



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

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

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

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H Van Biljon	Direkteur: Finansiële Dienste
Mnr	H Kröhn	Direkteur: Bestuursdienste
Mnr	S Cooper	wnd Direkteur: Infrastruktuurdienste
Mnr	B Swart	Interne Ouditeur
Mnr	M Moelich	Bestuurder: Admin Ondersteuning
Mnr	O January	Bestuurder: Ekonomiese Ontwikkeling en Toerisme
Mnr	S Stanley	Budget and Treasury
Me	T Stone	Afdelingshoof: Strategiese Dienste (<i>from 11h40</i>)
Me	S Nel	Stadsbeplanner

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom.

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

Geen.

3. **INSWERING VAN NUWE RAADSLID (A EKSTEEN)**

Dr. Eksteen lê die eed as 'n Raadslid van Kaap Agulhas Munisipaliteit voor 'n Kommissaris van Ede af.

Die Speaker heet dr. Eksteen welkom as Raadslid by sy eerste Raadsvergadering.

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

Geen.

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

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

13 Desember 2022 (Notule was onder lede versprei)

BESLUIT 18/2023

Die Notule word as korrek en volledig bekragtig.

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

31 Januarie 2023 (Notule was onder lede versprei)

BESLUIT 19/2023

Die Notule word as korrek en volledig bekragtig.

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

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

7 Desember 2022 (Notule was onder lede versprei)

BESLUIT 20/2023

Die Raad neem kennis van bogenoemde UBK Notule.

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

7.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings was onder lede versprei.

BESLUIT 21/2023

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

8. **SAKE VOORTSPRUITEND UIT NOTULES**

Wykskomitee Vergaderings

- (i) Wyk 2: Raadsheer Jantjies versoek dat die “moddergat” in Klipdale dringend aangespreek word.
- (ii) Wyk 3: Raadslid Louw versoek die Raad om die grond aanliggend aan die Nelson Mandela Saal beskikbaar te stel as ‘n gemeenskapstuin. Die opbrengs van gewasse sal aan omliggende sokombuise voorsien word.
- (iii) Die Burgemeester versoek dat alle uitstaande items op Wykskomitee notules, dringend aangespreek word. Die Munisipale Bestuurder bevestig dat die notule voortaan “uitkomsgebaseerd” sal wees, waaraan tydsraamwerke gekoppel is vir die afhandeling van sodanige projekte.

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

9.1 **BRIEWE VAN DANK**

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

9.2 **FUNKSIES VIR DIE MAAND**

Geen.

9.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

9.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Geen.

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

- 10.1 Die Speaker verwys kortliks na die Speakersforum wat hy op 2 en 3 Februarie 2023 bygewoon het.
- 10.2 Die Burgemeester verwys na ‘n Overberg District Co-Ordinating Forum (DCF) vergadering wat in Hermanus bygewoon is, wat hoofsaaklik gefokus het op die daarstelling van alternatiewe energie en energiebeplanning oor die volgende 10 jaar. Die koördinering van sodanige projekte sal op distrikvlak aangespreek en gemoniteer word.

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

- 11.1 Die Burgemeester verwelkom Raadslid Eksteen as wyksraadslid, lid van die Uitvoerende Burgemeesterskomitee en die Voorsitter van die Infrastruktuurdiens portfolio Komitee.
- 11.2 Die Burgemeester verwys na die 4-jaar strategiese plan en die belangrikheid dat die toekomstige begroting en GOP insette in sodanige plan vervat moet word.

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

12.1 **FEEDBACK REPORT ON THE ENERGY EFFICIENCY STUDY TOUR TO GERMANY NOVEMBER 2022**

PURPOSE OF REPORT

To present to Council, the feedback report from the energy efficiency study tour to Germany during November 2022

BACKGROUND

Cape Agulhas was one of the pioneering Municipality's in the country to begin with the process of gathering statistics and analysing internal usage, this is also part of our Monthly reporting structure for many years. Due to our very low total electrical losses, the Municipality had to be innovative with the drive for cost cutting. The internal electricity consumption was very high and that was the selected target field to reduce internal energy consumption.

Due to many successful projects, the DMRE invited the Municipality to be part of this study tour to Germany, to learn methods of how other countries address this problem. Mr Stephen Cooper was nominated to attend this technical study tour as a representative of the Municipality. Attached on **page 4 to 32** is the report outlining the extent of the study tour.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

All training, travel and accommodation was funded by the GIZ. The Municipality only funded limited daily S&T.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMMENDATION

That the feedback report be noted by Council.

RESOLUTION 22/2023

That the feedback report be noted by Council.

12.2 **APPLICATION FOR GRANT FUNDING FROM THE DBSA FOR ALTERNATIVE ENERGY**

PURPOSE OF REPORT

To add the following changes to Council resolution 157/2022 on 28 June 2022 to enable the Municipality to apply for grant funding from DBSA to the amount of R23 100 000 to finance a Transaction advisor panel and chief project officer with the associated feasibility studies to bring this project to financial close.

BACKGROUND

With the ever-increasing pressure on Municipalities by the residents within their supply areas to come up with own generation potential to mitigate loadshedding and the Eskom lack of supply reserves, it was brought under the attention of DR Silas Mulaudzi of SALGA and the attached documents were drafted for assistance with this regard.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

No Financial implication for this phase of the collaboration.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMMENDATION

The Municipality has decided to explore and develop a new generation capacity project. This Council resolution authorises the Municipal Manager to take whatever steps, within the law, to:

1. Develop the new generation capacity project, through following the Municipal Service Delivery and PPP Guidelines. Where a compliant Feasibility Study is developed to meet the requirements of the Minister for the application for the procure/ buy of new municipal generation capacity. And manage the procurement of the project as approved by the Minister.
2. Register the project with the National Treasury and Government Technical Assistance Centre (GTAC).
3. Approach the Development Bank of Southern Africa (DBSA) for Project Preparation Funding (PPF), negotiate and conclude the PPF facility provided that no indebtedness is incurred by such PPF agreement for the Municipality. To approach other development finance institutions (DFIs) for a similar PPF, in the event that the DBSA application is not successful.
4. To procure a suitably qualified Project Officer and Transaction Advisor to support the Municipality, working with the DBSA.
5. Continue to make use of the technical assistance offered by SAEP to support the Municipality through the project development cycle.

RESOLUTION 23/2023

That Council authorises the Municipal Manager to take whatever steps, within the law, to:

1. Develop the new generation capacity project, through following the Municipal Service Delivery and PPP Guidelines. Where a compliant Feasibility Study is developed to meet the requirements of the Minister for the application for the procure/ buy of new municipal generation capacity. And manage the procurement of the project as approved by the Minister.
2. Register the project with the National Treasury and Government Technical Assistance Centre (GTAC).
3. Approach the Development Bank of Southern Africa (DBSA) for Project Preparation Funding (PPF), negotiate and conclude the PPF facility provided that no indebtedness is incurred by such PPF agreement for the Municipality. To approach other development finance institutions (DFIs) for a similar PPF, in the event that the DBSA application is not successful.
4. To procure a suitably qualified Project Officer and Transaction Advisor to support the Municipality, working with the DBSA.
5. Continue to make use of the technical assistance offered by SAEP to support the Municipality through the project development cycle.

12.3 **REPORT ON SERVICE DELIVERY DURING LOADSHEDDING**

REPORT COMPILED BY ACTING DIRECTOR: INFRASTRUCTURE SERVICES

PURPOSE OF REPORT

To inform Council of the impact of loadshedding on essential municipal services and the mitigation measures put in place and their costs (see annexure attached on **page 33 to 43**).

BACKGROUND

Due to advanced stages of loadshedding by Eskom and the large influx of tourists expected during the holiday season, together with a very dry winter rain season, the levels of reservoirs were decreasing and borehole pumping time was greatly reduced due to the frequent loadshedding. It was imperative that steps be taken to eliminate the threat of depleting the Municipal water reserves.

LEGAL IMPLICATION

Compliance to water and wastewater legislation.

FINANCIAL IMPLICATION

R4 000 000 for the rental fleet and various operating scenario costs as contained in the report.

PERSONNEL IMPLICATION

Generator service staff costs.

MANAGEMENT RECOMMENDATION

That Council takes note of the report and recommendations, including budget requirements that will be required to continue providing service delivery during loadshedding or power outages.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the Management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

The Mayco takes note of the report and recommendations, including budget requirements that will be required to continue providing service delivery during loadshedding or power outages.

RESOLUTION 24/2023

That Council takes note of the report and recommendations, including budget requirements that will be required to continue providing service delivery during loadshedding or power outages.

12.4 **STRATEGIC RISK REGISTER 2022/23 (ALL DEPARTMENTS)**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

Council considered a report on the municipality's strategic risks on 5 October 2022 and resolved as follows:

"RESOLUTION 226/2022

That the 2022/2023 strategic risks be approved and reported quarterly to Council."

LEGAL FRAMEWORK

Section 62(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) stipulates that the "Accounting Officer must take all reasonable steps to ensure that the municipality has and maintains an effective, efficient and transparent system of financial and risk management and internal control."

DISCUSSION

The Council's strategic risks for 2022/23 are as follows:

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK EXPOSURE	RESIDUAL RISK
R604	Non- adherence to Restrictive Permit Conditions (Landfill and drop off Sites)	48	High
R603	Financial viability of the municipality	47.25	High
R607	Protest action / Civil unrest	47.27	High
R606	Illegal Erection of Informal Structures and Land invasions	40.5	High
R608 New Risk	Failure to provide/render effective disaster management function	26.25	Medium
R605	Inadequate Provision of water supply - source and water quality	26.25	Medium
R609 New Risk	Xenophobia attacks within Cape Agulhas	14.4	Low

The risks as well as actions to address the risks are captured on the Risk Assist Module of the Ignite System. Some risks have multiple actions.

Each action is assigned a risk owner, who is responsible for updating the system. Strategic risks are generally updated monthly. The update must include a percentage progress and a response.

The following tables show each strategic risk with its actions, risk action responses, deliverables, and deadlines:

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
Infrastructure	Non- adherence to Restrictive Permit Conditions (Landfill Sites)	1. Develop a new drop off site at Bredasdorp landfill - Phase 1 2. Medium security fencing 3. Stabilization of slopes 4. Establishment of Regional landfill steering committee	- The SCM Process is currently in progress. (Logged by Walter Linnert on 16-Jan-2023 at 16:21) - Current budget completed. (Logged by Walter Linnert on 16-Jan-2023 at 16:21) - Excavator will be on site the last week of January. (Logged by Walter Linnert on 16-Jan-2023 at 16:22) - Advertising will be done in February 2023. (Logged by Walter Linnert on 16-Jan-2023 at 16:23)	Improved Basic Service Delivery (Waste Management)	31 May 2023
Finance	Financial viability of the municipality	1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods)	- Hierdie is 'n deurlopende proses (Logged by Dawid van Wyk on 07-Dec-2022 at 11:39))	Financially Viable	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		<p>1.2 (b) Cleansing and updating of indigents 1.3 (c) Cleansing and updating of informal settlements</p> <p>2. Annual Report to finance portfolio committee/council of long-term financial plan and revenue enhancement framework</p>	<p>- Rapportering vind maandeliks plaas (Logged by Dawid van Wyk on 07-Dec-2022 at 11:41)</p>		
Management Services	Protest action / Civil unrest	<p>1. Traffic and Law Enforcement Units to respond to protest actions and civil unrest.</p> <p>2. Collaboration with the SAPS to plan for and deal with protests and riots</p> <p>3. Implement Law enforcement strategy</p> <p>4. Implement safety plan</p>	<p>- Regular meetings (ODSPF, CAMSPF, Integrated Overberg JOC) attend and planned to ensure readiness and acceptable response time to protest actions and civil unrest situations. (Logged by Myllison Saptou on 16-Jan-2023 at 08:21)</p> <p>- Regular JOC with all stakeholders, ODSF and Disaster Risk Management meetings is scheduled and attended to ensure integrated planning and awareness is available for acceptable response time in the case of protests or riots. (Logged by Myllison Saptou on 17-Jan-2023 at 07:21)</p> <p>- Law enforcement strategy approved. Continuous operational implementation (Logged by Myllison Saptou on 17-Jan-2023 at 07:23)</p> <p>- Safety Plan is approved and implemented. Law enforcement strategic and operational plans is in line with the</p>	Continuous awareness, integration between CAM, ODM, other municipalities (if needed), military backup (if needed), and SAPS to act within an acceptable response time.	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
			objectives of the CAM Safety Plan. Continuous awareness and meetings in place with all stakeholders to ensure acceptable response time when needed. (Logged by Myllison Saptou on 17-Jan-2023 at 07:28)		
Management Services	Illegal Erection of Informal Structures and Land invasions	<p>1. Integrated meeting with regards to displacement of foreign nationals with all stakeholders which includes, law enforcement, SAPS, Home Affairs, Department of Labour, Department of Justice, human rights commission and the NPA</p> <p>2. Propose to council to give budget and resources to the human settlement function to mitigate risk.</p> <p>3. Implementation of Land invasion Policy</p>	<p>- Integrated meeting was held with stakeholders, Home affairs immigration, SAPS, Law enforcement on operations at all informal settlements on 05 December 2022. meeting resolved that Home Affairs will integrate operations with SAPS with the assistants of CAM LAW Enforcement (Logged by Michael Dennis on 17-Jan-2023 at 08:24)</p> <p>- Meeting was 05 December (Logged by Michael Dennis on 12-Dec-2022 at 12:28)</p> <p>- Busy with Draft Informal settlement Management Plan. the plan includes all management aspects and current capacity and future capacity to mitigate the risk (Logged by Michael Dennis on 17-Jan-2023 at 08:27)</p> <p>- Land invasion policy was adopted by council (Logged by Michael Dennis on 12-Dec-2022 at 12:29)</p> <p>- Policy already implemented (Logged by Michael Dennis on 17-Jan-2023 at 08:27)</p>	Decrease in illegal land invasions	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
Infrastructure	Inadequate Provision of water supply - source and water quality	<ol style="list-style-type: none"> 1. Verification and licensing of all ground water sources and drafting of a groundwater management plan 2. Budget for new water pipe replacement 3. Source funding - Drafting Business plan for Struisbaai water 	<p>- Ongoing action. Application submitted to DWS (Logged by Shane Roach on 17-Jan-2023 at 14:56)</p> <p>- Contractors on site. Progress on track (Logged by Shane Roach on 17-Jan-2023 at 14:58)</p> <p>- Complete (Logged by Shane Roach on 17-Jan-2023 at 14:58)</p>	To ensure water demand is met	31 May 2023
Management Services	Failure to provide/render effective disaster management function	<ol style="list-style-type: none"> 1. Council to consider appointing a skilled disaster management official 2. Strengthen intergovernmental relations with all stakeholders with regards to disaster management 	<p>- No budget for position, will address with new budget planning (Logged by Myllison Saptou on 17-Jan-2023 at 07:29)</p> <p>- Quarterly Disaster management meetings held with all relevant disaster management stakeholders on local, Provincial and National levels. (Logged by Myllison Saptou on 17-Jan-2023 at 07:32)</p>	Functional disaster management unit	31 May 2023
Management Services	Xenophobia attacks within Cape Agulhas	<ol style="list-style-type: none"> 1. Resolve planning to conduct an integrated approach in all informal areas to give effect to the memorandum received by the community with regards to the issue of undocumented foreign nationals. 2. Regular monitoring and communication with informal settlement committees with regards to allocation with plots within the informal 	<p>- Meeting was held with immigration services to conduct operations at all CAM Informal settlements on 05 December 2022 (Logged by Michael Dennis on 17-Jan-2023 at 08:29)</p> <p>Regular meetings are held, feedback is given to ward councilors and ward committees wrt allocation of plots (Logged by Michael Dennis on 17-Jan-2023 at 08:31)</p>	Mitigation of risk of xenophobia	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		3. Getting the buy in to safeguard and reporting possible illegal shacks and land grabs. Settlements	- Land invasion policy was communicated to ward committees, where informal settlements residents have representation Land invasion strategy was approved by council after public participation processes was done. (Logged by Michael Dennis on 17-Jan-2023 at 08:34)		
		4. Agreement with other law enforcement agencies eg. Red ants to unlock their capacity only when a possible incident occurs.	- Support has requested to the Department Human Settlements, who has the red ants on contract, to render such services, An Overberg District agreement is also in place to unlock the support of Overstrand Law enforcement if and when services are required. (Logged by Michael Dennis on 17-Jan-2023 at 08:38)		

MANAGEMENT RECOMMENDATION

That the 2022/2023 strategic risks action responses for the second quarter be noted.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the Management recommendation be accepted.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) That the Management recommendation be accepted.
- (ii) That the "informal settlement whatsapp group" meets more regularly.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

That the 2022/2023 strategic risks action responses for the second quarter be noted.

RESOLUTION 25/2023

- (i) That the 2022/2023 strategic risks action responses for the second quarter be noted.
- (ii) That communication to the public be pro-active.
- (iii) That the CAM Safety Plan be a standing item for discussion at the Risk Committee.

12.5 **SOCIAL CONFLICT MANAGEMENT PLAN**

REPORT BY THE DIRECTOR: MANAGEMENT SERVICES

PURPOSE OF REPORT

To inform the Municipal Council of the draft Social Conflict Management Plan, attached on **page 44 to 58** which stipulate the readiness of Cape Agulhas Municipality to respond effectively to any threat of public violence.

BACKGROUND

Xenophobia attacks in South Africa is partly a result of adverse socio-economic conditions where local South Africans and immigrants from other African countries are in fierce competition for scarce resources. On Thursday, 24 March 2022, a delegation of residents from the Zwelitsha area of Bredasdorp were given permission to hold a march in terms of the Regulation of Gatherings Act. The march culminated at the offices of the Cape Agulhas Municipality where the delegation handed a memorandum to the deputy Mayor and Municipal Manager of the Cape Agulhas Municipality and the Bredasdorp SAPS Station Commander.

The memorandum cited the following matters that the delegation was dissatisfied with:

1. The influx of undocumented non-nationals in Zwelitsha.
2. The lack of access to land for informal dwellings.
3. The renting of informal dwellings to non-nationals by locals.
4. The lack of job creation opportunities, illegal shebeens, drug houses.
5. Lack of visibility of law enforcement.
6. Arrogance of business owners refusing to employ South Africans in order to avoid labour laws.
7. Lack of proper sanitation in the informal settlements.
8. Slow response from SAPS and Department of Home Affairs in dealing with non-nationals.
9. Poor rotation of EPWP and CWP jobs at the Overberg District Municipality and Cape Agulhas Municipality.

Approximately 300 people participated in the march, which was escorted by a strong presence of SAPS and Cape Agulhas Municipal Law Enforcement. The delegation arrived at the Municipal Offices at 08:10 and after handing over the memorandum, they were escorted back to Zwelitsha. The march itself was peaceful, but later in the day where members of the community would not allow non-nationals back into Zwelitsha.

The non-nationals congregated at the old P & B Lime Works property which is owned by the Municipality. Inclement weather then aggravated the situation leaving the non-nationals with no roof over their heads or belongings. Approximately 200 non-nationals were temporarily accommodated at the Mosque and the remainder at the Dutch Reformed Church. Due to limited infrastructure at the Dutch Reformed Church Hall, the Church leadership requested the Municipality to intervene and relocate the displaced non-nationals with immediate effect. The affected non-nationals were then relocated to the Glaskasteel Sports facility on 25 March 2022.

On 29 March 2022, a request was received from the Bredasdorp Muslim Society requesting that the Municipality also organize alternative accommodation for the 200 non-nationals who are currently hosted at the Mosque before 1 April 2022 due to Ramadan. This puts the municipality under even more pressure in terms of coordination and management of humanitarian aid. The Municipality is now accommodating 1 100 displaced non-nationals which are categorized as follows:

TABLE 1: BREAKDOWN OF DISPLACED NON-NATIONALS

CATEGORY	NUMBER
Households	450
Women	400
Men	575
Children	125 (of which 40 are between 10 days and 2years)
Asylum Seekers	Difficult to determine
Refugees	Difficult to determine
Migrant Workers	90%

SOCIAL, ENVIRONMENTAL, HEALTH AND ECONOMIC IMPACT

The health and social impact are summarized as follows:

- Overcrowded facilities are a potential health risk to children and adults, and the risk of Covid-19 is ever present.
- Emergency exits are blocked due to the possessions of the displaced persons.
- Ventilation is poor due to the above.
- Food supplies are currently sponsored and there is a decline in donations which results in different nutritional demands not being met.
- The Glaskasteel Hall has limited capacity.
- The ablution facilities are insufficient and are constantly blocked due to the high volumes of usage.
- Traumatization of the victims.
- Social impact might result in large numbers of foreigners that might be displaced from their communities.

The economic impact is summarized as follows:

- The Municipality will suffer a substantial financial loss in terms of income from booked events at the Glaskasteel facilities that needed to be cancelled.
- Overtime budgets which were planned for festive season operations are depleted due to 24/7 availability of the Law enforcement- and Infrastructure staff to ensure a safe and clean environment to the non-nationals.
- 24/7 visibility of the disaster management team, law enforcement, traffic, and other enforcement entities to calm the civil unrest situation in Zwelitsha.
- Loss of property of the non-nationals due to theft and violence.
- Financial loss by foreign businesses owners.
- Social impact might result of large numbers of foreigners that might be displaced from their communities.
- Also, the direct impact to these targeted was the loss of possessions as a result of theft incidents.
- Cost implications of "Red Ants", POPS - Budget, tender process to appoint.
- Cost implications for mediator - Budget.

HUMANITARIAN RELIEF

Humanitarian relief has been provided as follows:

- Assessments for humanitarian relief were done by the Municipality and an incident report was submitted to the Overberg District Municipality.
- All humanitarian relief in the form of clothes, blankets, groceries, etc is being generously provided by the private sector, NGO's, Local Businesses, the Cape Agulhas Community, Bredasdorp Muslim Society, Bredasdorp Christian Leadership Forum, other churches, and Gift of the Givers.
- Limited volunteer groups coordinated the operations at the respective sites ensuring that the non-nationals are provided with three meals per day.

Social Conflict affects human security and can be the result of intolerance by local communities towards any other group of people.

The displacement of victims of the 2008 social conflict resulted in the need for measures to stabilize the situation, care for the displaced persons where they could not fend for themselves and restore relationships so that displaced persons could be returned to the communities from which they were forced from.

The draft Social Conflict Management Plan has three main focus areas:

1. Disaster Risk Reduction / Mitigation.
2. Response (dealing with response and relief activities).
3. Recovery (following relief activities, the situation is restored and where possible improved).

Strategic Partner - Primary Role Players

Role Players	Responsibilities
SAPS	<ul style="list-style-type: none"> • Visible policing • Maintaining Law and Order • Crime Intelligence: Gathering of intelligence and dissemination thereof.
Municipal Law Enforcement	<ul style="list-style-type: none"> • Monitoring & communicating early warning indicators • Patrol duties
Municipal and Provincial Traffic	<ul style="list-style-type: none"> • Co-ordinating all traffic management related activities to ensure safe and reliable transport services to affected stakeholders.
Dept of Social Development	<ul style="list-style-type: none"> • Monitoring & communicating early warning indicators • Management of temporary accommodation camps. • Provision of food, blankets, and clothing, etc • Co-ordinating social relief efforts from NGO's, Private Sector and Social Society.
Dept of Community Safety	<ul style="list-style-type: none"> • Monitoring & communicating early warning indicators • Shelter Services • Access control
Municipal Fire & Rescue Services	<ul style="list-style-type: none"> • Development of response plan once notified by relevant Authorities • Preventative firefighting activities • Rescue Services • Fire & life safety
Municipal Solid Waste	<ul style="list-style-type: none"> • Provision of effective and efficient waste management services in communities and temporary accommodation facilities
Media	<ul style="list-style-type: none"> • Communicating early warning signs • Co-ordinating communication to and from all relevant stakeholders • Keeping stakeholders informed and alert of latest developments in respect of social conflict
Provincial Dept of Health	<ul style="list-style-type: none"> • Emergency Management Services (EMS) • Provision of on-site medical assistance and facilitate access to medical facilities.
Disaster Management	<ul style="list-style-type: none"> • Internal & External co-ordination amongst stakeholders • Provision of co-ordinating facility e.g., Meeting facilities, JOC, Incident Command System (ICS)

Supporting Role Players

- Red Cross
- Overberg District Disaster Management
- Municipal Housing
- Municipal Sport & Recreation
- Municipal Electricity
- Dept. of Home Affairs

- Dept of International Relations and Co-Operation (DIRCO)
- NGO's
- Prov. Dept Education
- SPCA
- Human Rights Commission
- Religious Sector
- Red Ants
- POPS
- SAPS
- Overstrand - SLA
- Support of surrounding municipalities

LEGAL FRAMEWORK

- Criminal Procedure Act, 1977 (Act 51 of 1977)
- Fire Brigade Services Act, 1987 (Act 99 of 1987)
- National Road Traffic Act, 1996 (Act 93 of 1996)
- Disaster Management Act, 2002 (Act 57 of 2002)
- Control of Public Premises and Vehicles Act, 1985 (Act 53 of 1985)
- Western Cape Noise Regulations (PN 200 of 2013)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- Cape Agulhas Municipality By-laws
- Cape Agulhas Municipality - Safety Plan
- Cape Agulhas Municipality - Law Enforcement Strategy
- Cape Agulhas Municipality - Land Invasion Strategy

MANAGEMENT RECOMMENDATION

- (i) That the report of Social Conflict Management Plan, be noted.
- (ii) That the draft Social Conflict Management Plan be adopted by Council.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

Dat bestuur die volledige plan soos voorgelê debateer en 'n nuwe verslag aan die UBK in April 2023 voorlê.

RESOLUTION 26/2023

- (i) That the report of Social Conflict Management Plan, be noted.
- (ii) That the engagement with all the stakeholders be an essential part of this management plan to be submitted to Council.
- (iii) That all the inputs/comments from management and Councillors be incorporated.
- (iv) That the revised draft Social Conflict Management Plan be tabled at the next Council meeting.

12.6 **APPROVAL OF THE CAPE AGULHAS SPORT- AND RECREATION POLICY**

PURPOSE OF REPORT

To request council to approve the Cape Agulhas Sport- and Recreation Policy, attached on **page 59 to 73**.

BACKGROUND

Sport and recreation are governed by the Sport- and Recreation Act (Act 110 of 1998) as well as the Sport Commission Act (act 109 of 1998), and it is emphasized that Local Authorities are in direct contact with the sites of delivery of sports and recreation.

Sport has a huge impact on communities and is an essential component of community life. Sport, more than anything else can unite people, it increases enthusiasm among the community, and is an important instrument for social development, especially among the youth.

The purpose of the sport policy is to provide a framework for an integrated approach to promote and develop sport and recreation in Cape Agulhas Municipality. Cape Agulhas Municipality, the Cape Agulhas Sport Council, as well as the local sport forums play a collective role to ensure that sport and recreation principles are pursued, and the goals are achieved.

This policy aims to achieve the following objectives:

- To develop a high-performance programme aimed at preparing elite sport persons for major competitions.
- To develop a code of ethics for sport and recreation in Cape Agulhas.
- To maintain and improve the functioning of an efficient and effective Cape Agulhas Sport Council, and local sport forums.
- To develop a sustainable five-year programme to promote sport in the Cape Agulhas municipal area.
- To fully utilize facilities, particularly existing underutilized facilities.
- To market Cape Agulhas Municipality by attracting provincial and national events.

FINANCIAL IMPLICATIONS

The Sport and marketing budget will be utilized for sport and recreation activities.

STAFF IMPLICATION

The Sport Coordinator is responsible for the coordination of sport and recreation activities.

LEGAL FRAMEWORK

1. Constitution of the Republic of South Africa, 1996.
2. The Sport and Recreation Act, Act 110 of 1998 as amended.
3. Lotteries Act, Act 57 of 1997.
4. Municipal Finance Management Act, Act 56 of 2003.

DEPARTMENTAL COMMENTS

Facilities Management

Manager has no problem with the proposed policy.

Water and Sanitation

Where will funds come from for any upgrading of water and sanitation infrastructure to accommodate sports facilities or events?

Internal Audit

Comments were incorporated into policy document.

Office of the Municipal Manager

Comments were incorporated into policy document.

MANAGEMENT RECOMMENDATION

That Council approves the Sport- and Recreation Policy.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That Council notes the Sport- and Recreation Policy and that the policy be workshopped before final submission to Council.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

That the Mayco notes the Sport- and Recreation Policy and that the policy be workshopped before final submission to Council.

RESOLUTION 27/2023

That Council approves the CAM Sport- and Recreation Policy.

12.7 **HEAVENLY PROMISE 48 - SHELTER FOR VICTIM SUPPORT AND FAMILY VIOLENCE: LEASE AGREEMENT**

PURPOSE OF REPORT

To inform council on the content of the lease agreement between CAM and Heavenly Promise 48 as well as the management protocols, maintenance responsibilities, funding allocations and overall functioning of the safehouse.

BACKGROUND

Cape Agulhas has an established Safehouse that has been operational for seven years. In 2015 Heavenly Promise 48 successfully applied for a tender, issued by the Cape Agulhas Municipality, to establish a safehouse for women and their dependent children in Bredasdorp. The tender was approved in April 2015 (approval 110/2015) and in August 2015 the safehouse was officially opened.

Thus far more than 350 clients received services from the facility. Most of the clients are local and the facility also accommodate victims from other areas who are referred to Heavenly Promise 48 for safety reasons. The safehouse was temporarily closed from 29 September 2022 for the extension of the facility and was reopened in early November 2022.

The facility can now accommodate 22 clients instead of 14. The staff at the safehouse successfully completed the Traumatic Incident Trauma Reduction Counselling Course and can offer immediate trauma counselling to victims. The safehouse is operating 24/7.

Management of Heavenly Promise 48

Heavenly Promise 48 has the following board members:

Two Directors Secretary
Chairperson Two Additional Members
Treasurer

Operational Staff

The facility is functioning with a 24-hour supervisor and the volunteers are rendering their services on a daily basis.

Examples of clients being assisted at the Safehouse

- Women who are afraid to walk out on physical-, emotional-, and verbal abusive relationships.
- Domestic violence.

- Disabled clients who are abused by family.
- Substance dependent clients who are getting no support from family.
- Suicidal clients.
- Human trafficking.
- Incest, etc.

The following services are rendered at the Bredasdorp Safehouse

- Temporary safety and shelter to victims when required.
- Referrals to the designated Child Welfare organizations and the Department of Social Development.
- Educate and inform women and young girls of the impact of crime and violence.
- Provide assessments, referrals and support until a case is concluded.
- Inform and navigate women to required resources that will promote resilience and increase their developmental opportunities.
- Provide standard support services, training, and capacity building.
- Prevent deterioration in the development of women and young girls in their families.

Stakeholders involved in the safehouse project

- Cape Agulhas Municipality
- Overstrand Municipality
- Swellendam Municipality
- Theewaterskloof Municipality
- Overberg District Municipality
- Department of Local Government
- Department of Social Development
- Department of Health
- Department of Justice
- South African Police Services
- Community
- NGO's
- Business
- Ward Committees
- CPF

Operational Challenges

Heavenly Promise 48 is still rendering an outstanding service despite the limited financial and human capacity. The organization needs support in human capacity such as a permanent councillor/s and an additional supervisor/s.

Cape Agulhas Municipality appointed Heavenly Promise 48 as the service provider to operate the safehouse for victims of family violence as per resolution 132/2015. This resolution includes the following:

- (i) That Council determines a nominal fee for lease of R10.00 per year, without escalation.
- (ii) That Council concludes a lease agreement for three years with Heavenly Promise 48, with a fallback clause.
- (iii) That the maintenance of the building be for the account of Heavenly Promise 48.
- (iv) That Council takes note that the improvements to the building will be done by doners, and that all furniture will become the property of council.

An initial lease agreement with commencement date 1 July 2018 until 30 June 2021 was drafted (attached on **page 74 to 88**), thereafter the lease was renewed for another three years ending 30 June 2024.

Responsibilities of Cape Agulhas Municipality as per the latter lease agreement

1. Levies or taxes (existing and future) levied on ownership.
2. Installation and maintenance of the fire extinguishing equipment as stipulated in clause 12.
3. Conducting regular compliance audits on Occupational Health and Safety and present compliance certificate to Lessee (Heavenly Promise 48).

Responsibilities of Heavenly Promise 48

1. Domestic cleaning services of the interior of the premises.
2. Domestic services such as the provision of toilet paper, soap, towels, etc.
3. The cost of water and electricity consumption to the extent that these are separately metered.
4. The cost of refuse removal and sanitary services.
5. Normal maintenance and repairs (including painting) of both the exterior and interior of the premises, including the cleaning of the exterior of the premises in a high-rise building.
6. Quarterly statistics to be forwarded to Human Development Department of Cape Agulhas Municipality.
7. Lessee shall be responsible for all security procedures.

Attached on **page 89 to 108** find lease agreement, impact assessment of Heavenly Promise 48 which covers information regarding the management protocols, maintenance responsibilities, funding allocations and overall functioning of the safehouse.

Heavenly Promise 48 Funding sources

The operations of Heavenly Promise 48 are mainly dependent on funding from government, Business, Individuals, oversees donors, ect.

Cape Agulhas Funding Allocations

Heavenly Promise 48 submitted a letter to the municipality requesting financial assistance with their municipal services account 200 000 774 819. Cape Agulhas municipality made the following contributions since 2016 (attached on **page 109 to 113** find Council resolutions).

DATE	AMOUNT
January 2016 - December 2016	R10 700,00
January 2017 - 31 December 2017	R10 000,00
January 2018 - December 2020	R28 600,00
Annual contribution	R104 000,00 (R26 000,00 was paid to HP 48 in August 2022)

Other funding sources

1. Overberg Joint District and Metro Approach (JDMA)

The Network of Safehouses Project: Overberg

Heavenly Promise 48 received funding for the extension of the 2nd phase of the safehouse through the Overberg Joint District and Metro Approach (JDMA) in 2022. The JDMA accessed funding for the establishments of an activity room to do programmes, counselling room, dining room, and rooms to accommodate more clients.

The Overberg Joint District and Metro Approach (JDMA) is a district focused approach that is premised on collaboration between various spheres of government and private sector and is aligned to the Provincial Strategic priorities of Safety, Jobs, and Wellbeing. The network of safehouses project directly impacts the safety and wellbeing of people in communities.

2. Germany (Less funding was received for 2023 due to the economic climate and the Russian war).
3. Victoria Hotel.

FINANCIAL IMPLICATIONS

Annual allocation of R104 000,00 to Heavenly Promise for water and electricity services.

STAFF IMPLICATION

No municipal staff is involved in the daily operations of the safehouse. The Human Development Department only reports quarterly on the statistics of the safehouse.

LEGAL FRAMEWORK

1. Domestic Violence Act
2. Gender Based Violence Act
3. White paper for Social Welfare
4. Health and Safety Act
5. Occupational Act
6. Municipal Financial Management Act

DEPARTMENTAL COMMENTS

Director: Finance- and IT Services

Annual financial contribution of R104 000,00 (Spending to date R26 000)

Facilities Management Department

No comments.

LED

No comments.

MANAGEMENT RECOMMENDATION

That Council takes note of the report regarding Heavenly Promise 48 Safehouse.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

That the Mayco takes note of the report regarding Heavenly Promise 48 Safehouse.

RESOLUTION 28/2023

That Council takes note of the report regarding Heavenly Promise 48 Safehouse.

12.8 **IMPLEMENTATION PLAN FOR FUNDING ALLOCATION TOWARDS HEAVENLY PROMISE 48 - SHELTER FOR VICTIM SUPPORT AND FAMILY VIOLENCE**

PURPOSE OF REPORT

To inform Council on the implementation plan for the R120 000,00 funding allocation towards equipment and improvements at Heavenly Promise 48 - shelter for victim support and family violence.

BACKGROUND

Cape Agulhas Municipality submitted a business plan in October 2022 to the Department of Local Government (Western Cape) via the Joint District Management Approach structure (JMDA), in support of the gender-based violence programme at Heavenly Promise 48 shelter for victim support and family violence. The amount of R120 000,00 was transferred to our municipality as a contribution towards equipment and improvements for the expanded portion of the Bredasdorp Safehouse as set out in the business plan.

The funding will be allocated to procure the following items:

1. Computer x1
2. Printer x1
3. Dstv

4. Radio x1
5. Big desk x1
6. Kettle x1
7. Geyser x1
8. Laptop x1
9. Enforcement of safety wall at the back fence of the safehouse
10. Inverter with batteries to ensure power supply during loadshedding.
11. Durable verandas at the back and front doors of the safehouse to block rain and wind.

ASLA contribution:

ASLA confirmed on 08 February 2023 that they will fund the clear view fencing including the electrical wiring to enforce safety at the back and front borders of the safehouse. Cape Agulhas Municipality must only complete building plans for the verandas at the front and back doors of the safehouse.

IMPLEMENTATION PLAN:

Activity	Date	Responsible Person	Progress
Drafting of Building plan for verandas at the back and front doors of safehouse.	17/02/2023	Building Control Department	A site visit was conducted on 31 January 2023 to determine specifications for drafting of building plans for the verandas for back and front doors.
Sourcing of quotations for computer, laptop, printer, radio, geyser, desk, and kettle.	20/02/2023	Human Development Manager	The Human Development Manager liaised with the ITC Manager to assist with computer, laptop, and printer quotations on 30/01/2023. The Acting Director for Technical services was contacted per email on 30/01/2023 to assist with the specifications for the inverter.
Submission of tender bid specification questionnaire for back and front door verandas, and supply and installation of inverter including batteries.	01/03/2023	Human Development Manager	Pending
Bid specification Meeting for back and front door verandas, and supply and installation of inverter including batteries.	07/03/2023	Human Development Manager Supply Chain Management Dep.	Pending
Advertisement: 1. Back and front door verandas. 2. Supply and installation of inverter including batteries.	14/03/2023	Supply Chain Management Dep.	Pending
Bid evaluation meeting for wall, back and front door verandas, and supply and installation of inverter including batteries.	30/03/2022	Supply Chain Management Dep.	Pending
Bid adjudication meeting for wall, back and front door verandas, and supply and installation of inverter including batteries.	13/04/2023	Supply Chain Management Dep.	Pending
Completion of all activities	15/06/2023	Human Development Manager	Pending

FINANCIAL IMPLICATIONS

The grant of R120 000,00 will be utilized for procuring the listed items.

STAFF IMPLICATION

The Human Development Department Manager will ensure that funds are spent by end of June 2023.

LEGAL FRAMEWORK

Municipal Financial Management Act

DEPARTMENTAL COMMENTS

FINANCE DEPARTMENT

None.

I.T.C. DEPARTMENT

In the process of sourcing quotations for printer, computer, and laptop.

LOCAL ECONOMIC DEVELOPMENT

None.

FACILITIES MANAGEMENT

IT kan/moet jou help met aankoop van rekenaar/laptop ens. Verder lyk die agenda punt 100%.

TECHNICAL SERVICES

I will need to know the capacity of the load you want to power with the inverter and batteries, also how long do you wish the batteries to last, a household installation for lights, TV Wi-Fi, and decoder, which can cater for multiple loadshedding events a day will cost in the region of R40 000 – R60 000.

BUILDING CONTROLL

In the process of drafting plans for the verandas

TOWN PLANNING

None.

SUPPLY CHAIN MANAGEMENT

None.

MANAGEMENT RECOMMENDATION

- (i) That Council takes note of the implementation plan for procuring equipment and construction of improvements at Heavenly Promise 48 safehouse.
- (ii) A full tender process will be followed for constructing the verandas at the back and front doors of the safehouse.

RESOLUTION 29/2023

- (i) That Council takes note of the implementation plan for procuring equipment and construction of improvements at Heavenly Promise 48 safehouse.
- (ii) A full tender process will be followed for constructing the verandas at the back and front doors of the safehouse.

12.9 **CLOSED OUT REPORT: SUMMER SEASON READINESS PLAN - FEBRUARY 2023**

REPORT BY THE DIRECTOR: MANAGEMENT SERVICES

PURPOSE OF REPORT

To present Council with the close out report of the Summer Seasonal Readiness Plan (SSRP) as previously approved by Council.

BACKGROUND

For the Municipality to comply with its legislative requirements in terms of Disaster Management to ensure summer readiness, coordination of line functions and general preparedness, a summer readiness plan has been prepared.

This practice ensures that communication takes place between Disaster Management and the line functions to minimize or avoid the effect of natural disasters, incidents, and accidents within the municipal area.

DISCUSSION

Cape Agulhas Municipality normally report their readiness by completing the template on summer readiness issued by the Western Cape Provincial Disaster Management Centre (WCDMC) and return it through the district channel which is the Overberg District Municipality Disaster Management Centre on an annual basis. In addition, this year, the SSRP lays out the preparations, alertness and action planning prior and during the summer/holiday season.

This year we have an improved Summer Seasonal Holiday Plan because we include in addition the feedback and lessons learnt from the previous festive season, more comprehensive inputs from line departments, minutes from the CPF meeting and outcomes as well as the input from the ward committees involved, therefore and more integrated approach.

To ensure more efficient and effective management of the challenges and responsibilities allocated to the respective managers a Summer Seasonal Readiness Matrix (SSRM) (attached on **page 114 to 126**) were drawn up as a monitoring tool and a checklist. All the challenges and lessons learnt as well as new foreseen and expected challenges, as were captured the SSRP, were listed for every manager and Department. Weekly meetings were held with all the managers to monitor progress and to ensure that proactive measures and steps were taken to counter the challenges as listed in the SSRM.

The Director: Management Services manage the process and ensure solutions and coordinated integrated discussions with all managers. Feedback meetings and discussions on new challenges and solutions with implementation plans and target dates were held on 21 November 2022, 25 November 2022, 2 December 2022, Mayoral Committee Meeting - 7 December 2022, 8 December 2022 and 15 December 2022 in preparation and to ensure readiness for the summer holiday season. All the managers were thoroughly prepared to counter all the challenges as listed in the SSRM.

Despite all the preparations, some of the existing challenges remain a challenge as well as a few new challenges came to the fore.

In general, all the managers performed excellently by ensuring that they met all the challenges despite some capacity constraints. This season comparing to previous seasons, were much better managed, and the proactive measures taken and alertness by all managers reacting to issues, complaints and challenges are commendable, despite having nearly twice the number of visitors to our coastal zones.

All the detail are listed in the SSRM, but the main challenges still remain are the following:

1. Duikerstreet: Cause a lot of challenges. See additional report with proposed solution;
2. Fireworks: Were managed excellently, but remains a challenge;
3. Struisbaai harbour;
4. Electrical bicycles: Waenhuiskrans, Arniston;
5. Loadshedding: Additional cost - Needed to rent additional generators;
6. Ensuring water provision: Effect of load shedding especially stage 6 - Still need additional boreholes;
7. Unforeseen pipe bursts;
8. Vandalism on boardwalk and road signs;
9. Suidstrand Road;
10. Improvement on communication, but will remain a challenge to continuously better communication to public and visitors;

11. Ministerial determination of EPWP workers: Copied from letter received from the Department of Labour. Furthermore, section 4(3) of the Ministerial Determination regulates normal hours of work for the Expanded Public Works Programme and provides that an employer may not set tasks or hours of work that require a worker to work -
 - (a) More than forty hours in any week;
 - (b) On more than five days in any week; and
 - (c) For more than eight hours on any day.By agreement the workers can work four days per week, which would extend the hours of work up to ten hours a day.
Put a lot of strain on especially the waste management department in Struisbaai.
12. Although law enforcement and traffic were much more visible, there will always be challenges because of limited human resource capacity;

LEGAL FRAMEWORK

1. Criminal Procedure Act, 1977 (Act 51 of 1977)
2. Fire Brigade Services Act, 1987 (Act 99 of 1987)
3. National Road Traffic Act, 1996 (Act 93 of 1996)
4. Disaster Management Act, 2002 (Act 57 of 2002)
5. Control of Public Premises and Vehicles Act, 1985 (Act 53 of 1985)
6. Western Cape Noise Regulations PN 200/ 2013
7. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
8. Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
9. Cape Agulhas Municipality By-laws
10. Cape Agulhas Municipality - Safety Plan
11. Cape Agulhas Municipality - Law Enforcement Strategy
12. Cape Agulhas Municipality - Land Invasion Strategy

During the festive season the following By-Laws are the most violated over the festive season:

1. Public Nuisance.
2. Beaches.
3. Keeping of Animals, Bees and Poultry.
4. Refuse Removal.
5. By-Law to Prevent and Control Public Nuisances, Published in Western Cape Provincial Gazette No. 6303 on 3 October 2005 stated the following about fireworks:
 - a. Fireworks - the letting off of a firework on or over private land in such a manner that the firework or part thereof may land on adjacent premises.
6. Cape Agulhas Municipality, By-Law relating to General Crime Prevention (Draft Form) (Not approved by Council):
 - a. To provide for the prevention of crime in the Cape Agulhas Municipality and for matters connected therewith.

Responses in place are:

1. Cape Agulhas Municipality : Safety Plan
2. Cape Agulhas Municipality : Law Enforcement Strategy
3. Cape Agulhas Municipality : Land Invasion Strategy
4. Integrated approach with SAPS
5. Visibility
6. All applicable acts as mentioned above

FINANCIAL IMPLICATIONS

Loadshedding put a huge additional financial burden on the Municipality:

- Reduction of electricity income;
- Additional diesel usage; and
- Additional generators rented.

A total of approximately R20 million rand.

All the other expenses were budgeted for and were part of the operational and capital budget.

ANNEXURES

1. Draft SSRP for the period Dec 2022 till Feb 2023 (*already distributed*)
2. SSRM
3. Report proposed solution Duiker Street (*see item 12.10*)
4. Report Fireworks (*see item 12.11*)

MANAGEMENT RECOMMENDATION

- (i) For Council to take cognisance of the closed-out report for the 22/23 Summer Holiday Season.
- (ii) To follow the correct procedures that the by-law [**General Crime Prevention (draft form)**], which inter alia regulates the display of fireworks, be approved by Council.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

- (i) That the Mayco takes cognisance of the closed-out report for the 2022/23 Summer Holiday Season.
- (ii) That process plans and time frames be presented during the next Mayco meeting to address the challenges.

RESOLUTION 30/2023

- (i) That Council takes cognisance of the closed-out report for the 2022/23 Summer Holiday Season.
- (ii) That process plans and time frames be presented during the next Mayco meeting to address the challenges as indicated in the 2022/23 Summer Holiday Season closed-out report.
- (iii) That the "winter preparedness program" be drawn up and implemented as soon as possible.

12.10 **DUIKERSTRAAT, STRUISBAAI: UITDAGINGS OU JAARSDAG EN NUWE JAARSDAG**

VERSLAG OPGESTEL DEUR DIE DIREKTEUR: BESTUURSDIENSTE

DOEL VAN VERSLAG

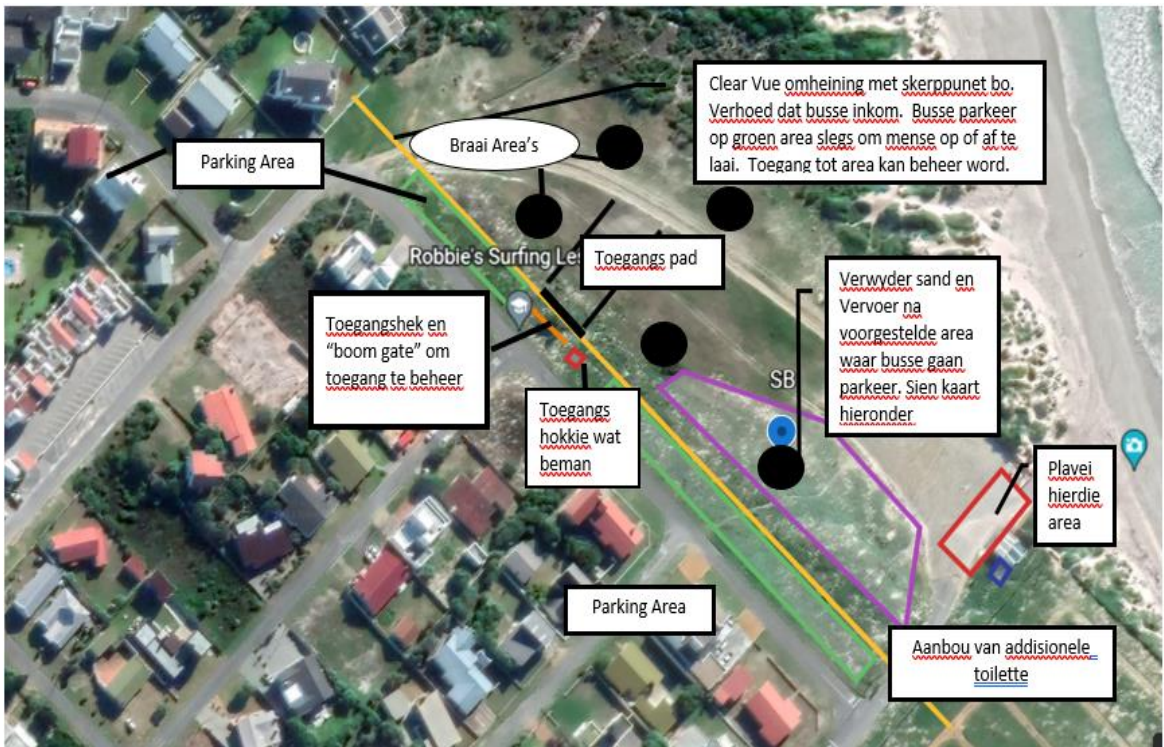
Voorstel vir oplossings vir die uitdagings wat jaarliks ondervind word te Duikerstraat, Struisbaai.

AGTERGROND

In Duikerstraat word jaarliks geweldige uitdagings ondervind veral tydens Oujaarsdag en Nuwejaarsdag. Daar is geen beheer oor toegang tot die terrein nie. Dit is dus onmoontlik om getalle te beheer en behoorlike wetstoepassing toe te pas. Die busse wat jaarliks die terrein besoek laai groot getalle besoekers af op die terrein en parkeer op die terrein, wat geweldige uitdagings meebring om behoorlike beheer toe te pas. Die toilet geriewe is onvoldoende en moet vergroot word. Daar is geen braai geriewe nie en word vure op lukrake wyse gemaak wat moeilik beheerbaar is.

Die skoonhou van die area gedurende hierdie twee dae is 'n geweldige uitdaging. Omliggende inwoners is gegrief met die situasie en is van mening dat skade aan die omgewing aangebring word, en hul eiendoms waarde hierdeur geraak word.

Vir bovermelde redes word die volgende voorgestel om beter beheer in die toekoms toe te pas:



'n Behoorlike omheining (clear vue) moet aangebring word. Daar moet voorsiening gemaak word vir een toegang vir voertuie en 'n toeganghek vir besoekers. 'n "Entrench control boom" moet aangebring word en hokkie met 'n persoon wat dit beman (slegs gedurende besige tye) om toegangsbeheer toe te pas. Oorweging moet ook geskenk word om toegangsfooi te hef.

Die grootste uitdaging is die busse met inwoners van buite ons area wat die area besoek. Hierdie busse sal versoek word om op die parkeer area voor die heining teen die pad sy mense af te laai, wat dan slegs toegang deur die voetganger hek sal kry. Relevante tekens sal aangebring word. Dit sal slegs 'n aflaaie sone wees en moet die busse onmiddelik beweeg na die ander area (soos aangedui op die kaart) om daar te parkeer vir die dag.

Die area (waar die busse vir die dag sal parkeer) moet egter opgevolg word met sand, wat ons vervoer vanaf die gebiede soos aangedui op die kaart. Die sal gekompakteer en begruis moet word, en opsies om te teer of te plavei kan ook in die toekoms oorweeg word. Dit sal meebring dat die bestaande area beter bestuur en beheer kan word, maar ook baie netjieser sal vertoon, en meer spasie beskikbaar sal wees.

Die **tweede** groot uitdaging is die bestaande ablusie geriewe wat onvoldoende is, en vergroot moet word. Die **derde** uitdaging is dat daar tans op enige plek vuurgemaak en gebraai word. Geformaliseerde braai geriewe kan geskep word. Die area's waar gras nie groei nie, voorberei word met "crusser dust" en sement mengsel wat optimum benat word en gekompakteer word, om veral die stof probleem ook aan te spreek. 'n Area soos aangedui op die kaart by toegang na strand area, moet ook plavei word.

Stadsbeplanning: "Precinct plan 2018" - korreleer met voorstel in precinct plan.

FINANSIËLE IMPLIKASIE

Die totale koste word beraam op R1,3 Miljoen (departementele werke uitgesluit). Hierdie is slegs 'n voorstel om te poog om die probleme by Duikerstraat te verminder of uit te skakel.

BESTUURSAANBEVELING

- (i) Dat die voorstel bespreek word met die stadsbeplannings departement.
- (ii) Dat moontlike befondsingsbronne vir die projek ondersoek en aansoeke ingedien word.
- (iii) Dat indien eie fondse gebruik word, oorweeg word om die projek in fases te beplan.

BESTUURSDIENSTE KOMITEE AANBEVELING

Dat die "Precinct plan" van 2018 wat deur stadsbeplanning opgestel is, deur die bestuur gewerkswinkel word en aan die Wykskomitee voorgelê word vir insette.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (24 FEBRUARIE 2023)

- (i) That the proposal by the Director: Management Services on the improvement on control and upgrading of facilities at Duiker Street be noted.
- (ii) That alternative sites be identified for recreational purposes.
- (iii) That a layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning.

RESOLUTION 31/2023

- (i) That the proposal by the Director: Management Services on the improvement on control and upgrading of facilities at Duiker Street be noted.
- (ii) That alternative sites be identified for recreational purposes in Struisbaai.
- (iii) That a layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning.
- (iv) That the Spatial Development Framework also includes investigation towards the "OK-plein" in Struisbaai, the parking area at the harbour and the parking area on the southern side of the harbour.
- (v) That proposed layouts for the abovementioned premises be tabled at the next Finance- and IT Services Portfolio Committee meeting by the Town Planning Department.

12.11 **REPORT: NEW YEARS EVE CELEBRATIONS 2022/2023**

REPORT BY THE MANAGER: PROTECTION SERVICES

PURPOSE OF REPORT

To present Council with a feedback report on the activities and challenges experienced, around New Year's Eve celebrations in the different towns of the local municipal area.

BACKGROUND

Cape Agulhas Municipality announced that no fireworks will be allowed to be discharge by community members and visitors within the different town of CAM. Numerous platforms were used to share this information to residents and holidaymakers to avoid/minimized the risks of incidents of runaway fires or field fires.

The municipality received two (2) written applications for permission to host controlled Fireworks Displays for the New Year's Eve, from Arniston Hotel and Struisbaai Catch Cook Restaurant. These applications were taken to Council as Items for permission. Special Written Permission was granted in terms of a Council Resolution that the applicants need to comply with all application processes and requirements set by Disaster Management and the Fire Department. The permission would also involve a designated area where fireworks may be discharge under very strict control conditions.

LEGAL FRAMEWORKS

- Cape Agulhas Municipal By-Law as printed in the Government Gazette no 6303 of October 2005. Regarding the discharge of Fireworks suppressed under Public Nuisances as well as the By-Law related to Public Streets.
- Disaster Management Act, 57 of 2002.
- By-Law to Prevent and Control Public Nuisances, Published in Western Cape Provincial Gazette no. 6303 on 3 October 2005 stated the following about fireworks:
Fireworks - the letting off of a firework on or over private land in such a manner that the firework or part thereof may land on adjacent premises.
- Cape Agulhas Municipality, By-Law relating to General Crime Prevention (Draft Form) (Not approved by Council).

To provide for the prevention of crime in the Cape Agulhas Municipality and for matters connected therewith.

22. Discharge of fireworks regulated

Except as part of an approved fireworks display and subject to this By-law, no person may within the Cape Agulhas Municipal Area discharge any firework or any flare not used during an emergency situation.

23. Permission to hold fireworks display

- (1) No person, group or organization may, without the prior written permission of the Municipality, hold or host fireworks display.
- (2) Any person or group of persons or organization who wants to hold or host fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.
- (3) **An application referred to in subsection (2) must -**
 - (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees, if any, determined by the Municipality.
- (4) **After receipt of the application, the Municipal Manager may -**
 - (a) inspect, or cause to be inspected -
 - (i) the premises on which the fireworks display is to be held; and
 - (ii) the facilities and equipment to be used during the fireworks display; and
 - (b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or
 - (c) in writing, refuse to grant permission and state his or her reasons for such refusal.
- (5) **The Municipal Manager must -**
 - (a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on -
 - (i) the safety of the inhabitants of the neighbourhood and their property;
 - (ii) animals in the vicinity;
 - (iii) the serenity of the neighbourhood; and
 - (b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

DISCUSSION / REPORT

The municipality experienced a very good and successful Festive Season without any major incidents and complaints received. No complaints of discharging of illegal fireworks were reported to the Overberg 24-hour Control Room during the New Year's Eve. At about 22:00 the 31st of December 2022 Law Enforcement Officer Denver Braaf received a call from the Overberg Control Room of a complaint reported of discharging of fireworks in the informal area in Bredasdorp.

When investigating the complaint, it was found that no fireworks was discharged according to the community members that stay in the area only loud noise due to celebration festive parties. The Law Enforcement staff were task to do an assessment on the experience of the community members in the different wards on how they experience the New Year's Eve regarding fireworks incidents.

Below is the feedback of the community members of the different wards who was interviewed by the officers to get a real sense of what they experienced during the past New Year's Eve celebrations in comparison with previous years.

NO.	TOWN	WARD	Feedback
1	Bredasdorp	1	Mrs Elsabe Zieff <u>Address:</u> 5 Villiers Street, Bredasdorp: She did not have any complaints to report and stated that it was very peaceful in relation to other years.
		2	Mrs Caroline Pontac <u>Address:</u> 24 Magnolia Street, Bredasdorp: No complaints
		3	Mrs Anna Ward <u>Address:</u> 43 Sabat Street, Bredasdorp: She reported that in Sabat Street, Kleinbegin the resident's complaint about the illegal discharge of fireworks. According to her it caused her dog to break out of his confined areas because of panic.
		4	Mr Lihle Sunduzwayo <u>Address:</u> 6 Impala Street: He had no complaints to be reported. Bredasdorp / Aniston
		6	Mr Ralph Olivier <u>Address:</u> 24 Meyer Street, Bredasdorp: According to Mr Olivier's mother, she experiences no problems at their house. Mr Olivier visited his sister for New Year's Eve celebrations. He complaint about the cat of his sister who stay in Sabat Street that panicked and went to hide on the roofs of the sister's house due to the Illegal discharge of fireworks in that street.
2	Napier	1	Mr Roger Van Niekerk <u>Address:</u> 5 Vygje Street, Bredasdorp: He complaint about loud music that came from Smartie Town area.
3	Struisbaai	5	Complaints received from community members and Law Enforcement Officers: <ul style="list-style-type: none"> • The lawlessness that occurs every year at Duiker Street. • Drunk people that swear and perform at Duiker Street. • The overnighing in tents and loud music through the night. • A young woman that injured her hip in the water. • A total of 9 drunk people nearly drown and was saved by the life savers. • Juveniles drunk in streets and involved in fighting incidents. • Women that had a panic attack after fireworks display in the absence of emergency personnel. • Drunk people that got lost. • The reporting of lost children at Duiker Street that occur every year. • The controlled fireworks display last about 15 minutes and no individuals discharge fireworks during that evening in Struisbaai. SAPS officers, Law Enforcement and Local- and Provincial Traffic was visible during the fireworks display.
4	Arniston	6	Received no complaints about the controlled fireworks display in Arniston. The fireworks display lasted about 18 minutes and no individuals discharge fireworks during the evening. SAPS officers, Law Enforcement and Local- and Provincial Traffic was visible during the fireworks display. Everything was under control.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

To follow the correct procedures that the by-law [**General Crime Prevention (draft form)**], which inter alia regulate the display of fireworks, be approved by Council.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

Dat alle vuurwerke, soos in die Verordening vervat, voortaan verbied sal word.

RESOLUTION 32/2023

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

12.12 **DRAFT BY-LAW: LAND INVASION ON ALL LAND, INCLUDING MUNICIPAL LAND**

PURPOSE OF REPORT

For Council to adopt a By-Law to strengthen the process to apply for an interdict and act against the illegal invasion of land.

BACKGROUND

During the illegal invasion in Struisbaai and Napier in 2022, a resolution was taken by council that the administration should apply for an interdict at court to prevent, or to act against those who occupy land illegally. During a meeting held with our legal advisor at the end of November 2022, we are advised to draft and adopt a By-Law that would strengthen the process to get an interdict through the court on illegal land invasion in Cape Agulhas Municipal Area (draft By-Law and Guidelines attached on **page 127 to 146**).

LEGAL AND POLICY IMPLICATIONS

- CAM Land Invasion Strategy.
- The Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997 (ESTA); Evictions and Unlawful.
- The Prevention of Illegal Evictions and Unlawful Occupation of Land Act, 1998 (Act No. 19 of 1998).
- The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996).
- The Trespass Act, 1959 (Act No. 6 of 1959).

FINANCIAL IMPLICATIONS

Operational requirements with all law enforcement agencies, including law enforcement.

Administrative Process

The draft By-Law needs to be advertised for public comment, Council needs to adopt the draft By-Law as an official Land Invasion By-Law with the considerations of the public participation processes.

MANAGEMENT RECOMMENDATION

- (i) That the Committee takes note of the draft By-Law on the Invasion of Land.
- (ii) That the draft By-Law be advertised for public comment.
- (iii) That the draft By-Law be submitted to Council for adoption, after the public participation process, with the comments from the public for council's adoption.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) That the Manager: Strategic Services refers the By-Law to our legal advisors for comment.
- (ii) That a management meeting be conducted after the inputs from the legal advisor was received.
- (iii) That management will then present the item to Council, with a management recommendation.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

- (i) That the Manager: Strategic Services refers the By-Law to our legal advisors for comment.
- (ii) That a management meeting be conducted after the inputs from the legal advisor was received.
- (iii) That management will then present the item to Council, with a management recommendation.

RESOLUTION 33/2023

- (i) That the Manager: Strategic Services refers the By-Law to our legal advisors for comment.
- (ii) That a management meeting be conducted after the inputs from the legal advisor was received.
- (iii) That management will then present the item to Council, with a management recommendation.

12.13 **SKILLS DEVELOPMENT AND CAPACITY BUILDING**

PURPOSE OF REPORT

To inform the Portfolio Committee of the Skills Development and Capacity Building opportunities for employed and unemployed by tapping into the Sector Education and Training Authorities Discretionary Grant funding windows.

BACKGROUND

The municipality is experiencing capacity constraints internally with regards to personnel. The unemployed community have an outcry for skills development and capacity building to enable access to employment opportunities. It was requested that a presentation, as attached on **page 147 to 151** be presented which contains skills development opportunities for employed, unemployed and councillors. Furthermore, a progress of training interventions implemented for the 2022/23 financial year.

FINANCIAL IMPLICATIONS

- 1. Internal Skills Development Budget
- 2. Workplace Skills Plan/Annual Training Report: Grant Funded

LEGAL IMPLICATIONS

- 1. Skills Development Levies Act 97 of 1998.
- 2. Education Training and Development (ETD) Policy Regulations and Guidelines (Resolution 133/2022).
- 3. Determination of Upper Limits of the Salaries, Allowances and Benefits of different members of Municipal Councils dated 2 June 2022.

MANAGEMENT RECOMMENDATION

That the Portfolio Committee takes note of the following regarding Skills Development:

- 1. Approved ETD Policy (Resolution 133/2022) - Familiarise themselves and have knowledge of Skills Development processes.
- 2. Skills Development presentation and take note regarding the Skills Development processes.
- 3. Sector Education and Training Authority (SETA's) funding window periods attached on **page 152 to 159**.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

- (i) That the Mayo takes note of the following regarding Skills Development:
 - 1. Approved ETD Policy (Resolution 133/2022) - Familiarise themselves and have knowledge of Skills Development processes.
 - 2. Skills Development presentation and take note regarding the Skills Development processes.
 - 3. Sector Education and Training Authority (SETA's) funding window perio
- (ii) That a report be submitted to Council on the optimal usage of the Anine Booysen Skills Centre by the end of April 2023.

RESOLUTION 34/2023

- (i) That Council takes note of the following regarding Skills Development:
 - 1. Approved ETD Policy (Resolution 133/2022) - Familiarise themselves and have knowledge of Skills Development processes.
 - 2. Skills Development presentation and take note regarding the Skills Development processes.
 - 3. Sector Education and Training Authority (SETA's) funding window perio
- (ii) That a report be submitted to Council on the optimal usage of the Anine Booysen Skills Centre by the end of April 2023.

12.14 **INTERNAL HEALTH- AND SAFETY RISK AUDIT REPORT FOR NOVEMBER 2022**

PURPOSE OF REPORT

For Council to seek a legal opinion from the in-house Health- and Safety Specialist on the reasonably practicable adherence to and compliance with the requirements of the Occupational Health- and Safety Act 85 of 1993 (as amended and hereinafter referred to as "the Act"). This service was delivered on November 2022.

BACKGROUND

The Health- and Safety Officer conducted an internal health- and safety risk compliance report for CAM for November 2022. The legal compliance audit was done in accordance with the requirements of Section 8 of the Occupational Health- and Safety Act, 1993, which requires of an employer to determine the risks associated with all tasks performed and to take the necessary actions to eliminate these risks.

The action needed was then determined by using a risk-rating sheet, which allows for the evaluation of the likelihood, exposure, and consequence of injuries to staff. Attached on **page 160 to 182** please find a copy of the risk-rating sheet used. The findings and recommendations from the audit are summarized in the Management Action Plan. The rankings are classified and include recommendations with an assigned priority for correction. **The findings are summarized in the table below:**

RISK CLASSIFICATION		TIME SCALE
Very High Risk	Consider discontinuing operation	Stop operation
High Risk	Immediate correction required	0 - 1 month
Substantial Risk	Correction needed	0 - 2 months
Possible Risk	Attention indicated	1 - 3 months
Acceptable	N/A	3 - 6 months
TOTAL NUMBER OF RISK FINDINGS		21

LEGAL IMPLICATIONS

1. Health- and Safety Act 85 of 1993
2. Health- and Safety Policy of Council
3. Construction Regulations of 2014

PERSONNEL IMPLICATIONS

Audit was conducted in-house for November 2022.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council takes note of the internal Health- and Safety Compliance Risk Audit Report for November 2022.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

That the Mayco takes note of the internal Health- and Safety Compliance Risk Audit Report for November 2022.

RESOLUTION 35/2023

That Council takes note of the internal Health- and Safety Compliance Risk Audit Report for November 2022.

12.15 **CAPE AGULHAS MUNICIPALITY DRAFT COMMUNICATION STRATEGY: 2022**

PURPOSE OF REPORT

To present a draft communication strategy for noting. The draft Strategy is attached as a **seperate document** to this Agenda.

BACKGROUND

This draft Communication Strategy was compiled following a successful workshop that was facilitated by GCIS on 27 and 28 October 2022, which was attended by officials and Councillors. The strategy should be workshopped with Council and management, refined and submitted to Council for final approval.

LEGAL FRAMEWORK

- Constitution
- Municipal Systems Act, 2000
- Promotion of Access to Information Act, 2000 (Act of 2000)

MANAGEMENT RECOMMENDATION

- (i) That the draft Communication Strategy be noted.
- (ii) That it be distributed for comment and a workshop held to finalise.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYORAL COMMITTEE (24 FEBRUARY 2023)

- (i) That the draft Communication Strategy be noted.
- (ii) That it be distributed for comment and a workshop (14 March 2023) be held to finalise.

RESOLUTION 36/2023

- (i) That the draft Communication Strategy be noted.
- (ii) That it be distributed for comment and a workshop (14 March 2023) be held to finalise.

12.16 **TERUGVOER: VEILING VAN BESKIKBARE GROND VIR DIE 2022/23 BOEKJAAR**

DOEL VAN VERSLAG

Om die Raad in te lig oor die uitkoms van die afgelepe veiling van 7 tot 10 Februarie 2023.

AGTERGROND

Die Raad het in die 2022/23 boekjaar voorsiening gemaak vir die vervreemding van grond.

Die beskikbare grond is geïdentifiseer (per Raadsbesluit 293/2022 op 10 November 2022) en is per veiling verkoop vanaf 7 tot 9 Februarie 2023 en op 10 Februarie 2023 is 'n volledige lys van losstaande onbruikbare items ook per veiling aangebied. Die afslaer van die veiling (ROOTX) is per tender (SCM 15-2022-23) aangestel vir 'n periode van 3 jaar.

BESPREKING

Die veiling uitkomst is op die tabel hieronder aangedui.

Die volgende is 'n opsomming van nakoming aan die Raad se voorkeur beginsels ten opsigte van die erwe agter die polisie:

- Slegs een erf per koper is 100% nagekom. Daar was wel bidders wat suksesvol gebiede het op meer as een erf maar hulle was in besit van 'n volmag om namens ander individue te bid.
- Van die 16 kopers is 15 plaaslike inwoners, dit wil se 93%.
- Van die 16 kopers is 12 eerste kopers, dit wil se 75%.

Die voorwaardes was sover moontlik nagekom met inagneming van wat moontlik is binne die openbare veiling raamwerk.

Verskeie klagtes is van kopers ontvang oor ander aspekte van die veiling naamlik:

Reserwe prys

Die afslaer het nie begin op die reserwe prys. Die Munisipaliteit het 'n reserweprys vir elke eiendom op grond van die Munisipale Waardasie bepaal, wat tussen R100 000 en R120 000 was. 'n Reserweprys is die minimum prys wat die verkoper (in hierdie geval die Munisipaliteit) bereid is om te aanvaar. Daar is geen vereiste dat 'n afslaer die veiling teen die reserweprys moet begin nie, en dit is sy prerogatief om die veiling te begin met 'n versoek vir enige bedrag. Dit is in die hande van die bidders om die openingsbod te plaas en hierdie openingsbod kan minder of meer wees as die beginprys wat die afslaer geroep het. Dit was die geval met verskeie van die eiendomme wat opgeveel is. Dit is 'n standaard veiling praktyk.

Hoë koopprys

Die Munisipaliteit se voorneme was om die eiendomme teen markwaarde te verkoop soos deur wetgewing vereis, en die afslaer se rol is om 'n markverwante koopprys deur die veilingproses te verkry.

Daar is baie definisies van markwaarde wat soortgelyk van aard is. Die Wet op Eiendomswaardasie, Wet 17 van 2014 definieer dit soos volg:

“markwaarde” - die geraamde bedrag waarvoor die eiendom op die datum van waardasie van eienaar behoort te verwissel tussen 'n gewillige koper en 'n gewillige verkoper in 'n armlengte transaksie na behoorlike bemarking en waar die partye kundig, verstandig en vry van dwang gehandel het.”

Die aard van 'n veiling maak dit onmoontlik om te voorspel wat die uiteindelijke prys gaan wees, en dit word in wese deur die bidders bepaal. Veilings is oop en deursigtig en vind in die openbaar plaas.

Alle bidders het gelyke geleentheid gehad om 'n eiendom te koop en dit is die verantwoordelikheid van die bidder om sy of haar eie begroting te bepaal en dienooreenkomstig te bide.

Kommissie

Die kommissie betaalbaar deur kopers is hoër as wat die tender bedrag wat aan die afslaer toegestaan is. Daar is huidige 'n dispuut met die afslaer oor die kommissie wat aan ons regsadviseurs verwys is.

FINANSIËLE IMPLIKASIE

Inkomste uit verkoop van erwe beloop sover **R6 395 000** (uitgesluit aanbiedinge wat onder die reserweprys was).

Die omset van los items (10 Februarie 2023) het nagenoeg R1.7m beloop en die finale verrekeningstaat word afgewag.

GEÏDENTIFISEERDE EIENDOM (RAADSBESLUIT: 293/2022)

ERF NR	DORP	ADRES	SONERING	ERF GROOTTE	MUNISIPALE WAARDASIE	RESERWE PRYS (BTW ING.)	KOPER	VERKOOPPRYS/ AANBOD
Erf 1557	Bredasdorp	JEREMYSTRAAT	Enkel Residensieel	1 456m ²	R100 000	R345 000,00	Local	R 345 000
Erf 1576	Bredasdorp	DISASTRAAT (RB 203/2021)	Enkel Residensieel	717 m²	R100 000	R345 000,00	Local	R 210 000
Erf 3604	Bredasdorp	KAKOENTJIE SINGEL	Enkel Residensieel	588m ²	R29 000	R40 250,00	Local	R 121 000
Erf 3619	Bredasdorp	KALKOENTJIE SINGEL	Enkel Residensieel	643m ²	R32 000	R40 250,00	Local	R 155 000
Erf 937	Napier	Octoberlaan 9 (RB185/2022)	Enkel Residensieel	575 m ²	R12 000	R18 000	Local	R 48 500
Erf 1268	Napier	Tolbosstraat 22 (RB 204/2021)	Enkel Residensieel	200 m ²	R6 000	R10 000	Local	R 35 500
Erf 1269	Napier	Tolbosstraat 20 (RB 204/2021)	Enkel Residensieel	220 m ²	R7 000	R12 000	Local	R 43 000
Erf 5221	Bredasdorp	Sophia de Bruynstr (RB 1 Okt 2019)	Sakesone/Municipal	1091 m²	R150 000	R180 000,00	Local	R 100 000
Erf 94	Napier	Jan van der Bylstr 14, Napier (UBK: 1 Nov 2022)	Enkel Residensieel	2 823m²	R560 000	R560 000	Local	R 450 000
Erf 3629	Bredasdorp	Ou Meuleweg (UBK: 1 Nov 2022)	Sake	2 555m ²	R615 000	R615 000	Local	R 1 400 000
Erf 3628	Bredasdorp	Ou Meuleweg (UBK: 1 Nov 2022)	Sake	1 540m ²	R370 000	R370 00	Local	R 370 000
Erf 3627	Bredasdorp	Ou Meuleweg (UBK: 1 Nov 2022)	Sake	1 540m ²	R370 000	R370 000	Local	R 370 000
Erf 3626	Bredasdorp	Ou Meuleweg (UBK:1 Nov 2022)	Sake	1 375m ²	R330 000	R330 000	Local	R 445 000
Erf 4194	Struisbaai	Veiling: 23 Jun'22	Industrieel	970m²	R855 000	R1 000 000	Local	R 800 000
AGTER POLISIESTASIE								
Erf 4175	Bredasdorp	ROSE AVENUE	Enkel Residensieel	592m ²	R100 000	R115 000.00	Local 1st Time	R 186 000
Erf 4176	Bredasdorp	ROSE AVENUE	Enkel Residensieel	686m ²	R120 000	R138 000.00	Local	R 250 000
Erf 4177	Bredasdorp	ROSE AVENUE	Enkel Residensieel	662m ²	R110 000	R126 500.00	1st Time	R 255 000
Erf 4178	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 217 000
Erf 4179	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 220 000
Erf 4180	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 180 000
Erf 4181	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local	R 180 000
Erf 4182	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 180 000
Erf 4183	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 175 000
Erf 4184	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local	R 171 000

ERF NR	DORP	ADRES	SONERING	ERF GROOTTE	MUNISIPALE WAARDASIE	RESERWE PRYS (BTW ING.)	KOPER	VERKOOPPRYS/ AANBOD
Erf 4185	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 175 000
Erf 4186	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 181 000
Erf 4187	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 182 000
Erf 4188	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 175 000
Erf 4189	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local	R 170 000
Erf 4190	Bredasdorp	ROSE AVENUE	Enkel Residensieel	599m ²	R100 000	R115 000.00	Local 1st Time	R 165 000
Agter polisiestasie: (L = Local Buyer ; 1 First Time Buyer) (93.75% were Local Buyers ; 75% are first time buyers)								R 6 395 000

BESTUURANBEVELING

- (i) Dat die Raad kennis neem van die uitkoms van die openbare veiling die week van 7 tot 10 Februarie 2023.
- (ii) Dat kennis geneem word dat die reserweprys soos bo aangetoon, as die minimum prys aanvaar is.
- (iii) Dat aanbiedinge MINDER as die reserwe prys, NIE AANVAAR word nie.
- (iv) Dat onverkoopte erwe weer met die volgende veiling tekoop aangebied word.
- (v) Dat die Stadsbeplanning en LED-afdeling 'n volledige ondersoek doen oor die aanwending van erf 5221 Bredasdorp, (Sophia de Bruynstraat) om te bepaal of die erf nie vir Raadsdoeleindes beter aangewend kan word nie, moontlik met Lesedibesigheidspark ook in gedagte.
- (vi) Dat alle bates op die "losbate lys" afgeskryf word.

AANBEVELING: UBK (24 FEBRUARIE 2023)

- (i) Dat die UBK kennis neem van die uitkoms van die openbare veiling die week van 7 tot 10 Februarie 2023.
- (ii) Dat kennis geneem word dat die reserweprys soos bo aangetoon, as die minimum prys aanvaar is.
- (iii) Dat aanbiedinge MINDER as die reserwe prys, NIE AANVAAR word nie.
- (iv) Dat onverkoopte erwe weer met die volgende veiling te koop aangebied word.
- (v) Dat die Stadsbeplanning en LED-afdeling 'n volledige ondersoek doen oor die aanwending van erf 5221, Bredasdorp (Sophia de Bruynstraat), om te bepaal of die erf nie vir Raadsdoeleindes beter aangewend kan word nie, moontlik met Lesedibesigheidspark ook in gedagte.

BESLUIT 37/2023

- (i) Dat die Raad kennis neem van die uitkoms van die openbare veiling die week van 7 tot 10 Februarie 2023.
- (ii) Dat die reserwepryse as die minimum prys aanvaar is.
- (iii) Dat aanbiede MINDER as die reserwe prys, NIE AANVAAR word nie.
- (iv) Dat onverkoopte erwe weer met 'n veiling te koop aangebied word.
- (v) Dat die Stadsbeplanning en LED-afdeling 'n volledige ondersoek doen oor die aanwending van erf 5221, Bredasdorp (Sophia de Bruynstraat), om te bepaal of die erf nie vir Raadsdoeleindes beter aangewend kan word nie, moontlik met Lesedibesigheidspark ook in gedagte.
- (vi) Dat bogenoemde verslag na MPAC verwys word vir moontlike verdere ondersoek.

12.17 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION AND OVERSIGHT REPORT FOR THE PERIOD ENDED 31 DECEMBER 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 second quarter from **1 October 2022 to 31 December 2022**, in order to strengthen Council's oversight role.

BACKGROUND

The Supply Chain Management Policy was revised and adopted by Council in June 2022 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 31 December 2022 see document ***separately attached***.

MANAGEMENT RECOMMENDTION

That Council takes note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 31 December 2022.

RESOLUTION 38/2023

That Council takes note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 31 December 2022.

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

Die Munisipale Bestuurder gee toeligtig aangaande die Algemene Waardasierol, wat tans vir die publiek beskikbaar is. Hy verduidelik die voorgeskrewe proses ten opsigte van besware en appèlle teen waardasies. Aansoeke om besware sluit op 17 Maart 2023.

14. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

15. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 41** van hierdie Notule.

17. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

18. **SLUITING**

Die vergadering verdaag om 13h30.

ONAFGEHANDELDE RAADSBESLUIT

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.	<i>Erf word per veiling verkoop. Veiling sou saam met die vervreemding van Struisbaai industriële erwe plaasgevind het, maar is uitgestel tot 'n latere datum. Die kontrakteur vir die installering van munisipale dienste word in Jan 2023 aangestel, so die moontlike veilingsdatum kan April / Mei 2023 wees.</i>	Eiendoms-administrasie
179/2022	Vervreemding (huur): Ged erf 270, Bredasdorp (T October)	(i) Dat die aansoek in-beginsel goedgekeur word. (ii) Volledige publieke deelname proses gevolg word. (iii) Dat Stadsbeplanning 'n uitleg van die perseel doen om sodoende ook die sokker spelers en ander aansoekers te akkommodeer. (iv) Ondersoek toestand van die bestaande ablusiegeriewe. (v) Grond sal hersoneer moet word om die gebruik te akkommodeer. (vi) Verdere verslag aan die Raad na afhandeling van bogenoemde stappe.	<i>Publieke deelname proses moet nog gevolg word.</i>	Eiendoms-administrasie / Stadsbeplanning
182/2022	Vervreemding (huur): Ged erf 1343, Bredasdorp (J Williams)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Eiendom sal hersoneer moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder erf 6951, Bredasdorp of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik. (iv) Verdere verslag aan die Raad voorgelê word.	<i>Verslag sal voor Raad dien na afhandeling van publieke deelname proses.</i>	Eiendoms-administrasie
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuring. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	<i>Verslag sal voor Raad dien na afhandeling van publieke deelname proses.</i>	Eiendoms-administrasie
184/2022	Vervreemding (koop): Ged erf 5209, Bredasdorp (H Vaaltyn)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	<i>Verslag sal voor Raad dien na afhandeling van publieke deelname proses.</i>	Eiendoms-administrasie
185/2022	Vervreemding (koop): Erf 937, Napier (C Van Zyl)	Dat erf per veiling verkoop word met die waardasie as insetprys en dat 'n veiling van die en ander erwe wat die Raad mag identifiseer voor einde 2022 plaasvind.	<i>Sal met eerskomende veiling hanteer word.</i>	Eiendoms-administrasie
186/2022	Vervreemding (koop): Ged erf 670, WHKrans (United Outreach Ministries)	Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.	<i>Terreinbesoek (aansoeker, Wyksraadslid en Eiendomsadministrasie) sal plaasvind en daarna weer aan Raad voorgelê word.</i>	Eiendoms-administrasie
188/2022	Subdivision: Erf 5783, Bredasdorp	(i) Approves that Town Planning Department proceed with the subdivision. (ii) Further report be submitted on the servicing and manner of disposal of the erven.	<i>Konsultant reeds aangestel om voort te gaan met onderverdeling.</i>	Stadsbeplanning
231/2022	Strategy to deal with illegal invasion of land	(i) Council approves the Land Invasion Strategy. (ii) That an Informal Management Settlement Plan be developed, workshopped and submitted to Council for consideration.	<i>Manager: Human Settlements in process to finalise plan and will be submitted to the next Portfolio Committee meeting.</i>	Bestuursdienste

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
233/2022	Vandalism/Theft - Strategy	That a security audit be compiled of all vulnerable assets and submitted to the Management Services Committee as soon as possible whereafter the Strategy will be workshopped and submitted to Council for approval.	Security audit completed and a complete item will be submitted to next portfolio meeting.	Bestuursdienste
240/2022	Vervreemding (koop): Erf 3539, Bredasdorp (mnr en mev Kloppers)	Dat die aangeleentheid terugverwys word, sodat Stadsbeplanning oorweging kan skenk aan 'n registrasie van 'n "reg tot weg" vir die aanliggende erf.	Vermoed hierdie aansoek is goedgekeur. Indien goedgekeur moet die eienaars die kostes dra van 'n stadsbeplanner vir stadsbeplanningsprosesse en publieke deelname.	Stadsbeplanning
312/2022	Vervreemding (huur): Ged Erf 1148, Bredasdorp (W Murtz)	(i) Dat die aansoek nie ondersteun word nie. (ii) Dat Eiendomsbestuur gedurende die eerste kwartaal van 2023 'n werkwinkel aanbied waartydens alle Raadslandbougrond en opkomende boere bespreek sal word.		Eiendoms-administrasie
313/2022	Vervreemding (huur): Ged Erf 4339, Bredasdorp (Maarman en Rini)	(i) Dat die aansoeke nie ondersteun word nie. (ii) Dat die aangeleentheid terugverwys word na Menslike Ontwikkeling om statistiese data te versamel om 'n weldeurdragte werkwinkel gedurende Maart 2023 aan te bied. (iii) Dat Menslike Ontwikkeling en LED, in konsultasie met die aansoekers, 'n besigheidsplan voorberei wat op 'n latere stadium weer aan die Raad voorgelê sal word vir oorweging.	Made contact with the clients regarding possible submission of renewed business plan. In process.	Menslike Ontwikkeling / LED
314/2022	Vervreemding (huur): Ged Erf 1148, Bredasdorp (Williams en Van Niekerk)	(i) Dat die aansoeke nie goedgekeur word nie. (ii) That the matter be referred back for further investigation by property management for alternative land to mr Williams, due to the danger of animals close to the public road. (iii) That Council take note that mr Van Niekerk have received other property to rent.		Eiendoms-administrasie

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BEKRAGTIG op hierdie

dag van

2023

BESLUIT 39/2023

- (i) Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.
- (ii) Dat die Raad kennis neem dat Raadsbesluit 185/2022 afgehandel is.

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

SPEAKER

DATUM