T October vir hul trok/busstop. Raad moet kyk of daar nie 'n alternatief is vir mnr Behr se duiwe nie.

BESTUURSAANBEVELING

Dat die Raad die aansoek oorweeg en moontlik 'n alternatiewe terrein oorweeg.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

That the matter be referred back for further investigation by property management and town planning to submit a new layout to Council of the piece of land.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aansoek nie goedgekeur word nie.
- (ii) Dat die genoemde perseel reeds vir verdere ontwikkeling geoogmerk is en die duiweklub 'n alternatiewe perseel vind.

BESLUIT 315/2022

- (i) Dat die aansoek nie goedgekeur word nie.
- (ii) Dat die genoemde perseel reeds vir verdere ontwikkeling geoogmerk is en die duiweklub 'n alternatiewe perseel vind.

11.5 **VERVREEMDING (HUUR): GEDEELTE ERF 574, L'AGULHAS (M J STEYN)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van M J Steyn ten einde 'n gedeelte van erf 574, L'Agulhas te huur (liggingsplan aangeheg op **bladsy 14**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 574, L'Agulhas
Huidige sonering	:	Publieke Oopruimte
Voorgestelde Grootte	:	2.5m x 5m

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 15** is van mnr Steyn ontvang om 'n gedeelte van erf 574, L'Agulhas by die Raad te huur.

MARKWAARDASIE

R4 015,00 per jaar (volgens tariewe van oorskreidingsooreenkoms)

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

DEPARTEMENTELE KOMMENTAAR

ELEKTRISITEITSDIENSTE

There are Municipal services underground in that area, there should be no construction or excavations on that portion which could damage or limit access to the services

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aangeleentheid was informeel op die wykskomitee van Augustus bespreek en komitee het die aansoek ondersteun (Informeel LW) - Saam gedien met die aansoek van Hofmeyr Prokureurs oor die reg van weg oor die genoemde erf. Aansoek word ondersteun, aangesien enige iemand op 'n publike ook ruimte kan kuier vir die dag.

Versoek is in Desember 2021 toegestaan onder sekere voorwaardes.

BESTUURDER: STRATE EN STORMWATER

Siviele infrastruktuur word nie beïnvloed nie.

BOUBEHEER

Aansoek word ondersteun.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Erf 574 L'Agulhas, opslaan van tent in vakansietye: Aansoek word nie ondersteun nie.

Redes:

- Daar loop 'n hoof kraglyn wat beskadig kan word met penne wat ingeslaan word.
- Omdat dit KAM se grond bly, kan daar eise teen KAM ingestel word indien daar beserings opgedoen word op die grond a.g.v. penne wat ingeslaan is ens.
- Daar is te veel risiko vir KAM.
- Hierdie is ook 'n gerieflikheidsaansoek.
- Hierdie is publieke oopruimte wat vir almal beskikbaar is.

BESTUURSAANBEVELING

- (i) Dat die aansoek goedgekeur word vanaf 1 Desember 2022 tot 13 Januarie 2023.
- (ii) Dat 'n oorskreidingsfooie van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) 'n Terugvalklousule sal in werking wees.
- (iv) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.
- (v) Dat die aangrense eienaar (erf 262, L'Agulhas) te alle tye toegang tot haar eiendom sal hê, soos reeds deur die Raad goedgekeur.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

Dat die bestuursaanbeveling ondersteun word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die bestuursaanbeveling aanvaar word.
- (ii) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.

BESLUIT 316/2022

- (i) Dat die aansoek goedgekeur word vanaf 1 Desember 2022 tot 13 Januarie 2023.
- (ii) Dat 'n oorskreidingsfooi van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) 'n Terugvalklousule sal in werking wees.
- (iv) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.
- (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 grondige klagtes ten opsigte van die gebruik van erf 574, L'Agulhas ontvang en ondersoek word, die Munisipale Bestuurder gemagtig word om namens die Raad enige beherende maatreëls in plek te stel.

11.6 **TYDELIKE VERGUNNING VIR TOEGANG TOT ERF 262, L'AGULHAS**

DOEL VAN VERSLAG

Om oorweging te skenk om 'n vergunning aan die eienaar van erf 262, L'Agulhas, in beginsel toe te staan, om 'n serwituut vir die "Reg van Weg" te registreer om toegang tot hul eiendom te bekom.

ALGEMENE INLIGTING

Eienaars : KAM
Eiendom : Gedeelte Erf 574, L'Agulhas
Huidige Sonering : Publieke Oopruimte

FINANSIËLE IMPLIKASIE

Alle koste sal vir die aansoekers se rekening wees.

REGSIMPLIKASIE

Sien skrywe vanaf Hofmeyr Prokureurs op **bladsy 16 en 17**.

PERSONEEL IMPLIKASIE

Geen.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die wykskomitee oorweeg 2 aansoeke gelyktydig:

1. Die aansoek van die "reg van weg" vir die eienaar van erf 262, LA, oor erf 574, L'Agulhas; en
2. Die aansoek vir die oprigting van 'n rektenk van die eienaar van erf 269 LA op erf 574 (die item sal onder 'n aparte item oorweeg word sodra dit klaar intern gesirkuleer het).

Die Wykskomitee ondersteun nie die aansoek nie, omrede:

"Hierdie is 'n gerieflikheidsaansoek wat 'n presedent sal skep."

BESTUURSAANBEVELING

Dat die aansoek om "reg tot weg" (erf 262, L'Agulhas) nie ondersteun word nie, omrede:

- a. Dit 'n presedent sal skep vir die gebruik van openbare oopruimtes wat aktief deur die publiek gebruik word en soortgelyke aansoeke vir die selfde gedeelte grond is afgekeur.
- b. Die aansoeker beskik oor 'n alternatiewe ingang tot haar eiendom het.
- c. Daar loop munisipale dienste oor die grond.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die Bestuursaanbeveling nie ondersteun word nie.
- (ii) Dat goedkeuring verleen word om erf 574, L'Agulhas te gebruik as 'n "aflaai-punt" vir toegang tot erf 262, L'Agulhas.
- (iii) Dat 'n publieke deelname proses dienooreenkomstig gevolg word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Dat die Bestuursaanbeveling nie ondersteun word nie.
- (ii) Dat goedkeuring verleen word om erf 574, L'Agulhas te gebruik as 'n "aflaai-punt" vir toegang tot erf 262, L'Agulhas.
- (iii) Dat 'n publieke deelname proses dienooreenkomstig gevolg word.

RAADSBESLUIT 251/2022: 5 OKTOBER 2022

- (i) Dat beginsel goedkeuring verleen word om erf 574, L'Agulhas te gebruik as toegang tot erf 262, L'Agulhas.
- (ii) Dat erf 574 ten alle tye vir die publiek toeganklik moet wees en nie afgesper mag word.
- (iii) Dat 'n privaat "reg van weg" aan die eienaar toegestaan word.
- (iv) Dat alle wetlike prosesse gevolg word en dat enige koste verbonde vir die eienaar se rekening sal wees.

'n Advertensie van die Raad se voorneme is op 28 Oktober 2022 in die plaaslike pers geplaas en die volgende besware is ontvang (aangeheg op *bladsy 18 tot 32*):

PERSOON	BESWAAR
1. A Blom	<ul style="list-style-type: none">▪ Minderjarige kinders speel amper daaglik op die daardie gras, juis omdat daar geen voertuie beweeg wat 'n gevaar vir die kinders inhou nie.
2. J Burger	<ul style="list-style-type: none">▪ Erf 574 is my seun, Kobus Burger se erf en tydens vakansie tye die gunsteling bymekaarkom plek van sy kinders, asook my dogter se 3 minderjariges, juis a.g.v. die rede dat daar geen pad is (natuurlik die rede waarom my seun die erf gekoop het). Sou voertuie daar toegelaat word, sal dit al my kleinkinders se lewe in gevaar stel.
3. G Wolhuter	<ul style="list-style-type: none">▪ I bring the following below to your attention and disapprove of any right of way along this beautiful piece of property that so many children make use of without the fear of traffic.▪ By allowing vehicular access onto the beach, the municipality is creating an untenable situation and a conducive environment (breeding ground) where negligent acts, such as a beachgoer being injured by a vehicle using the right of way servitude, can occur.▪ This argument is strengthened by the fact that the applicant already enjoys adequate and unrestricted vehicular access to Erf 262 from Main Road. Any granting of a private right of way servitude over Erf 574, will effectively serve as an extension of George Street and would create a precedent that might entice other owners along the entire seafront up to Erf 255, and even including a connection to Main Road, to apply for the same access privileges. This will significantly reduce

	<p>and obstruct public access to the coastal public property and detrimentally change the sense of place in the coastal protection zone.</p> <ul style="list-style-type: none"> ▪ By allowing vehicular access over the Public Open Space that is coastal access land and located within the coastal protection zone, the municipality will potentially contravene the stipulations of ICMA and specifically the aforesaid section 58 that deals with the municipality's Duty of Care responsibility in terms of NEMA.
4. J A Theron	<ul style="list-style-type: none"> ▪ Die rede vir die koop van my eiendom was vir privaatheid en veiligheid naby die see. ▪ 'n Pad sal hom leen tot ongewenste parkering en dus my privaatheid beïnvloed en sal lei tot ongewenste kampering. ▪ Die "Spookdraai" staproete sal negatief beïnvloed word, deurdat motors daar gaan parkeer. ▪ Met garages en parkeer areas met direkte toegang vanaf die hoofweg kant van persele, is dit heeltemal onnodig om 'n pad aan die see se kant te maak.
5. MJ Steyn	<ul style="list-style-type: none"> ▪ Georgestraat volgens landmeters eindig voor ons woning. Dit was nog altyd 'n doodloopstraat gewees. ▪ Daar waar die pad eindig in Georgestraat, is egter ook 'n elektrisiteitskas en Mev Viljoen moet letterlik binne 1 meter met haar motor daar verby ry. Dit is werklik 'n risiko wat julle in ag moet neem. ▪ Indien die reg van weg deur die Munisipaliteit goedgekeur word, is dit hoogs waarskynlik dat ander lede van die publiek en besoekers die terrein sal begin gebruik. Ons as eienaars voel dit sal die waarde van ons eiendom skade doen en dit kan natuurlike plantegroei ook beskadig. ▪ Minderjarige kinders beweeg vrylik op Erf 574. Dit is openbare grond en gevolglik word daar baie gespeel op daardie grond. Die onderwerpaansoek bedreig die veiligheid van die vermelde kinders.
6. Kannenberg en Louw ING Prokureurs namens J F Burger	<ul style="list-style-type: none"> ▪ Daar is 'n elektrisiteitskas by die ingang waar die applikant wil deur ry. Die opening langs vermelde kas is nou en daar bestaan 'n werklike risiko dat die elektrisiteitskas omgery kan word. ▪ Ons klient, en soortgelyk sy bure, het die spesifieke eiendom aangekoop omrede daar geen pad tussen die eiendom en die see is nie. Ons klient het 'n premie daarvoor betaal. Enige reg van weg wat aan enige persoon toegestaan word sal 'n wesentlike negatiewe invloed op die waarde van ons klient se eiendom hê, om nie eers melding te maak van die ander eiendomme wat daardeur geraak sal word nie. ▪ Indien 'n reg van weg deur die Munisipaliteit goedgekeur word, is dit hoogs waarskynlik dat ander lede van die publiek en besoekers die terrein sal begin gebruik as 'n parkeerarea, kuierarea en selfs as kamp plek. Dit sal die eienaars van die omliggende eiendomme hul reg op ongestoorde genot van hul eiendomme ontnem, en dit sal die natuurlike plantegroei beskadig. Ons kan nie sien dat die Departement Natuurbewaring hierdie aansoek kan goedkeur nie. ▪ Ons klient se minderjarige kinders, asook minderjarige kinders in die nabye omgewing, speel op ERF 574 omrede daar geen voertuie beweeg wat 'n gevaar vir kinders inhou nie. Die onderwerpaansoek bedreig die veiligheid van vermelde kinders. ▪ Die aansoeker beskik oor direkte toegang tot die agterkant van haar erf, en enige versperring van sodanige toegang het sy self aangebring. Dit is nie 'n geval dat sy geen alternatief het as om die Munisipaliteit te nader vir die reg wat sy nou wil ontvang nie. Sy het direkte toegang tot haar erf. Gevolglik kan sy nie steun op enige wetlike beginsels vir die verkryging van enige reg van weg nie.
7. Van Niekerk en Linde namens Reenen Trust en Ardein Trust	<ul style="list-style-type: none"> ▪ Die verlening van 'n Reg Van Weg oor Erf 474, L'Agulhas, ten gunste van Erf 262, L'Agulhas, sal die verkeer van Georgestraat, L'Agulhas laat toeneem met gevolglike: <ol style="list-style-type: none"> 1. Toenemende visuele verkeersteurnis; 2. Toenemende geraas verkeersteurnis; 3. Toenemende risiko vir veiligheid van Voetgangers (Kinders); 4. Toenemende stof vanaf Roete (Grondpad); 5. Afname in Georgestraat, L'Agulhas, se markwaarde. ▪ Kliënte is ook van mening dat 'n Reg Van weg ten gunste van Erf 262, L'Agulhas, toegang sal bied tot die oppervlakte geleë aan Seekant van Erf 262, L'Agulhas, welke dan vatbaar is om gebruik te word as 'n openbare / publieke terein met steurende aktiwiteite (Oornag / Partytjies, Kampering, ens.). ▪ Kliënte is voorts van mening dat Erf 262, L'Agulhas, tans wel direkte toegang vanaf Hoofweg, L'Agulhas, geniet en dat 'n Reg Van Weg oorbodig / nie noodsaaklik is nie.

31 Persone ondersteun die aansoek (sien **bladsy 33 tot 74**).

BESTUURSAANBEVELING

- (i) Dat kennis geneem word van bogenoemde kommentaar.
- (ii) Dat kennis geneem word dat die aansoek geen negatiewe impak op munisipale dienslewering het nie en dat geen toegang tot erf 574 verspêr word nie, aangesien die genoemde perseel steeds toeganklik is vir die publiek.

BESLUIT 317/2022

- (i) Dat kennis geneem word van bogenoemde kommentaar.
- (ii) Dat kennis geneem word dat die aansoek geen negatiewe impak op munisipale dienslewering het nie en dat geen toegang tot erf 574 versper word nie, aangesien die genoemde perseel steeds toeganklik is vir die publiek.
- (iii) Dat, indien enige grondige klagtes ten opsigte van die gebruik van erf 574, L'Agulhas ontvang en ondersoek word, die Munisipale Bestuurder gemagtig word om namens die Raad enige beherende maatreëls in plek te stel.

11.7 **VERVREEMDING (HUUR): GEDEELTE ERF 26, KLIPDALE (ME SURISA)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van me Surisa ten einde 'n gedeelte van erf 26, Klipdale te huur vir die plasing van 'n afdak (liggingsplan aangeheg op **bladsy 75**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 26, Klipdale
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	7m

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 77** is van me Surisa ontvang om 'n gedeelte van erf 26, Klipdale by die Raad te huur.

MARKWAARDASIE

R4 015,00 per jaar (volgens tariewe van oorskreidingsooreenkoms)

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

DEPARTEMENTELE KOMMENTAAR

ELEKTRISITEITSDIENSTE

This is in an Eskom supply area and they would have to give clarity on any possible future expansion plans they may have.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ondersteuning word gegee vir die 7m oorskreiding op erf 30, Klipdale, maar geen permanenet strukture mag op die perseel opgerig word nie. Die oorskreidingsfooi van R4 015,00 pj sal betaalbaar wees. Die raad kan enige tyd die vergunning terugtrek sodra daar wetlike klagtes ontvang word, of sodra die raad die grond wil gebruik vir munisipale doeleindes, of enige ander doel.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie. Overberg Water se kommentaar moet ingewin word t.o.v. die posisie van waterlyne.

BOUBEHEER

Aansoek word ondersteun, alle Wetlike vereistes moet nagekom word.

KOMMENTAAR: WYKSKOMITEE (20 OKTOBER 2022)

Amptenare by Stadsbeplanning moet besluite neem.
Besluit is geneem deur die wyk dat Raad dit mag verhuur aan persone.

BESTUURSAANBEVELING

- (i) Dat die aansoek goedgekeur word.
- (ii) Dat 'n oorskreidingsfooi van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) Dat 'n oorskreidingsooreenkoms met die aansoeker aangegaan word vir 3 jaar, met ingang 1 Januarie 2023 tot 31 Desember 2025.
- (iv) 'n Terugvalklousule sal in werking wees.
- (v) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.

AANBEVELING: FINANSIES- EN IT-DIENSTE KOMITEE / RECOMMEDATION: FINANCE & IT SERVICES COMMITTEE

Dat die bestuursaanbeveling ondersteun word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.
- (ii) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.

BESLUIT 318/2022

- (i) Dat die aansoek goedgekeur word.
- (ii) Dat 'n oorskreidingsfooi van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) Dat 'n oorskreidingsooreenkoms met die aansoeker aangegaan word vir 3 jaar, met ingang 1 Januarie 2023 tot 31 Desember 2025.
- (iv) 'n Terugvalklousule sal in werking wees.
- (v) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.
- (vi) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.

11.8 **AANSOEK OM TOESTEMMING VIR DIE GEBRUIK VAN 'N DEEL VAN MUNISIPALE GEBOU (ZWASA)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van ZWASA om 'n gedeelte van 'n munisipale gebou te erf 6951, Bredasdorp te gebruik.

ALGEMENE INLIGTING

Eienaar : KAM
Bestaande sonering : Industrieel
Eiendom : Gedeelte Erf 6951, Bredasdorp

AGTERGROND

Op 25 Julie 2022 ontvang die Raad 'n skrywe, soos aangeheg op **bladsy 80** vanaf mnr K Roman namens ZWASA waarin hulle vra om 'n gedeelte van erf 6951, Bredasdorp te gebruik om die kompostoerusting wat hulle vir die komposfasiliteit gebruik, te stoor, asook vir die doel as skulling teen die reën vir die komposspan.

FINANSIËLE IMPLIKASIES

R2 000 per jaar

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Noted.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Fully supported.

DIREKTEUR: BESTUURSDIENSTE

Ondersteun aansoek.

DIREKTEUR: FINANSIELE DIENSTE

No objection with a certificate of indemnity for any loss, etc.

ELEKTRISITEITSDIENSTE

Any electrical supply required will be metered and charged for, I accept that they will have a rental agreement in place as all other private businesses require when renting Municipal property.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen probleem word voorsien nie. Bestaande huurder sal net dienoooreenkomstig ingelig moet word. Aangesien daar verskeie navrae na die kantore is, moet 'n publieke deelname proses gevolg word, waarin die wykskomitee tenminste hul ondersteuning gee. Die gebou word voetstoots verhuur, want geen befondsing is begroot in 2022/23 om die bestaande gebou te herstel nie.

BESTUURDER: STRATE EN STORMWATER

Geen invloed op die strate- en stormwaterafdeling nie.

BESTUURDER: VASTE AFVAL

In orde.

BOUBEHEER

Die aansoek word ondersteun.

STADSBEPLANNING

No objection, zoning in place for the proposal.

KOMMENTAAR: WYKSKOMITEE: 3 SEPTEMBER 2022

Objections: None
Decision: Support

BESTUURSAANBEVELING

Dat die aansoek ondersteun word en 'n 3 jaar ooreenkoms toegestaan word vanaf 1 Januarie 2023 tot 31 Desember 2025.

AANBEVELING: FINANSIES- EN IT-DIENSTE KOMITEE / RECOMMEDATION: FINANCE & IT SERVICES COMMITTEE

- (i) Dat die bestuursaanbeveling ondersteun word.
- (ii) Dat die gebou besoek word om 'n lys van gebreke saam te stel en "voetstoots" aan die huurder beskikbaar gestel word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.
- (ii) Dat die gewone terugvalklousule van toepassing sal wees.
- (iii) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.

BESLUIT 319/2022

- (i) Dat die aansoek goedgekeur word en 'n 3 jaar ooreenkoms toegestaan word vanaf 1 Januarie 2023 tot 31 Desember 2025.
- (ii) Dat die gebou besoek word om 'n lys van gebreke saam te stel en "voetstoots" aan die huurder beskikbaar gestel word.
- (iii) Dat die gewone terugvalklousule van toepassing sal wees.
- (iv) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.

11.9 **INSTALLERING VAN KRAGBOKS: GEDEELTE ERF 1148, BREDASDORP UMHLABA WOBIZO LIVESTOCK FARMING**

DOEL VAN VERSLAG

Om oorweging te skenk om goedkeuring te gee dat die huidige huurder, Umhlaba Wobizo Livestock Farming, van Gedeelte Erf 1148, Bredasdorp, 'n kragboks kan installeer in een van die werkshuise wat op die grond is wat tans by Kaap Agulhas Munisipaliteit gehuur word (aangeheg op **bladsy 81 en 82**).

AGTERGROND

'n Gedeelte van erf 1148, Bredasdorp word tans verhuur aan Umhlaba Wobizo Livestock Farming. Die bestaande huurooreenkoms is vir 'n tydperk van 9 jaar en 11 maande (ooreenkoms aangeheg op **bladsy 83 tot 94**). Die rede vir die installering van die kragboks is om veediefstal te voorkom en sodat die huise se krag apart van die boerdery sin sal wees.

FINANSIËLE IMPLIKASIE

Geen.

DEPARTEMENTELE KOMMENTAAR

ELEKTRISITEITSDIENSTE

“Ek aanvaar dat hul die eiendom huur. Daar moet dus eers 'n skrywe van die raad wees vir die versoek. Dan sal hul self die nodig werke op die perseel moet laat doen en ons sal die meter voorsien. Ons sit die gesig van die meter op nadat ons die COC van die kontrakteur ontvang het. Die kostes vir 'n 2de aansluiting beloop R1 763,23.”

BESTUURSAANBEVELING

Dat goedkeuring aan die huurder van 'n gedeelte van erf 1148, Bredasdorp, naamlik Umhlaba Wobizo Livestock Farming gegee word om 'n kragboks op die genoemde gedeelte grond te mag aanbring op die huurder se eie onkoste.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

Dat die bestuursaanbeveling ondersteun word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

Dat die bestuursaanbeveling ondersteun word.

BESLUIT 320/2022

Dat goedkeuring aan die huurder van 'n gedeelte van erf 1148, Bredasdorp, naamlik Umhlaba Wobizo Livestock Farming gegee word om 'n kragboks op die genoemde gedeelte grond te mag aanbring op die huurder se eie onkoste.

11.10 **GEWYSIGDE GRONDWET: DE OUDE ARENA HUISEIENAARSVERENIGING, BREDASDORP (15/4/4/14 - SSB)**

DOEL VAN DIE VERSLAG

Vir die Raad om oorweging te skenk aan die gewysigde riglyne vir De Oude Arena Huiseienaarsvereniging Grondwet. Die ligging van die betrokke eiendom word aangetoon op die plan aangeheg op **bladsy 95**.

AGTERGROND

Die goedkeuring van die ontwikkeling het bepaal dat 'n Huiseienaarsvereniging gestig word en dat die gemelde vereniging hulle gemeenskaplike eiendom moet onderhou en bestuur. Op 1 Julie 2022 was die gewysigde Grondwet aanvaar en goedgekeur deur die inwoners en trustees van De Oude Arena.

Artikel 29 van die Kaap Agulhas Verordeninge op Grondgebruiksbeplanning, 2022 vereis dat enige nuwe of gewysigde Huiseienaarsvereniging Grondwet goedgekeur moet word deur die plaaslike owerheid. In hierdie geval die Kaap Agulhas Munisipaliteit. Die gewysigde riglyne word nou aan die Raad voorgelê vir oorweging, soos aangeheg op **bladsy 96 tot 107**.

FINANSIËLE- EN IT DIENSTE

Geen finansiële implikasies vir die munisipaliteit nie.

KOMMENTAAR: WYK 4

Die Komitee ondersteun die Bestuursaanbeveling.

BESTUURSAANBEVELING

Dat die Raad die gewysigde Grondwet van De Oude Arena Huiseienaarsvereniging aanvaar en goedkeur met die volgende wysigings:

Bladsye 2 - 4, punt 1.2 soos volg moet lees:

- “**these present**” shall mean this Constitution, Conduct Rules and Regulations by-law of the Association from time to time in force”.
- “**The office**” shall mean the registered office of the Association.
- “**Business day**” shall mean weekdays other than Saturdays, Sundays and public holidays.
- “**Month**” shall mean calendar month.
- “**The Unit Erven**” shall mean Erven 4598 to 4642 Bredasdorp, as set out on the Plan of Proposed Subdivision of Erf 3349 Bredasdorp.
- “**Unit erf**” means one of the Unit Erven.
- “**Sectional Title section**” shall mean a section in one of the Sectional Title schemes.
- “The sectional Title Erven” shall mean Erven 4581 and 4583 Bredasdorp.
- “**The private open space**” shall mean Erf 4643 Bredasdorp.
- “**The private Road**” shall mean Erf 4644 Bredasdorp as set out on Plan of Proposed Subdivision of Erf 3349 Bredasdorp referred to above.
- “**Erf**” shall mean a Unit erf or a Sectional Title erf.
- “**Section**” shall mean one of the sectional tile sections.
- “**Member**” shall mean every registered owner of an Erf or Sectional title section. If a member consists of more than one person, such persons shall be jointly and severally liable in solidum for all obligations of a member in terms of this constitution.”
- “**The Council**” shall mean the Cape Agulhas Municipality or its successors in title from time to time succeeding to its present statutory responsibilities in respect of the Association.
- “**De Oude Arena Residential Village**” shall mean the single residential estate comprising the Unit Erven, private open space and private road as defined and the Sectional Title schemes on erf 4581 and Erf 4583 Bredasdorp.
- “**Estate**” shall mean the residential estate comprising the Unit Erven, Sectional Title Erven, private open space and private road as defined.
- “**Special resolution**” shall mean a resolution passed by 67% (sixty-seven per centum) of the members present in person or by proxy and entitled to attend and vote thereon at a meeting called for that purpose.
- “**Unanimous resolution**” shall mean a resolution passed by 100% (one hundred per centum) of the members present in person or by proxy and entitled to attend and vote thereon at a meeting called for that purpose.
- “**The Trustees**” shall mean:
 - a. One person elected by the owners of the units in the Sectional Title Scheme erected on Erf 4581 Bredasdorp.
 - b. Three persons elected by the owners of the units in the Sectional Title Scheme erected on Erf 4583 Bredasdorp.
 - c. Four persons elected by the owners of the Unit Erven.
 - d. Should the owners of the Sectional Title Schemes referred to in 1 and 2 above not elect their allotted number of trustees, the board of trustees will be entitled to fill any vacancy by appointing a member or to decide that the number of trustees will be reduced by the discrepancy until the following Annual General Meeting.
 - e. Should the owner of the Unit Erven refer to in 3. above not elect their allotted number of trustees, the board of trustees will be entitled to fill any vacancy by appointing a member or to decide that the number of trustees will be reduced by the discrepancy until the following Annual General Meeting.

Bladsye 5 - 6, punt 4 soos volg moet lees:

- 4.1 The Association shall consist of the registered owners of the Unit Erven and the Sectional Title Erven and / or sections.
- 4.2 Where any Unit Erf or Sectional Title section is registered in the name of more than one person in undivided shares, all such persons shall be deemed jointly and severally to be one member.
- 4.3 An Owner cannot resign from their membership to the Association, and that same only terminates once the Unit Erf or Sectional Title section has been transferred to and registered in the name of the purchaser of same.
- 4.4 The rights and obligations of a member shall not be transferable and every member shall:
- 4.4.1 to the best of the Member's ability further the objects and interests of the Association;
- 4.4.2 observe all Conduct Rules, by-laws and regulations made by the Association or the Trustees.
Provided that nothing contained in these presents shall prevent a member from ceding the member's rights in terms of these presents as security to a mortgagor of the member's Unit Erf or Sectional Title section.
- 4.5 The members shall be jointly and severally liable for expenditure incurred in connection with the Association.
- 4.6 A Member shall not be entitled to sell or transfer an Erf or section unless it is a condition of the sale and transfer that:
- 4.6.1 the transferee becomes a member of the Association;
- 4.6.2 the member first obtains the written consent of the Association, which consent may not be unreasonably withheld, but may be withheld for the reasons described in Sub-sections 4.8.1 and 4.8.2 below.
- 4.7 To comply with Sub-Section 4.6 above any Member, who wishes to sell his Erf or section to a purchaser ("transferee") must in writing apply in a form as prescribed from time to time by the Association for consent by the Association to the sale of his Erf.
The aforesaid application must inter alia contain a full description of the identity and nature of the purchaser and in the event that the purchaser is a Juristic Person any other particulars that the Association may require in respect of the members of the purchaser.
- 4.8 The Association will grant its consent referred to in Sub-Section 4.6 above if:
- 4.8.1 The transferee has in writing applied to become a member of the Association, has in writing agreed to abide by the terms of the Governing Documents and has in writing agreed that transfer of an Erf into his name will ipso facto constitute him as a member of the Association; and
- 4.8.2 The Member who wishes to pass transfer has paid to the Association all amounts due or that which may become due and owing to the Association by him prior to the expected transfer date.
- 4.9 Should the Association provide its consent, registration of transfer will ipso facto constitute the transferee as a Member of the Association.
- 4.10 Notwithstanding anything to the contrary in these presents, any person who becomes a registered Owner of an Erf without Sub-Sections 4.8.1 to 4.8.2 above having been complied with will from date of registration of transfer of the Erf in his name be accepted by the Association as a Member.
- 4.11 The seller of an Erf or Section shall, when registering transfer of an Erf or Section to a purchaser thereof, include in the Deeds of Transfer the following conditions, namely:
"SUBJECT to the condition imposed by the transferor for the benefit of the DE OUDE RENA Residential Village HOMEOWNERS ASSOCIATION that the property shall not be alienated without prior written consent of the DE OUDE ARENA Residential Village HOMEOWNERS ASSOCIATION of which the transferee and his successors in title shall become a member. Or such similar wording as the Registrar of Deeds may require."

Bladsy 13, punt 11.5 soos volg moet lees:

"Every such levy shall be due and payable in equal monthly instalments in advance on the first day of each and every succeeding month of such year.

- 11.5.1 The body corporate of Erf 4581 Bredasdorp will be liable for 8/77ths of the total levies payable each year.
- 11.5.2 The body corporate of Erf 4583 Bredasdorp will be liable for 24/77ths of the total levies payable each year.
- 11.5.3 The owners of each Unit Erf will be liable for 1/77ths of the total levies payable in each year.”

Bladsye 19 - 20, punt 15.2 tot 15.10 soos volg moet lees:

“New Buildings, Alterations, Improvements and Other Structures:

- 15.2 A member shall not be entitled to erect any buildings and/or structures of any nature whatsoever, nor make any alterations, modifications, or renovations to such buildings and/or structure (“the proposed work”) on the member’s Erf without the written approval of the Trustees, which approval shall be given -
 - 15.2.1 after detailed plans of the proposed work have been submitted to the Association; and
 - 15.2.2 the association’s architect, whom shall initially be the developer’s architect until such time as the Association has held its first Annual General meeting, has certified in writing that he is satisfied that the proposed work is in accordance with the character and style of the De Oude Arena Residential Village and conforms with the desired guidelines of the De Oude Arena Residential Village. (At the Association’s first Annual General meeting, the association may appoint an alternative architect, who will be bound by the same Architectural Design guidelines) and
 - 15.2.3 the Member has made payment of any costs which may be incurred in obtaining this approval, including the costs of the Association or its nominee, such costs to be based in the recommended tariff of the Institute of South African Architects for work of similar nature.

Water

- 15.3 Each erf shall have a meter for water for household use and shall be obliged to pay the Association for water consumed.
- 15.4 All water consumed in respect of the common area shall be paid by the Association out of its funds or levies collected.

Electricity

- 15.5 All electricity consumed in respect of the common area shall be paid by the Association out of its funds or levies collected, notwithstanding that the supply thereof may be connected to one of the Unit Erven.

Rates and taxes

- 15.6 Each owner of an erf shall pay such rates and taxes as are levies in respect of his erf to the relevant local authority

No subdivision or rezoning and not more than one dwelling

- 15.7 No member shall be entitled to subdivide or rezone his erf.
- 15.8 No more than one dwelling together with such outbuildings as are ordinarily required to be used in connection therewith, shall be erected on any member’s erf.

Private open space and private road

- 15.9 Neither the whole or any portion of the private open space and private road shall be:
 - 15.9.1 sold, alienated, otherwise disposed of, or transferred to any other party nor mortgaged; or
 - 15.9.2 subject to any rights (unless already so registered or necessary for or ancillary to the registration of a General Plan in respect of De Oude Arena Residential Village Home Owners association as referred to above) whether registrable in a Deeds Registry or not, of use, or occupation (save those enjoyed by the members of the Association in terms of these presents; or
 - 15.9.3 built upon without the sanction of a special resolution of the Association Guidelines and Rules.

Rules

- 15.10 The rules for the Association are defined in Addendum A and will form part of this Constitution at all times. The trustees may, with a 50% vote, amend the Rules when found necessary.”

Bladsy 23, punt 19 soos volg moet lees:

“19 BREACH

- 19.1 Any owner who fails to make payment to the Association on due date of any levy or other amount of whatsoever nature, or who otherwise breaches or fails in the observance of any of the provisions of these presents, may, if so determined by a resolution passed by the trustees:
- 19.1.1 Be fined by the Association in such amount as the Trustees may determine and/or
- 19.1.2 Be ordered to pay the Association or any member or other person aggrieved by the breach or failure in question, such sum as compensation; and/or
- 19.1.3 Be ordered to remedy such breach or failure, which, without limiting the generality of the foregoing, shall include the breaking down or erection of structures so as to conform with these presents.
- 19.1.4 The member concerned shall be invited to attend a Trustees meeting by notice in writing to such member not less than 7 (seven) days prior to the meeting and such member shall have the right to be heard and to be presented legally, but not to be present at the voting or take part in the proceedings other than as allowed by the chairperson of such meeting.”

AANBEVELING: FINANSIES- EN IT-DIENSTE KOMITEE / RECOMMEDATION: FINANCE & IT SERVICES COMMITTEE

The Committee supports the management recommendation.

BESLUIT 321/2022

Dat die Raad die gewysigde Grondwet van De Oude Arena Huiseienaarsvereniging aanvaar en goedkeur.

11.11 **GRONDOUDIT VERSLAG**

DOEL VAN VERSLAG

Om kennis te neem van die grond oudit verslag wat ontvang is vanaf die LED Departement van alle huurooreenkomste van verskeie meentgronde in die Kaap Agulhas area (sien verslag aangeheg op **bladsy 108 tot 113**).

AGTERGROND

’n Grondoudit is gedoen deur die LED Departement van bestaande ooreenkomste tussen Kaap Agulhas Munisipaliteit en huurders van verskeie meentgronde.

FINANSIële IMPLIKASIE

Verlies van inkomste.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die grondoudit uitgevoer deur die LED Departement.
- (ii) Dat, waar die huurders nie aktief op die gronde besig is nie, gehandel word volgens die voorskrifte in die betrokke ooreenkoms.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

- (i) Dat die bestuursaanbeveling ondersteun word.
- (ii) Dat die delegasie vir die kansellering van huurooreenkomste aan die Munisipale Bestuurder gedelegeer word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.
- (ii) Dat 'n volledige lys aan die Uitvoerende Burgemeester voorsien word, wat sal insluit: 1) Watter huurders se betalings op datum is; 2) Die totale uitstaande bedrae en tydperk van huurders wat agterstallig is; 3) Wat die vermoëns van huidige huurders is om die grond ten beste aan te wend.

BESLUIT 322/2022

- (i) Dat die Raad kennis neem van die grondoudit uitgevoer deur die LED Departement.
- (ii) Dat, waar die huurders nie aktief op die gronde besig is nie, gehandel word volgens die voorskrifte in die betrokke ooreenkoms.
- (iii) Dat die delegasie vir die kansellering van huurooreenkomste aan die Munisipale Bestuurder gedelegeer word.
- (iv) Dat 'n volledige lys, nie later as einde Maart 2023 aan die Uitvoerende Burgemeesterskomitee voorsien word, wat sal insluit: 1) Watter huurders se betalings op datum is; 2) Die totale uitstaande bedrae en tydperk van huurders wat agterstallig is; 3) Wat die vermoëns van huidige huurders is om die grond ten beste aan te wend.

11.12 **IMPLEMENTERINGSPLAN VIR DIE ONTWIKKELING VAN BESIGHEIDSERWE VIR OPKOMENDE ENTREPRENEURS TE STRUISBAAI**

DOEL VAN VERSLAG

Om die ondergenoemde implementeringsplan ten opsigte van die besigheidserwe vir opkomende entrepreneurs te Struisbaai, goed te keur (sien kaart aangeheg op **bladsy 114**).

AGTERGROND

Die Raad het besluit dat 'n gedeelte van die industriële erwe te Struisbaai ge-oormerk word ten bate van die ontwikkeling van opkomende entrepreneurs. Die besluit is gemotiveer deur die feit dat opkomende entrepreneurs nie toegang tot besigheidserwe het nie, en dat die ontwikkeling van die erwe sal kan bydra tot die ontwikkeling van die plaaslike ekonomie. 'n Vergadering is gehou met rolspelers binne die plaaslike gemeenskap ten einde hul insae te verkry oor die beskikbaarstelling en ontwikkeling van die erwe. 'n Vergadering was gehou waar lede van die wykskomitee, Kaap Agulhas Besigheidsforum asook verteenwoordigers van die plaaslike entrepreneurs teenwoordig was.

Die gevoel is uitgespreek dat die erwe aangewend word vir bedrywe soos landskapering, "building material stockpiling", 'n visverwerkingsaanleg, asook spasie vir die bedryf van ambagte soos sweis, loodgieterswerk, ens. Die LED Afdeling is tans besig om verskillende opsies na te volg om die ontwikkeling moontlik te kan maak. Ons is deur 'n bootbou-besigheid genader wat hul belangstelling in sommige van die erwe uitgespreek het om hul bestaande besigheid uit te brei, vir vaardigheidsontwikkeling in hierdie verband aan te wend (sien **bladsy 115**). 'n Terrein inspeksie is op Vrydag, 25 November 2022 tesame met die besigheidseienaar onderneem, waarna 'n moontlike aansoek aan die Raad voorgelê sal word.

Implementation Plan

Activity	Responsibility	Action Required	Timeframe	Progress
Engagement with local stakeholders	LED	Appointments with ward committee, upcoming entrepreneurs, and other stakeholders	25 June 2021	Completed engagement with community representatives, ward committee members, Cape Agulhas Business Association (CABA), upcoming entrepreneurs as well as internal stakeholders
Needs assessment	LED	Identify needs as per engagement with above stakeholders	25 June 2021	<ul style="list-style-type: none">• Completed. See report attached.• The assessment is based on the inputs of the stakeholders that was present at the above meeting

Activity	Responsibility	Action Required	Timeframe	Progress
Business Planning	LED/SEDA	Draft business development plan	Continuously	In process to negotiate with SEDA for assistance
Feasibility Study	Town Planning	Conduct feasibility study on the erven	After adoption of plan	<ul style="list-style-type: none"> Study must determine the feasibility of the land, fit-for-purpose. Submission from LED to the 2023/24 budget process.
Traffic Impact Plan	Protection Services	To analyze the effect of traffic on the proposed project	Can form part of the feasibility plan	<ul style="list-style-type: none"> Impact Plan is necessary to view the impact of the traffic and to neutralize any possible challenge that flows out of the assessment. Submission from Protection Services to the 2023/2024 budget process.
Site development plan	Town Planning/ Building Control	Drafting of a site development plan	Follows feasibility plan	Plan to be drafted with the inputs of the beneficiaries
Liaison with possible funders	LED	Identification of potential funders including 1) Fishing Fund, 2) Booster Fund, 3) National Development Agency (NDA), Industrial Development Corporation (IDC), 4) Department of Trade & Industry (DTI), 5) Jobs Fund	Conti-nuously	In process (Engagement with Fishing Fund completed, Engagement with DEDAT completed, Engagement with Booster Fund completed). Other stakeholders still to be engaged
Drafting of preliminary budget	Finance/ Building Control/ Infrastructure Services	Determining budget for the completion of the proposed development	January 2023	Budget also to be considered by Council
Engagement with other external stakeholders, including municipal budget office	LED	Sourcing of partners, including private sector	January 2023	In process (Engagement with boat-building enterprise to establish an empowerment initiative with local entrepreneurs completed)
Development of erven	LED/ Finance/ Infrastructure Services	Development in terms of approved infrastructure development plan	After successful sourcing of funding	Dependent on the provision of possible funding
Presentation from interested business to Council	LED	To inform Council about the intent of private business to embark on an empowerment initiative on the identified industrial erven.	January 2023	Presentation to be conducted

FINANSIËLE IMPLIKASIE

Inkomste	Bedrag	Uitgawe	Bedrag
Opbrengs van ander erfverkope wat vir die doel toegewys was)	R 500 000, 00	Uitvoerbaarheidstudie	R 200 000, 00
Huur inkomste	Moet nog bepaal word	Verkeersimpakstudie	R 200 000, 00
		Aanlê van water	R 100 000, 00
		Aanlê van elektrisiteit	R 100 000, 00
		Omheining	R 1, 5 miljoen
		Oprigting van voorafvervaardigde stoorkapasiteit/kantoorspasie	R 2 miljoen
TOTAAL	R 500 000, 00		R 5 miljoen

Bogenoemde is geskatte bedrae.

WETLIKE IMPLIKASIE

1. Cape Agulhas LED-strategy
2. Municipal Finance Management Act
3. Municipal Asset Transfer Regulations
4. Municipal Systems Act

Kommentaar: Direkteur Finansies

Stel voor dat 'n ontwikkelingsvoorstel formuleer moet word, en stem verder saam met die kommentaar van die Afdelingshoof Strategiese Dienste.

Kommentaar: Direkteur Infrastruktuur

Aanlê van krag sal sowat R 1 miljoen beloop.

Kommentaar: Direkteur Bestuursdienste

'n Verkeersimpakstudie moet deel van die prosesse uitmaak.

Kommentaar: Bestuurder Eiendomsadministrasie

1. Ek dink 2 industriële erwe behoort genoeg te wees vir die vestiging van opkomende besighede in die gebied.
2. Daar is 'n geweldige vraag na die industriële erwe, aangesien die Struisbaai omgewing nou uit sy nate bars met konstruksie.
3. Indien "Skeepshouers" aan die aansoekers verskaf gaan word op dieselfde beginsel as "Lesedi Square en "Ou-Meule", dan moet aansoekers voor die tyd geïdentifiseer word en spesifieke "houers" aan elkeen toegeken word. Die rede hiervoor is, dat die sakemense so spoedig moontlik op die terrein vestig om besigheid te begin doen.
4. Die volledige plan MOET ook aan die WYKSKOMITEE voorgelê word, sodat die gemeenskap, ook insette kan gee oor watter besighede in die gebied benodig word.
5. Die bedryf van die erwe, moet dieselfde hanteer word soos genoemde ontwikkelings.

Kommentaar: Bestuurder Stadbeplanning

Geen probleem indien dit bestaande erwe is nie. Erf 1256 mag glad nie verder uitgebrei word nie, in terme van die ROD (EIA) Omgewingsgoedkeuring Voorwaarde 18 stipuleer dat die hele oorblywende Erf 1256 gesoneer moet word vir "Publieke Oop Ruimte" en geen verdere ontwikkeling mag plaasvind nie. Die Munisipaliteit moet aansoek doen om die besluit van Omgewingsake te verander/ aan te pas. Ons benodig ongeveer R200 000 om 'n Konsultant aan te stel om met die proses te begin.

Kommentaar: Afdelingshoof Strategiese Dienste

The number of erven and erf numbers which are to be made available must be clearly indicated as part of the resolution. Currently Erven 4202-4208 have not been sold. One of the key steps should be the development of a site development plan that depicts the development spatially. It is conceivable that given its more than one erf is being utilised the site development plan may show the need for a consolidation which will entail a town planning process which can lengthen timeframes for implementation.

An additional step would be to determine what the legal relationship would be between beneficiaries and the municipality – lease or sale and will said lease or sale be to an entity created by beneficiaries such as a cooperative or individuals. All legal requirements will also need to be adhered to for the disposal (whether by lease or sale) but will differ depending on what option is chosen.

BESTUURSAANBEVELING

Dat die implementeringsplan goedgekeur word om 'n bemagtigingsinisiatief van stapel te stuur soos bo vermeld.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

That the matter be referred back to the LED Department for finalization of the item (Manager: LED, Municipal Manager en Strategic Division Head).

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

- (i) Dat die implementeringsplan om 'n bemagtigingsinisiatief van stapel te stuur, soos bo vermeld, goedgekeur word.
- (ii) Dat, alvorens die Raad 'n finale, ingeligte besluit kan neem 'n voorlegging deur 'n voornemende ontwikkelaar met bemagtigingsinisiatiewe aan die Finansies- en IT Dienste Komitee gedurende Februarie 2023 gedoen word.

BESLUIT 323/2022

- (i) Dat die implementeringsplan om 'n bemagtigingsinisiatief deur LED van stapel te stuur, soos bo vermeld, goedgekeur word.
- (ii) Dat, alvorens die Raad 'n finale, ingeligte besluit kan neem 'n voorlegging deur 'n voornemende entrepreneur met bemagtigingsinisiatiewe aan die Finansies- en IT Dienste Komitee gedurende Februarie 2023 gedoen word.

11.13 **OORWEGING VAN AANSOEKE OM DONASIES**

DOEL VAN VERSLAG

Om die aansoeke om donasies wat in terme van die Donasiebeleid ontvang is te oorweeg.

AGTERGROND

Aansoeke om donasies in terme van die Raad se Donasiebeleid is ontvang (volledige aansoeke is beskikbaar by mnr Dawid van Wyk by Finansies).

Die voorwaardes en terme waaraan die aansoeker moet voldoen is as volg. Genoemde voorwaardes en termes het as kennisgewing gedien waarmee voornemende aansoekers uitgenooi was om aansoek te doen vir die donasies:

- (i) Alle donasies sal onderhewig wees aan die bepalings soos uiteengesit in Artikel 67 van die Munisipale Finansiële Bestuurswet (MFMA), Wet 56 van 2003;
- (ii) Die Raad bewillig jaarliks, binne sy finansiële vermoë, 'n globale bedrag vir die toekenning van donasies;
- (iii) Skriftelik gemotiveerde aansoeke vir donasies wat voldoen aan die voorskrifte soos bepaal in artikel 67 van die MFMA, moet jaarliks voor einde September van die betrokke boekjaar ingedien word;
- (iv) Alle aansoeke ontvang tot en met einde September van elke betrokke boekjaar, sal gelyktydig oorweeg word vir organisasies wie se doelstellings en aktiwiteite versoenbaar is met daardie magte wat aan die munisipaliteit verleen is;
- (v) Donasies sal binne die begrote bedrag en volgens die Raad se uitsluitlike diskresie, slegs aan nie-winsgewende organisasies/instellings (welsyns-, diens-, liefdadigheidsorganisasies en opvoedkundige instellings) gemaak word;
- (vi) Donasies sal slegs toegeken word aan organisasies/instellings wat binne die regsgebied van Munisipaliteit Kaap Agulhas opereer;
- (vii) Slegs monitêre donasies sal toegeken word ter wille van deursigtigheid en om te verhoed dat nie-finansiële donasies ongelyke behandeling tot gevolg het.
- (viii) 'n Afskrif van u organisasie se jongste finansiële jaarstate moet die aansoek vergesel.

FINANSIËLE IMPLIKASIES

R135 200,00 is begroot vir die 2022/2023 boekjaar (01/2010/200 001). Daar is 37 instansies wat in terme van die Raad se Donasiebeleid kwalifiseer en wat dus elk R3 650,00 kan ontvang.

BESTUURSAANBEVELING

(i) Dat die Uitvoerende Burgemeesterskomitee die volgende aansoeke oorweeg:

1. Kindersorg : Liefdesnessie Dienssentrum
2. Kindersorg : Suiderster Bejaarde Klub
3. Kindersorg : Bredasdorp
4. Kindersorg : Nompumelelo
5. Kindersorg : Lesedi Educare
6. Kindersorg : Kaap Agulhas Tuisversorging
7. Kindersorg : Kammaland Versorgingsoord
8. Kindersorg : Emmanuel Dienssentrum
9. Kindersorg : Kindersorg : Napier
10. Kindersorg : Haasbekkies
11. Kindersorg : Nuerus Nasorg
12. Kindersorg : Padda Vissies
13. Kindersorg : Safe House
14. ACVV
15. ACVV : Ons Huis
16. ACVV : Suideroord
17. ACVV: Suidpunt Dienssentrum
18. ACVV: Strandloperptjie Dienssentrum
19. Huis Klippedrift
20. Otto du Plessis Fasiliteitsraad
21. Hilltop (Bankstaat)
22. Napier Rolbalklub
23. Happy Hippo Speelsentrum (Bankstaat)
24. Napier Heritage and Conservation Body
25. Elpida (Bankstaat)
26. Napier Buurtweg
27. Babbel en Krabbel Kleuterskool
28. Bredasdorp Health and Welfare Committee
29. Over - Ed Centre
30. Bredasdorp Voeding en Ontwikkelings sentrum
31. Vriende van die museum (Bankstaat)
32. DS de Wet Skool vir Outisme
33. Meals on Wheels
34. Napier Tennisklub (Bankstaat)
35. Cape Agulhas Temporary Assistance for the needy family (Bankstaat)
36. Napier Community Police Forum (Geen finansiële state of bankstate)
37. Nuwerus Buurtweg (Geen finansiële state of bankstate)

(ii) Dat die Raad kennis neem dat dit in die verlede praktyk was dat toekennings aan instansies gemaak is ongeag of hulle oor finansiële state beskik het al dan nie. Die voorlegging van 'n bankstaat was voldoende.

(iii) Dat daarop gelet word dat item 36 en 37 wel kwalifiseer maar dat geen bankstaat of finansiële state saam met die aansoek ingedien is nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMEDATION: FINANCE AND IT SERVICES COMMITTEE

- (i) Dat die bestuursaanbeveling nie ondersteun word nie.
- (ii) Dat die "Aansoek om Donansies" weer beskikbaar gemaak word, aangesien 'n groot groep inwoners/organisasies uitgesluit was by die eerste aansoeke.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

Dat die 37 instansies wat in terme van die Raad se Donasiebeleid kwalifiseer, elk R3 650,00 ontvang tydens 'n donasie oorhandiging op 15 Desember 2022.

BESLUIT 324/2022

- (i) Dat die bogenoemde aanbevelings nie aanvaar word nie.
- (ii) Dat die Raad goedkeuring verleen om die adverteringsproses van vooraf te implementeer, waarby verdienlikheidsorganisasies mag aansoek doen, waarna 'n evalueringsproses en die afhandeling van sodanige toekennings teen einde Maart 2023 gefinaliseer sal word.

11.14 **TOERISME BEMARKINGSTRATEGIE**

DOEL VAN VERSLAG

Om kennis te neem van die aangehegte bemarkingstrategie op **bladsy 116 tot 131** vir die opkomende feesseisoen.

AGTERGROND

Die toerisme-eenheid het 'n bemarkingstrategie opgestel om die toerisme toevloei vir die opkomende feesseisoen te verhoog. Toerisme is 'n kerndrywer van Kaap Agulhas se plaaslike ekonomie en die strategie het ten doel om hierdie kerndrywer te versterk.

FINANSIËLE IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

LED Strategie van Kaap Agulhas Munisipaliteit.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die Toerisme Bemarkingstrategie.
- (ii) Die die Strategie gewerkswinkel word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

Die UBK neem kennis van die Toerisme Bemarkingstrategie.

BESLUIT 325/2022

Dat die Raad die Toerisme Bemarkingstrategie goedkeur.

11.15 **MUNICIPAL ENGAGEMENT APP (IT)**

PURPOSE OF REPORT

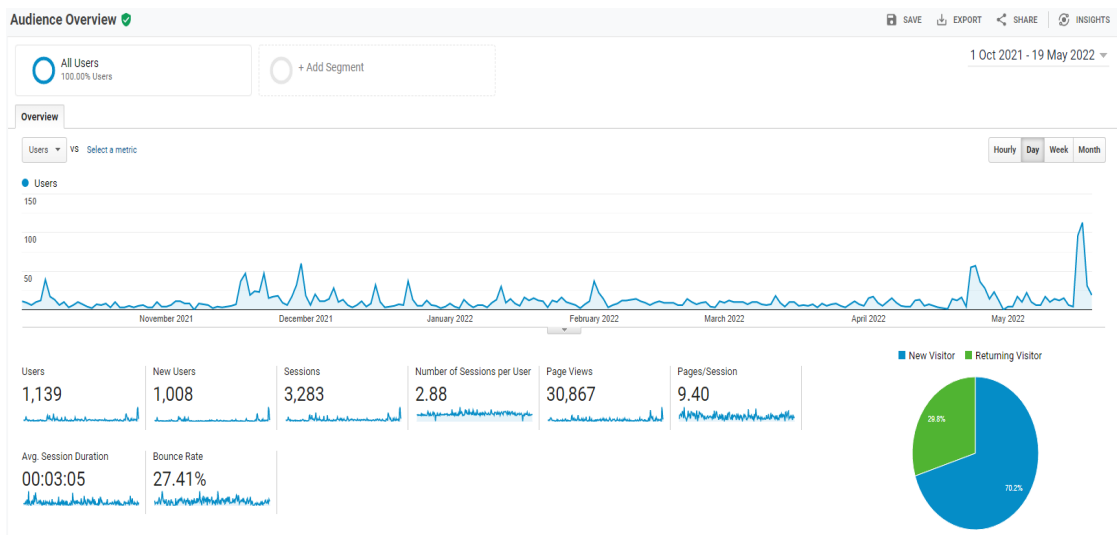
To provide feedback to Management and Council on the Municipal Engagement App and the newly developed App of Business Engineering hosted in the Collaborator platform.

BACKGROUND

OpenUp developed a Municipal Engagement App for the Municipality, that was launched in 2021. User registration till the 20th of May 2022 stands at **365**.

From October 2021 till 20 May 2022 there were 1 139 users that visit the application of which 1008 returned to the App at some stage during this time. Looking at this data we can establish that our success rate in terms of registrations equate to 32% of visitors.

If we consider that we have in the range of 36 000 people staying in our area this means that the visitors rate is at an estimated 3% with a success rate of 1% in terms of registrations. This is a clear indication marketing of an App is still required, and it may be a good idea to set a target goal we would like to reach, so that we can measure ourselves against it.



During the Budget Imbizos held in April and May 2022 there were a few comments and feedback received around that App and how this could be either improved or what is lacking in terms thereof. Out of these comments it became clear that the functionality of the App is not as big a problem to the end users as the feedback received after logging complaints are. From this we can derive that although the uptake is still very limited there is space for a Municipal App.

The App developed by OpenUp is hosted and maintained by them, and they are also responsible for any updates, changes or additions we may require on the it. The SLA clearly stipulates that any new additions or updates must be quoted to the Municipality, whereafter we will accept or decline the quote, subject to the rates of the SLA and budget availability.

Currently the hosting and maintenance of the App amounts to **R5 000 per month or R60 000 annually** and if any other additions, upgrades or changes is required, the service provider need to provide a quote to the Municipality, subject to acceptance thereof.

The app is in the format of a mini-site and is accessible at <https://app.capeaqualhas.gov.za>.

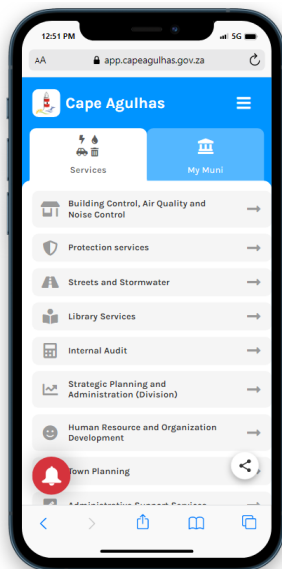
Since the launch of the Municipal App, the current service provider of our Document management and business process system Collaborator, Business Engineer, also developed an App that is utilized by a few other Municipalities like TWK and Mossel bay Municipality.

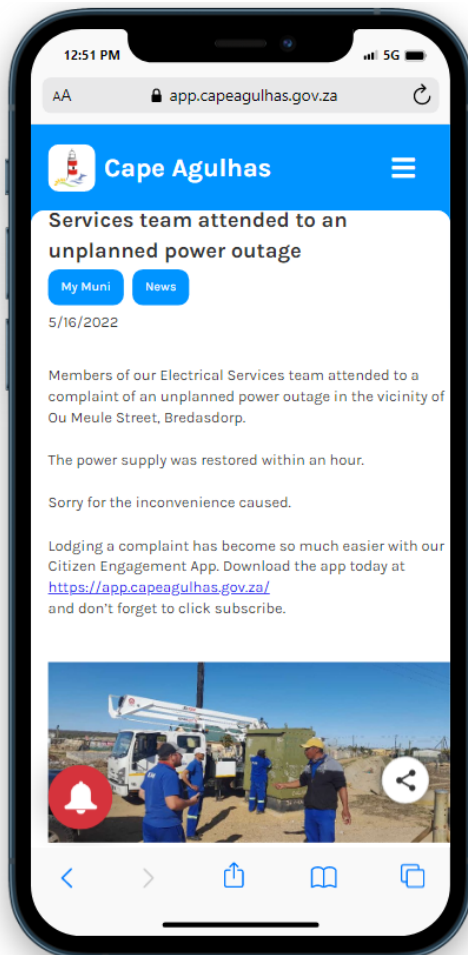
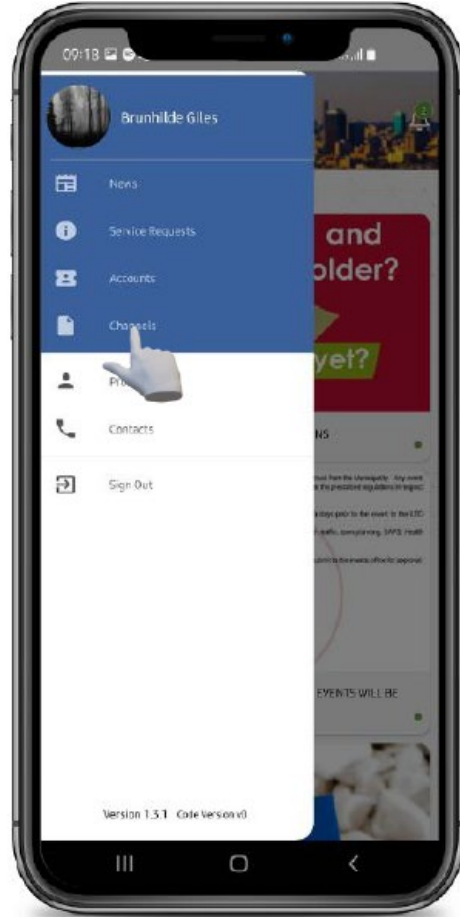
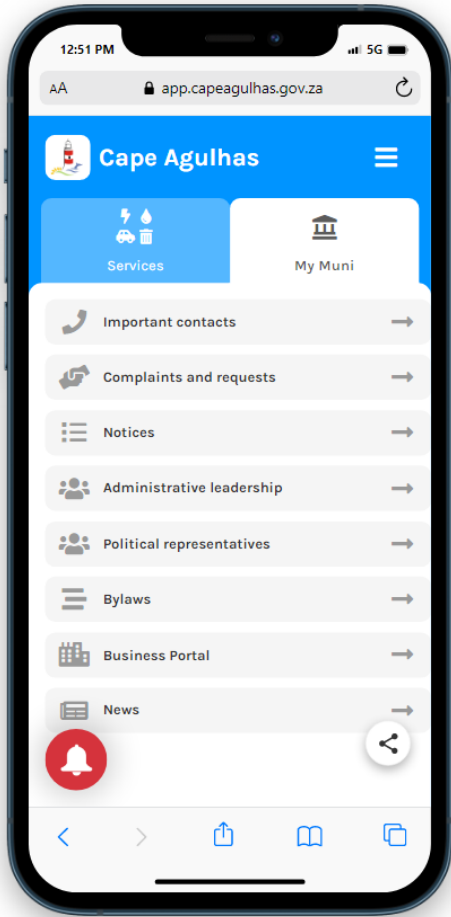
The App accessible by downloading it from the Android and IOS App stores and a mini site is also available for using it on a computer. The monthly cost for the app is the same as that of the current App at R5 000 per month or R60 000 annually, but any additions, upgrades or changes that may be required is included in the monthly/annual fees. Till date we required no significant changes to the existing App and the functionality availability and look and feel of thereof was more than complying with the agreed upon requirements. With the introduction of the newly developed App by Business Engineering the need to inform Management of this option was identified. As in any business process in the Municipality an App is just another tool that can be used to enhance communication with its clients and all possible opportunities need to be considered.

Therefore, we will provide a brief comparison of the 2 Apps for Managements information in order to decide, whether to continue with the existing App or to consider moving to the newly developed App of Business Engineering. Service request in collab already pins of complaints already logged so that user do not need to log the same service request. The comment section in service request on Collaborator allows for the user to initiate bi-directional communication that is not available in the OpenUp. In the OpenUp App one need to select the service area, in the Collaborator App one can search keywords for service type or scroll and select the service area. Previous service requests can be deleted on the Collab App by the user but not on the OpenUp App. For ease of reference, we will refer to the OpenUp App as WebApp and Business Engineering App as Collaborator App in the comparison below.

Description	My Muni	Collaborator App
Name	<ul style="list-style-type: none"> The name is unique to the Municipality 	<ul style="list-style-type: none"> The name is a general name for all Municipalities using the App.
Service requests / Complaints	<ul style="list-style-type: none"> Available Changes need additional testing in terms of integration Additions need to be changed by OpenUp and Business Engineering User cannot delete finalized service request Push notifications will not be sent to user when the complaint has been updated Do not allow for comments to be made by users and to receive response back from Municipality Do not allow for keyword searches 	<ul style="list-style-type: none"> Available Changes need no additional integration only testing Additions need to be changed only by Business Engineering Users can delete finalized Service requests. Users will receive updates via Push notifications. Allows for bi-directional communication via comments section of each Service request. Allow for keyword searches
Contact details with descriptions	<ul style="list-style-type: none"> Available Departmental descriptions - available 	<ul style="list-style-type: none"> Contact details available Departmental descriptions - limited
Integration	<ul style="list-style-type: none"> Integration can become complex and cumbersome due to other 3rd parties involved when considering functionality 	<ul style="list-style-type: none"> Integration would be relatively easy as this App development, functionality and feature development is in-house to Business Engineering and already integrated to Financial (Vesta) and Business process (Collaborator) system.
Customizability	<ul style="list-style-type: none"> Fully customizable in terms of look and feel as this is an App developed specific for the Municipality 	<ul style="list-style-type: none"> Limited Customizability in terms of look and feel, but fully customizable in terms of functionality and features.
Ease of updates / changes / additions	<ul style="list-style-type: none"> Updates of existing content is easy and accessible to system administrators. Changes to existing features, integrating to other systems will be at a cost to the Municipality and is subject to acceptance of quotations submitted. 	<ul style="list-style-type: none"> Updates of existing content is easy and accessible to system administrators. Changes to existing features is relatively easy as this system providers are the App developers. Cost is already part of the monthly fees.

Description	My Muni	Collaborator App
	<ul style="list-style-type: none"> • Additions is customizable to the requirements of the Municipality, but at the cost of the Municipality. Integration to new other systems may be time consuming as these 3rd party integrations needs to be managed and tested. 	<ul style="list-style-type: none"> • Additions has limited customizability and is subject to consideration by the service provider and need requirement form other user Municipalities. Integration to Municipal Information Systems is easy as its already part of the Service Providers technology stack.
Expected limitations	<ul style="list-style-type: none"> • Funding, cost related to new developments is subject to budget availability. • Service request / Complaints is dependent on integration to Collaborator that need a lot of control and maintenance to upkeep. 	<ul style="list-style-type: none"> • The Services section / description and contact details on the existing App is more informative than the Collaborator App. This however can be overcome by various other solutions. • No limitations expected in Service requests / complaints section.
Technology	<ul style="list-style-type: none"> • Web based – look and feels like an App. • Accessible on mobile and computer devices • Accessible by navigating to URL and adding shortcut to home screen. • Not in Android play- , Huawei store or IOS store. 	<ul style="list-style-type: none"> • Web based – look and feels like an App. • Accessible on mobile and computer devices • Available on Android play store, Huawei store and on IOS.
Change Management	<ul style="list-style-type: none"> • No change management required if staying with existing App. 	<ul style="list-style-type: none"> • Existing users will need to be notified of the change of Municipal App and may require assistance.
Marketing	<ul style="list-style-type: none"> • Marketing Strategy required 	<ul style="list-style-type: none"> • Marketing Strategy required
Cost	<ul style="list-style-type: none"> • Difficult to determine full cost as this will only be clear if and when new features are identified. First next planned feature will be R 100 000 excl. vat. • Other additions will be for the cost of the Municipality, but is more flexible than the Collaborator App. • Monthly cost R 5 000. 	<ul style="list-style-type: none"> • Next planned feature, Municipal accounts already part of the App. • Monthly cost R 5 000





FINANCIAL IMPLICATIONS

- Current App : R60 000 annually
: R100 000 development cost - Municipal account integration
: Development cost based on rate per hour R450 to R1 100 per hour
- Collab App : R60 000 annually
: Development cost included in annual fee

LEGISLATIVE REQUIREMENTS

Local Government: Municipal Finance Management Act 56 of 2003

MANAGEMENT RECOMMENDATION

That Management make a recommendation to Council if we should continue with the existing App or move to the App developed by Business Engineering.

RECOMMENDATION: MAYORAL COMMITTEE (7 DESEMBER 2022)

- (i) That the existing Municipal App be replaced with the Business Engineering (Collaborator) App.
- (ii) That the existing Service Provider be notified that the agreement for the existing App will not be renewed, before the expiry date of 31 May 2023.
- (iii) That a migration and communication changed management plan be presented at the next Council meeting that clarify how the transition will occur.
- (iv) That all existing users will be notified and offered assistance with the transition to the new App.
- (v) That the IT- and Finance Department ensure that municipal accounts is available on the new App for public access.

RESOLUTION 326/2022

- (i) That the existing Municipal App be replaced with the Business Engineering (Collaborator) App.
- (ii) That the existing Service Provider be notified that the agreement for the existing App will not be renewed, before the expiry date of 31 May 2023.
- (iii) That a migration and communication changed management plan be presented at the next Council meeting that clarify how the transition will occur.
- (iv) That all existing users will be notified and offered assistance with the transition to the new App.
- (v) That the IT- and Finance Department ensure that municipal accounts is available on the new App for public access.

11.16 **APPLICATION FOR FIREWORKS DISPLAY ON NEW YEARS EVE: ARNISTION SPA HOTEL**

PURPOSE OF REPORT

To approve the application, attached on **page 132**, received from Arniston Hotel to host their Annual New Year's Fireworks display on the conditions set by the Overberg District Municipality, Manager Emergency Services.

BACKGROUND

As per their tradition, the Arniston Spa Hotel is seeking permission from the Municipality to host their annual New Year's fireworks display.

It has become an important community event and the Hotel does spend a fair amount of effort and expense, on providing a show for all the residents & holiday makers, in the Cape Agulhas area, over this period.

The show will last for approximately 20 minutes. A qualified pyrotechnic will be in charge of the fireworks and as in the past, we will take every precaution, to ensure that safe measures are practiced and observed.

The Municipality was also requested to assist with the following:

1. Permission to close the road in front of the hotel to motor vehicles and pedestrian traffic (20:00 to 00:30 on 31st December 2022).
2. That the fire department deploy a fire engine and fire fighters for the duration of the show (23:00 to 00:30 on the 31st December 2022).

The conditions for approval for the fireworks display from the Overberg District Municipality, Manager Emergency Services are as follows:

- As soon as they receive the licence of the person firing the fireworks;
- Safety plan for the event;
- What they want to shoot with the recommended wind limitations
- Arrange a contractor to provide fire cover;
- Provide a list of resources they will deploy.

Upon the approval of the above, the Overberg District Municipality, Manager Emergency Services will give a formal approval for the display of fireworks to Arniston Hotel.

The fire service will not be able to do that as they must keep their resources on standby for the whole Agulhas area.

A Community Policing Form (CPF) meeting were held on the 27 October 2022 where inter alia the fire works display were discussed during the festive season. The decision was not to prohibited fireworks displays, because of the high risks associated with it. Although it cannot be prohibited, the message to the visitors and community must be that fireworks are not allowed.

But in the case of a formal application where the applicant provides the necessary information and adhere to all the safety precautions and conditions by the Overberg District Municipality, Manager Emergency Services, and the fireworks display are approved by the Manager Emergency Services, the Municipality will also approve the application.

MANAGEMENT RECOMMENDATION

That the application be approved by Council as long as they adhere to the conditions and safety precautions of the Overberg District Municipality, Manager Emergency Services.

RECOMMENDATION: MAYORAL COMMITTEE (7 DECEMBER 2022)

- (i) That the management recommendation be accepted.
- (ii) That no "ad-hoc" fire works display would be allowed in the Cape Agulhas municipal area, but only formal applications made to the municipality be considered.

RESOLUTION 327/2022

- (i) That the application be approved by Council as long as they adhere to the conditions and safety precautions of the Overberg District Municipality, Manager Emergency Services.
- (ii) That no "ad-hoc" fire works display would be allowed in the Cape Agulhas municipal area, but only formal applications made to the municipality be considered.
- (iii) That new applications be delegated to the Municipal Manager for consideration, after securing the conditions and safety precautions of the Overberg District Municipality, Manager Emergency Services.

11.17 **CAPE AGULHAS CLUB RUGBY LIVE: 2023 EASTER RUGBY TOURNAMENT**

PURPOSE OF REPORT

For Council to consider partnering in the Cape Agulhas Club Rugby Easter Tournament which is planned from 6 to 10 April 2023.

BACKGROUND

Club Rugby Live is advancing rugby on grassroot level since 2018. The vision of Club Rugby Live is to promote the effort of local clubs within the boundaries of South Africa, Africa and beyond.

This social media tool is the people's favourite platform to stream local club rugby and other community sports. They are also a one-stop-shop for amateur and semi- professional sports and is planning to host the biggest amateur sports festival in South Africa from 6 - 10 April 2023 in Cape Agulhas. Club Rugby Live regard this attempt as an economic, tourism, and community upliftment activity.

This event will create an influx of people and activate increase spending in the local business sector. Active advertising of Cape Agulhas will add immediate and long-term value for the community due to the massive social media exposure. Club Rugby Live will increase community upliftment due to increased activity and awareness campaigns during the tournament.

Tournament details

Venue	Glaskasteel, Bredasdorp
Playing days	Playing Day 1- 6 April 2023
	Playing Day 2- 8 April 2023
	Playing Day 3- 10 April 2023
T1 (15's)	8 Teams from 3-4 Rugby unions
	Knock outs each of the 3 playing days
	Day1 Qualify Finals/ Day 2 Semi Finals/ Day 3 finals
T2 (7's)	Approximately 24 teams
	Group stages (Playing day 1 and day 2)
	All finals day 3

Projected budget for Year 1 : 2023

ITEM	COST
Municipality to provide accommodation for +- 600 players for 6 days @ R100 per night for 6 nights (Rate based on hostel fee. Possible partnership with school hostels)	360 000.00
Meals for 600 players @ R210 per day for 6 days (Breakfast/ Lunch/ Supper. Rate based on catering at hostel)	756 000.00
Medic, Referees, Security and other	90 000.00
Governance, venue, permits, license	45 000.00
Entertainment, broadcasting, music, and tents	126 000.00
Prices and players clothing and catering for players	220 000.00
TOTAL	1 597 000.00

Tournament Roadmap

YEAR 1- 2023	YEAR 2- 2024	YEAR 3- 2025
Rugby	Rugby and Netball	Multi-Sport
2 x tournaments	Expanding on the previous tournament in size and number	Full multi-sport event expanding over multiple sporting codes with teams from all over South Africa
8 x teams of 15's		
+24 teams of 7's		

FINANCIAL IMPLICATIONS

R1 597 000,00

LEGAL IMPLICATION

1. Constitution of RSA – *Promoting social and economic development*
2. Municipal Financial Management Act
3. CAM LED Strategy
4. CAM Tourism Marketing Strategy
5. CAM Sport & Recreation Policy

STAFF AND SERVICE DELIVERY IMPLICATIONS

CAM INTERNAL STAKEHOLDERS

Department	Role
Human Development	Project champion
Waste Management	Assist in ensuring a clean environment
Disaster Management	Ensure a healthy and safe environment during the event
Protection Services	Ensure safety and protection of participants
Water and Sanitation	Ensure uninterrupted clean water for human consumption and ablution facilities
Electricity	Supply uninterrupted electricity
Local Economic Development	Promote local economic development and tourism with the event
Communications	Publications and promotion of the event
Facility Management	Accessible and clean facilities

EXTERNAL STAKEHOLDERS

Stakeholder	Role
Business Sector	Financial contribution
ODM	Disaster Management and Safety
DCAS	Financial contribution
SAPS	Safety
Boland Rugby Union	Approval of event. Provide referees/ Marketing

COMMENTS: LED MANAGER

This could be a huge boost for our local economy and will be supported providing we have a budget to pull it off.

COMMENTS: ACTING MANAGER STRATEGIC SERVICES

It is essential that BOLAND RUGBY UNION support the tournament and approve the application. They could be responsible for the referees, part of marketing, ect.

COMMENTS: MANAGER FACILITIES MANAGEMENT

Ons het beperkte fasiliteite waarvan die Glaskasteel ons beste is.Die toernooi vind buite ons reenseisoen plaas en mag ons nie meer gesuiwerde rioolwater gebruik nie.Ons het ook tans waterbeperkings. Sou die geld vir die toernooi beskikbaar gestel word gaan ons sukkel om die velde op standard te kry en so te hou. Die baie wedstryde gaan ook groot druk op ons velde plaas wat daarna vir ons gemeenskap beskikbaar moet wees.

COMMENTS: ACTING DIRECTOR INFRASTRUCTURE SERVICES

It is impossible to guarantee uninterrupted electricity, there is also not a generator big enough to run all the floodlights. Water will be provided as usual to the facility, please bear in mind that watering the fields could pose a problem if the area does not receive significant rainfall during the coming months.

Solid waste will be collected, and Walter will have bodies on site to assist. I think security must be a priority to prevent what has happened at previous events and no alcohol should be brought into the grounds.

COMMENTS: WATER AND SANITATION MANAGER

With the current water restrictions in place, it is requested that no potable water be used for irrigation of the field or playing areas. Propose that stormwater be used for irrigation and a water truck be utilized for this purpose.

COMMENTS: MANAGER BUDGET AND TREASURY OFFICE

Please see my comments in the positive spirit it is meant. We need to see this type of request in context.

The funding required is R1 597,000
Basic charges exl vat : R559,13

This means a total of 2856 households 1 month's income /basic charges need to be allocated towards this project. We distributed a total of 14,203 accounts in October. Of this total on average of 3000 accounts do not pay these basic charges - Masakhane / Indigent. This in effect means that 25% of household income for 1 month will be allocated if approved to this project.

WE NEED TO SEE THESE PROJECT REQUESTS IN CONTEXT. This is what it approval of these type of spending in effect means.

MANAGEMENT RECOMMENDATION

- (i) That council consider partnering with Club Rugby Live.
- (ii) That funds will be made available in the adjustment budget for the event.
- (iii) That a Memorandum of Understanding be drafted between CAM and Club Rugby Live for the implementation of the event.
- (iv) That Club Rugby Live and Cape Agulhas municipality source other external stakeholders for additional funding.
- (v) That an internal local organizing committee be established for the event.

RECOMMENDATION: MAYORAL COMMITTEE (7 DECEMBER 2022)

- (i) Die UBK ondersteun in-beginsel die toernooi.
- (ii) Dat 'n vergadering so spoedig moontlik met die organiseerders plaasvind, sodat alle logistiek rondom die aanbied van so 'n toernooi bespreek kan word.
- (iii) Dat 'n ondersoek intussen deur Infrastruktuur- en Bestuursdienste gedoen word na die uitdagings met die ablusie geriewe by die Glaskasteel en 'n plan van aksie voorgelê word.

BESLUIT 328/2022

- (i) Dat die Raad die toernooi in-beginsel ondersteun.
- (ii) Dat 'n vergadering so spoedig moontlik met die organiseerders plaasvind, sodat alle logistiek rondom die aanbied van so 'n toernooi bespreek kan word.
- (iii) Dat 'n ondersoek intussen deur Infrastruktuur- en Bestuursdienste gedoen word na die uitdagings met die ablusie geriewe by die Glaskasteel en 'n plan van aksie voorgelê word.
- (iv) Dat volledige terugvoer, wat die finansiële implikasies sal insluit, aan die Raad voorgelê word gedurende Januarie 2023.

11.18 **JAARBEPLANNER / YEAR PLANNER 2023 (BAO)**

DOEL VAN DIE VERSLAG

Om die Raad se jaarbeplanner van vergaderings vir 2023 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 (**was reeds versprei onder lede**).

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 skedules op strategiese plekke binne die Raad se lokale vertoon en versprei sal word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (7 DESEMBER 2022)

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 329/2022

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

(RAADSHEER JANTJIES VERLAAT HIERNA DIE VERGADERING OM 12H35)

11.19 **REMUNERATION OF THE CHAIRPERSON OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

COUNCIL SUPPORT AND ADMINISTRATIVE SERVICES

PURPOSE OF REPRT

To again consider the increase of the total remuneration package of the elected Chairperson of the Council's Municipal Public Accounts Committee (MPAC) in terms of section 8 of the Government Notice on the Determination of Upper Limits of Salaries, Allowances, and Benefits of different Members of Municipal Councils as published in the Government Gazette No. 43246 published on 24 April 2020 (Notice) and which took effect 1 July 2019 (document attached on **page 133 to 139**).

BACKGROUND

A Council Agenda item on this matter was previously tabled in Council on 14 December 2021 (item 6.4 of the agenda) for consideration. The background to that agenda item is as follows:

"The new Chairperson of the Council's MPAC was elected and appointed in the aforementioned position during the Council's inaugural meeting held on 22 November 2021. The Chairperson indicated that he should be remunerated as the Chairperson of MPAC which is set by the said Notice.

Paragraph 8 of the notice indicates that Part-time Members of Council receives a total remuneration package of R272 430 (grade three) and makes provision for a total package for the Chairperson of a section 79 Committee, i.e., MPAC, of R349 618, an additional R72 267. The notice, therefore, makes provision for higher package for such Chairpersons.

The preamble states that:

"The salary and allowances of a Councillor is determined by that municipal council by resolution of a supporting vote of the majority of its members, in consultation with the member of the Executive Council responsible for Local Government in each province, having regard to the upper limits as set out hereunder, the financial year of a municipality and affordability of municipality to pay within the different grades..."

It is clear that the Council can decide on the different remuneration level for the Chairperson of MPAC. However, emphasis must be placed on the requirement of "...in consultation with..." the MEC for Local Government. The preamble clarifies this consultation as follows:

"For purpose of implementation of the Government Notice, "in consultation with" means that the municipal council must obtain concurrence of the MEC for local government prior to the implementation of the provisions of this Notice."

The above is clear that, should the Council approve the payment of the remuneration for s79 Committee Chairpersons, the Council still need the approval of the MEC".

After consideration the following was resolved:

"RESOLUTION 252/2021

That the application of the increased remuneration package of the MPAC Chairperson be referred back for investigation and budget consideration and resubmitted to Council for consideration"

In terms of the Resolution SALGA was then approached for guidance who responded as follows:

"Die Cogta Minister se Determination of upper limits of salaries, allowances and benefits of different members of municipal councils, maak nie spesifiek voorsiening vir 'n MPAC komitee/voorsitter nie. Dit is en bly 'n artikel 79 komitee en vergoeding geskied dienooreenkomstig afhangelend of dit 'n voltydse dan wel deeltydse pos is.

Daar was geen verhogings hierdie jaar nie so die vorige termyn se salarisse geld steeds – sien twee Staatskoerante aangeheg.

'n Voorsitter van 'n artikel 79 komitee kry wel neer vergoeding as 'n gewone raadslid as jy na die onderskeie tabelle in die Determination kyk.

- item 5 - Upper limits of the annual total remuneration packages of **full-time** councillors; en
- item 8 - Upper limits of the annual total remuneration packages of **part-time** councillors

SALGA also indicated that:

"It depends on the Council, however, the Upper Limits Notice makes provision for Section 79 Committee Chairpersons to be remunerated differently from other Councillors."

During a recent workshop for MPAC members presented by the National Treasury, this matter was a specific discussion point. According to National Treasury the MPAC chairperson should be remunerated in terms of the abovementioned notice. In view of this, the matter is again submitted to Council for consideration. The following is an extract of the notice regarding the different remuneration:

Municipality Council Grade	Chairperson of s72 Committee	Other part-time Councillors
3	R327,367	R255,091

The difference is: R72 279

Research was also done at some other municipalities on how they deal with this. The results are as follows which indicates that there no consistency:

Municipality	Remunerated as a Councillor	Remunerated as a s72 Chairperson	Comments
Witzenberg Municipality		√	-
Overberg District Municipality	√		Also pay them a sitting fee as for the Audit Committee meetings
Breede Valley Municipality		√	
Overstrand Municipality	√		-
Swellendam Municipality	√		-
Theewaterskloof Municipality		√	-
Oudtshoorn Municipality		√	-
Hessequa Municipality	√		-

From the above, it is clear that there is inconsistencies within the municipalities on this matter.

It must be noted that the 2022/23 budget does not make provision for this increase and, should the Council support the additional remuneration and approved by the MEC, this will have to be budgeted for in either the 2022/23 adjustment budget (if savings are available) or the 2023/24 main budget.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Additional R72 276 Council expenditure (currently not budgeted for). However, the remuneration of Councillors does not form part of the total staff cost of the municipality and will not influence the current ratio.

LEGISLATIVE IMPLICATIONS

Consideration of section 8 of the Government Notice on the Determination of Upper Limits of Salaries, Allowances, and Benefits of different Members of Municipal Councils as published in the Government Gazette No. 43246 published on 24 April 2020 in respect of section 79 Chairpersons.

MANAGEMENT RECOMMENDATION

- (i) That Council considers the application for the increased remuneration package of the MPAC Chairperson.
- (ii) If supported, that the matter be referred to the MEC for Local Government for concurrence.

RESOLUTION 330/2022

That Council do not approve the increased remuneration package of the MPAC Chairperson.

11.20 **CONTINUATION OF CURRENT MEMBERS SERVING ON MPAC**

PURPOSE OF REPORT

To inform the Council of the outcome of a recent National Treasury (NT) MPAC workshop with specific reference to the membership of MPAC members and to make a recommendation in this regard.

BACKGROUND

During the abovementioned workshop, there were discussions around the membership of MPAC members with emphasis on who can and cannot serve on the Committee. It was previously understood by the municipality that it is only Mayco members (i.e. Portfolio Committee Chairpersons) that may not serve on an MPAC. However, NT emphasised that, if any Council member serves on any section 80 Committees, they may not serve as a member of an MPAC as well.

In the case of Cape Agulhas Municipality, all Councillors serves on a section 80 Committee. In view of NT's inputs, none of the current members of the Committee can then serve on the municipality's MPAC. This will effectively disband the MPAC and make the municipality non-compliant with section 79A of the Municipal Structures Act, 1998 (Act No. 117 of 1998) (MSA) which requires every municipality to establish such a Committee.

Advice was obtained from SALGA as well as the Provincial Treasury on how to deal with this matter as this affects all small Municipalities. In view of the above and advice obtained, and in the interest of the municipality having a functional MPAC, it is proposed that the Committee stays as it is and that the Council approves that the Committee members (current and in the future) continue to serve on MPAC as it has been done in the past. However, should there be a conflict of interest on any item on any MPAC agenda, that member should excuse himself/herself from the discussion.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Adherence to section 79A of the MSA regarding the establishment of an MPAC.

RECOMMENDATION: MPAC

- (i) That the Council approves that, notwithstanding current guidelines that any s80 Committee member should not serve on an MPAC, that the Councillors serving on the municipality's MPAC continue to do so in the interest of a functional MPAC and the value that such a Committee could add to the municipality.
- (ii) If there is any conflict of interest, actual or perceived, from any MPAC member on any item on the agenda, that member must be excused from the consideration of that item.

RESOLUTION 331/2022

- (i) That Council approves that, notwithstanding current guidelines that any s80 Committee member should not serve on an MPAC, that the Councillors serving on the municipality's MPAC continue to do so in the interest of a functional MPAC and the value that such a Committee could add to the municipality.
- (ii) If there is any conflict of interest, actual or perceived, from any MPAC member on any item on the agenda, that member must be excused from the consideration of that item.

11.21 **REPORT: MUNICIPAL AUDIT COMMITTEE FOR THE QUARTER ENDED 30 SEPTEMBER 2022**

OFFICER OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To present to Council the Audit Committee report on its activities for the quarter ended 30 September 2022.

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 Activity. The Committee has completed its report, as attached on **page 140 to 143** for the quarter ended 30 June 2022 for consideration by the Council.

The Committee wish to bring Councils 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.
- Par. 6 : Committee recommendations.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Compliance to National Treasury Circular 65 Of 2003.

RECOMMENDATION: AUDIT COMMITTEE

That Council considers and approves the Audit Committee's quarterly report for the quarter ended 30 September 2022.

RESOLUTION 332/2022

That Council approves the Audit Committee's quarterly report for the quarter ended 30 September 2022.

11.22 **MPAC REPORT: COMMITTEE'S ACTIVITIES FOR DECEMBER 2022**

PURPOSE OF REPORT

For the Committee to report to Council on its activities for the quarter ending 31 December 2022 and to bring to the Council's attention recommendations made by the Committee.

BACKGROUND

In terms of section I, par. 1 of the MPAC Charter, the Committee must report at least quarterly on the activities of the Committee and any recommendations made by them. As per the same section, the minutes of any meeting will serve as the report and will be tabled at the next Council meeting after the MPAC meeting.

The Committee had a quarterly meeting on 13 October 2022, attached on **page 144** (mainly to review the Committee's fulfillment of its functions as per their Charter) and a special meeting on 24 November 2022 to discuss on various items. The minutes of that meeting, attached on **page 146** is now submitted to Council for consideration with specific reference to MPAC Recommendation 3/2022-23 of the minutes of 24 November 2022 which reads as follows:

Recommendation 3/2022-23

The Committee recommends that the current Indigent policy be workshopped in depth to reconsider and be corrected as a matter of urgency with the 2022/23 Adjustment Budget and to make sure that it is in line with the National Policy. The National Treasury must be invited to the workshop.

The background to the Recommendation can be found in paragraph 7.1 of the minutes.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Adherence to section I of the MPAC Charter requiring at least quarterly reporting to Council.

RECOMMENDATION: MPAC

- (i) That Council considers the MPAC Reports for October and November 2022.
- (ii) That Council considers the MPAC's Recommendation 3/2022-23 and take specific decisions regarding the recommendation.

RESOLUTION 333/2022

- (i) That Council approves the MPAC Reports for October and November 2022.
- (ii) That Council approves the MPAC's Recommendation 3/2022-23 and take specific decisions regarding the recommendation.
- (iii) That the current Indigent policy be workshopped in depth to reconsider and be corrected as a matter of urgency with the 2022/23 Adjustment Budget and to make sure that it is in line with the National Policy. The National Treasury must be invited to the workshop.

11.23 **SURVEY CONDUCTED MILLPARK / PARK VIEW HOUSING PROJECTS, BREDASDORP**

PURPOSE OF REPORT

A survey was conducted by interns placed at Municipality to establish if beneficiaries that received a housing subsidy occupy the houses and have applied for Masakhane (see **page 148 to 170**).

BACKGROUND

Various complaints were received by the public and councillors from people who received houses who are not staying in the units, but making themselves guilty of hiring out these houses and getting an income out of this practice.

LEGAL AND POLICY IMPLICATIONS

Housing Act, 107 of 1997, Possible evictions. Housing subsidy cancellations.

FINANCIAL IMPLICATIONS

To be confirmed, if possible, evictions must be done.

SURVEY OUTCOMES

Millpark

The survey conducted, shows that there are beneficiaries who are making themselves guilty of hiring out houses, and beneficiaries that have not applied for Masakhane. The attorneys are currently busy with an eviction notice order on a case.

Beneficiaries Renting:

6577,6837,6829,6753,6913,6872, 6464,6859,6362,6288,6361
St Marks 9
St Marks 7
St Marks 11

Selling of Alcohol and other substances/ drugs

6470,6468,6464,6640,
Papawer str 20
Angelier str 31
St James 21
St Marks 9

Parkview

No people found that are hiring out the houses, except for 1 case that has been referred to the attorneys for eviction, after various attempts by the owner and the Municipality in writing addressed to the illegal occupants to vacate the house.

MANAGEMENT RECOMMENDATION

- (i) That the Human Settlement department issue notices to the beneficiaries whom qualified for a housing subsidy, and are making themselves guilty of hiring out houses in writing to occupy the house within 1 week of the notice. Should they not comply, that each case be reported to the Department Human Settlements and subsequent cancellation of the subsidy.
- (ii) As per the Human Settlements Department recommendation, should beneficiaries not adhere to the notice, the approved subsidy be cancelled, and made available to the next people on the waiting list pending the approval of a housing subsidy.
- (iii) That Law Enforcement with a senior housing official deliver the notices to individuals whom are hiring out these houses.
- (iv) Those beneficiaries who make themselves guilty by selling alcohol and drugs be communicated to SAPS, and SAPS with Law Enforcement conduct an integrated operation after an investigation is done. That SAPS report directly to the Director and Manager Human Settlements on outcomes of the intergrated operations held.
- (v) That Masakhane focus on making contact with beneficiaries whom have not been registered for Masakhane.
- (vi) That the Human Settlement Department report on 9 DECEMBER 2022 of progress made.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (29 NOVEMBER 2022)

That the management recommendation be accepted.

RESOLUTION 334/2022

- (i) That the Human Settlement department issue notices to the beneficiaries whom qualified for a housing subsidy, and are making themselves guilty of hiring out houses in writing to occupy the house within 1 week of the notice. Should they not comply, that each case be reported to the Department Human Settlements and subsequent cancellation of the subsidy.
- (ii) As per the Human Settlements Department recommendation, should beneficiaries not adhere to the notice, the approved subsidy be cancelled, and made available to the next people on the waiting list pending the approval of a housing subsidy.
- (iii) That Law Enforcement with a senior housing official deliver the notices to individuals whom are hiring out these houses.
- (iv) Those beneficiaries who make themselves guilty by selling alcohol and drugs be communicated to SAPS, and SAPS with Law Enforcement conduct an integrated operation after an investigation is done. That SAPS report directly to the Director and Manager Human Settlements on outcomes of the intergrated operations held.
- (v) That Masakhane focus on making contact with beneficiaries whom have not been registered for Masakhane.
- (vi) That the Human Settlement Department report of progress made at the next portfolio committee meeting in February 2023.

11.24 **DRAFT STRATEGIC INSTITUTIONAL PLAN 2022/23 - 2026/27**

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

PURPOSE OF REPORT

To present a draft Institutional Plan for 2022/23 - 2026/27, as attached on **page 171 to 190**.

BACKGROUND


A service provider was appointed to facilitate a strategic session with the new Council in April 2022. The Service Provider provided a report but a shortcoming on the report was that although it provides a good overview of the proceedings it did not contain a strategic plan as required. It was subsequently agreed with the service provider to reduce their invoice and we would complete the plan in house. The institutional plan for the most part will focus on operational requirements to better service delivery and will be incorporated into the IDP.

DISCUSSION

Unfortunately, the strategic session, did not lend itself to a discussion on priority areas, so as far as possible these priorities were then extracted from the presentations resulting in a list of more than 120 priority areas. A process was embarked on to refine the priorities which included discussions with the Mayoral Committee and each Directorate. This has resulted in a list of 43 priorities linked to the strategic goals and objectives of the Municipality.

Each priority has several interventions that still need to be assigned timeframes and in some cases teams to manage them. It is important to note that effort was made to link the priorities in a complementary manner.

An example of this is illustrated below:

Improving the organisational culture		<ul style="list-style-type: none"> • Effective internal and external communication • Organizational structure for effective service delivery • Staff training and development • Management of employee costs • EPWP Management • Integrated responsive customer care service • Red tape reduction
--------------------------------------	---	--

The draft report is attached as annexure and the request is that the Mayoral Committee review the priorities and interventions. This needs to be followed by a joint workshop to make any adjustments, finalize timelines and where applicable establish teams responsible for each project. Performance monitoring mechanisms will also be incorporated. The plan will then be submitted to the last Council Meeting

FINANCIAL IMPLICATIONS

Individual projects will have financial implications that will have to be addressed in budgets over the time frame

MANAGEMENT RECOMMENDATION

- (i) That the Institutional plan for 2022-23 / 2026/27 be recommended for approval.
- (ii) The Directors / Managers to take responsibility for the implementation of the interventions assigned to them.
- (iii) Where interventions require multi-disciplinary teams, the Municipal Manager must identify implementing teams with a team leader.
- (iv) That time frames be allocated to the Institutional Plan.
- (v) Responsible Directors / Managers / Team Leaders must compile an annual implementation plan for interventions due in the financial year with quarterly targets.
- (vi) That KPI's be developed in line with the implementation plan and incorporated into the performance management system from 2023/24.
- (vii) That reporting on the implementation plan be quarterly done to the Portfolio Committees.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (29 NOVEMBER 2022)

- (i) That the Mayco accepted the management recommendation.
- (ii) That the Draft Institutional Plan for the next 5 years will include the theme of "Renew Hope".
- (iii) That the Draft Institutional plan will be updated and submitted to Council on the 13th of December 2022 for acceptance by Council.

RESOLUTION 335/2022

- (i) That the Institutional plan for 2022-23 / 2026/27 be approved.
- (ii) The Directors / Managers to take responsibility for the implementation of the interventions assigned to them.
- (iii) Where interventions require multi-disciplinary teams, the Municipal Manager must identify implementing teams with a team leader.
- (iv) That time frames be allocated to the Institutional Plan.
- (v) Responsible Directors / Managers / Team Leaders must compile an annual implementation plan for interventions due in the financial year with quarterly targets.
- (vi) That KPI's be developed in line with the implementation plan and incorporated into the performance management system from 2023/24.
- (vii) That reporting on the implementation plan be quarterly done to the Portfolio Committees.

11.25 **REQUEST FOR EXTENSION OF ACTING IN THE POSITON OF DIRECTOR: INFRASTRUCTURE SERVICES**

PURPOSE OF REPORT

To obtain approval from Council for the extension of mr Steve Cooper, Manager: Electrical and Mechanical Infrastructure Services, acting in the vacant positon of Director: Infrastructure Services.

BACKGROUND

The Senior Manager position of Director: Infrastructure Services became vacant after the resignation of mr Abdul Aziz Jacobs. The Director gave a 2 month notice period with his last day of work being 26 September 2022.

- (i) On 31 August Council approved Resolution 209/2022: *“That Council approves the appointment of mr Steve Cooper and/or mr Deon Wasserman as Acting Director: Infrastructure Services until the position is filled provided that such appointment shall not exceed 3 months.”*
- (ii) Mr Cooper meets the requirements of acting in this position.

According to Section 56 of the Systems Act, 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 systems Act, 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.

The Recruitment process is currently underway and at SCM level. At this point the process is at appointment of the Consultant according to legislation.

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 and the skills, 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. Section 54(2A) (a) and (b) - **An acting appointment may not exceed 3 months unless the MEC for Local Government has extended such period for a further 3 months.**

3. Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014.
4. Regulations on Appointment and Conditions of employment of Senior Managers GNR 21,GG 37245 dated 17 January 2014.

FINANCIAL IMPLICATIONS

Adequate Budget for Acting.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the extension and acting appointment of mr Steve Cooper as Acting Director: Infrastructure Services until the position is filled provided that such appointment shall not exceed 3 months.
- (ii) That an application be submitted to the MEC for Local Government in the Western Cape to extend the period of acting of mr Steve Cooper for a further three months or until the position is filled.

RESOLUTION 336/2022

- (i) That Council approves the extension and acting appointment of mr Steve Cooper as Acting Director: Infrastructure Services until the position is filled provided that such appointment shall not exceed 3 months.
- (ii) That an application be submitted to the MEC for Local Government in the Western Cape to extend the period of acting of mr Steve Cooper for a further three months or until the position is filled.

11.26 **REVIEW OF THE ORGANISATIONAL STRUCTURE OF CAPE AGULHAS MUNICIPALITY**

PURPOSE OF REPORT

To inform Council about the Review of the Staff Establishment, to ensure compliance to newly promulgated Municipal Staff Regulations and Guidelines. Cape Agulhas Municipality will be embarking in a process of reviewing the 2021/2022 Staff Establishment, to ensure capacity going forward, serving the community better and allocate staff capacity where it is needed the most.

BACKGROUND

In terms of the Local Government: Municipal Staff Regulations & Guidelines for the Implementation of the Regulations (Government Notices 890 and 891 of 20 September 2021) (the "Regulations"), municipalities must review their staff establishment within 12 months of one of the following:

1. Redetermination of the municipality's boundaries;
2. Election of a new council;
3. Adoption of new IDP;
4. Changes to the powers and functions; or
5. The promulgation of the Regulations.

SCOPE OF APPLICATION

The Regulations **apply to all municipalities and staff members**, unless otherwise specified does not apply to -

1. All senior managers, and
2. Persons participating in the national public works programme or similar scheme.

STRUCTURING REQUIREMENTS

A municipality may within its administrative and financial capacity establish separate departments for:

1. The development and town planning functions.
2. Municipal public works and basic services.
3. Community services.
4. Management of its finances.
5. Corporate support services and provide support the offices of the public office bearers (subject to Annexure F, Guideline Regulation 5(3), and the office of the Municipal Manager.

DESCRIPTION OF PROJECT

The review of the Municipality's staff establishment and job descriptions shall be conducted in accordance with the directives and guidelines as envisaged by the Local Government: **Municipal Staff Regulations No's 890 and 891 dated 20 September 2021.**

- Chapter 2: Restructuring of the Staff Establishment
- Chapter 4: Performance Management

This process represents the following steps, but not necessarily limited thereto:

- Phase 1 : Initializing and Opening Phase
- Phase 2 : Conduct Organisational Analysis
- Phase 3 : Review /design the Staff Establishment
- Phase 4 : Reporting and Implementation Plan
- Phase 5 : Job Descriptions

STAKEHOLDER ENGAGEMENTS

The following stakeholders will be consulted:

- Trade Unions
- Management
- Employees
- SALGA
- Councillors

FINANCIAL IMPLICATIONS

- Funding of R300 000 received from the Department of Local Government through the Joint District Metro Approach (JDMA).
- The preliminary costing of the organisational redesign and performance management change process is anticipated at R700 000.
- The shortfall will be sourced via the 2022/23 Adjustments Budget, via a section 29 deviation process.

LEGAL IMPLICATIONS

- Municipal Staff Regulations & Guidelines for the Implementation of the Regulations (Government Notices 890 and 891 of 20 September 2021)
- Local Government Municipal Systems Act (32 of 2000)
- Municipal Finance Management Act (MFMA)
- Labour Relations Act
- Basic Conditions of Employment Act
- SALGBC Agreements

COMMENTS: DIRECTOR MANAGEMENT SERVICES

- For the effective and efficient functioning of a Local Authority it is critical that the organisational structure should be aligned with all service delivery functions and that all job descriptions be accurate, ensuring that the respective functions and objectives are met.
- A strategic approach is also cardinal and must be aligned with the medium term and longterm objectives to ensure that all strategic outcomes are achieved.

COMMENTS: ACTING DIRECTOR INFRASTRUCTURE SERVICES

- Service delivery departments must be capacitated to deliver on the Municipal mandate.
- Concentrate on streamlining the support service departments as they are becoming overstaffed.
- It is time to start ensuring that the infrastructure departments have the staff compliment necessary to perform their duties as they are the life blood of the Municipality.
- We need proper objective performance management to ensure that poor performance is corrected, and that excellence is rewarded.
- Who ever is appointed to perform this re-structure, should have an extensive, proven track record in Local Government Re-structuring and staff optimisation.
- The organisation doing the re-structure must have qualified technical people doing the assessments for the infrastructure directorate.

MANAGEMENT RECOMMENDATION

- (i) That Council take note of the of the Organizational Redesign Process, Activities and timeframes.
- (ii) That the Performance Management Change Process as per Chapter 4 of the Municipal Staff Regulations (MSR) are incorporated into this process.
- (iii) That Council approves the above process plan.
- (iv) That adequate top up funding is being made available during the 2022/23 Adjustments Budget process.

RESOLUTION 337/2022

- (i) That Council take note of the of the Organizational Redesign Process, Activities and timeframes.
- (ii) That the Performance Management Change Process as per Chapter 4 of the Municipal Staff Regulations (MSR) are incorporated into this process.
- (iii) That Council approves the above process plan.
- (iv) That adequate top up funding is being made available during the 2022/23 Adjustments Budget process.

11.27 **VERSOEK OM KAAP AGULHAS MUNISIPALE KANTORE OP SEKERE DAE BINNE KERSSEISOEN TE SLUIT**

DOEL VAN VERSLAG

Om oorweging te skenk om Raadskantore op sekere dae binne die Kersseisoen te sluit.

AGTERGROND

Kaap Agulhas Munisipaliteit se kantore was die afgelope aantal jare slegs tot 13:00 op 23 Desember oop. 'n Versoek deur SAMWU, soos aangeheg op **bladsy 191** word aan die Raad gerig om goedkeuring te verleen dat alle kantore binne Kaap Agulhas Munisipaliteit vanaf **Vrydag, 23 Desember 2022 om 13:00, tot Vrydag 30 Desember 2022** gesluit word. Aangesien die 27ste Desember 2022 as openbare vakansie dag verklaar is deur die President, vra SAMWU dat die Raad **28, 29 en 30 Desember 2022 (3 dae) as erkenning aan die personeel toestaan.**

Alle bystand personeel sal steeds op diens wees, asook alle nood-funksies. Telefoniese navrae sal steeds deur die Bystandpersoneel hanteer word. Vooraf kennisgewings en ander kommunikasie metodes (SMS, Facebook, Twitter, Webtuiste) sal gebruik word om die publiek dienooreenkomstig in te lig.

FINANSIELE IMPLIKASIES

Vir 2 dae	R 758 116,16
Addisionele dag	R 379 058,08
Totaal:	R1 137 174,24

KOMMENTAAR

Divisie Hoof : Menslike Hulpbronne & Ontwikkeling

The Municipality has for the past years, YEARLY till now, paid all employees 2 days as Performance Reward & Recognition, in light of parity in concluding performance evaluations. Now, the 2 days offered as a token of appreciation by Council, should be seen as token of appreciation for exceptional performance country wide as a municipality. The days remain 4 days the other 1 day can be captured and taken at any other given time.

Daar is verskeie betaalpunte wat vir die publiek beskikbaar sal wees waar rekeninge betaal kan word, naamlik:

- Bredasdorp: Checkers, Poskantoor, Spar
- Napier: OK
- Struisbaai: Oord
- L'Agulhas: Oord
- Waenhuiskrans: Oord
- Klipdale: Poskantoor
- Proteem: Poskantoor
- Internet en Direkte Bank Inbetalings

BESTUURSAANBEVELING

- (i) Dat alle kantore van Kaap Agulhas Munisipaliteit vanaf Vrydag 23 Desember 2022 om 13:00 tot Vrydag 30 Desember 2022 gesluit word (3 werksdae).
- (ii) Dat die Raad as erkenning vir uitstaande diens 28, 29 en 30 Desember 2022 (3 werksdae) aan die personeel as spesiale verlof toestaan.
- (iii) Dat alle kantore op Dinsdag 3 Januarie 2023 oop sal wees vir die publiek.
- (iv) Dat vooraf kennisgewings en ander kommunikasie metodes (SMS, Facebook, Twitter, Webtuiste) gebruik sal word om die publiek dienooreenkomstig in te lig.
- (v) Dat alle buitendienste sal voortgaan soos geskeduleer.
- (vi) Dat telefoniese navrae steeds deur die Bystandpersoneel hanteer sal word.

BESLUIT 338/2022

- (i) Dat alle kantore van Kaap Agulhas Munisipaliteit vanaf Vrydag 23 Desember 2022 om 13:00 tot Vrydag 30 Desember 2022 gesluit word (3 werksdae).
- (ii) Dat die Raad as erkenning vir uitstaande diens 28, 29 en 30 Desember 2022 (3 werksdae) aan die personeel as spesiale verlof toestaan.
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- (v) Dat alle buitendienste sal voortgaan soos geskeduleer.
- (vi) Dat telefoniese navrae steeds deur die Bystandpersoneel hanteer sal word.

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

- 12.1 Mnr Kröhn, as koördineerder van die “Summer Readiness Plan” gee terugvoer en meld dat weeklikse vergaderings dienooreenkomstig gehou word.
- 12.2 Mnr Cooper gee terugvoer oor die kritiese damvlakke en verwys na maatreëls wat in plek gestel is.
- 12.3 Die Ouditverslag vanaf die Ouditeur-Generaal sal gedurende Januarie 2023 aan die Raad voorgelê word vir kennisname.

13. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Raadslid Mokotwana versoek die Speaker vir skriftelike terugvoer aangaande ‘n mosie by hom ingedien.

14. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

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

‘n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 57** van hierdie Notule en vorderingsverslae sal aan die Portfolio Komitees voorgelê word.

16. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

17. **SLUITING**

Die Speaker bedank alle Raadslede en amptenare vir die gees waarbinne Raadsvergaderings afgehandel is.

Hy wens alle Raadslede, amptenare, lede van die publiek asook toeriste ‘n geseënde Kersfees toe, wat gepaard sal gaan met die nodige wedersydse respek en liefde.

Die Raad is op reses vanaf 14 Desember 2022 tot en met 15 Januarie 2023.

ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
118/2020	Vervreemding (Koop): Ged erf 955, Struisbaai	(i) In-beginsel-goedkeuring verleen word vir die verkoop van Ged van erf 955, Struisbaai per publieke veiling. (ii) Die munisipale waardasie sal as reserwe prys dien. (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.	Erf word per veiling verkoop. Veiling sou saam met die vervreemding van Struisbaai industriële erwe plaasgevind het, maar is uitgestel tot 'n latere datum. Die kontrakteur vir die installering van munisipale dienste word in Jan 2023 aangestel, so die moontlike veilingsdatum kan April / Mei 2023 wees.	Eiendoms-administrasie
179/2022	Vervreemding (huur): Ged erf 270, Bredasdorp (T October)	(i) Dat die aansoek in-beginsel goedgekeur word. (ii) Volledige publieke deelname proses gevolg word. (iii) Dat Stadsbeplanning 'n uitleg van die perseel doen om sodoende ook die sokker spelers en ander aansoekers te akkommodeer. (iv) Ondersoek toestand van die bestaande ablusiegeriewe. (v) Grond sal hersoneer moet word om die gebruik te akkommodeer. (vi) Verdere verslag aan die Raad na afhandeling van bogenoemde stappe.	Publieke deelname proses moet nog gevolg word.	Eiendoms-administrasie / Stadsbeplanning
182/2022	Vervreemding (huur): Ged erf 1343, Bredasdorp (J Williams)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Eiendom sal hersoneer moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder erf 6951, Bredasdorp of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik. (iv) Verdere verslag aan die Raad voorgelê word.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
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.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	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.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
185/2022	Vervreemding (koop): Erf 937, Napier (C Van Zyl)	Dat erf per veiling verkoop word met die waardasie as insetprys en dat 'n veiling van die en ander erwe wat die Raad mag identifiseer voor einde 2022 plaasvind.	Sal met eerskomende veiling hanteer word.	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 (aansoeker, Wyksraadslid en Eiendomsadministrasie) sal plaasvind en daarna weer aan Raad voorgelê word.	Eiendoms-administrasie
188/2022	Subdivision: Erf 5783, Bredasdorp	(i) Approves that Town Planning Department proceed with the subdivision. (ii) Further report be submitted on the servicing and manner of disposal of the erven.	Konsultant reeds aangestel om voort te gaan met onderverdeling.	Stadsbeplanning
231/2022	Strategy to deal with illegal invasion of land	(i) Council approves the Land Invasion Strategy. (ii) That an Informal Management Settlement Plan be developed, workshopped and submitted to Council for consideration.	Manager: Human Settlements in process to finalise plan and will be submitted to the next Portfolio Committee meeting.	Bestuursdienste

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
233/2022	Vandalism/Theft - Strategy	That a security audit be compiled of all vulnerable assets and submitted to the Management Services Committee as soon as possible whereafter the Strategy will be workshopped and submitted to Council for approval.	Security audit completed and a complete item will be submitted to next portfolio meeting.	Bestuursdienste
240/2022	Vervreemding (koop): Erf 3539, Bredasdorp (mnr en mev Kloppers)	Dat die aangeleentheid terugverwys word, sodat Stadsbeplanning oorweging kan skenk aan 'n registrasie van 'n "reg tot weg" vir die aanliggende erf.	Vermoed hierdie aansoek is goedgekeur. Indien goedgekeur moet die eienaars die kostes dra van 'n stadsbeplanner vir stadsbeplanningsprosesse en publieke deelname.	Stadsbeplanning

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 339/2022

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

2022

SPEAKER

DATUM