



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 WOENSDAG 27 JULIE 2022**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON
WEDNESDAY, 27 JULY 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	(<i>verlaat die Raadsaal om 15:35</i>)
Mnr	R Louw	
Me	M Matthysen	
Mnr	R Mokotwana	
Mnr	J Nieuwoudt	
Mnr	G Olwage	
Mnr	R Ross	(Onder-Burgemeester)
Mnr	P Swart	(Burgemeester) (<i>verlaat die Raadsaal om 15:55</i>)

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	S Stanley	nms. Direkteur: Finansiële Dienste
Mnr	B Swart	Interne Ouditeur
Me	T Stone	Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	N Mhlati-Musewe	Afdelingshoof: Menslike Hulpbronne
Me	A Jonker	Snr Admin Beampte: Komiteedienste

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom met 'n spesiale woord van welkom aan oud-Raadsdame Marthinus en Raadslid Swart open die vergadering met gebed.

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

Mnr H van Biljon (Direkteur: Finansiële Dienste)
Mnr H Kröhn (Direkteur: Bestuursdienste)

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

Geen.

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

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

28 Junie 2022 (*Notule was onder lede versprei*)

BESLUIT 164/2022

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 VERGADERINGS:** Geen

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

6.1 **WYKSKOMITEE VERGADERINGS** (*Notules was onder lede versprei*)

- WYK 1 : 21 Junie 2022
- WYK 2 : 20 Junie 2022
- WYK 3 : 22 Junie 2022
- WYK 4 : Reeds voorgelê
- WYK 5 : 15 Junie 2022
- WYK 6 : 28 Junie 2022

BESLUIT 165/2022

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 **ICT STEERING COMMITTEE VERGADERING**

- 9 Junie 2022 (*Notule was onder lede versprei*)

BESLUIT 166/2022

Die Raad neem kennis van bogenoemde ICT Steering Committee Notule.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

7 Junie 2022 (Besluit 131/2022):

DENMARK DFC SCHOLARSHIP FOR SOLID WASTE MANAGEMENT AND TECHNOLOGY: MR A A JACOBS (DIRECTOR: INFRASTRUCTURE)

Die Munisipale Bestuurder meld dat 'n item met betrekking tot bogemelde aangeleentheid tydens die "In Komitee" gedeelte van hierdie vergadering bespreek sal word.

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

8.1 **BRIEWE VAN DANK**

Geen.

8.2 **FUNKSIES VIR DIE MAAND**

Geen.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker herinner die Raadslede aan die Raadslid opleiding van 10 Augustus 2022.

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

Die Burgemeester meld dat SALGA werkskomitee vergaderings in die eerste week van Augustus 2022 plaasvind en sal terugvoering aan die Raad gegee word.

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

Die Burgemeester spreek sy kommer uit oor die hoë getal uitstaande eiendomsaansoeke. Hy is veral bekommerd oor aansoeke wat reeds 8 maande tot 'n jaar sloer. Hy stel voor dat die Raad SALGA nader om die Raad te adviseer oor hoe om die huidige "red tape" te verminder. Hy versoek ook dat daar by die volgende Raadsvergadering 'n skedule van uitstaande eiendomsaansoeke voorgelê word, wat ook die vordering van elke aansoek sal insluit.

11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

11.1 SERVICE LEVEL AGREEMENTS FOR BUYING AND USE OF PURIFIED EFFLUENT AT BREDASDORP AND NAPIER WWTW'S

PURPOSE OF REPORT

To inform Council of the draft Service Level Agreements for buying and use of purified effluent at Bredasdorp and Napier Wastewater Treatment Works.

BACKGROUND

Since Bredasdorp and Napier Wastewater Treatment plants have been or is in the process of being upgraded, two private entities have approached CAM with the request for use of treated effluent.

CAM is still in the process of applying for new Water Use Licenses (WULA) for both Bredasdorp and Napier Wastewater Treatment plants. To get approval from Department of Water and Sanitation for the water licenses to include the use of effluent for irrigation purposes, CAM needs to enter into a Service Level Agreement with each party and submit this agreement as part of their WULA.

Two Service Level Agreements (SLA's) have been drafted by Council's attorneys, Kruger and Blignaut Attorneys, for the buying and use of purified effluent at Bredasdorp and Napier Wastewater Treatment Works, to ensure correctness. These agreements will be entered into between Cape Agulhas Municipality and The Pieter Groenewoud Trust (Napier) and The Bredasdorp Golf Club (Bredasdorp) respectively. See draft SLA's attached on **page 1 to 22**.

The purified water will be used for irrigation purposes only. To be noted that the agreements contain a suspensive condition to the effect that the agreements are subject to the successful obtainment of the Water Use License. The Water Use License Application process includes a public participation process.

The SLA's needs to be approved by Council and is to be included in CAM's Water Use License application.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

CAM will charge each entity for purified effluent purchased. The cost of effluent purchased will be as follows and will increase each year equivalent to the water tariff increase per year:

	Rand per liter	Cost of Effluent Requested Per Day	Cost of Effluent Requested Per Month (Summer)	Cost of Effluent Requested Per Month (Winter)	Cost of Effluent Requested Per Year
Leeuwen Plaas Napier	R0,00053	R318,00	R9 540,00	R4 770,00	R85 860,00
Golf Course Bredasdorp	R0,00053	R636,00	R19 080,00	R9 540,00	R171 720,00

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council approves the Service Level Agreements between Cape Agulhas Municipality and the Pieter Groenewoud Trust (Napier) as well as the Bredasdorp Golf Club (Bredasdorp) for the purchase of purified effluent water for irrigation purposes from the Napier and Bredasdorp wastewater treatment works respectively.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 167/2022

That Council approves the Service Level Agreements between Cape Agulhas Municipality and the Pieter Groenewoud Trust (Napier) as well as the Bredasdorp Golf Club (Bredasdorp) for the purchase of purified effluent water for irrigation purposes from the Napier and Bredasdorp wastewater treatment works respectively.

11.2 **APPROVAL TO THE SUIDERSTRAND VOLUNTARY FIRE FIGHTING ASSOCIATION TO USE MUNICIPAL FIRE HYDRANTS AND ACT AS WATER WARRIORS FOR THE AREA**

PURPOSE OF REPORT

To obtain approval and commitment from Council to assist Suiderstrand Voluntary Fire Fighting Association in combating fires in the Suiderstrand area.

BACKGROUND

The Suiderstrand Voluntary Fire Fighting Association has received training from Overberg Fire Department in June 2022 for basic fire fighting course. They will assist Overberg Fire Department with fire fighting in Suiderstrand area to reduce the damage caused by fires in the area. They have also purchased a water trailer to combat fires (**see below**).



The Suiderstrand Voluntary Fire Fighting Association now request that CAM allows them to access Municipal fire hydrants in the area, check hydrants on a quarterly basis and report any defects or leaks found on the bulk water system.

The CAM Water department aims to roll out a War on Leaks programme in 2023 and the duties as requested by Suiderstrand Voluntary Fire Fighting Association forms part of the Water Warriors in the War on Leaks

programme. CAM will have to supply Suiderstrand Voluntary Fire Fighting Association with water, access tools to fire hydrants and a fitting to access water from fire hydrants.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None (old fittings will be donated for this purpose).

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

Council to grant permission to the Suiderstrand Voluntary Fire Fighting Association to use municipal fire hydrants and act as water warriors for the area.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 168/2022

That Council grants permission to the Suiderstrand Voluntary Fire Fighting Association to use municipal fire hydrants and act as water warriors for the area.

11.3 **ELIM WATER AND SEWER SERVICES**

PURPOSE OF REPORT

Council to request Department of Water and Sanitation (DWA) to remove Cape Agulhas Municipality as the Water Services Authority for Elim.

BACKGROUND

Even though Elim is situated within the boundaries of the Cape Agulhas Municipality, the town is owned by the Moravian Church of South Africa. The town is an entity on its own and managed by the Moravian Church in conjunction with the Elim Overseer's Council.

Cape Agulhas Municipality is the Water Services Authority in the area but does not provide any services in Elim or receive any revenue from the residents. The Department of Water and Sanitation (DWS), however, incorporates Elim in water and sewer audits/Blue and Green Drop assessments for CAM. This has a negative effect on the ratings and outcomes of these assessments as CAM is unable to manage water resources, water and sewer networks and purification plants in Elim.

This matter has been discussed with officials of DWS and they require a statement from Council that Elim is not governed/managed by CAM and water and sewer services and plants are management by the Moravian Church in conjunction with the Elim Overseer's Council. DWS requires a request from CAM to remove CAM as the Water Services Authority for Elim.

LEGAL IMPLICATIONS

Water Services Act, No.108 of 1997 (*attached on page 23 to 57*).

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council confirms that Elim is an entity on its own and that Elim's water and sewer treatment and infrastructure are not governed/managed by CAM.
- (ii) That Council requests DWS to remove CAM as the Water Services Authority for Elim.
- (iii) That data from Elim is not included in water and sewer assessments for CAM.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

- (i) The Committee supports the management recommendation.
- (ii) That further discussions be held for service delivery in Elim and Spanjaardskloof.

RESOLUTION 169/2022

- (i) That Council confirms that Elim is an entity on its own and that Elim's water and sewer treatment and infrastructure are not governed / managed by CAM.
- (ii) That Council requests DWS to remove CAM as the Water Services Authority for Elim.
- (iii) That data from Elim is not included in water and sewer assessments for CAM.
- (iv) That further discussions be held between representatives from CAM and the Elim Opsienersraad regarding service delivery in Elim and Spanjaardskloof.

11.4 **BASIC PLUMBING COMMUNITY PROJECT**

PURPOSE OF REPORT

To inform Council of the initiative of Cobra and Lixil to train community members in basic plumbing and entrepreneurial skills.

BACKGROUND

For the past 4 years Cobra, an official partner of the Department of Water and Sanitation, has been involved with community upliftment in various areas, through skills development and capacity building, free of cost.

Their programme is aimed at empowering communities with basic plumbing skills and promotes gender equality within all sectors. The programme is made up of 3 segments, namely:

- Skills development: The attendee is taught how to repair a tap and a leaking cistern.
- Entrepreneurship: Goal is to ignite or recondition the attendees' mind to start think about starting their own business. Attendees are taught to register a business and draft a business plan.
- Responsibility: Each-one-teach-one principal is applied.

Council to note that Cobra and Lixil will include Cape Agulhas in their initiative and roll out the skills development and capacity building programme in our area also.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council be informed of the initiative of Cobra and Lixil to train community members in basic plumbing and entrepreneurial skills.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

- (i) The Committee takes note of the initiative of Cobra and Lixil to train community members in basic plumbing and entrepreneurial skills.
- (ii) That a communication plan be compiled to inform the public and recruit participants.

RESOLUTION 170/2022

- (i) That Council takes note of the initiative of Cobra and Lixil to train community members in basic plumbing and entrepreneurial skills.
- (ii) That a communication plan be developed to inform the public.
- (iii) That the Human Resource Department facilitate the recruitment of the participants.

11.5 **SOCIAL AND LABOUR PLAN: BONTEBOK LIMEWORKS (PTY) LTD****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATION DIVISION****PURPOSE OF REPORT**

To present to Council the approved Social and Labour Plan of Bontebok Limeworks to Council for noting.

BACKGROUND

Bontebok Limeworks (PTY) LTD approached the Municipality to identify a project that could be implemented in the Cape Agulhas Municipal Area as part of their Social and Labour Plan. The Composting and Food Garden project of Zero Waste Association of South Africa (ZWASA) was proposed as it aligns with the IDP, and the Municipality has already rolled out an initiative with them. The identification of the project was led by the Director Infrastructure in cooperation with Strategic Services, LED and Human Development.

DISCUSSION

The Social and Labour Plan have now been approved and is submitted to Council together with the ZWASA project proposal:

- **Annexure 1:** Bontebok Limeworks (PTY) LTD Social and Labour Plan Proposal (*attached as separate document*).
- **Annexure 2:** ZWASA Social and Labour Plan (SLP) Local Economic Development (LED) Project (*attached on page 58 to 65*).

LEGAL IMPLICATIONS

Minerals and Petroleum Resources Development Act ("MPRDA") (Act 28 of 2002).

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Social and Labour Plan of Bontebok Limeworks (PTY) LTD and the ZWASA Social and Labour Plan (SLP) Local Economic Development (LED) Project Proposal be noted.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note of the Social and Labour Plan of Bontebok Limeworks (PTY) LTD and the ZWASA Social and Labour Plan (SLP) Local Economic Development (LED) Project Proposal.

RESOLUTION 171/2022

That Council takes note of the Social and Labour Plan of Bontebok Limeworks (PTY) LTD and the ZWASA Social and Labour Plan (SLP) Local Economic Development (LED) Project Proposal.

11.6 **CAM ILLEGAL DUMPING CLEAN-UP STRATEGY**

PURPOSE OF REPORT

To inform Council regarding the identifying of the illegal dumping sites within Cape Agulhas Municipal area and the proposed plan to combat this issue. Currently the EPWP projects is responsible for cleaning up the general waste at illegal dumping spots and the contractor is responsible for collecting the green and garden waste. The clean-up needs to be done weekly because of continuous illegal dumping at open spaces (see document attached on *page 66 to 80*).

BACKGROUND

Cape Agulhas Municipality has been experiencing an increase of illegal dumping at various sites within all areas. This was particularly prevalent during the Covid-19 lockdown period. Although a weekly collection service is rendered by the Waste Management Department. It is apparent that responsible human behaviour towards the natural environment is lacking.

The Department(s) within the municipality have on numerous occasions organized clean-ups and awareness campaigns, appointed Expanded Public Works Programme (EPWP) workers, and engaged with the Community Work Programme (CWP), but despite all these interventions, none was sustainable enough to prevent the community from dumping all types of waste illegally.

Currently, the Waste Management Department has provided 240L wheelie bins for each household to prevent the community complaining about stray animals tearing the black bags as soon as it is put out for collection. It is also evident that most waste dumped are household waste in black bags with limited volumes of garden, builders, and bulky waste. In the informal areas the municipality handed out more black bags than usual to prevent illegal dumping but with little success. In Bredasdorp and Struisbaai animals are tearing the bags apart and the waste is lying all over. Water channels and run-off water from toilets and taps contribute to the untidiness of the informal areas.

The Youth in Waste Project completed a survey with all the illegal dumping hotspots identified. Most of the illegal dumping spots are found in the lower income areas. Some of the reasons for illegal dumping is that one wheelie bin is not enough where more than one family is living on one erf, the use of wheelie bin for other illegal activities and the biggest problem is not putting the waste on the pavements for collection.

The municipality also introduced 10m³ skips for residents to place extra household waste generated, but unfortunately most of the waste is dumped outside the skips or are thrown out of the skips. Another problem is that no one wants the skips near their homes. The collection is also a challenge as the contractor's main function is the transport of the skips from the Drop offs to the Bredasdorp landfill site.

The Solid Waste Division have three waste types of waste that are being disposed at our Landfill and three drop-offs- General waste, green waste, and builder's rubble. The same waste is illegally dumped in open spaces in various towns. The waste that gets dumped excessively is the garden/organic waste and the household waste. In an estimate 60% of household waste, 30% of organic waste and 10% of builders' rubble gets dumped.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

See attached document on **page 78**.

PERSONNEL IMPLICATIONS

EPWP workers.

MANAGEMENT RECOMMENDATION

That the Portfolio Committee take note of the Illegal Dumping Clean-Up Strategy for Cape Agulhas municipal area.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note of the Illegal Dumping Clean-Up Strategy for Cape Agulhas municipal area.

RESOLUTION 172/2022

- (i) That Council takes note of the Illegal Dumping Clean-Up Strategy for Cape Agulhas Municipal Area.
- (ii) That a comprehensive implementation plan be incorporated into the Illegal Dumping and Clean Up Strategy
- (iii) That the strategy also incorporate a comprehensive waste education and awareness programme.
- (iv) That the integrated clean up schedule between the relevant departments be updated and implemented.
- (v) That a progress report on the revised Illegal Dumping Clean-Up Strategy be tabled at the next Infrastructure Services Portfolio Committee Meeting

11.7 VERHURING VAN GEMEENSKAPSALE VIR DANSE

DOEL VAN VERSLAG

Dat die Raad oorweging skenk om die verhuringsooreenkoms van Gemeenskapsale aan te pas om sodoende strenger beheermaatreëls daar te stel vir danse (sien verhuringsooreenkoms en tariewe op **bladsy 81 tot 84**).

AGTERGROND

Die Nelson Mandela- en Struisbaai-Noord Gemeenskapsale word toenemend bespreek vir danse deur **individue** vir geldelike gewin, asook diensorganisasies / sportklubs vir fondsinsamelings.

Die Nelson Mandelasaal was byvoorbeeld vir die volgende datums uitverhuur en bespreek vir danse:

9 en 30 April 2022
 11, 18 en 25 Junie 2022
 2, 9, 16 en 23 Julie 2022
 27 Augustus 2022

Na afloop van elke dans gedurende April, Junie en Julie 2022 was geen breekskade deposito's uitbetaal, weens vandalisme en vuil sale nie.

Die volgende klagtes word toenemend van ouers en omliggende inwoners ontvang:

- Minderjarige kinders woon danse by.
- Die danse word tot in die vroeë oggendure gehou met steurende musiek en geraas.
- Geen sekuriteit by danse/sale nie.

KOMMENTAAR: BESTUURDER EKONOMIESE ONTWIKKELING EN TOERISME BEVORDERING

Baie nodig vir so 'n beleid, aangesien danse soms met sosiale euwels gepaardgaan. Hoe en deur wie gaan die kwessies soos in bestuursaanbeveling aangedui, ge-polisieer word en wat sal die gevolge vir nie-nakoming wees?

KOMMENTAAR: BESKERMINGSDIENSTE

Graag wil ek die geweld situasie aanspreek wat voortspruit uit hierdie danse wat in hierdie sale gehou word. Dit het weereens verlede naweek plaasgevind dat daar n groot bakleiery plaasgevind het, na die dans by Nelson Mandela Saal. Die kans dat daar mense binne die saal dood getrap kan word, en skerp voorwerpe gebruik kan word binne die saal bestaan sterk en kan die Munisipaliteit vir die rede in n slegte lig plaas in die media platvorms.

BESTUURSAANBEVELING

Dat die verhuringsooreenkoms vir danse by Gemeenskapsale aangepas word met die volgende:

1. Geregistreerde sekuriteitspersoneel moet by danse aangestel word.
2. Geen musiek na 01h00 die oggend.
3. Geen oorlas mag vir omliggende bewoners geskep word nie.
4. Kinders onder 18 jaar word nie by danse toegelaat nie (uitgesluit kinderdanse met volwasse toesig).
5. Gereelde oortreders kan op swartlys geplaas word.

AANBEVELING: BESTUURSDIENSTE KOMITEE

- (i) Die Komitee ondersteun die Bestuursaanbeveling.

- (ii) Dat geen musiek na 24h00 die oggend toegelaat word nie.
- (iii) Dat die ingestelde riglyne, soos bo, na ses maande hersien word.

BESLUIT 173/2022

Dat die verhuuringsooreenkoms vir danse by Gemeenskapsale aangepas word met die volgende:

1. Toepaslike sekuriteitspersoneel moet by danse aangestel word.
2. Dat byeenkomste Vrydae teen 01h00 en Saterdag teen 24h00 gestaak sal word.
3. Geen oorlas mag vir omliggende bewoners geskep word nie.
4. Kinders onder 18 jaar word nie by danse toegelaat nie (uitgesluit kinderdanse met volwasse toesig).
5. Gereelde oortreders kan op swartlys geplaas word.

11.8 **RE-ESTABLISHMENT OF THE CAPE AGULHAS LOCAL DRUG ACTION COMMITTEE (LDAC)**

PURPOSE OF REPORT

For council to approve the re-establishment of the Cape Agulhas Local Drug Action Committee (LDAC).

BACKGROUND

The effects of substance abuse are evident in the Cape Agulhas community. The Prevention of and Treatment for Substance Abuse Act, No. 70, 2008, requires that a municipality must establish a Local Drug Action Committee to give effect to the Mini Master Drug Plan. According to the Act, the Local Drug Action Committees must do the following:

- (a) Ensure that effect is given to the National Drug Master Plan.
- (b) Compile an action plan to combat substance abuse in collaboration with provincial and local government.
- (c) The action plan must be in line with the priorities and objectives of the integrated Mini Drug Master Plan.
- (d) Implement the action plan.
- (e) Submit annual reports to the relevant Provincial Substance Abuse Forum concerning actions, progress, problems, and other related events in their respective area.

Establishment of Local Drug Action Committees:

Act, No. 70, 2008, states that the LDAC must consist of interested persons and stakeholders who are involved in organisations dealing with the combating of substance abuse. The Mayor of the Municipality must appoint the members of the LDAC and must comprise of:

- (a) A member of the South African Police Service nominated by the local police Station Commissioner.
- (b) A correctional official nominated by the area Commissioner of Correctional Services.
- (c) A representative from an educational institution in the area nominated by the Mayor.
- (d) A representative from the prevention, treatment and aftercare services within the municipality nominated by the Mayor.
- (e) A representative from the local health authority nominated by the Mayor.
- (f) A representative of the local business sector nominated by the Mayor.
- (g) A legal professional from the local community nominated by the Regional head of the Department of Justice and Constitutional Development.

The Local Drug Action Committee must designate a member of the committee as chairperson of that committee and the Provincial Coordinator from the Department of Social Development must assist in the development of the structure. A Local Drug Action Committee may co-opt additional members with special skills or expertise, as and when required.

Status of the Cape Agulhas LDAC:

The office of the Mayor, in collaboration with the Human Development Department invited the relevant stakeholders as indicated in Act, No. 70, 2008 to the information session which was held on 30 June 2022. The Local Drug Action Committee will serve for a period of five years on the structure and will execute their function as per the respective act. The Provincial Social Development Department and the Central Drug Authority indicated that they will assist the municipality with training of the LDAC members and drafting the LDAC action plan.

Herewith the process plan:

ACTIVITY	RESPONSIBLE PERSON	DATE	PROGRESS
Invitation letters to stakeholders	Sikhulule Ngxowa	14 June 2022	Done
Local Drug Action Committee information session	Executive Mayor Paul Swart	30 June 2022	Done
Notification letter to stakeholders regarding launch of LDAC	Sikhulule Ngxowa	01 July 2022	Done
Engagement with Provincial Social Development - and Central Drug Authority Officials for alternative cost-effective ways to train LDAC members and draft action plans	Luzeth Smith	22 July 2022	The relevant officials already indicated per email their assistance with training of LDAC members and drafting action plans. The meeting date for the engagement between the relevant officials is confirm.
Drafting specifications for service provider to facilitate the implementation of the LDAC action plan.	Luzeth Smith	July 2022	The engagement with the officials from Provincial DSD and the Central Drug Authority will determine the specifications for the service provider
Launch of Local Drug Action Committee (LDAC)	Office of the Mayor/ Human Development Department	22 July 2022	The relevant stakeholders were notified about the launch date and a final reminder will be sent on 21 July 2022.
Training of LDAC members	Provincial Social Development and Central Drug Authority officials	To be determine	
Drafting of LDAC action plan	Provincial Social Development and Central Drug Authority officials	To be determine	
Rolling out of programmes in terms of action plan	LDAC Human Development dep.	To be determine	

FINANCIAL IMPLICATIONS

1. Section 60(8) requires that municipalities in which a Local Drug Action Committee is situated must make budgetary provision to support the function of the LDAC.
2. R40 000,00 is budgeted for the operations of the LDAC.
3. Submission will be made to the Dept. of Social Development, Overberg District Municipality to top up funding or in kind contribution.

STAFF IMPLICATIONS

The office of the Mayor in collaboration with the Human Development Department will serve as the secretariat of the structure.

DEPARTMENTAL COMMENTS**Chief Financial Officer**

*“Neem kennis, dankie Luzeth en moet dalk net stel dat die vestiging van sodanige komitee **onderhewig** sal wees aan voldoende begroting insluitende die moontlike aanstelling van diensverskaffer waarvan geen koste tans bekend is? Aanstelling van sodanige diensverskaffer sal deur die SCM proses moet geskied met die ervaring vereiste, spesifikasie raamwerk van wat verwag sal word van die diensverskaffer met meetbare uitsette.”*

MANAGEMENT RECOMMENDATION

- (i) Council approves the re-establishment of the Local Drug Action Committee.
- (ii) Council approves the implementation plan as contained in the agenda item.
- (iii) Submission to be made to the Provincial Social Development Department and Overberg District Municipality for financial or in kind contributions.
- (iv) Progress report to be submitted at the next portfolio committee meeting, regarding the LDAC Committee implementation plan.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 174/2022

- (i) That Council approves the re-establishment of the Local Drug Action Committee.
- (ii) That Council approves the implementation plan as contained in the agenda item.
- (iii) That submission be made to the Provincial Social Development Department and Overberg District Municipality for financial or in kind contributions.
- (iv) That a progress report be submitted at the next Management Services Portfolio Committee meeting, regarding the LDAC Committee implementation plan.

11.9 **HUMAN- AND SPORT DEVELOPMENT IMPLEMENTATION PLANS: 2022/23****PURPOSE OF REPORT**

For Council to take cognisance of the Human- and Sport Development implementation plans for the 2022/2023 financial year.

BACKGROUND

The execution of the Human Development activities is based on the Integrated Human Development plan 2020 - 2025. The key performance areas for Human Development are as follow:

- Early Childhood Development
- Youth Development
- Women
- Substance Abuse: Prevention and Rehabilitation
- Persons with Disabilities
- Support to Older Persons
- Care and Support to Families
- Sport Development
- Stakeholder Relations

- Strengthening of Non-Profit Organizations and other community-based organizations

Attached on **page 85 to 91** find the implementation plans for Human- and Sport Development.

FINANCIAL IMPLICATIONS

The Social Development budget allocation for 2022/2023 amounts to R270 000,00

The budget for Sports Development is R300 000,00

STAFF IMPLICATIONS

The Human Development Department only consists of the two permanent staff which is the Manager and Sport Coordinator. The Youth Coordinator's position is still vacant.

DEPARTMENTAL COMMENTS

Sport Programmes

Comments by the Division Head: strategic Planning and Administration

The Sport development programme is supported and assistance will be given where possible. It is recommended that the Anene Booysen Park be optimally utilised in the implementation of this plan.

Human Development Plan

Comments by the Division Head: strategic Planning and Administration

The Human Development Plan is fully supported and Communications will assist wherever possible. An approved program makes it easier to focus the municipalities limited resources on a few high impact programmes. It is further suggested that where events are proposed such as the Women's Day event a multi-disciplinary approach be adopted to see how other departments such as LED can also be involved.

MANAGEMENT RECOMMENDATION

That Council take cognisance of the implementation plan for Human- and Sports Development.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) That Council take cognisance of the implementation plan for Human- and Sports Development.
- (ii) That a workshop be held with all roleplayers, including Department of Culture and Sport.

RESOLUTION 175/2022

- (i) That Council notes the implementation plan for Human- and Sports Development.
- (ii) That a workshop be held with all roleplayers, including the Department of Culture and Sport.

11.10 **RENEWAL OF LIBRARY WORKERS CONTRACTS**

PURPOSE OF REPORT

To propose a solution for sixteen (16) temporary library personnel for ending their existing contracts, and entering into new contracts, to accommodate the shortfall in the Library Grant Funding - 10 now ending end June 2022.

BACKGROUND

In the time of the former municipal manager under the direction of Provincial library Municipal Support Team it was after deliberation decided to give a 3 year fixed term contract to all temporary contract workers. These contracts started off in 2016 and they also included benefits.

Provincial authorities suggested that the municipality had to make them permanent, but the then Municipal Manager said that he will not allow any new library worker to be on the permanent structure as provincial authorities couldn't give any guarantee that the funding will last in years to come after the 3 years period with inflation taken into consideration and the possibility of new provincial governments that might change. The situation was also mentioned in a letter from provincial library services dated 21 September 2021.

The letter stated the following considerations:

1. Prioritise library posts, as vacancies occur shift funds to ensure key posts are filled, non-key post will become frozen.
2. Frozen vacancies stay on the structure, awaits future funding.
3. Prioritise library hours - shortened opening hours, better than a close library.
4. Prioritise special services - key service continue.
5. Postponing non-urgent capital and maintenance budget items.
6. Prioritise libraries in the municipality.

Several meetings were held where the CFO informed the HR Manager, Head Libraries and the Director Management Services that there is a shortfall of approximately R700 000 with the grant funding received from the Western Cape Department of Culture Affairs and Sport (DeCAS).

Therefore, the implications are that the existing contracts ending the end of June 2022 must be scrutinized and measures put in place to accommodate the shortfall. It's a fact and a reality that the libraries could not be functional as it should be without these temporary library personnel, and that a solution should be formulated regarding the new contracts with the least effect on service delivery by accommodating the shortfall.

Several options were discussed:

1. To end the temporary contracts - not feasible because of the devastating impact on service delivery.
2. To work three days a week - Too much impact on the personnel and service delivery.
3. Flexi time was also discussed as an option.

A meeting was also called by SAMWU whereby the matter was discussed again. They raised their concerns how this matter was dealt with and came up with the following proposals:

1. Communication to affected employees with the amended terms & conditions must be withdrawn.
2. Affected employees to start working on Monday 11 July 2022.
3. Contracts to be drawn up for 3 months from 1 July 2022 - 30 September 2022 with the same status quo as per terminated contracts.

This will give the municipality some time to engage with all relevant stakeholders through the holding of a workshop that must take place not later than July - August 2022.

FINANCIAL IMPLICATIONS

Grant funding : R6 847 000

Shortfall : R711 000 currently 2022/23 book year

Here follows a layout of funding as it has been spent for the library project from period 2015/16 until now so far in the pipeline with the forecast that the shortfall will even rise:

Approved budget	Amount	Surplus / Deficit	Grant received
2015/16	-171 046	surplus	4 249 500
2016/17	167 100	Deficit	5 350 000
2017/18	133 011	Deficit	5 584 000
2018/19	(85 812)	Surplus	7 092 400
2019/20	(11 600)	Deficit	6 003 000
2020/21	(47 300)	Surplus	6 363 000
2021/22	699 120	Deficit	6 713 000
2022/23	868 880	Deficit	6 847 000

Remuneration as per current contracts (with benefits) for 3 months.

STAFF AND SERVICE DELIVERY IMPLICATIONS

Contracts must be negotiated with affected staff after the workshop between management services directorate, CFO, DeCAS and the unions. There might be a decrease in their income depending on the outcomes at the specific workshop and it will have an effect on staff morale if that happens.

COMMUNICATION TO AFFECTED STAFF

The CFO, HR Manager, Head: Libraries and Director: Management Services must all be present communicating the final proposal to unions and affected personnel.

1. Inform unions - All involved.
2. Inform, negotiate the outcome with affected staff - All involved.
3. Finalize contracts.
4. Letters to staff - HR.
5. Sign contracts.

MANAGEMENT RECOMMENDATION

- (i) That new contracts with the conditions outlined in the report under the heading terms and conditions will be offered for a three-month period from 1 July until 30 September 2022 for affected staff members.
- (ii) To take note that the new contracts is basically an extension of their current contracts with the benefits still included.
- (iii) That a workshop with all relevant stakeholders be conducted in July - August 2022 to determine a sustainable model for remuneration of contract library staff.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the matter be workshopped and a progress report be re-submitted to the Portfolio Committee.

RESOLUTION 176/2022

- (i) That new contracts with the conditions outlined in the report under the heading terms and conditions be offered for a three-month period from 1 July until 30 September 2022 to affected staff members.
- (ii) That Council takes note that the new contracts are basically an extension of the current contracts with the benefits still included.
- (iii) That Council takes note that a workshop with all relevant stakeholders will be held on the 5th of August 2022 to determine a sustainable model for remuneration of contract library staff.

11.11 **STRUISBAAI LANDGRAB ATTEMPT**

REPORT COMPILED BY MANAGER: HUMAN SETTLEMENTS

PURPOSE OF REPORT

To inform Council of the recent landgrab attempt in Struisbaai and the administrative processes followed to mitigate the risk.

BACKGROUND

On 16 June 2022 we were notified of landgrabs taking place on municipal land in Struisbaai. Law Enforcement, SAPS, Human Settlements, and the South African Human Rights Commission was immediately deployed to the area to assess the situation, mediate if possible and if necessary, take steps against those who occupied land illegally. The mediator of the South African Human Rights Commission facilitated a meeting with the aggrieved community members after they indicated that they will meet with the Municipality.

Present at the meeting with aggrieved:

- Cape Agulhas Municipality (MM)
- Executive Mayor Paul Swarts
- Director: Management Services - Hendrik Krohn
- Manager Human Settlements - Michael Dennis
- SAPS Station Commander
- Over 100 Community Members.
- Mediator: SAHRC

The platform was created for the community to raise their frustration. They had different spokes persons. The following issues were raised:

- Talking about the Housing Waiting list.
- Empty promises in terms of housing delivery.
- Challenges of floods, because of stormwater.
- Challenges with the informal settlements and floods.
- Access to land.
- They felt that government is not listening to their cry and planned to take land.

The following outcomes were proposed and negotiated:

- That a beneficiary committee should be established, representing all different areas.
- That the municipality will appoint three (3) x community members, to work with Human Settlements with a verification process to the Struisbaai Housing waiting list, the 3 persons to appointed should represent the following, Informal Settlements, Backyard dwellers, Middle income.
- The municipality agreed to have a community meeting in Struisbaai on the Thursday after the landgrab took place
- The meeting was dismissed, and the community members had a small meeting to discuss the outcomes after they also left.
- Law Enforcement was instructed with SAPS to monitor the situation over that the weekend.

On Thursday 23 June 2022 a community meeting was held where the Mediator of SA Human Rights Commission explained to the community the purpose and what was agreed with the aggrieved. The Manager: Human Settlements made a comprehensive presentation on the housing plans for Struisbaai and mentioned all time frames with regards to the Blompark precinct that was the area where the landgrabs took place, (presentation attached on **page 92 to 101**).

PROGRESS MADE

Human Settlements, Deon Wasserman, Shane Roach and Abraham Theron had a session with the senior planner of the Western Cape Department Human Settlements where all outstanding items were presented and discussed and incorporated in the business plan for the Department to be evaluated in their adjustment budget cycle that takes place at the end of July /August 2022. Information incorporated into the plan is the stormwater reticulation and a possible layout that will be amended once planning funds have been secured (**see page 102 to 104**). The Manager Human Settlements had an update meeting on the 14 July 2022 with the elected committee to give them an update of progress that was made.

The following were discussed at the meeting with the committee:

- Roles and responsibilities of the committee vs administration of the municipality.
- The role of the 3 people appointed .
- Update on progress made with the application to the Western Cape Department of Human Settlements.
- Proposed dates of the Western Cape MEC: Human Settlements to Struisbaai.

The meeting was held in a positive manner, whilst the committee expressed their satisfaction with progress made by Human Settlements CAM. It was also proposed that the committee arrange a community meeting where the Manager Human Settlements will be invited to assist where possible, with progress made, but that the committee will give the feedback with the Manager's assistance prior to the MEC's visit to Struisbaai.

LEGAL AND POLICY IMPLICATIONS

1. The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997 (ESTA).
2. The Prevention of Illegal Evictions and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998 (PIE).
3. The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996).
4. The Trespass Act, 1959 (Act No. 6 of 1959).

FINANCIAL IMPLICATIONS

1. Appointment of 3 x EPWP workers for a period of time.
2. Operational requirements for law enforcement.
3. Expenses associated with deploying the mediator of SAHRC.

MANAGEMENT RECOMMENDATION

- (i) That Council takes cognisance of the background report in respect of the illegal land invasion attempt staged in Struisbaai-North (Blompark) on 16 June 2022.
- (ii) That the Management Services Portfolio Committee takes note of the progress made in respect of the negotiations with the aggrieved community members thus far in order to mitigate the risk to the municipality.
- (iii) That the Office of the Executive Mayor liaise with the Office of the Western Cape MEC: Human Settlements in respect of a site visit to Struisbaai in the near future.
- (iv) That Manager: Protection Services draft a comprehensive illegal land invasion strategy for the Cape Agulhas municipal area.
- (v) That management and Town Planning identify land, whereafter the Director: Management Services applies for a court interdict at the Bredasdorp Magistrates Court to prohibit people from invading open municipal land illegally.
- (vi) That No-Trespassing signs be erected on identified open pieces of land in the Cape Agulhas municipal area that might be at risk of illegal invasion for human settlement purposes.
- (vii) That the relevant Ward Councillor provide regular feedback to the community on the progress of housing developments in the area at his ward committee and public meetings.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 177/2022

- (i) That Council takes cognisance of the background report in respect of the illegal land invasion attempt staged in Struisbaai-North (Blompark) on 16 June 2022.
- (ii) That the Management Services Portfolio Committee takes note of the progress made in respect of the negotiations with the aggrieved community members thus far in order to mitigate the risk to the municipality.
- (iii) That the Office of the Executive Mayor liaise with the Office of the Western Cape MEC: Human Settlements in respect of a site visit to Struisbaai in the near future.
- (iv) That Director Management Services draft a comprehensive illegal land invasion strategy for the Cape Agulhas municipal area.
- (v) That Management Services consults with all relevant internal departments such as Town Planning and Administration Services to identify land that might be at risk of invasion.
- (vi) That No-Trespassing signs be erected on the land identified above that might be at risk of illegal invasion for human settlement purposes
- (vii) That, the Director: Management Services be authorised to apply for a for a court interdict at the Bredasdorp Magistrates Court against any individuals invading vacant municipal land.
- (viii) That the relevant Ward Councillor provide regular feedback to the community on the progress of housing developments in the area at his ward committee and public meetings.

11.12 **NAPIER INFORMAL SETTLEMENTS: ALLOCATION OF PLOTS****REPORT COMPILED BY MANAGER: HUMAN SETTLEMENTS****PURPOSE OF REPORT**

Allocation of plots to residents of Napier Informal Settlements (list of names are separately attached to this agenda as "confidential").

BACKGROUND

After the recent illegal landgrabs in Napier Informal Settlements and a meeting between the Municipality represented by the Municipal Manager the community, and a mediator it was agreed that the Municipality will make plots available after the need was established. The need was established with the assistants of the peace officers, human settlements officials and committee members.

The survey that was conducted indicated a need for 100 plots at Napier Informal settlement. A meeting was also held by senior management with the Human Rights Commission on the planned plot readiness with time frames.



Other agreements made was the following:

- That 2 people be appointed to work with the Human Settlements team to verify the need and to work with human settlements.
- That a committee be established to consult and verify the list and monitor the allocation of plots.
- The committee had representation of all people staying at Napier Informal Settlement.
- That Technical services assist with the roads and Town Planning with the layout of the area.
- 3 meetings took place to explain the process the lay out, as well as the timeframes for technical services to make the roads and marking of plots with the community and committee.
- The allocation of plots was done in consultation of the committee established and totally transparent to people who expressed the need and after establishing of each household circumstances, with the Human Rights Commission being part of this process.

EFFECTS OF ILLEGAL LAND INVASIONS

The impact on land grabs has a negative effect of forward planning for any upgrade of an Informal Settlements or any other township development or Human Settlement projects and any land use planning in general. Examples of land invasions at neighbouring Municipalities had a negative effect on the socio-economic circumstances on communities, basic service delivery, public disorder, and investment. Examples of this is, Grabouw, Overstrand, Knysna, etc.

RECOMMENDATIONS

- Development of a comprehensive land invasion strategy with clear rolls and responsible across all municipal departments when an incident occurs.
- Capacity of internal law enforcement unit to deal with land invasions effectively and exploring the option to unlock other neighbouring municipalities law enforcement or the Red Ants to assist in combatting and controlling public disorder.
- When such a strategy is developed that council makes provision in the budget to give effect to the recommendations or actions contained in the strategy.

COMMENTS: OTHER OFFICIALS**Town Planning**

Implication of illegal land invasion on the SDF process.

Director: Technical Services

- If land grabs occur on property removed from existing infrastructure services, it will be very difficult or impossible to provide any form of service to those sites.
- Uncoordinated settlement makes service delivery very difficult to provide as there is usually no space allowed for roads or access to dwellings to enable the installation of services, and roads and stormwater cannot be established after the dwellings have been erected.
- If land grabs occur on private property, it exacerbates these problems.
- Depending on the number of dwellings erected it could have a disastrous effect on the capacity of existing services to supply the demand of the settlement.
- The attempted land grabs in the areas mentioned was also in an Eskom area of electricity supply where the capacity has already been reached.
- I have provided generalised comments on land invasions as I think that very detailed responses were issued by the infrastructure directorate on the incident referred to in the attached documents.

LEGAL AND POLICY IMPLICATIONS

1. The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997 (ESTA)).
2. The Prevention of Illegal Evictions and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998 (PIE)).
3. The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996).
4. The Trespass Act, 1959 (Act No. 6 of 1959).

FINANCIAL IMPLICATIONS

1. Operational requirements for law enforcement and other Municipal officials.
2. Expenses associated with deploying the mediator of SAHRC.
3. Expenses for Technical services to deploy the grader for making the roads and marking out of plots.

MANAGEMENT RECOMMENDATION

- (i) That Council takes cognisance of the background report in respect of the illegal land invasion attempt staged in Napier Informal Settlement.
- (ii) That Manager: Protection Services draft a comprehensive illegal land invasion strategy for the Cape Agulhas municipal area.
- (iii) That management and Town Planning identify land, whereafter the Director: Management Services applies for a court interdict at the Bredasdorp Magistrates Court to prohibit people from invading open municipal land illegally.
- (iv) That No-Trespassing signs be erected on identified open pieces of land in the Cape Agulhas municipal area that might be at risk of illegal invasion for human settlement purposes.
- (v) That the relevant Ward Councillor and department of Human Settlements provide regular feedback to the community on the progress of housing developments in the area at ward committees and public meetings.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) The Committee supports the management recommendation.
- (ii) That further investigation be done with regards to the allocation on a race base, one plot per family and that married couples get preference for allocation.

RESOLUTION 178/2022

- (i) That Council takes cognisance of the background report in respect of the illegal land invasion attempt staged in Napier Informal Settlement.
- (ii) That Manager: Protection Services draft a comprehensive illegal land invasion strategy for the Cape Agulhas municipal area.
- (iii) That Management Services consults with all relevant internal departments such as Town Planning and Administration Services to identify land that might be at risk of invasion.
- (iv) That No-Trespassing signs be erected on the land identified above that might be at risk of illegal invasion for human settlement purposes
- (v) That, the Director: Management Services be authorised to apply for a for a court interdict at the Bredasdorp Magistrates Court against any individuals invading vacant municipal land.
- (vi) That the relevant Ward Councillor and department of Human Settlements provide regular feedback to the community on the progress of housing developments in the area at ward committees and public meetings.
- (vii) That further investigation be done with regards to the allocation of plots on an equitable basis, one plot per family and that married couples get preference for allocation.

11.13 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 270, BREDASDORP (COLLAB:430411) (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr T October ten einde 'n gedeelte van erf 270, Bredasdorp te huur ten einde vir parkering van vragmotors aan te wend (liggingsplan aangeheg op **bladsy 105**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 106** is van mnr October ontvang om 'n gedeelte van erf 270, Bredasdorp by die Raad te huur.

MARKWAARDASIE

Onbepaald

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

Noted and not supported based on the comments made from the technical department

DIREKTEUR: BESKERMINGSDIENSTE

Sien kommentaar van mnr Anno Ward.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Not supported as the site is not suitable for truck parking.

ELEKTRISITEITSDIENSTE

There is currently no electricity infrastructure on that piece of land.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word nie ondersteun nie. redes: 1. Daar is nie openbare toilette in die nag beskikbaar nie, 2. Die geraasbesoedeling van die voertuie kan die omliggende eienaars se rus versteur. 3. Alternatiewe grond word voorgestel, en wel op die hoek van die indraai na Kleinbegin op die Swellendampad.

Die perseel was verhuur as 'n hoenderboerdery, maar die huurder het die kontrak opgesê. Toegang tot die perseel, kan vanaf P & B Limeworks se kant ontvang word. P & B Limeworks se kantore word nou aan die GPF verhuur, so daar is Veiligheidsdienste naby aan die trokke.

BESTUURDER: BOUBEHEER

Die aansoek word nie ondersteun nie, en daar is nie toilet geriewe daar beskikbaar nie. Gedeelte van die voorgestelde perseel word deur die gemeenskap vir informele sokker aangewend. Die trokke gaan ook invloed op die omliggende persele en hulle rus en vrede verstoort. Hierdie is privaat eiens en moet dus vir hul eie parkering verantwoordelik wees en vir hulle perseel daarvoor aansak soos al die ander vervoer kontrakteurs doen.

BESTUURDER: STRATE EN STORWATER

Die aansoek word nie gesteun nie, aangesien dit binne die woongebied geleë is. Die omliggende strate is nie gebou vir swaarverkeer nie. 'n Perseel buite die dorp sal meer wenslik wees.

BESTUURDER: WATER EN RIOOL

Noted.

BESTUURDER: BESKERMINGSDIENSTE

Verkeer het vantevore klagtes ontvang van trokke op die bestaande erf en daar is 'n teken opgesit om trokke te verbied vir parkering op die erf so die gevoel van omliggende bure sal in dié verband en aansoek gevra moet word oor ons al vantevore klagtes gehad het oor parkering van trokke.

KOMMENTAAR: WYKSKOMITEE: 16 MEI 2022

Die Komiteede keur erf 270, Bredasdorp reg oor die Bandediens goed vir 'n "truck stop" vir alle vragmotors, aangesien dit voorheen 'n busstop was waar alle busse gestop het en dat die sokker spelers verskuif na die Parkstraat kant.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg kan word nie, aangesien die genoemde grond nie geskik is vir die doel van die aansoek nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die aansoek en dat 'n volledige publieke deelname proses gevolg word, aangesien bestaande sonering gewysig sal word.

BESLUIT 179/2022

- (i) Dat die aansoek van mnr T October ten einde 'n gedeelte van erf 270, Bredasdorp te huur vir die parkering van vragmotors, in beginsel goedgekeur word.
- (ii) Dat 'n volledige publieke deelname proses gevolg word ten opsigte van die vervreemding.
- (iii) Dat Stadsbeplanning 'n uitleg van die perseel doen om sodoende ook die sokker spelers en ander aansoekers te akomodeer
- (iv) Dat ondersoek ingestel word na die toestand van die bestaande ablusie geriewe op die perseel.
- (v) Dat kennis geneem word dat die grond hersoneer sal moet word om die gebruik te akomodeer
- (vi) Dat 'n verdere verslag aan die Raad voorgele word aanvang van bogenoemde stappe

11.14 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 270, BREDASDORP (COLLAB:417136)****DOEL VAN VERSLAG**


Om oorweging te skenk aan die versoek van mnr R Cupido ten einde 'n gedeelte van erf 270 (gebou), Bredasdorp te huur ten einde vir spysenieringsdoeleindes aan te wend (liggingsplan aangeheg op **bladsy 107**).

ALGEMENE INLIGTING

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

AGTERGROND

Op 5 Augustus 2021 ontvang die Raad die volgende skrywe vanaf mnr Cupido:

<p>1 Dirkie Uys Street Bredasdorp 7280</p> <p>APPLICATION: LONG TERM LEASE</p> <p>Dear Ms/Mr</p> <p>I, Riedwaan Cupido (identity number- 6403095234084) hereby wish to apply for the building on the corner of Villiers and Sealy Street, better known as the "Old Bus Stop".</p> <p>My purpose of establish the business is to manufacture as well as provide work creation, to those in need. Through this business opportunity I want to empower other people , create +- 8 job opportunities.</p> <p>I believe that I can make a difference with my unique Catering skills and selling of frozen products, I always believe in a successful outcome of the day.</p> <p>I have minimal funds available to establish the business.</p> <p>I am fully prepared to re-invent the place at my own cost.</p> <p>Thank you for making time to read my proposal.</p> <p>Yours Truly Riedwaan Cupido</p> 	<p>28 Magnolia Street Bredasdorp 7280 S/08/2021</p>
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Motiveringsbief aangeheg op **bladsy 108 tot 110**.

MARKWAARDASIE

Onbepaald

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

Noted.

DIREKTEUR: BESKERMINGSDIENSTE

My voorstel sal wees dat daar gedaverteer word vir besigheids voorstelle op die perseel en dat die Raad dan die voorstelle bestudeer en besluit op die voorstel wat die grootste behoeftekoester in die gemeenskap.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

This resident should be referred to LED Department for assistance of a business/food venue. Application not supported.

ELEKTRISITEITSDIENSTE

All electrical connection costs and internal electrical compliance is for the tenants account.

BESTUURDER: STADSBEPLANNING

Die huidige sonering is nie in lyn met dit wat beoog word nie. Indien die Raad besluit om die gebou uit te verhuur vir beoogde doeleindes sal daar gehersoneer moet word

BESTUURDER: ADMINISTRATIEWE DIENSTE

Daar was reeds verskeie aansoeke vir die oprigting van besighede op die genoemde perseel, so daar bestaan wel 'n mark vir die spesifieke gedeelte van erf 270. Die aansoeker noem dat hy minimale geld beskikbaar het, en die RAAD kan nie enige geboue oprig nie. My aanbeveling sal wees dat die raad moet besin oor die gebruik van die hele stuk grond. Deel van sodanige ondersoek, sal potensiële "besighede" geïdentifiseer kan word. Indien die raad die grond wil onderverdeel moet dit per veiling aan die publiek beskikbaar gestel word, want daar bestaan reeds 'n publieke mark vir die eiendom.

BESTUURDER: BOUBEHEER

Die huidige gebou daar verleen hom beslis nie die tipe besigheid wat beoog word nie. Dit is goeie idee, maar wie gaan verantwoordelik wees vir die opgradering van die gebou tot op standaard vir die bereiding van voedsel. Die perseel sal sekerlik op tender moet uitgaan om ander ook die geleentheid te bied om aansoek te doen vir die berdryf van besigheid van daar. Dit moet eers met Eiendoms Administrasie uitgeklaar word. Dept Gesondheid sal ook sy insette hier moet gee. Die nodige bouplanne en ontwikkelings plan wat parkering ens aandui sal ingedien moet word.

BESTUURDER: WATER EN RIOOL

No objection. Water and sewer connection cost for tenant's account

BESTUURDER: STRATE EN STORWATER

Strate- en stormwaterinfrastruktuur word nie weselik beïnvloed nie.

BESTUURDER: BESKERMINGSDIENSTE

Geen besware van verkeer.

KOMMENTAAR: WYKSKOMITEE (16 MEI 2022)

Die Komiteede voel dat die area aangewend moet word vir 'n "truck stop" en die sokker verskuif na Parkstraat kant.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg kan word nie, aangesien die sonering van die genoemde erf nie geskik is vir die doel van die aansoek nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 180/2022

Dat die aansoek nie oorweeg kan word nie, aangesien die sonering van die genoemde erf nie geskik is vir die doel van die aansoek nie.

11.15 VERVREEMDING (HUUR): GEDEELTE ERF 2296 OF 2319, BREDASDORP (COLLAB: 402640) (WYK 6)**DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mev C Swartz en mev A Rossouw ten einde 'n gedeelte van Erf 2296 of Erf 2319, Bredasdorp te huur ten einde die oprigting van 'n Graad-R Kleuterskool (liggingsplan aangeheg op *bladsy 111 en 112*).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 2296, Bredasdorp
Ligging	:	Lakeystraat
Huidige Sonering	:	Publiek & Sosiaal
Erf Grootte	:	214m ²
Voorgestelde Grootte	:	800m ²

Of

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 2319, Bredasdorp
Ligging	:	Bellstraat
Huidige Sonering	:	Publiek & Sosiaal
Erf Grootte	:	2.5080ha
Voorgestelde Grootte	:	800m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 113 en 114** is van mev C Swartz en mev A Rossouw ontvang om 'n gedeelte van erf 2296 of 2319, Bredasdorp by die Raad te huur ten einde die oprigting van 'n Graad-R Kleuterskool.

MARKWAARDASIE

R

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: SIVIELE INGENEURSDIENSTE**

Lease application not supported. Leasing of a property to accommodate a need that is the mandate of the DBE and not originating from the DBE. Also leasing a property for the erection of a permanent structure is also not advisable. A detailed Business Plan is also not attached with the application with regards the cash flow of the applicant to conduct the necessary business. Even though this might be a need in the community, the approach for acquisition of land is not ideal.

DIREKTEUR: BESTUURSDIENSTE

Verkeersimpak moet ondersoek word. Bestuurder Beskermingsdienste.

DIREKTEUR: FINANSIELE DIENSTE

No supported.

ELEKTRISITEITSDIENSTE

All Electricity demand requirements and connection fees will be for the lessee.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

The idea of a school is supported subject to the following. Currently a number of ECD Centre's in the Municipal Area are on Municipal owned land. The question of improvements to municipal land would need to be addressed contractually. It also needs to be established if there is any government / NGO Support of this application. There is currently a drive through the JDA to provide support. It is suggested that a discussion be held with them and to get more clarity.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek word ondersteun. die wykskomitee se insette is van kardinale belang. Die ligging van die skooltjie sal die sukses bepaal. Die aansoeke vra in haar skrywe vir altwee erwe (2296 en 2319, Bredasdorp). Terugvalklousule sal bepaal dat indien die fasaliteit vir iets anders aangewend sal word, dit na die raad toe terugval.

BESTUURDER: STRATE EN STORMWATER

Beide erwe het toegang na 'n formele straat.

BESTUURDER: WATER EN RIOOL

Geen beswaar. Eienaar sal self dienste moet skuif indien nodig.

BESTUURDER: BOUBEHEER

Aansoek word ondersteun.

BESTUURDER: STADSBEPLANNING

Albei erwe is tans "Civic & Social"gesoneer, dus in plek vir 'n Kleuterskool. Erf 2296 is 3543 vk.m en Erf 2319 is 2,5 Hektaar. My voorstel sal wees dat die Erf 2296 aangewend kan word en verkoop word. Erf 2319 is heeltmal te groot en sal 'n onderverdeling ook behels.

BESTUURDER: BESKERMINGSDIENSTE

Kaap Agulhas verkeer het geen besware teen die aansoek nie en ondersteun die aansoek.

KOMMENTAAR: WYKSKOMITEE (28 JUNIE 2022)

Die Wykskomitee ondersteun nie die aansoek nie.

BESTUURSAANBEVELING

- (i) Dat die aansoek nie goedgekeur word nie.
- (ii) Dat die behoefte vir kleuterskool erwe ondersoek word en verwys word na die hersiening van die Ruimtelike Ontwikkelingsraamwerk (SDF).

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 181/2022

- (i) Dat die aansoek van mev C Swartz en mev A Rossouw ten einde 'n gedeelte van erf 2296 of erf 2319, Bredasdorp te huur vir die oprigting van 'n Graad-R Kleuterskool, nie goedgekeur word nie.
- (ii) Dat Stadsbeplanning in samewerking met die Wyksraadslid, 'n alternatiewe perseel identifiseer.

11.16 VERVREEMDING (HUUR): GEDEELTE ERF 1343, BREDASDORP (COLLAB: 419053)**DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr J Williams ten einde 'n gedeelte van Erf 1343, Bredasdorp by die Raad te huur ten einde vir die vervaardiging van bakstene en blokke asook die herwinning van plastiek (liggingsplan aangeheg op **bladsy 115**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1343, Bredasdorp
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	7500m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 116 tot 119** is van mnr Williams ontvang om 'n gedeelte van erf 1343, Bredasdorp by die Raad te huur vir die vervaardiging van bakstene en blokke asook die herwinning van plastiek.

MARKWAARDASIE

Onbepaald

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

MUNISIPALE BESTUURDER

Noted

DIREKTEUR: FINANSIELE DIENSTE

Geen beswaar met inaggenome die die koste vir die beskikbaarstelling van dienste tot die perseel.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

This request for alienation cannot be supported as the nature of the business is hazardous and needs to be in an industrial area. Also a feasibility study for the business needs to be presented in order to make a rational decision.

DIREKTEUR: BESTUURSDIENSTE

Uitvoerbaarheidstudie en moontlike EIA implikasies moet in gedagte gehou word.

ELEKTRISITEITSDIENSTE

All electrical infrastructure costs for tenants account.

BESTUURDER: STADSBEPLANNING

Die voorstel word ondersteun, maar eerder op 'n gedeelte waar P&B Limeworks was - Erf 6951, dan is die sonering ook in plek "Industrieel".

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die projek word absoluut ondersteun. Finale uitklaring moet oor die beskikbare grond gekry word. Die projek moet ook aan die LED en INFRASTRUKTUUR afdeling bekend gestel word. Indien die grond beskikbaar is, sal dit 'n aanwinst wees.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwaterinfrastruktuur word nie wesenlik beïnvloed nie. Die area is onderworpe aan oorstroming tydens swaar reën.

BESTUURDER: WATER EN RIOOL

No objection. Any water and sewer connection cost for tenant's account

BESTUURDER: BOUBEHEER

Hierdie is baie goeie voorstel, maar ek kan dit nie huidiglik ondersteun nie. Daar sal deur die hele proses gegaan moet word om seker te maak dat aan die vereistes voldoen word vir die herwinning van die plastiek soos voorgestel en ook aan die Waste Act voldoen moet word. Dan sal daar na die warm maak proses van die plastiek gekyk moet word want dit kan moontlik daartoe ly dat giftige gasse in die atmosfeer afgegee word. sal moet voldoen aan die voorskrifte soos uiteengesit in die air quality act.

Verder moet alle stene aan sekere standaard soos voorgeskryf in NBR en SANS 10400 voldoen voordat dit bemark of gebruik kan word in enige bouwerk. Die nodige toetse resultate sal voorsien moet word. Sodra aan al die voorgeskrewe vereistes voldoen is en die nodige magtigings verkry is kan die aansoek weer aandag geniet.

BESTUURDER: BESKERMINGSDIENSTE

Geen besware van verkeer.

KOMMENTAAR: WYKSKOMITEE (28 JUNIE 2022)

Die Wykskomitee ondersteun die aansoek.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die aansoek.
- (ii) Dat die aansoek nie ondersteun word nie, aangesien die aard van die besigheid nie toepaslik is en in 'n industriële gebied behoort.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die Bestuursaanbeveling.
- (ii) Dat 'n alternatiewe perseel deur Stadsbeplanning geïdentifiseer word (moontlik erf 6951, Bredasdorp).

BESLUIT 182/2022

- (i) Dat die aansoek van mnr J Williams ten einde 'n gedeelte van erf 1343, Bredasdorp te huur vir die vervaardiging van bakstene en blokke asook die herwinning van plastiek, in-beginsel goedgekeur word.
- (ii) Dat die voorneme van die Raad geadverteer word vir publieke kommentaar.
- (iii) Dat kennis geneem word dat die eiendom hersoneer sal moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder Erf 6951 of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik.
- (iv) Dat 'n verdere verslag in die verband aan die Raad voorgele word.

11.17 **VERVREEMDING (KOOP): GEDEELTE ERF 6570, BREDASDORP (COLLAB: 417138) (WYK 2)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr J Muggels ten einde 'n gedeelte van erf 6570, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 120**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 6570, Bredasdorp
Huidige sonering	:	Publieke Oopruimte
Erf Grootte	:	33.5116ha
Voorgestelde Grootte	:	6m

AGTERGROND

Op 17 November 2021 ontvang die Raad die volgende skrywe vanaf mnr J Muggels:

*Hiermee doen ek MARTHINUS JOHANNES MUGGELS ID NOMMER: 860317 5129 08 2
,aansoek om n gedeelte van
6m munisipale grond by die raad te koop.*

*Die gedeelte grond is aangrensend aan my erf 6509 wat gelee is te Bredasdorp millpark,,
adres is WINDMEUL STRAAT 54.*

DOEL/REDE

Ek wil graag tuin maak om groente te plant.

0734249045 / 0717517602

MARKWAARDASIE

R5 000,00

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**MUNISIPALE BESTUURDER**

Noted.

DIREKTEUR: FINANSIELE DIENSTE

Noted with the concerns raised by the other departments sections.

DIREKTEUR: BESTUURSDIENSTE

Ek dink nie dis 'n ekonomiese eenheid vir groente verbouing nie.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Not supported. Adhoc alienation of commonage is not supported and should be referred to Town Planning for optimal usage determination.

ELEKTRISITEITSDIENSTE

I seem to recollect that in the original EIA that the area requested had red species growing there and was not to be used.

BESTUURDER: STADSBEPLANNING

Ek stel voor ons gaan doen eers 'n terein inspeksie- In 'n soortgelyke geval in Waenhuiskarans het ons gevind dat baie inwoners reeds hul erwe uitgebrei het om groentetuine in te sluit. Dit kan dalk net 'n gedeelte wees wat tans onder hewige rommel en besoedeling geteister word- dan kan groentetuinbou eerder aanbeveel word om die omgewing positief te beïnvloed. Die gedeelte val wel in 'n "wetland", maar omdat geen permanente struktuur operig word nie, kan dit aanbeveel word dat die grond gehuur word.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ek dink die grootte versoek, is nie reg nie. (6m x die breedte van sy erf = m²) Ek tyfel of die grond aanliggend aan erf 6509, geskik is vir groente verbouing. Ek sal nie die versnippering van die "oorblywende Resedensiële grond" kan ondersteun nie.

BESTUURDER: STRATE EN STORMWATER

Die "EIA" van die Mill Park ontwikkeling het duidelik gemeld dat die grense van die ontwikkeling nie oorskry mag word nie a.g.v. die sensitiwiteit van die plantegroei. Die aansoek word derhalwe nie gesteun nie.

BESTUURDER: WATER EN RIOOL

No objection. Any water and sewer connection cost for tenant's account.

BESTUURDER: BOUBEHEER

Die aansoek word nie aanbeveel nie, daar is uitstaande info wat verkry moet word. Belangrikste is wat is die toekomstige planne met die grons gaan dit vir verder uitbreiding aangewend word of nie. Sodra dit bepaal is kan die aansoek weer oorweeg word.

KOMMENTAAR: WYKSKOMITEE (16 MEI 2022)

Die Komiteede keur die aansoek om erf 670, Bredasdorp vir uitbreiding, nie goed nie.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg kan word nie as gevolg van die sensitiwiteit van die plantegroei op die genoemde gedeelte.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun nie die Bestuursaanbeveling nie, aangesien die aanliggende gedeelte vir munisipale uitbreidingsdoeleindes aangewend sal word.

BESLUIT 183/2022

- (i) Dat in-beginsel goedkeuring verleen word vir die verhuur van 'n gedeelte van erf 6570, Bredasdorp aan mnr J Muggels vir 'n groentetuin.
- (ii) Dat die Raad se voorneme geadverteer word vir publieke kommentaar.
- (iii) Dat 'n volledige verslag aan die Raad voorgele word na afhandeling van die publieke deelname proses.

11.18 **VERVREEMDING (KOOP): GEDEELTE ERF 5209, BREDASDORP (COLLAB: 417144)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me H Vaaltyn ten einde 'n gedeelte van erf 5209, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 121**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 5209, Bredasdorp
Huidige sonering	:	Publieke Oopruimte
Erf Grootte	:	1876m ²
Voorgestelde Grootte	:	183m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 122** is van me Vaaltyn ontvang om 'n gedeelte van erf 5209, Bredasdorp by die Raad te koop ten einde vir 'n dagsorg sentrum aan te wend.

MARKWAARDASIE

Onbepaald

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**MUNISIPALE BESTUURDER**

Noted.

DIREKTEUR: FINANSIELE DIENSTE

Noted with no objection

DIREKTEUR: BESTUURSDIENSTE

Sal voorstel dat publieke deelname proses gevolg word om die behoefte te bepaal waarna daar dan besigheids voorstelle aangevra word met volledige besigheidsplanne.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

The space is too small for a Day Care Centre that will look after children. a detailed business plan needs to be submitted for consideration by the Council to establish feasibility, including cash flows, required qualifications for the day care and also support from the relevant Provincial Department before the proposal to alienate is considered.

ELEKTRISITEITSDIENSTE

No Electrical equipment or infrastructure that is present on that piece of land can be moved as the land was left to accommodate the staying of overhead conductors and poles.

BESTUURDER: STADSBEPLANNING

Ek stel voor ons doen 'n terein inspeksie. Indien daar geen stormwater probleme op die voorgestelde gedeelte is nie, kan die aansoek oorweeg word. Parksluiting en herosnering sal moet plaasvind, terwyl pubieke deelname deel van die proses sal wees. Die grootte van die voorgestelde gedeelte moet dalk ook hersien word om 'n groter gedeelte in te sluit. Ek stel voor ons doen 'n terein inspeksie. Indien daar geen stormwater probleme op die voorgestelde gedeelte is nie, kan die aansoek oorweeg word. Parksluiting en herosnering sal moet plaasvind, terwyl pubieke deelname deel van die proses sal wees. Die grootte van die voorgestelde gedeelte moet dalk ook hersien word om 'n groter gedeelte in te sluit. Soos Me. Vaaltyn noem daar word rommel gestrooi en daar is 'n behoefte om na die gemeenskap se kinders om te sien

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word ondersteun. Daar is heelwat mense wat die "oop gedeelte" tans as deurgang gebruik, so 'n baie deeglike pubieke deelname proses moet gevolg word.

BESTUURDER: STRATE EN STORMWATER

Indien daar enige stormwaterinfrastruktuur op die betrokke gedeelte grond is, kan dit nie toe gemaak of verwyder word nie.

BESTUURDER: WATER EN RIOOL

No objection. Any water and sewer connection cost for tenant's account.

BESTUURDER: BOUBEHEER

Daar sal eers Pubieke deelname proses moet volg om al die Wetlike aspekte aan tespreek en die invloed wat dit moontlik op die area sal he.

BESTUURDER: BESKERMINGSDIENSTE

Stel ook voor pubieke deelname van publiek.

KOMMENTAAR: WYKSKOMITEE (28 JUNIE 2022)

Die wykskomitee ondersteun die aansoek.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die aansoek.
- (ii) Dat alle wetlike prosesse voltooi moet word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die Bestuursaanbeveling.
- (ii) Dat genoemde gedeelte wel vervreem kan word vir die oprigting van 'n dagsorg sentrum.
- (iii) Dat 'n markwaardasie verkry word.

BESLUIT 184/2022

- (i) Dat in-beginsel goedkeuring verleen word aan me Vaaltyn om 'n gedeelte van erf 5209, Bredasdorp by die Raad te koop ten einde vir 'n dagsorg sentrum aan te wend.
- (ii) Dat die Raad se voorneme geadverteer word vir pubieke kommentaar.
- (iii) Dat n verdere verslag aan die Raad voorgele word na afleiding van die pubieke komentaar tydperk

11.19 **VERVREEMDING (KOOP): ERF 937, NAPIER (COLLAB: 395472) (WYK 1)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me C Van Zyl, namens Breedevelei Ondernemings ten einde erf 937, Napier te koop (liggingsplan aangeheg op **bladsy 123**).

ALGEMENE INLIGTING

Eienaars : KAM
Eiendom : Erf 937, Napier
Ligging : Octoberlaan 9
Huidige sonering : Enkel Residensieel
Erf Grootte : 575m²

AGTERGROND


Op 13 Julie 2021 ontvang die Raad die volgende skrywe vanaf me C Van Zyl, namens Breedevelei Ondernemings:

Wie dit mag aangaan:

Hiermee bevestig ek, Catherina van Zyl, ID 660503 0221 08 9, Direkteur van Breedevelei Ondernemings (Pty) Ltd, dat Breedevelei Ondernemings belangstel om Oktoberlaan 9 (Erf 937), Nuwerus, Napier te koop.

Ons versoek hiermee KAM om 'n waardasie op die erf te doen.

Groete,


.....

C van Zyl
082 780 5199

MARKWAARDASIE

R6 000,00 : Munisipale Waardasie

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**MUNISIPALE BESTUURDER**

Application to be processed and comment obtained from all relevant stakeholders.

DIREKTEUR: FINANSIELE DIENSTE

No objection.

DIREKTEUR: BESTUURSDIENSTE

Alle publieke en wetgewende prosesse moet gevolg word.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Due process needs to be followed and the land to be disposed of on public auction to achieve the best price according to the MFMA.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Available residential erven to be disposed of via public process

ELEKTRISITEITSDIENSTE

All costs for electrification will be for the owners account.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word ondersteun dat die erf Per Tender vervreemd word.

BESTUURDER: STRATE EN STORMWATER

Die betrokke erf het toegang na 'n formele straat.

BESTUURDER: WATER & RIOOL

Geen beswaar.

BESTUURDER: STADSBEPLANNING

No objection. The zoning is in place for residential purposes.

BESTUURDER: BOUBEHEER

Die aansoek word ondersteun, alle Wetlike prosese moet gevolg en nagekom word.

KOMMENTAAR: WYKSKOMITEE (10 MEI 2022)

"The meeting is in agreement that the property should rather be sold on public auction."

BESTUURSAANBEVELING

Dat erf 937, Napier 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.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling en dat die erf so spoedig moontlik op die eerskomende veiling vervreem word.

BESLUIT 185/2022

Dat erf 937, Napier 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.

11.20 **VERVREEMDING (KOOP): GEDEELTE ERF 670, WAENHUISKRANS (COLLAB: 426668) (WYK 6)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van United Outreach Ministries ten einde 'n gedeelte van erf 670, Waenhuiskrans te koop (liggingsplan aangeheg op **bladsy 124**).

ALGEMENE INLIGTING

Eienaars : KAM
 Eiendom : Gedeelte Erf 670, Waenhuiskrans
 Huidige sonering : Publieke Oopruimte
 Erf Grootte : 7413m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 125** is van United Outreach Ministries ontvang om 'n gedeelte van erf 670, Waenhuiskrans by die Raad te koop ten einde vir parkering en 'n tuin aan te wend.

MARKWAARDASIE

R

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**MUNISIPALE BESTUURDER**

Noted.

DIREKTEUR: FINANSIELE DIENSTE

Noted together with the inputs made.

DIREKTEUR: BESTUURSDIENSTE

Neem kennis.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Alienation not supported. The church had difficulty in levelling the land and it posed some risk to adjoining owners. A site visit is proposed to establish feasibility and if a need exists that would warrant the sale of prime municipal land.

ELEKTRISITEITSDIENSTE

Eskom supply area.

BESTUURDER: STADSBEPLANNING

Dit vorm deel van die voorgestelde nuwe uitleg van Erf 670 vir behuising.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

BESTUURDER: WATER EN RIOOL

Additional water and sewer connections, moving of existing water and sewer infrastructure will be for the applicant's account.

BESTUURDER: BOUBEHEER

Daar moet eers vasgestel word of die gronde nie verder vir behuising aangewend kan of sal word en TP moet dit eers bevestig. Aansoek word nie ondersteun voordat duidelikheid nie van TP verkry is nie.

KOMMENTAAR: WYKSKOMITEE (28 JUNIE 2022)

Die Wykskomitee ondersteun nie die aansoek nie.

BESTUURSAANBEVELING

Dat die aansoek nie goedgekeur word nie, aangesien die erf moontlik later vir munisipale behoeftes aangewend kan word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 186/2022

Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.

11.21 **VERVREEMDING VAN MUNISIPALE EIENDOMME****DOEL VAN VERSLAG**

Om die Raad in te lig oor die vervreemding van munisipale eiendomme, soos goedgekeur per Raadsbesluite.

ALGEMENE INLIGTING

EIENDOM	LIGGING	SONERING	ERF GROOTTE	WAARDASIE	RAADSBESLUIT
Erf 1557, Bredasdorp	Jeremystraat	Enkel Residensieel	1 456m ²	R300 000,00	199/2020
Erf 3604, Bredasdorp	Golfstraat	Enkel Residensieel	588m ²	R 35 000,00	27/2021
Erf 3619, Bredasdorp	Kalkoentjiesingel	Enkel Residensieel	643m ²	R 35 000,00	27/2021
Erf 4175, Bredasdorp	Agter Polisiestatie	Enkel Residensieel	592m ²	R100 000.00	27/2021

EIENDOM	LIGGING	SONERING	ERF GROOTTE	WAARDASIE	RAADSBESLUIT
Erf 4176, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	686m ²	R120 000.00	112/2021
Erf 4177, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	662m ²	R110 000.00	112/2021
Erf 4178, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4179, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4180, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4181, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4182, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4183, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4184, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4185, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4186, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4187, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4188, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4189, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021
Erf 4190, Bredasdorp	Agter Polisiestasie	Enkel Residensieel	599m ²	R100 000.00	112/2021

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

REGSIMPLIKASIE

The following legislation are applicable:

1. The Constitution of the Republic of South Africa (sec 217, section 195(1))
2. Municipal Finance management Act , 56 of 2003 Sec (110 to 119, Sections 14 and 90)
3. Supply Chain Management Regulations (Reg 40, sec 44, Section 168)
4. Cape Agulhas Municipal land Disposal Policy (paragraph 6)
5. CAPE Agulhas municipal SCM Policy

RAADSBESLUIT 142/2021: 30 JUNIE 2021

- (i) *Dat die Raad kennis neem van bogenoemde vervreemding van munisipale eiendomme.*
- (ii) *Die proses van vervreemding sal soos volg wees:*
 - a. *Eiendomme is klaar geïdentifiseer.*
 - b. *Tender spesifikasies sal opgestel word (SCM-Prosesse).*
 - c. *Tenders sal geadverteer word (SCM-Prosesse).*
 - d. *Sluiting van tenders (SCM-Prosesse).*
 - e. *Tenderevaluering sal plaasvind deur die "Toekenningskomitee" (SCM-Prosesse).*
 - f. *Tender sal aan die hoogste tenderaar toegeken word.*
 - g. *Ooreenkomste sal opgestel word.*
 - h. *Oordragte sal plaasvind.*
- (iii) *Die Raad kan enige tendervoorwaardes voor die tyd byvoeg, en kan insluit:*
 - a. *Koper mag geen ander eiendom besit nie.*
 - b. *Munisipale waardasie dien as die reserwe prys.*
 - c. *Eiendom word voetstoots verkoop.*
 - d. *'n Bouklousule van R100 000 op elke erf indien eiendom nie binne 5 jaar opgerig word nie.*
 - e. *Dat kopers 'n bestaande inwoner van KAM MOET wees (bewys moet gelewer word van 'n werknemer of residensiële adres binne die regsgebied).*

f. *Dat slegs EEN erf per tenderaar toegelaat word.*

(iv) *Dat erf 538, Napier vanaf die lys van erwe verwyder word.*

RAADSBESLUIT 33/2022: 31 MAART 2022

- (i) *Dat die Raad kennis neem van die Regsmening soos voorgestel deur Kruger & Blignaut.*
- (ii) *Dat die Raad die volledige regsmening aan Nasionale en Provinsiale Tesourie voorlê vir kennisname.*
- (iii) *Dat wysigings soos deur Kruger & Blignaut voorgestel, wel in die Raad se NUWE beleid weer bevestig word, sodat daar vanaf bladsy 8 van die beleid, voorsiening gemaak kan word vir die "verklaring van belange" ("Declaration of Interest").*
- (iv) *Dat die erwe voortaan per publieke veiling verkoop sal word.*

BESPREKING

Daar is tans 'n weerspreking tussen die twee besluite, in dat die tweede besluit nie die eerste herroep nie en dat daar nie gespesifiseer word of die voorwaardes van die eerste besluit nog van toepassing is. Derhalwe word dit terug gebring ter bevestiging.

BESTUURSAANBEVELING

- (i) Dat bogenoemde 19 erwe per publieke veiling verkoop sal word.
- (ii) Dat die volgende veilingsvoorwaardes van toepassing sal wees:
 - a. Koper mag geen ander eiendom besit nie.
 - b. Munisipale waardasie dien as die reserwe prys.
 - c. Eiendom word voetstoots verkoop.
 - d. 'n Bouklousule van R100 000 op elke erf indien eiendom nie binne 5 jaar opgerig word nie.
 - e. Dat kopers 'n bestaande inwoner van KAM MOET wees (bewys moet gelewer word van 'n werknemer of residensiële adres binne die regsgebied).
 - f. Dat slegs EEN erf per koper toegelaat word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die Bestuursaanbeveling.
- (ii) Dat erf 937, Napier (grootte: 575m²) by die lys van eiendomme gevoeg word.

BESLUIT 187/2022

- (i) Dat bogenoemde 19 erwe per publieke veiling verkoop sal word.
- (ii) Dat erf 937, Napier (grootte: 575m²) by die lys van eiendomme gevoeg word.
- (iii) Dat erf 955, Struisbaai (grootte: ±589m²) (Raadsbesluit 118/2020) by die lys van eiendomme gevoeg word.
- (iv) Dat die volgende veilingsvoorwaardes van toepassing sal wees:
 - a. Koper mag geen ander eiendom huidiglik of voorheen op hulle naam geregistreer he nie
 - b. Munisipale waardasie dien as die reserwe prys.
 - c. Eiendom word voetstoots verkoop.
 - d. 'n Bouklousule van R100 000 op elke erf indien eiendom nie binne 5 jaar opgerig word nie.
 - e. Dat kopers 'n bestaande inwoner van KAM MOET wees (bewys moet gelewer word van 'n werknemer of residensiële adres binne die regsgebied).
 - f. Dat slegs EEN erf per koper toegelaat word.

11.22 **SUBDIVISION: ERF 5783, BREDASDORP**

PURPOSE OF REPORT

To consider subdivision of Erf 5783, Bredasdorp.

BACKGROUND

Erf 5783 Bredasdorp is owned by CAM, zoned Industrial and is approximately 1,29 Hectares in extent. It is proposed to subdivide the current stand into 2 erven of approximately 6 000sq.m each.

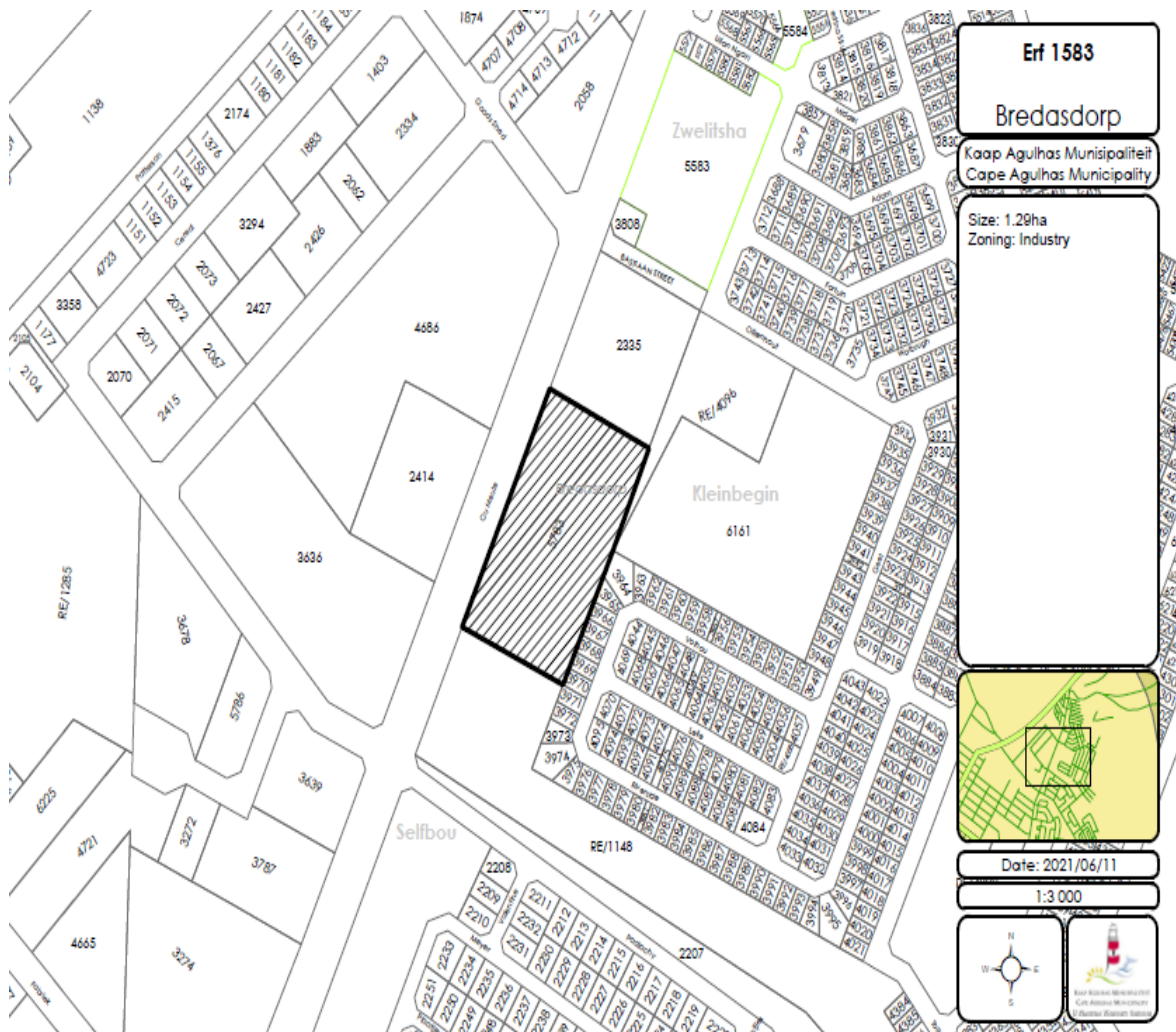
DISCUSSION

There have been multiple discussions on the possible future development of this property and how to obtain optimal benefit from it, and possibilities include selling as is or subdividing it into smaller portions.

There is a shortage of industrial erven in Bredasdorp, especially as the Bredasdorp Industrial EIA is still in process and all indications are that we may only be able to utilize 50% of the erven due to the wetland. It is therefore proposed that consideration be given to subdividing the property into 2 portions of approximately 6000sq.m each. These sizes will still be in line with surrounding erf sizes.

Following this process, the erven can be valued and a decision made on the sale thereof. It is furthermore proposed that the Ward Committees of Ward 2,3,4 and 6 provide input on the desirability of this proposal.

LOCALITY



FINANCIAL IMPLICATION

A Land Surveyor needs to be appointed to do the subdivision.

LEGAL IMPLICATION.

CAM Town Planning By- Law 2022.

PERSONNEL IMPLICATIONS

None.

DEPARTMENTAL INPUT

Departments involved: Town Planning.

WARD COMMITTEES**WARD 2 RECOMMENDATION**

Die komitee bevel aan dat Erf 5783 in 2 gedeel word vir voorheen benadeelde sake manne en 50% van die verkoop-prys gebruik word vir opkomende entrepreneurs.

WARD 3 RECOMMENDATION

Clr Renier Louw confirmed telephonically that the his ward did discuss the matter and decided that Erf 5783 be subdivided into 2 portions.

WARD 6

Beveel aan dat die grond vir 'n sportkompleks vir jeugdiges gebruik word (foutiewe erf inligting was aan die Wykskomitee voorsien).

WARD 4

Still to be discussed in the next meeting.

MANAGEMENT RECOMMENDATION

- (i) That Council approves to proceed with the subdivision of Erf 5783 into 2 portions of approximately 6 000m² each.
- (ii) That the properties be re-evaluated and sold on auction.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 188/2022

- (i) That Council approves that the Town Planning Department proceed with the subdivision of erf 5783, Bredasdorp into 4 portions
- (ii) That a further report be submitted on the servicing and manner of disposal of the above erven .

11.23 **REGISTRATION OF SERVITUDE RIGHT OF WAY OVER ERF 953, L'AGULHAS****PURPOSE OF REPORT**

The owners of Erven 952 and 954 request permission for the registration of of a servitue over Erf 953, to be able to gain acces to their properties.

BACKGROUND

Mr Swart, the owner of Erf 952, L'Agulhas wish to erect a boathouse on his property, but due to the position of the existing house it is not possible to pace it in front of the house or to gain access to it over his own property when placed behind the house.

The owner of Erf 954 also wish to make use of the same right of way servitute to gain access to a new proposed development on Erf 954.



Erf 953, L'Agulhas is a property of CAM, and approximately 1515m² in extent and zoned for "Open Space". There is currently an electrical substation on the property, as per photo:



Both owners of Erven 952 en 954 will maintain Erf 953 and will not erect any structures on the property.



FINANCIAL IMPLICATION

All costs will be for the applicants account.

LEGAL IMPLICATION

A "Right of Way" servitude should be registered

DEPARTEMENTS COMMENTS

FINANCE

No objection

INFRASTRUCTURE

No objection. No structures will be allowed on Erf 953, as MV and LV cable routes passing right through the entrance.

PROPERTY ADMINISTRATION

No objection. Site visit took place.

TOWN PLANNING

From a town planning perspective, no objection, as long as infrastructure's comments are positive.

If positive a right of way could be proposed on condition that the 2 owners maintain the stand. Subdivision and closure of Open Space in terms of our Planning By-Law, 2022.

INPUTS: DIVISION HEAD: STRATEGIC SERVICES

After a lot of thinking and a confirmation with Mr Martin Kruger -

- If we just give permission it will not be registered against the title deed which could be problematic going forward if the owners ceases to be the property owner for any reason in which case we would have to start again. We need to formalise it.
- We need to stick with the servitude but call it a "***right of way praedial servitude for vehicular access***" to be registered against the title deed of the property in perpetuum. (See def.)
- ***Praedial servitude: "A servitude is a registered right that a person has over the immovable property of another. It allows the holder of the servitude to do something with the other person's property, which may infringe upon the rights of the owner of that property. An example is the right of way to travel over a section of the other person's property in order to reach your own property."***
- This gives them the right to use our property but not exclusively - it can remain open as a pedestrian thoroughfare which it is intended.
- Servitude will need to be surveyed. They will have to pay these costs as well as registration of servitude against title deed.
- Principle approval only subject to public input.

COUNCIL'S DECISION: 31 MAY 2022

- (i) *Dat goedkeuring verleen word aan beide aansoekers vir 'n oorskreiding van gedeelte Erf 953, L'Agulhas.*
- (ii) *Dat 'n oorskreidingsfooie van R4 015,00 per jaar vooruitbetaalbaar sal wees.*
- (iii) *Dat 'n oorskreidingsooreenkoms met beide aansoekers aangegaan word vir 3 jaar, met ingang 1 Junie 2022 tot 31 Mei 2025.*

MANAGEMENT RECOMMENDATION

- (i) That Council's of 28 June 2022 be amended from encroachment to -
 - a. Registration of a portion of Erf 953 Agulhas, as a "**right of way praedial servitude for vehicular access**" for access for owners of Erven 952 and 954, L'Agulhas.
 - b. A complete public participation process will be followed and surrounding neighbours will be informed accordingly
 - c. An application for a "**right of way praedial servitude for vehicular access**" will be submitted by the owners of Erven 952 and 954 ;

- (ii) In terms of Section 15 (2)(d) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022, for purpose of a praedial servitude right of way.
- (iii) Closure of a portion of Public Place in terms of Section 15(2)(n), of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022.

RESOLUTION 189/2022

- (i) That Council's resolution 104/2022 (31 May 2022) be rescinded
- (ii) That approval be granted in principle for the registration of a "**right of way praedial servitude for vehicular access**" for access for owners of Erven 952 and 954, L'Agulhas on a portion of Erf 953 Agulhas.
- (iii) That a complete public participation process be followed and surrounding neighbours be informed accordingly
- (iv) That an application for a "right of way praedial servitude for vehicular access" will be submitted by the owners of Erven 952 and 954 ;
 - a. In terms of Section 15 (2)(d) of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022, for purpose of a praedial servitude right of way.
 - b. Closure of a portion of Public Place in terms of Section 15(2)(n), of Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022.

11.24 **OPERATIONAL PLAN FOR THE MANAGEMENT OF SUIDERSTRAND PUBLIC LAUNCH SITE LISTED IN TERMS OF SECTION 2(2) OF THE MANAGEMENT OF PUBLIC LAUNCH SITE IN THE COASTAL ZONE (REGULATIONS NOTICE NO. R.497. 27 JUNE 2014)**

PURPOSE OF REPORT

For Council to consider the Operational Plan for the Public Boat Launch Site in Suiderstrand (**see page 126 to 142**).

The Suiderstrand slipway was listed by MEC: Local Government, Environment Affairs and Development Planning, Anton Bredell, as an official Public Launch Site and Cape Agulhas Municipality identified as the responsible Management Body, in Provincial Gazette 7410, June 2015. The license expired and should now be renewed. Council approved the proposed contract with Suiderstrand Boat Club on 23 July 2019, to manage the Suiderstrand PLS- in accordance with a signed Service Level Agreement. Council also approved the Operational Management Plan during the same Council meeting. Due to Covid-19 the whole process stopped.

CAM is the managing body, however the Suiderstrand Boat Club will manage the Suiderstrand PLS on behalf of CAM through a signed SLA.

LEGISLATIVE BACKGROUND

1. The Management of Public Launch Sites (PLS) in the Coastal Zone regulations, hereafter referred to as the '*regulations*', was promulgated in terms of section 83(1)(d)(i) & (o) of the *National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)*, as amended.
2. The regulations were published in Government Gazette No. 37761, appearing as Government Notice No. R.497, on 27 June 2014; and it provides the legal framework for the management of public launch sites in the following manner:
 - (i) It describes who the role-players are;
 - (ii) It assigns obligations and duties to the role-players to manage the PLS;
 - (iii) It provides for management powers to be exercised when required;
 - (iv) It stipulates offences and specifies penalties for any transgression;
 - (v) It clarifies any conflict of other legislation, regulations, by-laws in relation to the PLS regulations.

3. PLS Regulation 3(3) specifically obligates the Management Body, i.e. the Municipality, to manage a PLS in terms of an Operational Plan; which is considered by the MEC on matters outlined in regulation 2(2), he may wish to determine, impose or regulate on.
4. The Operational Plan can therefore make certain determinations, impose prohibitions or conditions and regulate on any matter pertaining to the management and use of the PLS.
5. This document will serve as the Operational Plan; which will be managed by the Municipality; and which was jointly developed by the MEC and the Municipality.

MAINTENANCE

If there is any maintenance work or any activity which requires approval from the competent authority, the authorisation or exemption first needs to be obtained before initiating the relevant activity. The municipality is required to reasonably maintain the launch site and its associated infrastructure, to keep it in a safe, functional, tidy and presentable state.

ACCESS FEES

There will be no access fee charged, however a service fee/ maintenance fee may be applicable as stipulated in the Service Level Agreement between CAM and Suiderstrand Boat Club.

ACCESS CONTROL

Access to the launch site should be equitable and for use by all users (including non-members/day visitors), on condition that they comply with the legal requirements associated to the use of the designated area and within the rules that govern the use of the site.

Reasonable access control measures as stipulated in the Service level Agreement between CAM and Suiderstrand Boat Club, must be put in place at the site; with the control measure relative to the nature of the site, its frequency of usage, surrounding sensitive environmental areas and any other relevant considerations.

SIGNAGE

Section 20(1) of NEM: ICMA prescribes responsibilities of municipalities with regard to coastal access land; The launch site (slipway) falls within areas defined as a seashore (the area between high-water mark and the low-water mark), this means this land can be defined as a coastal public property. One of the reasons for establishment of coastal public property is for access. PLS falls amongst other types of access (vessel access). ICMA does include PLS as coastal access, and therefore it is deemed essential to at least provide adequate signage to identify the PLS for the public.

MONITORING AND REPORTING

Where a launch register is compiled to monitor and report on the vessels utilizing the launch site, it should at least contain the following information:

1. Vehicle and trailer registration numbers.
2. South African Maritime Safety Authority (SAMSA) Vessel registration number.
3. Number of persons on vessel(s).
4. Name of boat.
5. Time and date of entry.
6. Purpose for entry (recreational use, scuba-diving, etc.).
7. Name of skipper.

The Service Level Agreement between Cape Agulhas Municipality and Suiderstrand Boat Club will contain detail on how the monitoring is done on this launch site, referring to where this register is kept and managed.

The above records, as well as any records obtained regarding non-compliance to legislation and/or provisions stated in the operational plan must be kept for a period of 48 months. Such information must be accessible to organs of state on request and will be taken into account when the MEC reviews the list of PLS in the Western Cape.

In the absence of the requirement to keep a launch register, the SAMSA regulations requiring trailers of sea-going boats to be conspicuously marked with the vessel's name (or similar approved marking), the vessel owner's name and an emergency contact number are strictly to be adhered to. The skipper shall ensure that SAMSA's requirements with regard to providing details of the persons on board and the boat's intended destination(s) (and when altered) is available at the emergency contact number.

MANAGEMENT REQUIREMENTS

The impacts arising out of the use of this boat launch site are likely to be of low significance provided the applicant and users comply with the following management requirements as applicable:

1. Access must be controlled by a locked chain across the access route.
2. A sign board must be posted at the access point with contact details of who to contact to gain access and to inform the users of the boat launch site that such area is restricted to users that comply with all the requirements of the Marine Living Resources Act 1998 (Act 18 of 1998) and regulations, and South African Maritime Safety Authorities (SAMSA) legislation, as well as all other relevant legislation.
3. A responsible person must be available to manage access to the launch site, to keep a record of all launches whenever the site is in use, and to ensure the specified daily maximum number of launches is not exceeded. The launch register must contain at least the following: vehicle and trailer registration numbers, SAMSA Vessel registration number, Number of crew on the vessel, Name of boat, Time and date of entry, Purpose for entry and name of skipper.
4. Boats and vehicles must be checked to ensure no hydrocarbon leaks exist prior to permitting access to the beach.
5. The beach launching area must be clearly demarcated using illustrations on a signboard at the start of the access point and two clearly visible poles at either extent of the launch site, to be erected whenever the site is in use. Users must be instructed to remain within the boundaries of the demarcated boat launch area and within the limits of the existing track.
6. The area used for launching should not exceed 50 m north and 20 m south from the point at which the access route reaches the high water mark.
7. No vehicles or trailers may remain parked on the beach or in the dune area. A suitable area must be designated for parking of vehicles and trailers used for launching of boats.
8. A maximum of 15 boat launches per day should be permitted at this site.
9. Permission for one disabled member of the Suidersstrand Boat Club to leave his vehicle and trailer in the launching zone granted in the original ROD for the launch site should be retained, provided that the vehicle and trailer are parked within the demarcated launching area.

MANAGEMENT RECOMMENDATION

- (i) That Council confirms that Suidersstrand Public Launch Site is a listed site to go out on notice.
- (ii) That Council contract Suidersstrand Boat Club to manage the Suidersstrand public launch site on its behalf in terms of a Service Level Agreement (SLA).
- (iii) That Council approves the Operational Management Plan.
- (iv) That the Provincial Department be informed of Council's decision.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) The Committee supports the management recommendation.
- (ii) That the launch site be available to all residence at an affordable tariff.

RESOLUTION 190/2022

- (i) That Council confirms that Suiderstrand Public Launch Site is a listed site to go out on notice.
- (ii) That Council contract Suiderstrand Boat Club to manage the Suiderstrand public launch site on its behalf in terms of a Service Level Agreement (SLA).
- (iii) That Council approves the Operational Management Plan.
- (iv) That the Provincial Department be informed of Council's decision.
- (v) That the launch site be available to all CAM residents at an affordable service fee.

11.25 **VERHURING VAN GROBBELAARSAAL, NAPIER: ME NAZLEY SALIE**

'n Vorige verslag het op 31 Mei 2022 op die Raadsvergadering gedien en Raadsbesluit 106/2022 het daaruit gespruit. Die Raad het onder andere besluit dat die voorneme om bogenoemde perseel aan die aanbevole aansoeker, me Nazley Salie te verhuur, aan die publiek gekommunikeer word.

'n Advertensie was geplaas om die publiek dienoreenkomstig in te lig en een beswaar, soos aangeheg op **bladsy 143** is ontvang.

Hieronder volg die vorige item wat op die Raadsvergadering van 31 Mei 2022 gedien het:

“DOEL VAN VERSLAG

Vir die Raad om kennis te neem van die voorneme om die Grobbelaarsaal, geleë op erf 850, Napier aan 'n gekwalifiseerde aansoeker te verhuur, sodat plaaslike ekonomiese inisiatiewe vanaf die perseel bedryf kan word.

AGTERGROND

Die Grobbelaarsaal is tans onderbenut en die versugting was uitgespreek dat dit aangewend word vir inisiatiewe om plaaslike inwoners ekonomies te kan bemagtig, aangesien die gemeenskap van Napier 'n behoefte hiervoor uitgespreek het. 'n Publieke deelname proses is gevolglik deur 'n diensverskaffer namens die Raad geloods om die sonering van die saal te verander om die saal vir sulke inisiatiewe aan te mag wend. Die gevolg was dat 'n tydelike afwyking deur die toepaslike strukture goedgekeur is om die Grobbelaarsaal aan te wend vir vir kleinskaalse, ligte nywerhede en vervaardiging, asook vir die aanbied van plaaslike ekonomiese ontwikkelings-bemagtigingskursusse/ werkswinkels.

'n Advertensie vir voorstelle vir die gebruik van die Grobbelaarsaal was gevolglik uitgereik aan Nie-Regeringsorganisasies (NRO's) of individue om aansoek te doen om die fasiliteit vir hierdie doel aan te wend. Aansoekers moes ook toestem tot die betaling van maandelikse huurgeld vir die perseel. Een aansoek is na aanleiding van die advertensie ontvang. Die aansoek is in lyn met die voorwaardes van die tydelike afwyking wat vir die perseel goedgekeur was.

BESTUURSAANBEVELING

Dat die Raad kennis neem van die voorneme om die Grobbelaarsaal te verhuur aan 'n gekwalifiseerde aansoeker.

Die aangeleentheid was nog nie deur die Wykskomitee bespreek en oorweeg nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE (24 MEI 2022)

- (i) *Dat die Bestuursaanbeveling aanvaar word.*
- (ii) *Dat die Munisipale Bestuurder 'n jaar-tot-jaar huurooreenkoms met die tenderaar aangaan.*
- (iii) *Dat 'n markverwante huur bepaal word.*

- (iv) *Dat Napier Retirement Village 'n geleentheid gebied word om 'n volledige voorlegging aan die Komitee te doen insake die moontlike aankoop van die Grobbelaarsaal.*

RAADSBESLUIT 106/2022: 31 MEI 2022

- (i) *Dat in-beginsel goedkeuring verleen word vir die verhuring van die Grobbelaarsaal aan me Nazley Salie.*
- (ii) *Dat die Munisipale Bestuurder 'n jaar-tot-jaar huurooreenkoms (beginnende 1 Julie 2022) met die aansoeker aangaan.*
- (iii) *Dat 'n markverwante huur bepaal word.*
- (iv) *Dat die aangeleentheid ook na die Wykskomitee verwys word vir hulle insette.*
- (v) *Dat die publiek in kennis gestel word van die Raad se voorneme."*

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

1. Municipal Asses Transfer Regulations.
2. Local Government: Municipal Systems Act (32 of 2000).
3. Cape Agulhas Municipality Property Management Policy.
4. Cape Agulhas Municipality LED Strategy.
5. Cape Agulhas Municipality Economic Recovery Plan.

KOMMENTAAR: WYKSKOMITEE

Die Wykskomitee ondersteun die Bestuursaanbeveling.

BESTUURSAANBEVELING

- (i) *Dat die beswaar nie handhaaf word nie, aangesien dit handel oor die sonering van die spesifieke erf en nie soseer oor die bedrywe wat daar gevestig sal word nie. 'n Publieke deelname proses is gevolg waarna besluit was om 'n tydelike afwyking daar te stel wat voorsiening maak vir die aktiwiteite soos deur die aansoeker beoog.*
- (ii) *Dat voortgegaan word om die Grobbelaarsaal aan me Nazley Salie te verhuur vir ekonomiese doeleindes, soos aangedui in haar aansoek.*
- (iii) *Dat 'n markverwante huur bepaal word.*
- (iv) *Dat die Munisipale Bestuurder 'n jaar-tot-jaar huurooreenkoms (beginnende 1 Augustus 2022) met die aansoeker aangaan.*

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 191/2022

- (i) *Dat die beswaar nie handhaaf word nie, aangesien dit handel oor die sonering van die spesifieke erf en nie soseer oor die bedrywe wat daar gevestig sal word nie. 'n Publieke deelname proses is gevolg waarna besluit was om 'n tydelike afwyking daar te stel wat voorsiening maak vir die aktiwiteite soos deur die aansoeker beoog.*
- (ii) *Dat voortgegaan word om die Grobbelaarsaal aan me Nazley Salie te verhuur vir ekonomiese doeleindes, soos aangedui in haar aansoek.*
- (iii) *Dat 'n markverwante huur bepaal word wat voorgele word aan die Raad vir goedkeuring.*
- (iv) *Dat die Munisipale Bestuurder 'n jaar-tot-jaar huurooreenkoms met die aansoeker aangaan.*

11.26 **GOEDKEURING VAN DIENSTEOORENKOMS: KLEINSAKE ONTWIKKELINGSAGENTSAP (SEDA)****DOEL VAN VERSLAG**

Om toestemming te verleen vir sluit van 'n dienste ooreenkoms met bogenoemde instansie.

AGTERGROND

Die Kleinsake Ontwikkelingsagentskap is soos die naam aandui, 'n instansie wat funksioneer met die doel om klein besighede te bemagtig. Die LED/Toerisme afdeling het 'n lang verbintenis met hierdie agentskap, in terme waarvan die agentskap ons bygestaan het met die aanbied van opleiding/werkswinkels, die verskaffing van implimente en ander toebehore aan entrepreneurs, ens. Ons wil graag die dienste wat hulle aanbied optimal benut ten gunste van besighede in ons omgewing, derhalwe wil ons 'n dienste-ooreenkoms met hulle sluit om dit moontlik te kan maak.

Die volgende dienste gelewer deur SEDA sal by die ooreenkoms ingeluit word:

- Business Diagnosis Analysis.
- Management System Implementation.
- Joint Venture and Business-to-business facilitation.
- Facilitate access to marketing development for start-up and existing businesses.
- Co-operative development facilitation.
- Drafting business plans for start-up and existing enterprises.
- Access to fiancé mentorship.
- Franchising.
- Export Development and Promotion Programmes.
- Business support and relating training programmes.
- Access to mentorship and incubation.
- Registration of new businesses.
- Monthly reporting on financial and non-financial assistance delivered by SEDA to local businesses within municipality.
- Monthly reporting on statements on municipal financial contribution.

FINANSIËLE IMPLIKASIE

R100 000, 00 (voldoende fondse is beskikbaar in LED/Toerisme se bedryfsfonds).

BESTUURSAANBEVELING

- (i) Dat goedkeuring verleen word om 'n diensteooreenkoms, soos aangeheg op **bladsy 144 tot 154** met die Kleinsake Ontwikkelingsagentskap (SEDA) gesluit word.
- (ii) Dat 'n implementeringsplan opgestel word ten opsigte van die geprioritiseerde programme wat uitgerol gaan word in terme van die diensteooreenkoms.
- (iii) Dat die diensteooreenkoms jaarliks geëvalueer en hersien word.
- (iv) Dat 'n vorderingsverslag ten opsigte van die geprioritiseerde programme op 'n voortdurende basis aan die Raad voorgehou word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 192/2022

- (i) Dat goedkeuring verleen word om 'n diensteooreenkoms, soos aangeheg op **bladsy 144 tot 154** met die Kleinsake Ontwikkelingsagentskap (SEDA) gesluit word.
- (ii) Dat 'n implementeringsplan opgestel word ten opsigte van die geprioritiseerde programme wat uitgerol gaan word in terme van die diensteooreenkoms.
- (iii) Dat die diensteooreenkoms jaarliks geëvalueer en hersien word.
- (iv) Dat 'n vorderingsverslag ten opsigte van die geprioritiseerde programme op 'n voortdurende basis aan die Raad voorgehou word.

11.27 **NERSA: GOEDKEURING VAN ELEKTRISITEITSTARIEWE INSAKE DIE 2022/23 BEGROTING JAAR**

DOEL VAN VERSLAG

Om NERSA se goedgekeurde tariewe vir die lewering van elektrisiteitsdienste in die Kaap Agulhas Munisipale gebied, met betrekking tot die 2022/23 begroting jaar, te oorweeg vir goedkeuring in terme van Nasionale Tesourie se riglyne met omsendskrywe 112 en 116 asook ander toepaslike wetgewing in die verband.

AGTERGROND

Die voorlopige elektrisiteitstariewe vir die periode 1 Julie 2022 tot Junie 2023 was deur die Raad goedgekeur op 31 Maart 2022 onderhewig aan voorlegging na NERSA vir finale goedkeuring.

Op 7 Julie 2022 het die munisipaliteit terugvoer ontvang vanaf NERSA insake die voorgestelde finale goedgekeurde elektrisiteitstariewe vir implementering met effek 1 Julie 2022. Behalwe vir desimale verskille ten opsigte van tarief item 4.94(xvii) - "Domestic High Single Phase Conventional / Prepaid above 30 Amp" word geen ander afwykings aangetoon in terme van die reeds goedgekeurde elektrisiteitstariewe deur die Raad op 7 Junie 2022.

Dit is egter van belang om die opwaartse tarief aanpassing te doen en in lyn gebring moet word met die elektrisiteits tariewe soos vasgestel deur NERSA per skrywe gedateer 5 Julie 2022.

'n Afskrif van die goedgekeurde NERSA elektrisiteitstariewe ten opsigte van die 2022/23 finansiële jaar is aangeheg op **bladsy 155 tot 159** vir oorweging en goedkeuring.

Die finansiële implikasie met betrekking tot die een gewysigde tarief het geen impak op die goedgekeurde begroting vir elektrisiteit ten opsigte van die 2022/23 begroting jaar.

The Munisipale Bestuurder, in konsultasie met die Direkteur Finansies, beveel as volg aan:

BESTUURSAANBEVELING

- (i) Dat die Raad die goedgekeurde elektrisiteitstariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2022 tot Junie 2023.
- (ii) Dat die Raad verder goedkeuring verleen dat Bylaag "A(1)" - Elektrisiteitsdienste Tariewe (2021/22), paragraaf 4 gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

BESLUIT 193/2022

- (i) Dat die Raad die goedgekeurde elektrisiteitstariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2022 tot Junie 2023.

- (ii) Dat die Raad verder goedkeuring verleen dat Bylaag "A(1)" - Elektriesiteitsdienste Tariewe (2021/22), paragraaf 4 gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

11.28 **RECOVERING OF AND / OR WRITING OFF IRREGULAR, UNAUTHORISED, FRUITLESS AND WASTEFUL EXPENDITURE FOR 2021/22 FINANCIAL YEARS**

PURPOSE OF REPORT

For council to investigate any irregular, unauthorized, fruitless and wasteful expenditure that have been incurred for the period February 2022 to June 2022 for approval and / or to be written off.

BACKGROUND

In terms of section 32(1) of the MFMA any political office-bearer or official of a municipality is liable for unauthorized expenditure if:

- An office-bearer knowingly or after having been advised by the accounting officer that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;
- The accounting officer deliberately or negligently incurred unauthorized expenditure, subject to subsection (3) whereby the accounting officer has informed the Council in writing that the expenditure is likely to be unauthorized, irregular or fruitless and wasteful expenditure;
- Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
- Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

Furthermore section 32(2) of the MFMA prescribes that a municipality must recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure -

- (a) in the case of unauthorized expenditure, is -
- (i) authorized in an adjustment budget; or
 - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

As part of the financial year end process irregular expenditure have been identified for further investigation if so require by council / MPAC in order to either recover or certify as irrecoverable and write off as prescribed in terms of the above mentioned legislation and in terms of the municipality's approved policy in this regard.

Attached as Annexure A on **page 160 to 162**, the register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period February 2022 to June 2022 to the amount of R76 590,00 since the last last report to Council for investigation and / or verification.

The irregular expenditure mainly has reference to the SCM policy requirement whereby the municipality did business with "The Dunes" whilst their CSD status reflected non-complaint because of Denel's financial position. They were the only service provider at the time who could accommodate the municipality as per the needs requirement and their pricing was also the lowest.

LEGAL IMPLICATION

Non-compliance if not adhere to the prescripts as stipulated per above mentioned legislation.

FINANCIAL IMPLICATION

In terms of the prescribed legislation a Council must recover any unauthorized, irregular or fruitless and wasteful expenditure deliberately or negligently incurred by a political office-bearer or official of the municipality for which he / she will be held liable after a thorough investigation been completed.

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

MANAGEMENT RECOMMENDATION

- (i) Council considers the report on unauthorized, irregular, fruitless and wasteful expenditure for the period from February 2022 to June 2022 to the amount R76 590,00 as per Annexure "A" for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 194/2022

- (i) That Council approves the report on unauthorized, irregular, fruitless and wasteful expenditure for the period from February 2022 to June 2022 to the amount R76 590,00 as per Annexure "A" for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

11.29 **PROGRESS REPORT WITH REFERENCE TO THE RESTRUCTURED CREDIT CONTROL UNIT TOGETHER WITH ENHANCED CREDIT CONTROL PROCESSES AND PROCEDURES TO IMPROVE THE RECOVERING OF OUTSTANDING DEBT**

PURPOSE OF REPORT

For Council to take note of the restructured credit control unit with a clear focus in the improvement of customer care through effective communication, enhanced credit control mechanisms and processes to further improve the municipality's ability to recover its outstanding debt based on best practices in the most cost-effective manner.

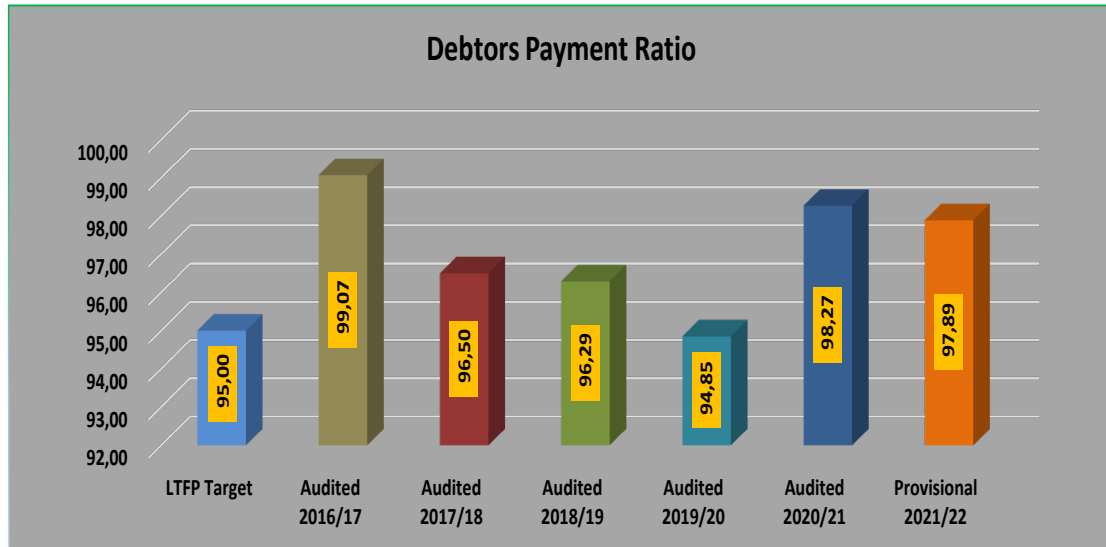
BACKGROUND

It remains a huge risk and challenge to maintain a debt collection rate above the 95% as per the National Treasury's guideline norm considering the ongoing worsen economic outlook in the country and increased job losses which impact negative on the municipality's ability to protect its revenue base and the collection of all monies due for the rendering of municipal services. The municipality defined this risk as a very high priority and focus area to ensure financial viability in terms of the municipality's Long Term Financial Plan forecast by applying more innovative, effective and efficient debt collecting measures to maintain a debt collection rate of at least 96% which been slightly higher than the National Treasury's guideline norm as reflected earlier.

The Cape Agulhas municipality's debt collection ratio over the past financial years (2016/17 till 2019/20) as well as the latest audited financial year outcome result (2020/21) as provided by Provincial Treasury reflects that the municipality on a consistent basis performs amongst the top three municipalities in the Western Cape Province and to put this performance in perspective it is important to note that fourteen (14) of the municipalities from the Western Cape reflecting amongst the top twenty best performing municipalities in the country. (*The*

municipality's performance results over these mentioned financial years reflects third with an average debt collection rate of 95,50% whilst the 1st municipality reflects at 98,50% with the 2nd highest municipality at 96,75%).

Following a graph illustrating the municipality's performance over the past six financial years:



The graph clearly indicated a downward trend since the 2017/18 financial year with various substantial reasoning as to why it happened and hence the municipality's trigger reaction during the 2019/20 financial year whereby credit control & debt collection was identified as a key strategic focus area within the department finance to start a process requesting a comprehensive assessment in respect of the current in-house credit debt collection available skills, processes, overall performances and the provision a of turnaround strategy with recommendations. This assessment framework amongst others included the following:

- Establish the current skill level of the credit control & debt collection team;
- Unpack the current collection strategy approved by the municipality;
- Unpack the overall performance and effectiveness of the credit control & debt collection team;
- Determine and work a best practice strategy for the municipality; and a
- Systems approach to recommend and initiate a turnaround strategy with clear deliverables and realistic timeframe as a way forward for implementation.

The outcome of "Debt Collection Assessment" report mainly reflected on the following high level and key areas for improvement:

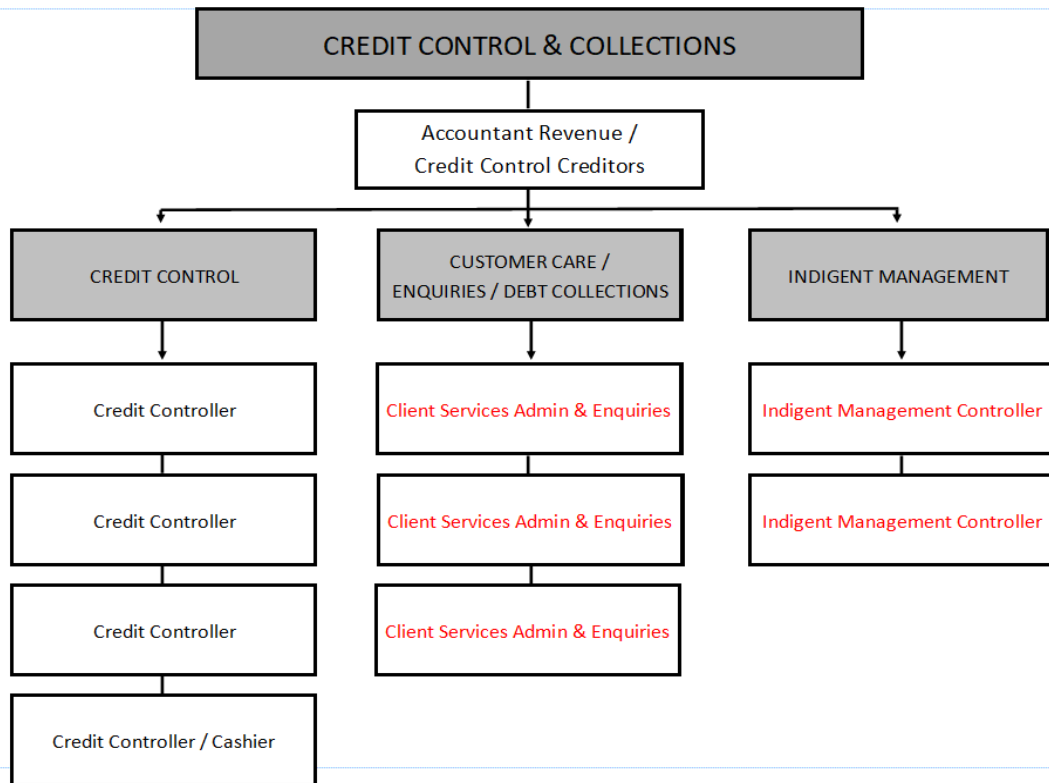
- Re-structuring and alignment of the internal credit control & debt collection unit with reference to the roles and responsibilities, capacity building with strong monitoring and oversight in terms of the unit's performance.
- Improved debt collection strategies in the most cost effective and efficient way through the appointment of a service provider and establishment of an external "Call Centre".
- Review and enhancement of the current by-laws, policy's, operational procedures and internal controls (see **page 163 to 181** for the Masakhane Indigent Support Policy).

It is important to note that most of the recommendations as reflecting in the turnaround strategy been either implemented and / or still in process of implementation whether through the usage of external and / or internal resources. Following the progress made to-date:

Restructuring and alignment: Internal Credit Control and Debt Collection Unit

Simultaneously with the turnaround strategy process the municipality also embarked on an internal process to review the current Credit Control & Debt Collection unit's structure and to further strengthen the capacity within the unit by re-allocating two permanent officials mainly responsible for dedicated indigent management and three under productive officials at the frontline enquiry desk to assist with the improved customer care, general enquiries and internal debt collection processes with the focus on outstanding debt between the 30 to 90 day period before hand over to the service provider with the effective date 1st July 2021. (*Improve customer care / enquiries*).

Following the amended organogram in respect of the Credit Control and Debt Collection Unit:



Review of the unit's functionality, roles and responsibilities to ensure proper segregation of duties with clear lines of accountability, amended organogram and job descriptions to be forwarded for re-evaluation aligned with the newly delegated responsibility & functions allocated.

Although the outcome of the turnaround strategy assessment report revealed that the staff was competent, it highlighted specific shortcomings to be addressed from a managerial point of view with reference to the re-establishment of trust within the unit and to ensure the implementation of proper internal control measures and / or Standard Operational procedures to be put in place. Rolled out of two capacity building and training initiatives which took place with a focus on the following basic debt collections and customer care aspects: Customer care / service delivery module, telephone etiquette, conflict handling, negotiations training, call flow and assessment, current collections process and the newly proposed process.

DEBT COLLECTIONS AND STRATEGIES

Monitoring and oversight been improved whereby each of the credit controllers be responsible for managing an arrears portfolio allocated to him/ her in respect of each month with targets allocated and value collected in terms of the predetermine targets for achievement.

Improvement of the indigent management processes whereby the indigent application form been amended with a request for more information and system approval is required before an indigent been registered on the Vesta financial system. More focus on indigent verification and monitoring of water & electricity consumption with house

visits to investigate excessive usage and implementing appropriate reduction strategy aligned with the policy directives.

An automated and integrated credit control module from Vesta is also in process to be rollout for implementation during the first quarter of the new financial year which will improve the effectiveness and efficiency within the unit inclusive the enhancement of internal control measures for monitoring purposes.

The appointment of an external service provider also proves to be successful by providing additional capacity in assisting the debt collection unit to recover outstanding debt through the normal credit control processes in respect of outstanding debt for the period 90 days and more before instituting formal legal processes through the summons process, etc. An external "Call Centre" also been established as per the tender requirement which at this moment employed between three to five people. The actual performance of the service provider been monitored on monthly basis whereby reporting take place to council on the number telephone calls made, SMS's, mail & e-mails send, signed debt collection undertakings, final notices send before the summons process, summonses issued and the value of debt recovered. (A letter of commitment is attached on **page 182** whereby the service provider provided its assurance that they provide p act professionally and aligned with the credit control by-laws and court rules).

These interventions are visible by having an immediate effect to improve the municipality's debt collection ratio over the past two financial years more than the 97% in respect of the 2020/21 & 2021/22 financial years despite the despite the devastating impact of the COVID 19 pandemic and relaxed credit control & debt collection processes applicable during this state of the disaster for the period up until October 2021.

As a way forward in support of ongoing improvements made in respect of the municipality's debt collection effort it will be important to understand the following key principles to ensure success:

- Also acknowledge the debtor's role and responsibility in terms municipal account payment for services as a key stakeholder in the process of debt collection;
- Apply the debt collection protocols, processes and procedures in a consistent manner as per the legislated by-law / policy directives applicable;
- Councillor's and officials should have trust in the administration in performing their responsibility in terms of the legislative mandate - Chapter 9 of the Local Government Municipal Systems Act, 32 of 2000;
- Councillors should have clear understanding of the legislative requirements and back the administration in support of the systems / process implemented; and
- Councillors and management should consistently apply strong leadership in terms of the monitoring and oversight responsible to ensure the municipality remains financially viable.

Section 95 and 96 of the Local Government Municipal Systems Act, 32 of 2000 prescribes the municipality responsibility to ensure that persons liable for the payment of municipal services receive regular and accurate accounts, provide for accessible mechanisms for dealing with complaints and must collect all monies due.

The Council, Executive Committee or Executive Mayor in terms of section section 99 of the legislative requirement and as the supervisory authority must oversee and monitor:

- The implementation and enforcement of the municipality's credit control and debt collection policy and by laws;
- The performance of the Municipal Manager in implementing the respective by-laws and policy; and
- As such intervals as may be determined by council report to a meeting of the council - Currently monthly as per the monthly report by the Manager Revenue Services.

The Municipal Manager's or service provider as the implementing authority as per section 100 of the legislative must:

- Implement and enforce the municipality's credit control and debt collection policy and by-laws;

- In accordance with the credit control and debt collection policy and any such by-laws establish effective administrative mechanisms, processes and procedures to collect money that is due and payable to the municipality; and
- At such intervals report the prescribed particulars to a meeting of council and / or the supervisory authority.

LEGAL IMPLICATION

None in terms of the municipality's adherences to legislative and policy directives.

FINANCIAL IMPLICATION

The service provider since the date of appointment in February 2021 already collected an estimated amount of R32 million at an average collection rate of almost 30% based on all outstanding debt handed over for collection.

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

MANAGEMENT RECOMMENDATION

That Council takes note of the progress report in respect of the restructured credit control unit and credit control- and debt collection performance to-date.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

The Committee supports the management recommendation.

RESOLUTION 195/2022

- That Council takes note of the progress report in respect of the restructured credit control unit and credit control- and debt collection performance to-date.
- That a workshop be held regarding the above.

11.30 **MFMA QUARTERLY SECTION 52(D) REPORT FOR THE FOURTH QUARTER ENDING 30 JUNE 2022**

The Director: Finance reports as follows:

PURPOSE OF REPORT

To present the Quarterly Financial performance report of the Municipality for the fourth quarter of the financial year ending 30 June 2022 (see **page 183 to 227**).

BACKGROUND

52. The mayor of a municipality -

- must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality;

Monthly budget statements

- (1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:
 - Actual revenue, per revenue source;

- (b) actual borrowings;
 - (c) actual expenditure, per vote;
 - (d) actual capital expenditure, per vote;
 - (e) the amount of any allocations received;
 - (f) actual expenditure on those allocations, excluding expenditure on -
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
 - (g) when necessary, an explanation of -
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
- (2) The statement must include -
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections;

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

MANAGEMENT RECOMMENDATION

- (i) That the quarterly performance report for the first quarter ending 30 June 2022 (1 April 2022 to 30 June 2022) be noted as well as the overall performance of the municipality for the year.
- (ii) That this report be read in conjunction with the Quarterly Performance Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.
- (iii) That it be noted that the actuals that are contained in this report are provisional, unaudited and may change pending the finalisation of the Annual Financial Statements. Revisions arising from this will be contained in the final performance report for the year which will be available on 31 August 2022.

RESOLUTION 196/2022

- (i) That Council notes the quarterly performance report for the first quarter ending 30 June 2022 (1 April 2022 to 30 June 2022) as well as the overall performance of the municipality for the year.
- (ii) That this report be read in conjunction with the Quarterly Performance Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.
- (iii) That Council notes that the actuals that are contained in this report are provisional, unaudited and may change pending the finalisation of the Annual Financial Statements. Revisions arising from this will be contained in the final performance report for the year which will be available on 31 August 2022.

11.31 **WRITE-OFF OF REDUNDANT ASSETS: 2021-22**

PURPOSE OF REPORT

1. To ensure that all assets identified as obsolete which does not meet the minimum level of requirements for basic service delivery are disposed of with the necessary approval based on council judgement.
2. Obsolete assets that are no longer functional, not fit for purpose and beyond repair must be disposed of to avoid maintenance and hazard problems.

BACKGROUND

The municipality, as part of the compilation of the yearly Annual Financial Statements as required in terms of Section 122 of the Municipal Finance Management Act 56 of 2003, is required to complete an asset verification process whereby counting the municipal assets on a yearly basis. As part of this process is the identification of assets that is obsolete / redundant and missing as per normal operational processes. These assets are then tabled to Council for write-off (*see page 228 to 232*).

LEGISLATIVE BACKGROUND

The Municipal Finance Management Act 56 of 2003 of the MFMA, section 14 reads as follows:

“DISPOSAL OF CAPITAL ASSETS

- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
- (2) *A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public-*
 - *(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
 - *(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
- (3) *A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
- (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*
- (5) *Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.*
- (6) *This section does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.”*

ASSET MANAGEMENT POLICY

Cape Agulhas Municipality Asset management Policy (Page 10-11 : Disposal of Assets):

“Every manager shall report in writing to the Chief Financial Officer on 30 April of each financial year on all assets controlled or used by the department concerned which such manager wishes to alienate by public auction or public tender.

The Chief Financial Officer shall thereafter consolidate the requests received from the various departments, and shall promptly report such consolidated information to the Council or the Municipal Manager of the municipality, as the case may be, recommending the process of alienation to be adopted.

Once assets are alienated, the Chief Financial Officer shall in terms of GRAP adjust the asset register for the current year and shall, for the ensuing year, delete the asset from the accounting records and the asset register.

If the proceeds of the alienation are less than the carrying value recorded in the fixed asset register, such difference shall be recognised as a loss in the Statement of Financial Performance of the department or vote concerned.

If the proceeds of the alienation, on the other hand, are more than the carrying value of the fixed asset concerned, the difference shall be recognised as a gain in the Statement of Financial Performance of the department or vote concerned.

All assets earmarked for write-off must be sold on a public auction or tender once the following steps have been followed:

- a notice was published in the local press of the municipality's intention to sell the asset;
- in the case of computer equipment the provincial department of education is first approached to determine within 30 days if any of the local schools are interested in the equipment;
- in the case where no such schools are interested in the computer equipment it must be donated to non-profit organisations who will have to motivate why the equipment must be donated to them and / or demolished in the presence of the internal auditor;
- In the case of a public auction an independent auctioneer was appointed to hold the auction; and
- In the case of a public tender the prescribed tender procedures were followed."

MANAGEMENT RESPONSE

The relevant line managers responsible for the assets was consulted in the process of determining whether the below assets should be tabled for write-off. It was concluded that the assets is redundant and can no longer be use in the provision of services as required by administration and council.

The Municipal Manager, in consultation with the Chief Financial Officer recommends that:

MANAGEMENT RECOMMENDATION

That the list of items, as attached as annexure to this agenda item, be written-off and the information be removed from the Asset Register for the financial year ending 30 June 2022.

RESOLUTION 197/2022

That the list of assets, as listed in te report be written-off and the information be removed from the Asset Register for the financial year ending 30 June 2022.

11.32 **SUPPLY CHAIN MANAGEMENT DEVIATIONS REPORT FOR THE 4TH QUARTER: 1 APRIL 2022 - 30 JUNE 2022**

PURPOSE OF REPORT

To report on deviations for the 4th quarter from 1 April 2022 - 30 June 2022.

BACKGROUND

The Act on Local Government: Municipal Finance Management Act, 2003, Chapter 11, the Municipal Supply Chain Management Regulations, as published in the Government Gazette on 30 May 2005 and the Council's Supply Chain Management Policy as adopted on 8 December 2020 states that the Accounting Officer must, record the reasons for any deviations in terms of section 36(1) (a) & (b) of the Supply Chain Management Regulations & paragraph 18.6.3 of the Council's Supply Chain Management Policy to the next meeting of Council.

The following reports are attached as annexures on page 233 to 236: Deviations from Minor Breaches of the Supply Chain Management Policy (SCM Regulations 36(1) (a), (b) and (c)). Deviations per Supplier - 4th Quarter: **1 APRIL 2022 - 30 JUNE 2022.**

MANAGEMENT RECOMMENDATION

That Council notes the Deviation Report for the 4th quarter of the 2021/22 financial year, 1 April 2022 - 30 June 2022.

RESOLUTION 198/2022

That Council notes the Deviation Report for the 4th quarter of the 2021/22 financial year, 1 April 2022 - 30 June 2022.

11.33 **ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION AND OVERSIGHT REPORT FOR THE YEAR ENDED 30 JUNE 2022 (5/27 - DFS)**

PURPOSE OF REPORT

The accounting officer must, within 30 days of the end of the financial year, submit a report on the implementation of the supply chain management policy to the mayor. The purpose is to report to the Mayor in terms of section 6(2)(a)(i) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the year ending 30 June 2022, in order to strengthen Council's oversight role (*report separately attached to this item*).

BACKGROUND

The Supply Chain Management Policy was revised and adopted by Council in December 2020 to fully comply with the SCM Regulations. The SCM Policy has been reviewed by incorporating the legislative amendments and recommendations by the Auditor-General and Provincial Treasury to give effect to the compliance aspect. This will enable the Supply Chain Management Unit (SCMU) to further streamline procedures and processes to promote more efficient and effective service delivery to all internal and external stakeholders.

MANAGEMENT RECOMMENDATION

That Council takes note of the Annual Supply Chain Management Implementation and Oversight Report for the year ended 30 June 2022.

RESOLUTION 199/2022

- (i) That Council takes note of the Annual Supply Chain Management Implementation and Oversight Report for the year ended 30 June 2022.
- (ii) That the Supply Chain Management Department gives provide an overview of the Supply Chain Regulations and policy at the next Finance- and IT Portfolio Committee Meeting.

11.34 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION AND OVERSIGHT REPORT FOR THE PERIOD ENDED 30 JUNE 2022 (DFS)**

The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the Supply Chain Management Policy to the mayor. The purpose is to report to the Mayor in terms of section 6(3) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the first quarter from **1 April 2022 to 30 Junie 2022**, in order to strengthen Council's oversight role.

BACKGROUND

The Supply Chain Management Policy was revised and adopted by Council in December 2020 to fully comply with the SCM Regulations. The SCM Policy has been reviewed by incorporating the legislative amendments and recommendations by the Auditor-General and Provincial Treasury to give effect to the compliance aspect.

This will enable the Supply Chain Management Unit (SCMU) to further streamline procedures and processes to promote more efficient and effective service delivery to all internal and external stakeholders.

Committees

The bid committees are established and are fully functioning according to Council's SCM Policy and the SCM Regulations. The committees are listed below:

- Bid Specification Committee (BSC)
- Bid Evaluation Committee (BEC)
- Bid Adjudication Committee (BAC)

For detailed information on the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 June 2022 see **document seperately attached to this agenda**.

MANAGEMENT RECOMMENDTION

That Council takes note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 June 2022.

RESOLUTION 200/2022

That Council takes note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 June 2022.

11.35 **APPROVAL FOR UNFORESEEN EXPENDITURE FOR THE RELOCATION OF THE CAPE ACCESS SERVICES (STRUISBAAI LIBRARY) TO THE SHIELD FACILITY**

PURPOSE OF REPORT

For Council to take note of the unforeseen expenditure approved by the Executive Mayor in terms of Section 29 of the MFMA with reference to additional operating/capital expenses not foreseen and/or budgeted for the relocation of Cape Access Struisbaai, to the Shield facility.

BACKGROUND

The Cape Access services are accommodated at the Struisbaai library, and the current available space, and resources do not address the need for access to information and technology of the Struisbaai North community. The current Cape Access service has only 5 computers and the space for research and training opportunities are limited. The relocation to the Shield facility will ensure a computer training room with 8 computers and space for an additional 11 computers, which will address the information and technological needs of the Struisbaai community.

Council Resolution 117/2022 states the following:

- (i) *That Council approves the relocation of the Cape Access services to the Shield facility in Struisbaai North.*
- (ii) *That Council budget for the painting of the e-centre walls, and ceiling in white, supply and install grey floor tiles, supply, and install power points and trunking.*
- (iii) *That Council charges no rental fee for space occupied by Cape Access at the Shield facility.*
- (iv) *That a Service Level Agreement be drafted between CAM and Cape Access to clarify their roles and responsibilities.*

None of the capital budget items as stipulated in (ii) of the council resolution was taken in consideration in the 2022/2023 financial year, due to the prolonged process of the project discussions which was only concluded

after the submission of the 2022/2023 budget. Authorization was given by the Executive Mayor for the unforeseen capital expenses. Attached find memo.

Hereby an extract of Section 29 of the MFMA:

“Unforeseen and unavoidable expenditure

29. (1) The mayor of a municipality may in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.”

LEGAL IMPLICATION

Section 29 of MFMA.

STAFF IMPLICATION

None.

FINANCIAL IMPLICATIONS

The budget for the supply and installation of the power points and trunking amounts to R50 000,00 and the cost for the grey floor tiles will be R20 000,00. The additional capital expenditure amounts to R70 000,00 and any saving during the mid-year budget assessment will be allocated towards this additional expenditure.

MANAGEMENT RECOMMENDATION

That Council takes note of the unforeseen expenditure to the estimated amount of R70 000,00 approved by the Executive Mayor in terms of Section 29 of the MFMA with reference to additional operating/capital expenses not foreseen and/or budgeted for the relocation of Cape Access Struisbaai, to the Shield facility and that any savings identified during the mid-year budget assessment be allocated towards this additional capital expenditure amount.

RESOLUTION 201/2022

That Council takes note of the unforeseen expenditure to the estimated amount of R70 000,00 approved by the Executive Mayor in terms of Section 29 of the MFMA for the additional operating/capital expenses not foreseen and/or budgeted for the relocation of Cape Access Struisbaai, to the Shield facility and that any savings identified during the mid-year budget assessment be allocated towards this additional capital expenditure amount.

12. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**12.1 **SALGA WESTERN CAPE PROVINCIAL WORKING GROUPS****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION****PURPOSE OF REPORT**

To present the proposed clustered working groups as indicated by SALGA in order for Council to elect the representatives of Cape Agulhas Municipality.

BACKGROUND

The first Provincial Working Group Meetings after the Local Government Elections in November 2021 will be held in the week of 15 to 18 August 2022. All these working groups will be physical meetings and will be held in Cape Town.

The representatives for the SALGA working groups, as indicated in the table below, was accepted by Council on 14 December 2021 with Resolution 251/2021:

Ekonomiese Ontwikkeling	Rdl P Swart (Sekundi: Rdl K Donald)
Munisipale Finansies en Administratie	Rdl K Donald (Sekundi: Rdl G Olwage)
Sosiale Ontwikkeling, Gesondheid en Veiligheid	Rdl R Ross (Sekundi: Rdl J August-Marthinus)
Munisipale Dienste	Rdl G Olwage (Sekundi: Rdl D Burger)
Menslike Hulpbron Ontwikkeling	Rdl R Ross (Sekundi: Rdl K Donald)
Regering, Inter-Regering en Internasionale Verhoudinge	Rdl P Swart (Sekundi: R Ross)

The workings groups changed according to clusters in the meantime and Council needs to consider electing their representatives according to the clusters of the different SALGA working groups. Below are the proposed clusters indicated by SALGA:

MONDAY 15 August 2022		TUESDAY 16 August 2022		WEDNESDAY 17 August 2022		THURSDAY 18 August 2022	
CLUSTERED MEETING: 1	Electricity and Energy Provision, and Public Works	CLUSTERED MEETING: 2	Community Development and Security	CLUSTERED MEETING: 4	Municipal Finance and Fiscal Policy	CLUSTERED MEETING: 6	Economic Development and Job Creation
	Water and Sanitation		Health		Municipal Digital Solutions		Development Planning and Rural Development
	Public Transport and Roads	MEETING: 3	Emergency Services and Disaster Management	MEETING: 5	Municipal Capabilities and Institutional Resilience	CLUSTERED MEETING: 7	Human Settlements and Urban Agenda
	Governance and Intergovernmental Relations		Environmental Management and Climate Resilience				

LEGISLATION

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

ANNEXURES

Working groups in the different clusters as already indicated by SALGA.

MANAGEMENT RECOMMENDATION

That Council elects their representatives according to the clusters of the different SALGA working groups.

After the casting of votes, the following decision was made:

RESOLUTION 202/2022

That Council confirm the following representatives and secundi's on the SALGA working groups:

CLUSTER	MEETING	REPRESENTATIVE	SECUNDI
Cluster 1	1. Electricity and Energy Provision, and Public Works	Cllr Gerhard Olwage	Cllr Derick Burger
	2. Water and Sanitation	Cllr Gerhard Olwage	Cllr Derick Burger

CLUSTER	MEETING	REPRESENTATIVE	SECUNDI
	3. Public Transport and Roads	Cllr Gerhard Olwage	Cllr Derick Burger
Cluster 2	4. Community Development and Security	Cllr Raymond Ross	Cllr Karin Donald
	5. Health	Ald Johan Nieuwoudt	Cllr Derick Burger
	6. Emergency Services and Disaster Management	Cllr Johan Nieuwoudt	Cllr Derick Burger
Cluster 3	7. Governance and Intergovernmental Relations	Cllr Paul Swart	Cllr Raymond Ross
Cluster 4	8. Municipal Finance and Fiscal Policy	Cllr Karin Donald	Cllr Gerhard Olwage
	9. Municipal Digital Solutions	Cllr Karin Donald	Cllr Raymond Ross
Cluster 5	10. Municipal Capabilities and Institutional Resilience	Cllr Karin Donald	Cllr Raymond Ross
Cluster 6	11. Economic Development and Job Creation	Cllr Paul Swart	Cllr Karin Donald
	12. Development Planning and Rural Development	Cllr Raymond Ross	Cllr Paul Swart
Cluster 7	13. Human Settlements and Urban Agenda	Cllr Raymond Ross	Ald Johan Nieuwoudt
	14. Environmental Management and Climate Resilience	Cllr Karin Donald	Cllr Gerhard Olwage

12.2 **EXTERNAL AUDIT ACTION PLAN FOR 2020/21(OPCAR): MONTHLY PROGRESS REPORT - JULY 2022****PURPOSE OF REPORT**

Consideration of the progress made with the implementation of the approved 2020/21 Auditor General Findings Action Plan (OPCAR) as at 31 July 2022.

BACKGROUND

The Auditor General's audit of the municipality's operational and financial activities for the 2020/21 financial year revealed some shortcomings that needs to be addressed. These shortcomings has been taken up in the 2020/21 OPCAR where specific corrective measures has been determined for implementation. The action plan was approved by Council on 14 December 2021.

The progress made with the implementation of the plan, as attached is submitted to Council and the Western Cape Provincial Treasury on a monthly basis as well as quarterly to the Cape Agulhas Audit Committee for review. The only two items still outstanding is linked to the finalisation of the 2021/22 annual financial statements which is due 31 August 2022.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council considers and approves the progress report on the 2020/21 OPCAR Action Plan as at 31 July 2022.

RESOLUTION 203/2022

That Council approves the progress report on the 2020/21 OPCAR Action Plan as at 31 July 2022.

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

Geen.

14. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Die Speaker meld dat hy 'n skriftelike mosie ontvang het, maar dat dit eers tydens Augustus 2022 se Raadsvergadering bespreek sal word, sodat die persoon ter sprake tyd gegun word om skriftelik op die mosie te reageer.

15. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

16. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 69** van hierdie Notule.

18. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

19. **SLUITING**

Die vergadering verdaag om 16h20.

ONAFGEHANDELDE RAADSBSLUITTE

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 installing van munisipale dienste word in Jan 2023 aangestel, so die moontlike veilingsdatum kan April / Mei 2023 wees.	Eiendoms-administrasie
148/2021	Property Management Policy and SOP	(i) Approves in principle. (ii) That the policy and the SOP be advertized for public inputs. (iii) That all inputs received, be take into account for the reviewing of the new Property Management Policy. (iv) That a workshop be held to finalize the policy and the SOP.	Werkswinkel beplan vir 21 Julie 2022.	BAO
174/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (J Davids)	(i) Aansoek nie ondersteun word nie. (ii) Stadsbeplanning nuwe uitleg aan Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734). (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.	Stadsbeplanning is besig met nuwe uitlegte. Item was in Maart 2022 by portfolio komitee. Verwys na Wykskomitee vir insette.	Stadsbeplanning
175/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (R Europa)	(i) Aansoek nie ondersteun word nie. (ii) Stadsbeplanning nuwe uitleg aan Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734). (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.	Stadsbeplanning is besig met nuwe uitlegte. Item was in Maart 2022 by portfolio komitee dien. Verwys na Wykskomitee vir insette.	Stadsbeplanning
198/2021	Vervreemding (huur): Ged erf 1837, Struisbaai	Dat die aangeleentheid terugverwys word, aangesien die betrokke muur reeds opgerig is en verdere ondersoek dienooreenkomstig moet plaasvind.	Boubeheer moet bevestig dat die muur wel op Raadsgrond gebou is (indien wel, 'n boete/oorskreidingsooreenkoms).	Eiendoms-administrasie / Boubeheer
210/2021	Registrasie van serwitut vir "Reg Van Weg": Erf 953, L'Agulhas (mnr André Swart)	Dat die aangeleentheid terugverwys word vir verdere ondersoek, wat moontlik mag insluit die vervreemding, onderverdeling, hersonering en konsolidasie.	Verwys na Maart 2022 Portfolio Komitee vergadering. 'n Volledige verslag word vanaf Infrastruktuurdienste benodig insake stormwater- en elektrisiteitsnetwerk. Die aansoeker is versoek om 'n volledige uitlegplan aan die Raad voor te lê, in samewerking met die aangrensende eiendoms-ontwikkelaar.	Eiendoms-administrasie / Infrastruktuurdienste

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 204/2022

- (i) Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.
- (ii) Dat die Raad kennis neem dat die volgende Raadsbesluite afgehandel is: 118/2020, 148/2021 en 210/2021.

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

BEKRAGTIG op hierdie

dag van

2022

SPEAKER

DATUM