



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DINSDAG
31 JULIE 2018 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 31 JULY 2018 AT
10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	C J JACOBS	
MNR	D JANTJIES	
ME	E C MARTHINUS	
MNR	J G A NIEUWOUDT	(Speaker)
ME	M OCTOBER	
ME	E L SAULS	
MNR	P J SWART	(Burgemeester)
ME	Z TONISI	(Onder-Burgemeester)

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr K Mrali	Direkteur: Bestuursdienste
Mnr A Jacobs	Direkteur: Infrastruktuurdienste
Mnr B Swart	Interne Ouditeur
Mnr S Cooper	Bestuurder: Elektrotegniese Dienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Me N Mhlati-Musewe	Divisional Head: HR Services & Organisational Development
Me T Stone	Afdelingshoof: Strategiese Dienste

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en mnr Hayward open die vergadering met gebed.

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

Geen.

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

3.1. **Clearlake Capital: Insake voorgestelde aftreeoord op erf 849, Struisbaai**

Mnr Ben Smit spreek die Raad toe insake die vestiging van 'n aftreeoord op die beoogde erf 849, Struisbaai. Hy stel die Raad in kennis dat 'n alternatiewe erf, naamlik 'n gedeelte van erf 1256, Struisbaai in 'n nuwe aansoek aan die Raad voorgelê gaan word. Fase 1 van die oord sal onder andere 220 huise asook 'n kliniek insluit.

BESLUIT 87/2018

Die Raad neem kennis dat 'n volledige aansoek op erf 1256, Struisbaai voorgelê sal word.

3.2 **Ontwikkeling: Erf 857, Struisbaai (Volledige item - Punt 11.2.7)**

Mnr Paul Boshoff spreek die Raad toe oor 'n nuwe uitleg van die beoogde winkel sentrum op erf 857, Struisbaai. Die sentrum sal ook 'n hardware- en lynwinkels insluit sowel as die akkommodasie van die bestaande huurders asook die voorgestelde SAPD kantore.

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

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

29 Mei 2018

BESLUIT 88/2018

Die Notule word as korrek en volledig bekragtig.

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

22 Junie 2018

BESLUIT 89/2018

Die Notule word as korrek en volledig bekragtig.

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

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

29 Mei 2018

BESLUIT 90/2018

Die Raad neem kennis van bogenoemde UBK Notule.

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

6.1 **VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 : 24 Mei 2018
- WYK 2 : 24 Mei 2018
- WYK 3 : 22 Mei 2018
- WYK 4 : 21 Mei 2018
- WYK 5 : 23 Mei 2018
- WYK 6 : 22 Mei 2018

BESLUIT 91/2018

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 VOORGELê VIR KENNISNAME

- **ICT Steering Committee:** 24 Mei 2018 en 21 Junie 2018
- **Donasie Komitee van Uitvoerende Burgemeester:** 16 Julie 2018

BESLUIT 92/2018

- (i) Die Raad neem kennis van bogenoemde Komitee Notules.
- (ii) Dat die finale notule van die Donasie Komitee weer aan die Raad voorgelê sal word.

7. SAKE VOORTSPRUITEND UIT NOTULES

Geen.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**8.1 BRIEWE VAN DANK**

Aangeheg op bladsy 1 van die bylaes.

8.2 FUNKSIES VIR DIE MAAND

Geen.

8.3 AANWYS VAN AFGEVAARDIGDES

Die provinsiale Minister van Gesondheid het versoek dat kliniek fasiliteringsrade aangewys moet word. Die volgende Raadslede word as afgevaardigdes aangewys, naamlik: Bredasdorp: Rdl Tonisi, Napier: Rdl Sauls en Struisbaai: Rdl Swart.

8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

Geen.

9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Raadsdame Marthinus versoek dat notules van wyksterugvoervergaderings ook aan die Raad voorgelê moet word. Die Speaker bevestig dat alle sodanige notules by Raadslidondersteuning beskikbaar is.

10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

- (i) Mnr Jacobs word verwelkom as die Direkteur: Infrastruktuur.
- (ii) Die Munisipale Bestuurder en sy span word bedank vir die goeie bestuur tydens die 2017/18 boekjaar.
- (iii) Provinsie het R2 000 000 beskikbaar gestel vir die verskuiwing en opgradering van Struisbaai se informele area.

11.	<u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u>	<u>Bladsy</u>	
		<u>Agenda</u>	<u>Bylaes</u>
11.1	<u>MUNISIPALE BESTUURDER</u>		
11.1.1	Kwartaalverslag: Oudit- en Prestasieoudit Komitee: 30 Junie 2018	5	2 - 5
11.1.2	Half-Jaarlikse Verslag: Prestasiemeting en - Stelsel: 30 Junie 2018	6	6 - 9
11.2	<u>STRATEGIESE BEPLANNING EN ADMINISTRASIE</u>		
11.2.1	Time Schedule: 2019/20, 2020/21 and 2021/22 Budget and 2019/20 IDP	6 - 15	-
11.2.2	Quarterly Performance Report: 1 April 2018 - 30 June 2018	16 - 17	10 - 62
11.2.3	Vervreemding (huur): Ged erf 1148, Bredasdorp (U Myathaza)	17 - 19	63 - 70
11.2.4	Vervreemding (koop): Ged erf 1148, Bredasdorp (Father Masango)	19 - 21	71 - 72
11.2.5	Vervreemding (koop): Ged erf 3499, Struisbaai	21 - 23	73 - 76
11.2.6	Vervreemding (huur): Ged erf 1343, Bredasdorp	23 - 25	77
11.2.7	Valuation: Erf 857, Struisbaai (Business Development)	25 - 27	78 - 128
11.2.8	Valuation: Erf 849, Struisbaai (Retirement Village)	27 - 35	129 - 180
11.2.9	Implementation of Integrated Zoning Scheme By-Law	35 - 37	-
11.2.10	Verordering: Drank Handelsure te wysig	37 - 40	181 - 186
11.2.11	Municipal Planning Tribunal: Appointment of Members	40 - 42	-
11.2.12	Hersonering, Onderverdeling en Fasering: Erf 857, Struisbaai	42 - 46	187 - 218
11.2.13	Community Garden, Bredasdorp and Struisbaai North	47 - 50	-
11.2.14	RSEP and VPUU Programmes	50 - 55	-
11.2.15	Vervreemding (huur): Erf 601, L'Agulhas	55 - 56	219 - 226
11.3	<u>BESTUURSDIENSTE</u>		
11.3.1	Approval: Amended Housing Selection Policy	57	227 - 250
11.4	<u>FINANSIES- EN IT DIENSTE</u>		
11.4.1	Jaarlikse Bateopname: 2017/2018-Boekjaar	58	251 - 256
11.4.2	OPCAR: Maandelikse Vordering - Julie 2018	58 - 59	257 - 264
12.	<u>ADDISIONELE ITEMS DEUR DIE RAAD HANTEER</u>		
12.1	NERSA: Goedkeuring van elektrisiteitstariewe - 2018/19 begroting	59 - 60	
13.	<u>DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER</u>	Geen	
14.	<u>OORWEGING VAN KENNISGEWING VAN MOSIES</u>	Geen	
15.	<u>OORWEGING VAN KENNISGEWING VAN VRAE</u>	Geen	
16.	<u>OORWEGING VAN DRINGENDE MOSIES</u>	Geen	
17.	<u>VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBSLUIITE</u>		
	Lys van onafgehandelde Raadsbesluite verskyn op <i>bladsy 61</i> .		
18.	<u>IN-KOMITEE VERSLAE</u>		
	Die In-Komitee items word vertroulik hanteer.		
19.	<u>SLUITING</u>		
	Die vergadering verdaag om 12:40		

11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

11.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

11.1.1 KWARTAALVERSLAG OOR DIE OUDIT- EN PRESTASIEOUDIT KOMITEE SE WERKSAAMHEDE VIR DIE KWARTAAL GEËINDIG 30 JUNIE 2018

DOEL VAN VERSLAG

Verslagdoening aan die Raad oor die Oudit- en Prestasieoudit Komitee se werksaamhede, die uitvoering van sy pligte en aanbevelings gemaak vir die kwartaal geëindig 30 Junie 2018.

AGTERGROND

In terme van Nasionale Tesourie se Omsendskrywe 65 van 2003 moet die Komitee op 'n kwartaallikse basis verslag aan die Raad doen oor die uitvoering van hulle funksies en werksaamhede asook werksaamhede van die interne oudit afdeling. Hierdie omsendskrywe is in 2012 aangepas om by die jongste verwikkelinge en verwagtinge rondom die Komitee, interne oudit en risikobestuur aan te pas.

Op grond van hierdie skrywe het die Komitee sy kwartaal verslag, soos aangeheg op **bladsy 2 tot 5** uitgebring vir bogemelde kwartaal en wat nou aan die Raad voorgelê word vir bespreking en oorweging.

Die Raad se aandag word graag op die volgende pertinente punte in die verslag gevestig:

- Par. 5(a) : Areas waarmee die komitee hulle tevredenheid uitspreek.
- Par 5(b) : Areas van bekommernisse.
- Par 5(c) : Ouditverslae wat deur die Komitee oorweeg is.
- Par 6 : Aanbevelings deur die Komitee gemaak.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Voldiening aan die Munisipale Beplannings en Prestasiebeestuurs Regulasies, 2001.

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

Dat die Raad die inhoud van die Komitee se kwartaalverslag vir die kwartaal geëindig 30 Junie 2018 oorweeg en aanvaar.

BESLUIT 93/2018

Dat die aanbeveling van die Oudit- en Prestasieoudit Komitee as besluit van die Raad aanvaar word.

11.1.2 **HALF-JAARLIKSE VERSLAG OOR PRESTASIEMETING EN -STELSEL VIR DIE TYDPERK GEËINDIG 30 JUNIE 2018**

DOEL VAN VERSLAG

Om die Raad in te lig oor die Prestasieoudit Komitee se half-jaarlikse verslag oor bogemelde tydperk oor hulle evaluering van die prestasiekeningstelsel en die bestuur daarvan en vir die Raad om die verslag te oorweeg.

AGTERGROND

In terme van artikel 14(4)(a)(iii) van die Plaaslike Regering: Munisipale Beplanning en Prestasiebestuurs Regulasies, 2001 (Regulasie 796), moet die Komitee twee maal per jaar die munisipaliteit se prestasiekeningstelsel (SDBIP stelsel) en die bestuur daarvan evalueer en daarvoor aan die Raad verslag doen.

Die Komitee het dan ook sodanige evaluering gedoen vir die tydperk 1 Januarie 2018 tot 30 Junie 2018 en die vereiste verslag opgestel. Die Komitee is oor die algemeen baie tevrede met die stelsel en die bestuur daarvan, maar lig sekere bekommernisse uit, soos aangeheg op **bladsy 6 tot 9**.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Voldoening aan die Munisipale Beplannings- en Prestasiebestuursregulasies, 2001

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

Dat die Komitee se half-jaarlikse verslag vir die half-jaar geëindig 30 Junie 2018 oor die munisipaliteit se prestasiebestuurstelsel en die bestuur daarvan oorweeg en aanvaar word.

BESLUIT 94/2018

Dat die aanbeveling van die Oudit- en Prestasieoudit Komitee as besluit van die Raad aanvaar word.

11.2 **STRATEGIESE BEPLANNING EN ADMINISTRASIE / STRATEGIC PLANNING AND ADMINISTRATION**

11.2.1 **TIME SCHEDULE: 2019/20, 2020/21 AND 2021/22 BUDGET AND 2019/20 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW**

REPORT BY THE DIVISION HEAD: STRATEGIC SERVICES AND PLANNING

PURPOSE OF REPORT

To present a time schedule for the 2019/20, 2020/21 and 2021/22 Budget and the 2019/20 IDP review for approval in terms of Sections 21(1) (b) and 53(1) (b) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).

LEGAL FRAMEWORK

Integrated development planning is regulated by Chapter 5 of the Local Government Municipal Systems Act. Act 32 of 2000.

Section 28 requires:

- 1) *"Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.*
- 2) *The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.*
- 3) *A municipality must give notice to the local community of particulars of the process it intends to follow."*

Section 34 requires:

"The Municipal Council to annually review its IDP in accordance with an assessment of its performance and to the extent that changing circumstances require."

The Municipal Finance Management Act, (MFMA) Act 56 of 2003 regulates the Budget preparation process -

"21.(1) The mayor of a municipality must:

- a) *co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;*
- (b) *at least 10 months before the start of the budget year, table in the municipal council a **time schedule** outlining key deadlines for:*
 - (i) *the preparation, tabling and approval of the annual budget;*
 - (ii) *the annual review of:*
 - (aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - (bb) *the budget-related policies;*
 - (iii) *the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) *any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

Section 53(1)(b) provides that -

"The mayor of a municipality must co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget."

DISCUSSION

The Council adopted a process plan for the development and review of the new five year IDP on 30 August 2016 per resolution 176/2016 which reads as follows:

"MANAGEMENT RECOMMENDATION"

That the Process Plan for the drafting and review of the 2017 - 2022 IDP (which includes the budget preparation process) for Cape Agulhas Municipality be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000).

RESOLUTION 176/2016

That the management recommendation be accepted as resolution of Council."

The Process Plan contained a detailed written process and a time schedule of key deadlines. Essentially the process stays the same for the duration of the IDP Cycle, but the time schedule is re-developed for each year.

The proposed Time Schedule for 2019/20 is as follows:

ACTIVITY	Date	Legal Reference
JULY/AUGUST 2018		
Approval of Time schedule Council to approve Time Schedule for 2019/20 IDP Review	31 July	MFMA Section 21 <i>The mayor of a municipality must—</i> (a) co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible; (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for— (i) the preparation, tabling and approval of the annual budget; (ii) the annual review of— (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and (bb) the budget-related policies; (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
AUGUST 2018		
- Publicise Time Schedule and submit to relevant Organs of State - Mass communication e.g. press articles, Facebook, new flashes.	1-9 Aug (and ongoing throughout process)	MSA Section 29(1)(b): <i>The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for-</i> i. the local community to be consulted on its development needs and priorities; ii. the local community to participate in the drafting of the integrated development plan; and iii. organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan.
AUGUST 2018		
AFS and Annual Performance Report Submit annual financial statements and annual performance report to the Auditor-General for auditing (within two months after the end of the financial year)	31 Aug	MSA Section 126(1)(a): <i>The accounting officer of a municipality must prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing</i> MSA Section 46 (1): <i>A municipality must prepare for each financial year a</i>

ACTIVITY	Date	Legal Reference
		<i>performance report reflecting the performance of the municipality and of each external service provider during that financial year; a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and measures taken to improve performance</i>
SEPTEMBER 2018		
Provincial IDP Managers Forum	6-7 Sept	<i>Provincial engagement by DLG with District and Local municipalities on the IDP process</i>
Public participation with Ward Committees - Review of municipal needs as well as needs falling within functional mandate of other organs of state for submission to them: - Ward Committee Meetings* <ul style="list-style-type: none"> ○ Ward 1 – Napier / Elim ○ Ward 2- Bredasdorp / Klipdale ○ Ward 3- Bredasdorp ○ Ward 4- Bredasdorp / Proteem ○ Ward 5- Struisbaai ○ Ward 6- Arniston / Bredasdorp * Ward Committee meetings in each ward to review and prioritise ward needs	10 Sept - 3 Oct	MSA Section 29(1)(b): 34. A municipal council— <i>(a) must review its integrated development plan—</i> <i>(i) annually in accordance with an assessment of its performance measurements in terms of section 4 and</i> <i>(ii) to the extent that changing circumstances so demand</i>
Quarterly Feedback meetings - Public Meetings <ul style="list-style-type: none"> ○ Ward 1 – Napier ○ Ward 1 – Elim ○ Ward 2- Bredasdorp ○ Ward 2- Klipdale ○ Ward 3- Bredasdorp ○ Ward 4- Bredasdorp ○ Ward 4- Proteem ○ Ward 5- Struisbaai ○ Ward 6- Arniston ○ Ward 6- Bredasdorp * Reviewed ward needs to be consulted with the public by the Ward Councillors.	10 Sept - 3 Oct	
OCTOBER 2018		
Senior Management Discussion Review sector plans, financial position, community needs and other relevant data to identify critical institutional priorities for discussion at Council Strategy Workshop. (Municipal Manager and Directors)	Between 01-19 Oct	
Directorate Strategy Workshops - Innovate and suggest solutions that contribute to the Strategic Goal(s) applicable to each Directorate - Prepare departmental operational plans and identify KPI's aligned to strategic goals with due cognisance of inputs from other stakeholders including government and bulk service providers (and NER). (Directors, Managers and other key staff designated by the Director)	Between 01-19 Oct	
Council Strategy Workshop Review institutional and community priorities, past performance and changing circumstances with due cognisance of a financial assessment, strategic risks, community needs and other relevant information. (Councillors, Municipal Manager, Directors)	By 31 Oct	MSA Section 56. (2) <i>The executive mayor must -</i> <i>(a) identify the needs of the municipality;</i> <i>(b) review and evaluate those needs in order of priority</i>
Long term financial plan Review the Long term Financial Plan	By 31 Oct	MSA Section 26(h): <i>An integrated development plan must reflect a financial plan,</i>

ACTIVITY	Date	Legal Reference
		<i>which must include a budget projection for at least the next three years.</i>
District IDP Managers Forum	By 31 Oct	<i>District engagement by ODM with Local municipalities within the District on the IDP process</i>
NOVEMBER 2018		
District sector-focused engagements	27-30 Nov	<i>District Sector-focused engagements on IDP projects to ensure project alignment:</i> 1) SALGA (District Regional Economic Development & Tourism Strategy) 2) DRDLR / DoA 3) DSD / DoH / DCS 4) DTPW / DHS
Adjustment budget for current year BTO Office to send out current year adjustment budget preparation documents to Directorates for completion	By 30 Nov	MFMA Section 28 (1) <i>A municipality may revise an approved annual budget through an adjustments budget.</i>
New Budget preparation BTO office to send out MSCOA compliant budget preparation documents to Directorates for completion (MTREF) <ul style="list-style-type: none"> o Capital o Operational o Policies o Tariffs 	By 30 Nov	MFMA Section 21 (1): <i>The mayor of a municipality must—</i> (a) <i>co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible</i>
Audit Report Receive audit report on annual financial statements from the Auditor-General	By 30 Nov	MFMA Section 126(3): <i>The Auditor-General must—</i> (a) <i>audit those financial statements; and</i> (b) <i>submit an audit report on those statements to the accounting officer of the municipality or entity within three months of receipt of the statements.</i>
DECEMBER 2018		
Provincial IDP Managers Forum	6-7 Dec	<i>Provincial engagement by DLG with District and Local municipalities on the IDP process</i>
Annual report Submit draft of annual report to Council - incorporating financial and non-financial information on performance, audit reports and annual financial statements	By 7 Dec	MFMA 121 (1) <i>Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control</i>
Adjustment budget Directorates to submit completed current year adjustment budget documents to BTO	By 14 Dec	MFMA 28 (1). <i>A municipality may revise an approved annual budget through an adjustments budget.</i>
JANUARY 2019		
New Budget preparation Directorates to submit completed MTREF MSCOA compliant budget documents to BTO	11 Jan	
SDBIP amendments Directorates to submit proposed current year SDBIP amendments to Strategic Services	11 Jan	
Management budget workshop Consider budgetary guidelines, circulars and internal parameters (Directors and Managers to attend)	By 18 Jan	
Mid-year budget and performance assessment <ul style="list-style-type: none"> - Submit mid- year budget and performance assessment to the Mayor, Provincial and National Treasury - Submit mid- year budget and performance assessment to the Council 	25 Jan 31 Jan	MFMA Section 72 (1) <i>The accounting officer of a municipality must by 25 January of each year—</i> (a) <i>assess the performance of the municipality during the first half of the financial year, taking into account—</i> (i) <i>the monthly statements referred to in section 71 for the first half of the financial year;</i> (ii) <i>the municipality's service delivery performance during the</i>

ACTIVITY	Date	Legal Reference
		<p>first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;</p> <p>(iii) the past year's annual report, and progress on resolving problems identified in the annual report; and</p> <p>(iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and</p> <p>(b) submit a report on such assessment to -</p> <p>(i) the mayor of the municipality;</p> <p>(ii) the National Treasury; and</p> <p>(iii) the relevant provincial treasury.</p>
Adjustment budget Submit adjustment budget to Council	31 Jan	MFMA Section 28. (1) A municipality may revise an approved annual budget through an adjustments budget.
SDBIP amendments Submit SDBIP amendments to Council	31 Jan	MFMA Section 54. (1) On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must— (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;
Budget Steering Committee 1: Consider budgetary guidelines, circulars and internal parameters	By 31 Jan	
District IDP Managers Forum	By 31 Jan	District engagement by ODM with Local municipalities within the District on the IDP process
FEBRUARY 2019		
Provincial IDP Managers Forum	28 Feb-01 March	Provincial engagement by DLG with District and Local municipalities on the IDP process
Oversight report Submit the Oversight Report to Council (within 2 months of tabling of the draft Annual Report)	By 8 Feb	MFMA Section 129. (1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council— (a) has approved the annual report with or without reservations; (b) has rejected the annual report; or (c) has referred the annual report back for revision of those components that can be revised.
New Budget Departmental work sessions BTO to convene work sessions with individual Departments	1-15 Feb	
New Budget BTO to Finalise first draft of the capital and operating budget and budget related policies	Before 28 Feb	
Transfers Receive notification of any transfers that will be made to the municipality from other municipalities in each of the next three fin years (by no later than 120 days before the start of its budget year)	Before 28 Feb	MFMA Section 37(2): In order to enable municipalities to include allocations from other municipalities in their budgets and to plan effectively for the spending of such allocations, the accounting officer of a municipality responsible for the transfer of any allocation to another municipality must, by no later than 120 days before the start of its budget year, notify the receiving municipality of the projected amount of any allocation proposed to be transferred to that municipality during each of the next 3

ACTIVITY	Date	Legal Reference
		<i>financial years.</i>
MARCH 2019		
Council Budget workshop Directorates to present their operational plans and associated budgets to Council for input	Week1	
Budget Steering Committee 2: Submit draft Budget and IDP Review to Budget Steering Committee	Week 2	
Table Draft IDP review and Budget (Including Top Layer SDBIP) Table draft IDP Review and budget (including SDBIP) to Council	26 Mar	MFMA Section 16: (1) <i>The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year.</i> (2) <i>In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.</i>
District IDP Managers Forum	By 29 March	<i>District engagement by ODM with Local municipalities within the District on the IDP process</i>
APRIL 2019		
Publicise draft Budget including SDBIP Make public the draft budget (including Top Layer SDBIP) and invite the community to submit representations.	5 Apr	MFMA Section 22: <i>Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must</i> (a) <i>in accordance with Chapter 4 of the Municipal Systems Act -</i> (i) <i>Make public the annual budget and the documents referred to in Section 17(3); and</i> (ii) <i>invite the local community to submit representations in connection with the budget;</i> (b) <i>submit the annual budget -</i> (i) <i>in both printed and electronic formats to the National Treasury and the relevant provincial treasury; and</i> (ii) <i>in either formats to any prescribed national or provincial organs of state and to other municipalities affected by the budget.</i>
Publicise IDP Review Make public the draft IDP review and invite the community to submit representations.	5 Apr	MPPM Regulation 3(4)(b): <i>No amendment to a municipality's integrated development plan may be adopted by the municipal council unless the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment.</i>
Submissions Submit the draft budget (including SDBIP), IDP Review to the Local Government, Provincial Treasury, National Treasury and other affected organs of state	By 5 April	MFMA Section 22: <i>Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must</i> (a) <i>in accordance with Chapter 4 of the Municipal Systems Act -</i> (i) <i>Make public the annual budget and the documents referred to in Section 17(3); and</i> (ii) <i>invite the local community to submit representations in connection with the budget;</i> (b) <i>submit the annual budget -</i> (i) <i>in both printed and electronic formats to the National Treasury and the relevant provincial treasury; and</i> (ii) <i>in either formats to any prescribed national or provincial organs of state and to other municipalities affected by the budget.</i>
Submissions Submit the draft IDP Review to the District Municipality	By 5 April	MSA Section 29(3)(b): <i>A local municipality must draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the district municipality.</i> MPPM Regulation 3(6): <i>A local municipality that considers an amendment to its integrated development plan must-</i> (a) <i>consult the district municipality in whose area it falls on the proposed amendment; and</i>

ACTIVITY	Date	Legal Reference
		(b) take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.
Public participation - Ward based budget meetings (6) - Ward Committee meetings	08-30 April	MFMA Section 23(1): When the annual budget has been tabled, the municipal council must consider any views of – (a) the local community; and (b) the National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities which made submissions on the budget.
District IDP Managers Forum	By 30 April	District engagement by ODM with Local municipalities within the District on the IDP process
MAY 2019		
Closing date for submissions Public input on draft budget (including SDBIP), IDP Review closes	3 May	
Budget Steering Committee 3 Consideration of public inputs on draft budget (including SDBIP), IDP [Review]	By 10 May	MFMA Section 23(2): After considering all budget submissions, the council must give the mayor an opportunity- (a) to respond to the submissions; and (b) if necessary, to revise the budget and table amendments for consideration by the council.
Finalisation of new budget Completion of Annual Budget amendments / refinements	By 21 May	
Final approval of new budget/IDP Review Table final budget (including SDBIP), IDP Review to Council (at least 30 days before the start of the budget year)	28 May	MFMA Section 24(1): The Council must at least 30 days before the start of the budget year consider the approval of the annual budget. MPPM Regulation 3(3): An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.
JUNE 2019/ JULY 2019		
Provincial IDP Managers Forum	6-7 June	Provincial engagement by DLG with District and Local municipalities on the IDP process
Place the IDP Review, annual budget, SDBIP all budget-related documents and all budget-related policies on the website (within 5 days)	By 4 Jun	MFMA Section 75(1): The accounting officer of a municipality must place on the website the following documents of the municipality: (a) the annual and adjustments budgets and all budget-related documents and (b) all budget-related policies MSA Section 21A(1)(b): All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21B. MFMA Section 75(2): A document referred to above must be placed on the website not later than five days after its tabling in the council or on the date on which it must be made public, whichever occurs first.
Submit a copy of the revised IDP Review to the MEC for local government as well as Provincial Treasury (within 10 days of the adoption of the plan)	By 11 Jun	MSA Section 32(1)(a): The municipal manager of a municipality must submit a copy of the integrated development plan as adopted by the council of the municipality, and any subsequent amendment to the plan, to the MEC for local government in the province within 10 days of the adoption or amendment of the plan.
Give notice to the public of the adoption of the IDP Review	By 11 Jun	MSA Section 25(4)(a): A municipality must, within 14 days of the adoption of its integrated development plan in terms of subsection (1) or (3) give notice to the public- (i) of the adoption of the plan; and (ii) that copies of or extracts from the plan are available for

ACTIVITY	Date	Legal Reference
		<p><i>public inspection at specified places;</i> MSA Section 21A(1)(a) and (c): <i>All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community -</i> (a) <i>by displaying the documents at the municipality's head and satellite offices and libraries;</i> (c) <i>by notifying the local community, in accordance with section 21, of the place, including the website address, where detailed particulars concerning the documents can be obtained.</i></p>
<p>Make public the approved annual budget and supporting documentation (including tariffs) (within 10 working days after approval of the budget)</p>	<p>By 11 Jun</p>	<p>Budget & Reporting Regulations 2009, Reg 18: (1) <i>Within ten working days after the municipal council has approved the annual budget of a municipality, the municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved annual budget and supporting documentation and the resolutions referred to in section 24(2)(c) of the Act.</i> (2) <i>The municipal manager must also make public any other information that the municipal council considers appropriate to facilitate public awareness of the annual budget, including-</i> (a) <i>summaries of the annual budget and supporting documentation in alternate languages predominant in the community; and</i> (b) <i>information relevant to each ward in the municipality.</i> (3) <i>All information contemplated in sub regulation (2) must cover:</i> (a) <i>the relevant financial and service delivery implications of the annual budget; and</i> (b) <i>at least the previous year's actual outcome, the current year's forecast outcome, the budget year and the following two years.</i></p>
<p>Submit approved budget to the Provincial Treasury and National Treasury (within 10 working days after approval of the budget)</p>	<p>By 11 Jun</p>	<p>MFMA Section 24(3): <i>The accounting officer of a municipality must submit the approved annual budget to the National Treasury and the relevant provincial treasury.</i> Budget & Reporting Regulations 2009, Reg 20: <i>The municipal manager must comply with section 24(3) of the Act within ten working days after the municipal council has approved the annual budget.</i></p>
<p>Submit the draft Top Layer SDBIP to the Executive Mayor with the draft annual performance agreements for the next year (within 14 days after approval of the budget)</p>	<p>11 Jun</p>	<p>MFMA Section 69(3): (a) <i>The accounting officer must no later than 14 days after the approval of an annual budget submit to the mayor a draft service delivery and budget implementation plan for the budget year.</i> (b) <i>The accounting officer must no later than 14 days after the approval of an annual budget submit to the mayor drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the municipal manager and all senior managers.</i></p>
<p>Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)</p>	<p>25 Jun</p>	<p>MFMA Section 53(1)(c)(ii): <i>The mayor of a municipality must take all reasonable steps to ensure that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after approval of the budget.</i></p>
<p>Place the performance agreements and all service delivery agreements on the website</p>	<p>26 Jun</p>	<p>MFMA Section 75(1): <i>The accounting officer of a municipality must place on the website the following documents of the municipality:</i> (d) <i>performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act; and</i></p>

ACTIVITY	Date	Legal Reference
		(e) all service delivery agreements Budget & Reporting Regulations 2009, Reg 19: <i>The accounting officer must place on the website all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act.</i>
Submit copies of the performance agreements to Council and the MEC for local government as well as the national minister responsible for local government (within 14 days after conclusion thereof).	15 Jul	MFMA Section 53(3)(b): <i>Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.</i> PERF Regs 2006 Reg(5): <i>The employment contract and performance agreement must be submitted to the MEC responsible for local government in the relevant province as well as the national minister responsible for local government within fourteen (14) days after concluding the employment contract and performance agreement</i>
Submit the SDBIP to National and Provincial Treasury (within 10 working days approval of the plan)	9 Jul	Budget & Reporting Regulations 2009, Reg 20(2)(B): <i>The municipal manager must submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form the approved service delivery and budget implementation plan within ten working days after the mayor has approved the plan.</i>
Make public the projections, targets and indicators as set out in the SDBIP (within 10 working days after the approval of the SDBIP)	9 Jul	MFMA Section 53(3)(a): <i>The mayor must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan.</i> Budget & Reporting Regulations 2009, Reg 19: <i>The municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved service delivery and budget implementation plan within ten working days after the mayor has approved the plan in terms of section 53(1)(c)(ii) of the Act.</i>
Make public the performance agreements of Municipal Manager and senior managers (no later than 14 days after the approval of the SDBIP)	9 Jul	MFMA Section 53(3)(b): <i>The mayor must ensure that the performance agreements of municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan.</i>

MANAGEMENT RECOMMENDATION

- (i) That the Time Schedule for the 2019/20, 2020/21 and 2021/22 Budget and 2019/20 Integrated Development Plan (IDP) Review be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003). (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).
- (ii) That the Time Schedule be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

RESOLUTION 95/2018

That the management recommendation be accepted as a resolution of Council.

11.2.2 QUARTERLY PERFORMANCE REPORT FOR QUARTER 4: 1 APRIL 2018 - 30 JUNE 2018**REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION****PURPOSE OF REPORT**

To present the quarterly performance report of the Municipality for the fourthquarter of the financial year (1 April 2018 - 30 June 2018) as attached on **page 10 to 62**.

LEGAL FRAMEWORK

This Performance Report is submitted in compliance with MFMA Circular 13, which requires the Municipality to report quarterly on its Service Delivery Budget Implementation Plan (SDBIP).

This report must be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, which requires the Mayor to within 30 days of the end of each quarter; submit a report to Council on the implementation of the budget and the financial state of affairs of the Municipality.

DISCUSSION

The Performance Management System is an internet based system that uses the approved Service Delivery Budget Implementation Plan (SDBIP) as its basis.

The Executive Mayor approved the Top Layer SDBIP for 2017/18 on 26 June 2017. The SDBIP is a layered plan comprising a Top Layer SDBIP and Departmental SDBIPs.

Performance reporting on the top layer SDBIP is done to the Mayoral Committee and Council on a quarterly, half yearly (Mid-year Budget and Performance Assessment Report) and annual basis (Annual Report).

Any amendments to the Top Layer SDBIP must be approved by Council following the submission of the Mid-year Budget and Performance Assessment Report and the approval of the adjustment budget. Adjustments to the SDBIP were approved on 30 January 2018 (Resolution 3/2018).

Please note that all figures contained in this report are provisional, unaudited and may change pending the finalisation of the Annual Financial Statements. Revisions arising from this will be contained in the final performance report for the year which will be available on 31 August 2017

LINKAGE TO THE IDP

The Council approved the new five year IDP on 30 May 2017. The SDBIP derives from the IDP which contains the Municipalities vision, mission and strategic goals and objectives, which in turn aligned to the National KPA's for Local Government.

The following table sets out this alignment:

VISION	MISSION	STRATEGIC GOAL	STRATEGIC OBJECTIVE
Together for excellence Saam vir uitnemendheid Sisonke siyagqwesa	To render excellent services through good governance, public ownership and artnership in order to create a safer environment that will promote socio-economic growth and ensure future financial sustainability in a prosperous southernmost community	SG1: To ensure good governance	SO1: To create a culture of good governance
			SO2: To create a culture of public participation and empower communities to participate in the affairs of the Municipality
		SG2: To ensure institutional sustainability	SO3: To create an administration capable of delivering on service excellence.
		SG3: To promote local economic evelopment in the Cape Agulhas Municipal Area	SO4: To create an enabling environment for economic growth and development
			SO5:To promote tourism in the Municipal Area

		SG4: To improve the financial viability of the Municipality and ensure its long term financial sustainability	SO6: To provide effective financial, asset and procurement management
		SG5: To ensure access to equitable affordable and sustainable municipal services for all citizens	SO7: Provision of equitable quality basic services to all households
			SO8: To maintain infrastructure and undertake development of bulk infrastructure to ensure sustainable service delivery.
			SO9: To provide community facilities and services
		SG6: To create a safe and healthy environment for all citizens and visitors to the Cape Agulhas Municipality	SO10: Development of sustainable vibrant human settlements
			SO11: To promote social and youth development
			SO12: To create and maintain a safe and healthy environment

MANAGEMENT RECOMMENDATION

- (i) That the quarterly performance report for the quarter (1 April 2018 to 30 June 2018) be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report (attached on **page 34 to 62**) which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.

RESOLUTION 96/2018

That the management recommendation be accepted as a resolution of Council.

11.2.3 VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (COLLAB: 263236) (WYK 3)**DOEL VAN VERSLAG**

Dat oorwëging geskenk word aan die versoek van me U Myathaza ten einde 'n gedeelte (2ha) van Erf 1148, Bredasdorp te huur ten einde vir veeboerdery doeleindes aan te wend (liggingsplan aangeheg op **bladsy 63**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 64 tot 70** is van me U Myathaza ontvang om 'n gedeelte (2ha) van erf 1148, Bredasdorp by die Raad te huur.

FINANSIële IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Was discussed at agenda discussion.

DIREKTEUR: FINANSIËLE DIENSTE

Sal die perseel geskik en groot genoeg wees vir die doel waarvoor dit aangewend wil word.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

There is no electricity on that land and there is no indication of what demand capacity is required on the premises. This will be costly and for the tenants account.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Not supported due to the proximity of residential erven and non availability of electricity, which will be required for poultry farming.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word nie ondersteun nie. Varkboerdery gaan nie werk nie. Eiendom is te naby aan resedensiële eiendom/ontwikkeling. Beter area is "Piggery" op die Swellendampad. (bestaande kontrak bestaan wel, maar geen boerdery vind plaas nie)

BESTUURDER: VERKEER EN WETSTOEPASSING

Geen beswaar nie.

SENIOR SPESIALIS STADSBEPLANNER

Geen beswaar

BESTUURDER: STRATE EN STORMWATER

Te naby die woon huise van mense.

BESTUURDER: WATER EN RIOOL

Die aansoeker sal verantwoordelik wees vir die koste van die wateraansluiting sowel as die waterverbruik.

BESTUURSAANBEVELING

Dat die aansoeker se versoek nie oorweeg word nie, weens die nabyheid van residensiële erwe, asook die nie beskikbaarheid van elektrisiteit.

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

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

BESLUIT 97/2018

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

11.2.4 VERVREEMDING (KOOP): GEDEELTE ERF 1148, BREDASDORP (COLLAB: 262854) (WYK 6)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Father Masango, ST Johns Apostolic Faith Mission ten einde gedeelte van erf 1148, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 71**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148, Oktoberstraat, Bredasdorp
Huidige sonering	:	Onbepaald
Voorgestelde grootte	:	800m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 72** is van Father Masango van ST Johns Apostolic Faith Mission ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te koop ten einde vir kerkdoeleindes aan te wend.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> Sect 14(2)(a): asset not required for minimum level of basic services. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). Sect 33: Contracts having long term financial implications.

MATR	<p>1. Definition of “high value asset”: “fair market value of the capital asset exceeds any of the following amounts:</p> <p>a) R50 million;</p> <p>b) One percent of the total value of the capital assets of the municipality....</p> <p>c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).</p> <p>2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Not supported the proposed erf size is too small for the proposed land use. In the absence of a proper study in terms of the SDF for land use of this nature, we should not consider any applications for church land.

DIREKTEUR: GEMEENSKAPSDIENSTE

Call for open tender for Church site request: Town Planning

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

There is no electrical supply to the plot, any upgrade and installation costs for owners account.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Due to the demand for church erven, a survey should be done of potential sites and they should be made available via a public process.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Dat die aansoek nie ondersteun word nie, aangesien daar 'n behoorlike opname gemaak moet word (met verwysing ook na die SDF) oor kerkgrond en die plasing/ beskikbaarstelling en ligging van sodanige grond.

BESTUURDER: STRATE EN STORMWATER

Daar is gedurig stormwater probleme daar.

BESTUURDER: WATER EN RIOOL

Die voorgestelde erf kan nie aansluit by die munisipale rioolnetwerk nie.

BESTUURDER: VERKEER EN WETSTOEPASSING

Plasing nie geskik vir kerk nie. Voorsien vloed problem.

STADSBEPLANNING

Nodige Stadsbeplanningsaansoeke sal gedoen moet word. Is daar genoeg plek langs die rivier.

BESTUURSAANBEVELING

Dat die genoemde perseel nie vervreem word nie, aangesien die area nie geskik is vir kerkdoeleindes nie.

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

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

BESLUIT 98/2018

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

11.2.5 VERVREEMDING (KOOP): GEDEELTE ERF 3499, STRUISBAAI (COLLAB: 262866) (WYK 5)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van me I M Badenhorst ten einde 'n gedeelte (640m²) van erf 3499, Struisbaai te koop (liggingsplan aangeheg op **bladsy 73**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 3499, Struisbaai
Ligging	:	Estrastraat
Huidige sonering	:	Oop Ruimte
Erf Grootte	:	2135m ²
Voorgestelde grootte	:	640m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 74 tot 76** is van me I M Badenhorst ontvang om 'n gedeelte (640m²) van erf 3499, Struisbaai by die Raad te koop ten einde vir 'n toegangspad aan te wend.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> Sect 14(2)(a): asset not required for minimum level of basic services. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> R50 million; One percent of the total value of the capital assets of the municipality.... An amount determined by resolution of the council of the municipality which is less than (a) or (b).

	<p>2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Word nie ondersteun nie. Die aansoeker was tog bewus van die situasie met die aankoop van sy erf. Ons moet waak daarteen om enige openbare ruimtes vir privaatbesit te vervreem.

DIREKTEUR: GEMEENSKAPSDIENSTE

Is this portion of land not required for basic municipal services as per Act, 53 MFMA sec 14?: TP Department to provide input.

FINANSIËLE DIENSTE

Voorstel welke dit moontlik sal wees sonder die belemmering van toekomstige gebruik en / of daar moontlik alternatiewe voorstelle is vanaf Tegnies hoe om die aangeleentheid te kan hanteer.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

When people purchase property, they should familiarise themselves with building conditions and any limitations their site may pose. The approval of such an application will create a precedent.

SENIOR SPESIALIS STADSBEPLANNER

Alle kostes vir aansoeker se rekening.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

The open spaces usually have servitude rights for future development and infrastructure upgrades

BESTUURDER: ADMINISTRATIEWE DIENSTE

Verdere alternatiewe moet ondersoek word.

BESTUURDER: STRATE EN STORMWATER

Slegs as dit vir openbare gebruik sal wees en die eiendom in munisipale besit bly.

BESTUURDER: WATER EN RIOOL

Water- en riooldienste word nie beïnvloed nie.

BESTUURDER: VERKEER EN WETSTOEPASSING

Beveel slegs aan indien vir openbare gebruik is en die eiendom in munisipale besit bly.

BESTUURSAANBEVELING

Dat die genoemde perseel nie vervreem word nie.

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

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

BESLUIT 99/2018

Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.

11.2.6 VERVREEMDING (HUUR): GEDEELTE ERF 1343, BREDASDORP (COLLAB: 155137)

Die volgende verslag was op 1 Desember 2017 deur die UBK oorweeg:

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me N Dungulu ten einde 'n gedeelte van erf 1148, Bredasdorp te huur ten einde haar 10 beeste daarop te wei (liggingsplan aangeheg op **bladsy 77**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Erf 1148, Bredasdorp
Erf Grootte	:	1.13ha
Huidige Sonering	:	Onbepaald

AGTERGROND

Die markwaarde van die genoemde eiendom is op 25 April 2017 aan die raad voorgelê.

MARKWAARDASIE

R2 280,00 per jaar

R 2 280.00 per jaar	
JAAR 1 Markverwant - 80%	R 456.00
JAAR 2 Markverwant - 60%	R 912.00
JAAR 3 Markverwant - 40%	R 1 368.00
JAAR 4 Markverwant - 20%	R 1 824.00
JAAR 5 Markverwant	R 2 280.00
JAAR 6	R 2 280.00
JAAR 7	R 2 280.00
JAAR 8	R 2 280.00
JAAR 9	R 2 280.00
TOTAAL	R 15 960.00

Die Raad het op 25 April 2017 die volgende besluit geneem:

"BESTUURSAANBEVELING

Aangesien die eiendom ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte Erf 1343, Bredasdorp aan me N Dungulu vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) *Alle wetlike vereistes vir langtermyn verhuring nagekom word.*
- (ii) *Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R2 280,00 per jaar vooruitbetaalbaar.*

BESLUIT 78/2017

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word, onderhewig daaraan -

- (i) *Dat die geskiktheid van die genoemde perseel deur Departement Landbou ondersoek word.*
- (ii) *Dat Departement Landbou versoek word om 'n finansiële bydrae te maak ten opsigte van die infrastruktuur en die verskaffing van voer."*

'n Advertensie met die Raad se voorneme is geplaas.

Geen kommentare of besware is ontvang nie.

BESTUURSAANBEVELING: 1 DESEMBER 2017

Vir oorweging deur die Raad om genoemde perseel te verhuur vir 'n termyn van 9 jaar en 11 maande.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE: 1 DESEMBER 2017

Dat die aangeleentheid terugverwys word sodat die Departement Landbou die dravermoë vir die aanhou van vee kan bepaal.

BESLUIT BK221/2017: 1 DESEMBER 2017

Dat die Finansies- en IT Dienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

The Department of Agriculture were approached to assist with an opinion of the viability of the projects, but in terms of their policy prescriptions they can unfortunately not assist until the applicants have a right to the land (Lease agreement). This is understandable, as they are a government department and have to abide by similar legislation to the Municipality in terms of fruitless and wasteful expenditure, which may be the case if they expend resources, declare the project viable and the Municipality does then not grant the applicants the right to lease.

From the Municipality's side, the challenges that sometimes arise from concluding a lease prior to receiving an expert opinion on the viability of the project are as follows:

- Lessees have to pay rental from the date that they occupy the land, but they have little or no income until such time as they receive support and often default on payment.
- Lessees have rights to and occupation of land that is not fit for purpose.
- Lessees are implementing projects that are just not sustainable in the long term, and in so doing preventing other more sustainable projects from being implemented on the land. Given that our available land is limited, this in particular is becoming a serious challenge.

We have always had a good relationship with the Department of Agriculture and although applications do take time, they are always more than willing to assist us. In the light of their limitations and the challenges that the Municipality faces, contractual measures were looked at as a possible solution to the problem. It is proposed that Resolution **78/2017** be implemented but that the following conditions of lease be included.

- That occupation of the land not be given until such time as written confirmation is received from the Department of Agriculture that the project is viable.
- That is be a suspensive condition that the aforementioned confirmation must be received within 12 months.
- That rental only be levied from the date of occupation and not signature of the lease agreement.

MANAGEMENT RECOMMENDATION

- (i) That Resolution BK216/2017 which reads as follows be implemented:

“Aangesien die eiendom ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte Erf 1343, Bredasdorp aan me N Dungulu vir ‘n termyn van 9 jaar en 11 maande met die opsie om die huur vir ‘n verdere tydperk te verleng, op voorwaarde dat:

- (i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.*
- (ii) Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R2 280,00 per jaar vooruitbetaalbaar.”*

- (ii) That the following conditions of lease be imposed:

1. That occupation of the land not be given until such time as written confirmation is received from the Department of Agriculture that the project is viable.
2. That is be a suspensive condition that the aforementioned confirmation must be received within 12 months.
3. That rental only be levied from the date of occupation, and not signature of the lease agreement.

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

Dat die Bestuursaanbeveling aanvaar word. / That Management's recommendation be accepted.

BESLUIT 100/2018

Dat die Finansies- en IT Dienste Komitee se aanbeveling as ‘n besluit van die Raad aanvaar word.

11.2.7 VALUATION: ERF 857, STRUISBAAI (BUSINESS DEVELOPMENT) (S857 AND 852 - STRP) (WARD 5)

PURPOSE OF REPORT

For Council to consider the valuations for a proposed development on portions of Erven 857 and 852, Struisbaai.

This report consists of the following:

- Annexure A : Location of the property (attached on **page 78**)
- Annexure B : Proposed Layout (attached on **page 79 to 86**)
- Annexure C : Two valuations (attached on **page 87 to 128**)

BACKGROUND

Mr Pierre Erasmus had discussions with the Town Planning and Building Control Departments, the Mayor and Councillor Burger with the proposed Draft Layout on the corner of Main Road and Industrial Road.

FINANCIAL IMPLICATIONS

Land disposal of the site will have an income for Council.

LEGAL IMPLICATIONS

This asset of the Council is not required for the provision of the minimum level of basic services. However, the following legal requirements and community participation processes will have to be followed:

Council policy	Alienation of land
MFMA	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
MATR	1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

COUNCIL DECISION: 27 MARCH 2018

"That the matter be referred back to Town Planning for further investigation."

VALUATIONS

The following table is a summary of the two valuations received:

	DDP	BOLAND VALUERS
Market Related Value	R13 300 000,00	R23 115 000,00

MANAGEMENT RECOMMENDATION

- (i) That Council consider the new valuations from Messrs DDP and BOLAND Valuers.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That a portion of Erf 857, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of a portion of Erf 857, Struisbaai, by development proposal to LTN Bedrywe Pty Ltd (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act.

Conditional approval of transfer or disposal of non-exempted capital assets

11. An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying¹² –

- (a) the way in which the capital asset is to be sold or disposed of;
 - (b) a floor price or minimum compensation for the capital asset;
 - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
 - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R23 115 000,00 (excluding VAT) of 55 866m².
 - (vii) That all legal requirements are met for disposal of land.

RESOLUTION 101/2018

- (i) That the management recommendation not be accepted as a resolution of Council.
- (ii) That the matter be referred back for further investigation regarding the value of the property.

11.2.8 VALUATION: ERF 849, STRUISBAAI (RETIREMENT VILLAGE) (S849 - STRP) (WARD 5)**PURPOSE OF REPORT**

For Council to consider the valuations for a proposed development on Erf 849, Struisbaai.

This report consists of the following:

- Location of the property : attached on **page 129**
- Proposed development : attached on **page 130 to 142**
- Two valuations : attached on **page 143 to 180**

BACKGROUND

The following proposal was received from Messrs Clearlake Capital on 28 February 2018:

INTRODUCTION

ClearLake Capital Group is a private real estate investment firm with a primary focus on South African real estate. Our goal is clear and consistent — to create exceptional value that meets the requirements of modern, world-class investors while driving real returns. ClearLake Capital offers dynamic real estate solutions in an ever-changing market environment, using a scientific investment process and robust risk management system. At ClearLake Capital, we align our interests with those of our partners through co-investment to integrate sustainable, profitable practices into our real estate portfolio. We deliver solutions, unlock value and accelerate growth that fuel the development of our communities.

Our activities and services include:

- Direct Investment in Real Estate Development
- Project Viability Analysis
- Project Management
- Debt and Equity Structuring
- Construction

ClearLake Capital has over 20 years' experience in property development.

ClearLake Capital provides investors with bespoke opportunities to invest directly in real estate development. We source projects ranging from retirement villages, affordable housing, residential, commercial and industrial developments. ClearLake Capital structures deals where we invest our own capital alongside that of our partners. ClearLake Capital raises debt finance from financial institutions to overlay the equity portion of the investment, creating leverage and thereby accelerating returns.

Our innovative approach to structuring profitable real estate opportunities is evolutionary and draws on our proprietary quantitative analysis to:

- Identify profitable opportunities, initiate and conceptualize the project
- Structure a unique financial model to enhance returns
- Realize, market and dispose/manage the asset
- Distribute proceeds and offer investors new opportunities

Completed Projects

- 2 Multi-level residential single family dwellings in Pecan wood Estate
- 40 Multi-storey townhouse units in Poortview (Poortview Villas)
- 42 Multi-storey townhouse units in Poortview (Poortview Gardens)
- 23 Single storey townhouse units in Poortview (Serengeti)
- 26 Single storey townhouse units in Poortview (Timbavati)
- Warehousing, Multi-storey office block in Olivedale
- 32 Single storey townhouse units in Harveston (Honey Badger)
- 33 Single storey townhouse units in Harveston (Covent Gardens)
- 2 Multi-storey family dwelling in Little Falls
- 32 Single storey townhouse units in Helderkrui (Bella Donna)
- Single family dwelling in Ruimsig (Two Rivers Country Estate)
- 2 Double storey family dwellings in Featherbrook Estate
- Double storey family dwelling in Walkerville
- Double storey family dwelling in Parkhurst
- 50 Mining houses client Goldfields (Glen Harvie)
- 50 Mining houses client Goldfields (Westonaria)
- 100 Free standing mining houses client Goldfields (Blybank)
- 92 Mining houses client Goldfields (Glen Harvie)
- 32 Mining houses client Goldfields (Glen Harvie)

- 100 Mining houses client Goldfields (Driefontein)
- Medical Facility client Goldfields
- 200 Triple storey affordable residential apartments
- 33 Retirement Village units in Harveston (Green Park)

Why do people choose Retirement Villages?

1. More affordable than you think

Most people don't realize how affordable retirement Villages can be! Add the monthly costs of maintaining a house including mortgage, taxes, insurance, utilities, and home maintenance. Many seniors find that the monthly cost of living in retirement home is less than it was in their own home.

2. Abundant social opportunities and activities

If you think life in a retirement community means sitting around think again! You'll have the freedom to stay as active and as involved as you choose. In a retirement community, seniors always have an option of relaxing in the comfort of their own home or immerse themselves in social life of the community. You may even rekindle an interest in hobbies that you finally have the time to pursue.

3. Safety, emergency support and peace of mind

Many retirement communities are generally handicap accessible and may be gated or employ round-the-clock security. Emergency call buttons or pull-cords as well as trained personnel available 24/7 are just a few of the ways in which communities ensure safety of their residents. In a retirement residence, you have peace of mind knowing that in an emergency situation, assistance is close at hand.

4. Transportation services

Trips to the mall, grocery shopping and medical appointments are standard offerings within most senior living communities. Additional rides may be easily arranged, sometimes for an extra charge or pre-arranged as part of the monthly fee depending upon your community.

5. Relaxation

Whether relaxing to you means, gardening, golfing, reading or shopping with friends, these are part of everyday life in a seniors' community. When you choose to travel, there are no worries about finding a house sitter; your place will be looked after.

6. The perfect time to downsize

Think of this as your opportunity to downsize. Rather than counting the number of boxes you'll need, consider distributing heirlooms, mementos and pieces of furniture to your loved ones now, rather than leaving the task to family. It may become a time of giving and reminiscing, that both you and your loved ones will treasure.

Statistics from Hermanus

NAME	AVERAGE PRICE	WAITING LIST
Kid Brook	R2 500 000	5 - 10years
Onrus Manor	R2 500 000	3 - 5 years
Negestër	R3 000 000	
Huis Lettie Theron	Depends on income	10 years

Proposed Development Site

ERF 849 0 STRUISBAAI BREDASDORP RD CAPE TOWN

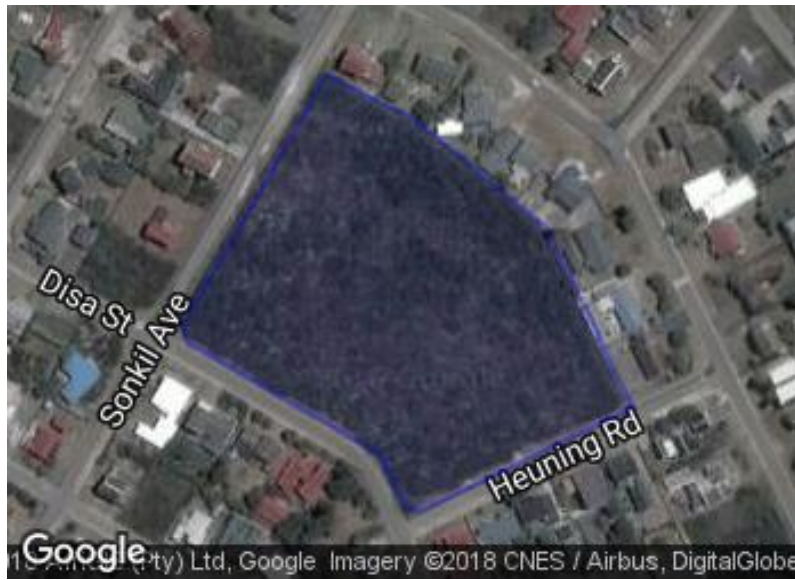
PRIVATE PERSON STRUIS BAY ESTATES PTY LTD 21960 -

Diagram Deed Registered Size Municipality Province Coordinates (Lat/Long)

Purchase Date Purchase Price (R) Registration Date

DUM DUMDUM BREDASDORP-SWELLENLAMD DC WESTERN CAPE -34.804035 / 20.054080

T13619/1961 1961/09/29 - 1961/09/29

**Purchasing a Life Right**

The life right in ClearLake Capital's Retirement Villages means the right to the exclusive use and occupation of a dwelling unit in the village for the lifetime of the occupants. On resale, the original price is refunded, as well as 50% of the profit after the refurbishment has been done. Refurbishments are done to all the units on the exchange of ownership.

The ACT on Housing Development Schemes for Retired Persons, Act 65 of 1988 protects your investment. The title deeds will be endorsed to comply with the requirements of the said Act, placing it under the jurisdiction and control of the legal process. The ACT stipulates that only the registered occupant(s) may reside in the unit permanently, if you are over 55 years of age. You are ensured of the protection by the Judicial System.

The levy is based on the square meterage of the cottage. Levies include:

- 24 Hour security
- Cottage water
- Communal water
- Communal electricity
- Sewerage services
- Refuse removal
- Building maintenance
- Garden services
- Insurance of buildings
- Management and audit fees
- Replacement reserve fund
- Rates & Taxes

Two Oceans Village

When you choose to retire with ClearLake Capital, you can be sure that you are choosing the best for your future happiness and security. The benefits associated with living in a community of people of the same age group are numerous.

A community center will form the hub of Two Oceans Village and will include a library, as well as a wide range of activities including exercise classes, bingo, bridge, line dancing and much more.

24 Hour security will be provided which will include emergency response as well as a panic button for each unit.

Two Oceans Village is situated conveniently close to amenities such as a doctor, pharmacy, restaurants, shops, the harbor and the beach.



Giving back to the community

Based on financial projections ClearLake Capital will be able to assist CAM in socio-economic upliftment programs to the estimated value of One Million Rand.

These funds could be utilized in conjunction with existing upliftment programs as well as new initiatives CAM deems viable.

ClearLake Capital has already been in contact with Raizcorp with regards to a joint venture in uplifting local entrepreneurship and small business opportunities. Ben Smit and Raizcorp has a long-standing relationship in creating sustainable entrepreneurial excellence at a grassroots level, and Clearlake will endeavour to create a similar model in Struisbaai to uplift the local community.

Elsabé Nel, ClearLake Capital's marketing director, has extensive experience in raising money for a variety of charities in the Overstrand, as well as setting up an upliftment programme in Mount Pleasant, Hermanus, with former DA Councilor, Lianda Beyers-Cronje.

All on site labour will be sourced from the local community as well as a number of permanent positions will be established such as nurses, caretakers, gardeners, security guards, maintenance teams as well as administrations officials. Two Oceans home owners will be encouraged to participate in upliftment programmes within the community which will be spearheaded by Clear Lake Capital.

Professional Team:

Steyn Attorneys:	Juliana Steyn
Architects:	Urban Concepts - Paul Boshoff
Town Planner:	Louna Truter
Environmental Impact Consultant:	Paul Slabbert
Estate Agents:	Realty 1 - Strepies van Wyk, Sarina van der Westhuizen

Conclusion

ClearLake Capital wishes to become a part of the Cape Agulhas - Struisbaai community. We will strive to develop sustainable projects to benefit the community. Every endeavor will be made to consult with Cape Agulhas Municipality and relevant officials at every stage of the development.

Based on research and statistics, we have come to the conclusion that there is a desperate need for quality and affordable retirement living in Struisbaai and Agulhas. Two Oceans Lifestyle Village will be a keystone project starting to address this challenge.

SPATIAL DYNAMICS

In relation to spatial priorities, CAM is required to focus on three broad types of actions as outlined in the Spatial Development Framework of May 2017:

- Protective actions – things to be protected and maintained to achieve the vision and spatial concept.
- Change actions – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
- New development actions – new development or initiatives to be undertaken to achieve the vision and spatial concept.

The actions – protective, change, or new development – could focus on elements of each of the SDF themes:

- Bio-physical environment.
- Socio-economic environment.
- Built environment.

In turn, each of these actions – related to each focus area – could require inputs, effort, and work of two types:

- Operational inputs – work involving municipal staff resources in the form of time, undertaking studies, managing processes, preparing plans, and so on.
- Capital expenditure inputs – financing specific projects (with municipal or other governmental funds and grants).

In terms of the Cape Agulhas Spatial Development Framework Plan, May 2017 the following area New Development Actions:

- Explore expanded day visitor recreational facilities on the coast west of Struisbaai North (subject to detailed precinct planning).
- Focus new tourism related facilities (including day visitor, accommodation, and commercial uses) in the general area of the caravan park, Residential district and harbour (subject to detailed precinct planning for the area bounded by Protea Road, Church Street, Cinneraria Street, and Harbour Road with a view to maximise tourism related facilities, rationalise vehicular movement and parking (including boat trailers), improve pedestrian and NMT movement ensure efficient harbour use, and manage visitor impact on private residences).
- Explore a continuous NMT route linking Struisbaai North – and focal public places in between – to the Lighthouse precinct in L'Agulhas. (page 77 of CAM SDF, 2017).

On 29 May 2018 the Mayoral Committee considered the following:

Clearlake Capital: Voorgestelde ontwikkeling van erf 849, Struisbaai

Mnr Ben Smit, Hoof Uitvoerende Beamppte van Clearlake Capital, mnr Werner Claassen en me Elsabé Nel (hoof van bemarking) doen 'n voorlegging aan die Raad insake die ontwikkeling van 'n aftreeoord op erf 849, Struisbaai.

Mnr Smit gee kortliks agtergrond oor hul maatskappy en ontwikkelings wat reeds suksesvol afgehandel is in ander gebiede. Hy meld dat hul spesialiteit in die ontwikkeling van aftreeoorde lê. Met hul navorsing in die KAM munisipale area het hul agtergekom dat daar 'n groot behoefte is na sulke aftreeoorde. Hy noem ook sekere van die voordele van so 'n ontwikkeling, naamlik: Bekostigbaarheid; Veiligheid en nooddienste; Sosiale geleenthede en -aktiwiteite.

Hy meld dat saam met die aftreeoord hulle ook graag by die opbou van die gemeenskap betrokke wil raak soos bv. met sopkombuise en ander liefdadigheidswerk. Me Nel gee ook kortliks agtergrond van haar liefdadigheidsbetrokkenheid.

Mnr Smit meld dat hulle ook 'n alternatiewe erf (agter die dienssentrum) in gedagte hou indien hierdie erf nie aan hulle beskikbaar gestel kan word nie.

BESLUIT BK82/2018: 29 MEI 2018

Die Raad neem kennis van bogenoemde voorlegging.

FINANCIAL IMPLICATIONS

Land disposal of the site will have an income for Council.

LEGAL IMPLICATIONS

This asset of the Council is not required for the provision of the minimum level of basic services. However, the following legal requirements and community participation processes will have to be followed:

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.

MATR	<p>2. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>

VALUATIONS

The following table is a summary of the two valuations received (see attached as Annexure B on page to) for the sale of Erf 849, Struisbaai:

	DDP	SIYAKHULA PROPERTY VALUERS
Market Related Value	R5 000 000,00	R2 665 000,00

MANAGEMENT RECOMMENDATION

- (i) That Council, in principle, approves the development.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That Erf 849, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of Erf 849 Struisbaai, by development proposal to Clearlake Capital (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

Conditional approval of transfer or disposal of non-exempted capital assets

11. An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying¹² –

- (a) the way in which the capital asset is to be sold or disposed of;
- (b) a floor price or minimum compensation for the capital asset;
- (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.

- (vi) That Council determine a reserve price of R5 000 000,00 (excluding VAT) for the 18776m² in extent.
- (vii) That all legal requirements are met for disposal of land.

RESOLUTION 102/2018

That the matter be withdrawn due to the developer withdrawing his offer to purchase erf 849, Struisbaai and a new proposal be submitted to Council for purchasing a portion of erf 1256, Struisbaai.

11.2.9 IMPLEMENTATION OF AN INTEGRATED ZONING SCHEME BYLAW (15/5/R - MTRP) (ALL WARDS)

PURPOSE OF REPORT

To obtain an in principle approval from Council to adopt an amended Integrated Zoning Scheme By Law and to advertise it for public participation (**document provided separately**).

BACKGROUND

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) [SPLUMA], stipulates in Section 24(1) that a municipality must adopt a single land use scheme for its entire municipal area within 5 years from the commencement of said Act. Municipalities thus have until 30 June 2020 to implement such integrated zoning scheme.

Currently the Cape Agulhas Municipal area is covered by one integrated zoning scheme. Consequently it is necessary to convert the Integrated Zoning Scheme into a By-Law.

A zoning scheme is however a complex legal document that affects the rights of all properties and to develop and introduce a new zoning scheme By-Law is a laborious task which requires specialised expertise, and can result in a costly exercise.

PROPOSED ZONING SCHEME

In order to assist municipalities, the Western Cape Provincial Government (WCPG) has embarked on a process to develop a Proposed Standard Draft Zoning Scheme By-law (SZSB). During this process many professionals from across the Provincial, Local Government and private sector spheres have participated to develop such model SZSB, which was also fully vetted by a legal team of the PGWC. The SZSB was also already advertised once and all the inputs received were processed.

Municipalities in the Western Cape therefore have three options to adopt an integrated zoning scheme:

- Draft their own unique Integrated Zoning Scheme
- To use the Proposed Draft SZSB as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may have;
- To adopt and implement the SZSB without any amendments.

The main objectives of the SZSB were the following:

- To integrate the existing zoning schemes applicable in a municipal area into a single Integrated Zoning Scheme
- To make provision for the present day challenges of land use management in terms of new and modern land use functions
- To devise modern mechanisms to facilitate and fast track desirable development outcomes
- To give recognition to the diversity of communities and areas and its corresponding needs and to make provision to accommodate these scenarios.

A brief overview of the zoning provisions of the SZSB are as follows:

- (a) A variety of single residential zonings which caters for:
- variable development parameters in accordance with erf sizes which will allow smaller erven to have more relaxed building lines and other restrictions in order to develop the full potential of such properties;
 - different sets of user rights and potential consent rights in accordance with the different needs of communities;
- (b) A variety of General Residential Zones with varying bulk and height factors for different density zones according to locality considerations.
- (c) Business Zones with different objectives in accordance with locality considerations and its functional role.
- (d) A variety of Industrial, Community, Conservation and Agricultural Zones to match the needs of a modern society,
- (e) And lastly, the IZS includes the provision of Overlay Zones which provides a mechanism with which the Municipality can pro-actively facilitate change.

Whilst the development of this SZSB benefited to a great extent from such collective effort, it also carries the advantage that there are many municipalities who have already indicated that they will adopt the SZSB. It is consequently proposed that the Cape Agulhas Municipality adopts the SZSB for the following considerations and reasons:

- The savings in cost and time to adopt the SZSB;
- The SZSB has gone through a laborious process with wide consultation during which many planning professionals from the WCPG, municipalities and consultants have contributed towards the SZSB, and also includes the legal vetting of the product by the PGWC legal team.
- Consultants and developers serving the planning profession will be more readily acquainted with a Standardised Zoning Scheme which will be in force at a number of municipalities, and the adoption of such SZSB may contribute to improve effective and efficient service delivery to all stake holders.
- The municipality will benefit from any future amendments or additions to the Standard Zoning Scheme which the Western Cape Provincial Government (WCPG) will undertake to improve said scheme.
- The municipality will also benefit from any legal action or legal opinions based on the SZSB which any of the participating municipalities may solicit.

Attached as Annexure A is the amended CAM IZ By Law for in principle consideration.

OVERVIEW OF PROPOSED PROCESS

Following the required mandate from Council, the following process and associated timeframes to finalise and implement the SZSB will be followed in three phases:

Finalise SZSB: From present up to June 2018

- Scrutinize the content of the SZSB to consider and make sure that it covers any specific needs or challenges that the municipality faces
- Develop zoning transition tables to determine the new zonings
- Prepare Land Use Registers and determine a new zoning in terms of the SZSB for every property with the finalisation of a new associated zoning map.

Public Participation process for SZSB: August 2018 - September 2018

- Submit draft SZSB to Council for mandate to release same for purpose of public participation, including the proposed public participation process.
- Undertake Public participation and advertisement campaign, incl. Council workshops
- Evaluate any inputs on SZSB and finalise draft SZSB
- Communicate responses to parties who provided inputs.

Approval and Implementation of SZSB: October 2018 - February 2019

- Finalise SZSB and submit report to Council for final adoption.
- Publish adoption of SZSB [MSA s13(a) promulgation]
- Continue to address any bona fide zoning disputes

WAY FORWARD

Following the mandate of the Council to proceed with the process as proposed, the survey of existing land use rights and uses and the zoning register and the associated maps are already developed. This exercise in itself holds great value to the municipality for the following reasons:

- It will provide an accurate land use register to facilitate the effective management of land uses
- It will identify illegal land uses and where appropriate, such illegal land uses can be accommodated and legalised with the appropriate zoning
- The new zonings will result in higher value user rights and the municipality will accordingly capitalize on new revenue sources from:
 - Application fees for land use applications to rectify illegal land uses;
 - Associated building plan fees;
 - Capital contribution payments, as well as higher property rates and service charges for higher value properties.

On 31 March 2017 Council took the following decision (45/2017):

That the management recommendation be accepted as resolution of Council:

*"That **APPROVAL BE GRANTED** to convert the existing Integrated Zoning Scheme into a Proposed Standard Draft Zoning Scheme By-law to commence a process as depicted in the subject report for the approval and implementation of an Integrated Zoning Scheme By-law for the Cape Agulhas Municipality."*

MANAGEMENT RECOMMENDATION

That **APPROVAL BE GRANTED** by Council to advertise the proposed CAM Integrated Zoning By Law for Public Participation.

RESOLUTION 103/2018

That the management recommendation be accepted as a resolution of Council.

11.2.10 **OORWEGING OM VERORDENING RAKENDE DRANK HANDELSURE TE WYSIG (15/5/4 - BSSB) (ALLE WYKE)**

DOEL VAN VERSLAG

Oorweging om verordening insake drank handelsure te wysig.

AGTERGROND

Op 31 Maart 2015 neem die Raad die volgende besluit (61/2015):

- Dat die vorige besluit 289/2012 geneem op 6 Desember 2012 herroep word.*
- Dat alle buite verkope se handelsure soos volg gewysig word: Maandae tot Saterdag: 08:00 tot 20:00.*
- Dat die volgende proses gevolg word om die Verordening van Drank Handelsure te wysig:*
- Adverteer vir 30 dae in die plaaslike-/staatskoerant en webwerf waarna dit weer aan die Raad voorgelê word vir oorweging.*
- Dat geen buite drankverkope op Sondag mag geskied nie.*

VOORGESTELDE WYSIGING

Toeriste fasiliteite se definisie as volg gewysig word:

"Tourist facilities" means amenities for tourists or visitors such as WINE BOUTIQUES, lecture rooms, restaurants, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation.

Wyn boetiek ingesluit word onder definisies:

"Wine boutique" - A wine shop dealing in wines from smaller independent producers. Those labels that you will not find in the big market.

TRADING DAYS AND HOURS FOR THE SALE OF LIQUOR FOR USE OFF AND ON LICENSED PREMISES

A licensee operating a tourist facility may, despite the stipulations of subsection 6(1) of this by-law, sell liquor for consumption off the licensed premises, on any day of the week from 09:00 to 18:00.

PROSES VIR WYSIGING

1. Die voorgestelde wysiging in beginsel deur die Raad laat goedkeur - volle Raad nie 'n komitee nie.
2. Orde Reëls vir jou betrokke raad oor die indiening van verordeninge moet gevolg word.
3. Adverteer vir publieke kommentaar - 30 dae - weer voor die Raad gelê vir oorweging en dan eers kan dit gepromulgeer word.

RAADSBESLUIT

Op 27 Maart 2018 neem die Raad die volgende besluit (16/2018):

Dat die Raad die volgende wysigings in beginsel ondersteun en dat die Stadsbeplanningsafdeling voortgaan met die advertering daarvan:

Toeriste fasiliteite se definisie as volg gewysig word:

"Tourist facilities" means amenities for tourists or visitors such as WINE BOUTIQUES, lecture rooms, restaurants, gift shops, restrooms or recreational facilities, but does not include a hotel or overnight accommodation.

Wyn boetiek ingesluit word onder definisies:

"Wine boutique" - A wine shop dealing in wines from smaller independent producers. Those labels that you will not find in the bigger markets.

Trading days and hours for the sale of liquor for use off and on licensed premises: A licensee operating a tourist facility may, despite the stipulations of subsection 6(1) of this by-law, sell liquor for consumption off the licensed premises, on any day of the week from 09:00 to 18:00.

ADVERTERING

Op 15 Junie 2018 word die volgende advertensie in die plaaslike koerante ge-adverteer:

"Kennis geskied hiermee dat Kaap Agulhas Munisipaliteit van voorneme is om sy drankhandelsure verordening soos gepubliseer op 14 Desember 2012 in die Provinsie van die Wes-Kaap: Provinsiale Koerant Nr 7075 te wysig.

Om voorsiening te maak vir die wysiging van die Kaap Agulhas Munisipaliteit Verordening op Drankhandelsure 14 Desember 2012.

WORD DAAR soos volg deur die Munisipale Raad van die Kaap Agulhas Munisipaliteit BEPAAL:—

"Drankwinkel" beteken 'n winkel wat hoofsaaklik alkoholiese drank verkoop wat weggeneem word en weg van gelisensieerde persele gedrink word.

"Toeristefasiliteite" beteken geriewe vir toeriste of besoekers soos WYNBOETIEKS, lesinglokale, restaurante, geskenkwinkels, ruskamers of ontspanningsfasiliteite, maar sluit nie 'n drankwinkel, hotel of oornagverblyf in nie;

"Wynboetiek" – 'n Wynwinkel wat handel dryf in wyne van kleiner, onafhanklike produsente. Dié handelsmerke word nie in die groter markte gevind nie.

Byvoeging tot Bylae 3 van die Kaap Agulhas Munisipaliteit Verordening op Drankhandelsure 14 Desember 2012:

Bylae 3(6) word bygevoeg:

Handelsdae en -ure vir die verkoop van drank vir verbruik weg van en op gelisensieerde persele: 'n Lisensiehouer wat 'n toeristefasiliteit bedryf, kan drank vir verbruik weg van die gelisensieerde perseel op enige dag van die week van 09:00 tot 18:00 verkoop.

U word genooi om u skriftelike kommentaar rondom die voorgestelde wysiging te lewer by die ondergetekende nie later nie as 16 Julie 2018 te lewer. Die oorspronklike verordening is beskikbaar by die owerheid se munisipale kantore, biblioteke asook die owerheid se webtuiste by www.capeagulhas.gov.za

Navrae kan gerig word aan Me Doreen Oncke by tel (028) 4255500 gedurende kantoor-ure.

Enige persoon wat nie kan skryf nie kan gedurende die kantoor ure van die Munisipaliteit na ondergemelde kantoor kom waar Me Oncke sodanige persoon sal help om sy/haar kommentaar en/of besware af te skryf."

BESWARE ONTVANG

Hier volg 'n opsomming van die besware ontvang met die nodige stadsbeplanningskommentaar:

1. Mnre Besters Prokureurs (Bylaag A op bladsy 181 tot 185)

BESWAAR	KOMMENTAAR
Only two wine boutiques in Cape Agulhas. Playing field not level with liquor stores.	Vanuit 'n Stadsbeplanningsoogpunt is daar geen beswaar teen die voorgestelde wysigings en aanbevelings van Mnre Besters Prokureurs nie. Wettige drankwinkels maak dat daar minder onwettige shebeens oopmaak binne die verskillende nedersettings.
Cape Agulhas only Municipality along the coast that does not allow liquor stores to be opened on Sundays.	
Trading Hours to be 8h00 till 20h00	
Sunday Trading Hours from 9h00 till 17h00	

2. Suidpunt Inwonersvereniging (Bylaag B op bladsy 186)

BESWAAR	KOMMENTAAR
Almal gaan toesak op Wynboetieks en dis onregverdig teenoor drankwinkels.	Drankgebruik op die strande word deur wetstoepassers beheer. In die geval van wynboetieks word die wyn op perseel geproe end an elders geniet..
Manier om Sondaghandel moontlik te maak.	
Gee buiteverbruiklisensies aan toeristefasiliteite.	
Wil ons persele omskep in Shebeens?	
Drank moet op-perseel gebruik word.	

FINANSIële IMPLIKASIE

R5 000,00 vir plasing in Afrikaans, Engels en Xhosa

BESTUURSAANBEVELING

- (i) Dat die Raad die volgende wysigings goedkeur en dat die Stadsbeplanningsafdeling voortgaan met die advertering daarvan in die Provinsiale Gazette:

Wysiging van drankhandelsure verordening soos gepubliseer op 14 Desember 2012 in die Provinsie van die Wes-Kaap: Provinsiale Koerant Nr 7075.

"Drankwinkel" beteken 'n winkel wat hoofsaaklik alkoholiese drank verkoop wat weggeneem word en weg van gelisensieerde persele gedrink word.

"Toeristefasiliteite" beteken geriewe vir toeriste of besoekers soos WYNBOETIEKS, lesinglokale, restaurante, geskenkwinkels, ruskamers of ontspanningsfasiliteite, maar sluit nie 'n drankwinkel, hotel of oornagverblyf in nie;

"Wynboetiek" – 'n Wynwinkel wat handel dryf in wyne van kleiner, onafhanklike produsente. Dié handelsmerke word nie in die groter markte gevind nie.

Byvoeging tot Bylae 3 van die Kaap Agulhas Munisipaliteit Verordening op Drankhandelsure 14 Desember 2012:

Bylae 3(6) word bygevoeg:

Handelsdae en -ure vir die verkoop van drank vir verbruik weg van en op gelisensieerde persele: 'n Lisensiehouer wat 'n toeristefasiliteit bedryf, kan drank vir verbruik weg van die gelisensieerde perseel op enige dag van die week van 09:00 tot 18:00 verkoop.

- (ii) Dat die beswaarmakers dienooreenkomstig ingelig word.

BESLUIT 104/2018

- (i) Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
 (ii) Dat alle drank handelaars wat alkoholiese drank verkoop mag handel dryf op Sondag vanaf 09:00 tot 18:00.
 (iii) Dat 'n volledige publieke bewusmakingsveldtog geloods word.

11.2.11 MUNICIPAL PLANNING TRIBUNAL: APPOINTMENT OF MEMBERS (7/R - MTRP) (ALL WARDS)**PURPOSE OF REPORT**

A municipality must in terms of section 35 of SPLUMA in order to determine land use and land development applications within its municipal area, establish a Municipal Planning Tribunal for its municipal area.

A municipality may authorize that certain land use and land development applications may be considered and determined by the Municipal Planning Tribunal. Council already determined the categorization of applications.

The composition of the Municipal Planning Tribunal in terms of section 36 and 37 of SPLUMA will consist of 5 members.

BACKGROUND

On 30 June 2015 Council took the following decision (155/2015):

1. Council takes note of the anticipated implementation date of SPLUMA, being 1 July 2015.
2. Council takes note of the contents of the SPLUMA Regulations published on 23 March 2015.
3. Council takes cognisance of the preparatory work that has to be undertaken between April 2015 and 1 July 2015.
4. Council takes note of the municipal capacity assessment that has been undertaken and approves of the establishment of a Single Municipal Planning Tribunal for its municipal area.
5. That the MPT shall comprise of 5 members of which 3 shall be internal officials and 2 shall be external members.
6. That the following Municipal officials be nominated to serve on the MPT: Director: Technical Services, Director: Corporate Services, Director: Community Services.
7. The minimum requirements for appointment of external members to the MPT shall be to have knowledge and experience in spatial planning, land use management or the law relating thereto (It is a SPLUMA regulations requirement that the municipality must identify any additional criteria for external members, an example which we have suggested in the proposed By-laws is that "The members of the Tribunal must be representative of a broad range of appropriate experience and expertise).
8. The terms and conditions of service for MPT members shall be determined by Schedule 1 of the SPLUMA regulations.
9. The term of office of all MPT members shall be 5 years.
10. No remuneration needed for external MPT members.
11. That an invitation be extended to other spheres of government, organs of state, enterprise and organisations to serve on the MPT as external members.
12. Council approves of the proposed Categorisation of Applications (see Annexure A).
13. The Municipal Manager be authorised to take the necessary steps to refine such categorising of land development applications, from time to time, for the approval by Council and to approve of the review the delegations of powers accordingly.
14. Council approves the principle of using an authorised official, to consider and determine certain land use applications, as per the Categorisation of Applications, attached as Annexure A.
15. The Authorised Official for the municipality will be: Director Corporate Services.
16. That the necessary steps be taken to align the Municipality's proposed draft by-laws with the content of the final SPLUMA Regulations.
17. In respect of the appeal authority in terms of Section 51(2) of SPLUMA, it is confirmed that the Executive Authority, is the Executive Mayor.
18. The official responsible for land use inspections for enforcement shall be a Law Enforcement Officer.
19. The official responsible for screening of land use/development applications shall be the Manager: Town and Regional Planning.
20. Cape Agulhas Municipal venue shall be made available for these MPT meetings at the Council Chambers at no cost to the MPT.
21. The Municipality will supply Secretariat services to the MPT.
22. The secretariat to assist with the administration of the tribunal and appeal consideration will be the Manager: Administration.
23. R200 000 be made available for the operational cost of the MPT for the 2015/16 financial year.
24. The MPT will be required to meet 4 times per year depending on the number of matters to consider.
25. The draft advert calling for nominations for external MPT members is not needed;
26. The evaluation panel must consider the potential external MPT members in terms of the following criteria and report back with recommendations to council, for its approval:
 - (i) **Criteria 1:** Candidate to have knowledge in spatial planning, land use management or the law relating thereto;
 - (ii) **Criteria 2:** Candidate to represent a broad range of appropriate experience and expertise;
 - (iii) **Criteria 3:** Candidate to have a high degree of competence, be experienced, and skilled in matters relating to spatial planning, land use management and the law relating thereto.
27. The Council approves the following officials to serve on the evaluation panel: Building Control Officer, Manager: Water and Sewer and Senior Town Planner.

On 29 September 2015 Council took the following decision (239/2015):

- (i) That mr Francois Kotze (Overberg District Municipality) and mr Willie Hattingh (Swellendam Municipality) be excepted as external members to the Municipal Planning Tribunal.
- (ii) That the SOP be negotiated with the members.
- (iii) That the Director: Corporate Services, Director: Community Services and the Director: Civil Engineering Services be appointed as full time employees to serve as internal members of the Municipal Planning Tribunal (as per Council decision 155/2015).
- (iv) That the Director: Corporate Services be designated to act as chairperson of the Municipal Planning Tribunal and the Director: Community Services as the deputy chairperson.
- (v) That, upon the first appointment of members to the Municipal Planning Tribunal and when Council is satisfied that the tribunal is in position to commence its operations, the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act.

On 30 May 2017 Council took the following decision (104/2017):

"That Council decision 239/15 taken on 29 September 2015 be amended as follows:

- (i) *Mr Jeremy Benjamin (Department of Environmental Affairs and Development Planning) be accepted as external member to the Municipal Planning Tribunal, in Mr Hattingh's position.*
- (ii) *The Manager: Water and Sewage be appointed as secundi for the Director: Civil Engineering Services as internal member of the Municipal Planning Tribunal.*
- (iii) *Secundi's be Ron Brunings from Swellendam Municipality for any of the external members and Tracey Stone for any of the other internal members.*
- (iv) *Upon the first appointment of the above members to the Municipal Planning Tribunal the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act."*

MANAGEMENT RECOMMENDATION

That Council decision 104/2017 taken on 30 May 2017 be amended as follows:

- (i) Mr Abdul Aziz Jacobs (Director: Infrastructure Services) be appointed as internal member of the Municipal Planning Tribunal and Deon Wasserman (Manager: Water and Sewage) be appointed as secundi for the Director.
- (ii) Upon the first appointment of the above members to the Municipal Planning Tribunal the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act.

RESOLUTION 105/2018

That the management recommendation be accepted as a resolution of Council.

11.2.12 **HERSONERING, ONDERVERDELING EN FASERING: ERF 857, STRUISBAAI (S857 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Die evaluering van bogenoemde aansoek ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

Die ligging van die eiendom word aangetoon op die plan aangeheg as Bylaag A op **bladsy 187**.

ALGEMENE INLIGTING

Bestaande Sonering - Erf 857	:	Onbepaald
Voorgestelde Sonering	:	Onderverdelingsgebied
Voorgestelde Grondgebruik	:	Behuising vir bestaande inwoners

Oppervlakte van Erf 857	:	165,8555Ha
Oppervlakte van voorgestelde ontwikkeling	:	±19.3Ha
Titelakte van Erf 857	:	T7823/1991

TITELBEPERKINGS

Daar is geen titelvoorwaardes in die titelaktes wat die voorgestelde behuisingsontwikkeling beperk nie.

AGTERGROND

Die aansoek behels die volgende:

1. Onderverdeling in terme van Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985) van Erf 857 Struisbaai in twee gedeeltes: Restant = ±146.7Ha en Gedeelte 1 = ±19.3Ha.
2. Hersonerings van Gedeelte 1 van Erf 857 Struisbaai na Onderverdelingsgebied in terme van Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985).
3. Onderverdeling in terme van Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985) van Gedeelte 1 van Erf 857 Struisbaai vir die volgende doeleindes:

Details	Erwe	Sonering
Residensiële erwe	437	Enkel Residensieel
Oop ruimte	1	Oop Ruimte
	2	Publiek en Sosiaal
Besigheid	3	Sakesone
Paaie	1	Straat

4. Fasering van die projek.

Die onderwerp eiendom is wes van die Hoofweg in Struisbaai. Die ontwikkeling is omtrent 200 meter wyd en is parallel met die Hoofweg. Die area is relatief plat en word nie gekenmerk deur vleilande nie. Die Munisipale vullisterrein is ongeveer 400 meter wes van die voorgestelde terrein en ESKOM se kraglyne hardloop in 'n noord-suid rigting oor die onderwerp eiendom.

Die behuisingsontwikkeling bied 'n uitstekende geleentheid om die lewenskwaliteit van 'n groot deel van die Struisbaai behoeftige gemeenskap te verbeter. Eienaarskap van behuising dra by tot stabiliteit binne gemeenskappe en verskaf 'n basis vir ekonomiese ontwikkeling, familiesorg, eiewaarde en trots.

ADVERTERING

Die aansoek is op 10 Julie 2015 in die Suidernuus en die Provinsiale Koerant geadverteer, terwyl kommentare van omliggende grondeienaars aangevra is op 10 Julie 2015.

BESWARE

Besware en kommentare ontvang word aangeheg op **bladsy 188 tot 214**.

BESTUURDER: STADS- EN STREEKBEPLANNING

Kommentaar op die besware word aangeheg op **bladsy 215 tot 218**.

Ingevolge Artikel 36 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) mag grondgebruikaansoeke slegs op die grondslag van gebrek aan wenslikheid van die beoogde aanwending van die betrokke grond, of op die grondslag van die uitwerking daarvan op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie), geweier word.

Indien 'n aansoek nie geweier word op grond van 'n gebrek aan wenslikheid nie, mag, by die oorweging van tersaaklike besonderhede, slegs die veiligheid en welsyn van die lede van die betrokke gemeenskap, die bewaring van die betrokke natuurlike en ontwikkelde omgewing of die uitwerking van die aansoek op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie) in ag geneem word.

Vanuit 'n stadsbeplanningsoogpunt word die aansoek as wenslik beskou, en word die aansoek aanbeveel weens die volgende redes:

1. Character of the surrounding area

The proposed housing initiative responds to the immediate context and can be considered as an extension of residential development. The revised layout responds positively to the typical larger block layout as evident within the surrounding context. The layout responds well to the grain and distribution of residential units.

The proposed development will ensure a positive spatial response between the various elements of the historic landscape and will ensure that resources are not fragmented within the landscape. The aesthetic value of the context will not be compromised as consideration has been given to slope, the views and house types. The proposed development is therefore consistent with the surrounding character.

2. Location and accessibility of site

The location and accessibility to the subject property has been shown to be excellent for the proposed development, as it is located on Main Road, a main collector road.

3. Consistency with existing policy framework

The proposed development is consistent with existing planning policies applicable to the study area.

The Breaking New Ground and Western Cape Human Settlement Strategy both advocate the delivery of sustainable housing to communities in need. The development of the application area will ensure access to affordable well-located housing. The proposed development is consistent with the proposals contained in the Cape Agulhas Spatial Development Framework by utilising this in-fill opportunity within the current urban edge.

4. Impact on existing rights

The zonings of the area to the west of the application area is predominantly residential. The proposed residential zoning is therefore compatible with the zonings within the surrounding area.

5. Safety and Welfare of the community

All technical requirements such as service provision and traffic can be accommodated in the development. All issues related to safety and community welfare has therefore been addressed.

6. Conservation of the natural and built environment

Environmental concerns are addressed within the Environmental Authorisation. Particular care has been taken with the proposed design of the development to ensure it contributes positively to the area. The proposed development can be regarded as urban infill within the urban edge which contributes to the optimum use of available land. The proposed development should not have any significant impact on the natural or built environment.

UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT: 24 OKTOBER 2017

“Die Komitee neem kennis van Raadslid Burger se versoek vir die beskikbaarstelling van meer spasie vir kleuterskole en speelareas vir kinders.”

How will we address this in the proposed layout?

Play areas:

- The layout does provide for ample large open space areas. There is a 29m wide servitude around the ESKOM electrical line and beyond that additional open space / play area.
- The dual function detention ponds are designed to be also used as open spaces, when not required for stormwater.
- The proposed development makes provision for enough play areas.

Creches:

The layout was amended to replace one of the Business Zoned erven (Erf 400) with a Civic and Social site. The erf has an area of 1140m².

**BESTUURSAANBEVELING**

- (i) Dat die Raad goedkeuring ingevolge Artikel 25(1) en 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) verleen vir die volgende:
1. Onderverdeling in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985) van Erf 857 Struisbaai in twee gedeeltes: Restant = ± 146.7 Ha en Gedeelte 1 = ± 19.3 Ha.
 2. Hersoening van Gedeelte 1 van Erf 857 Struisbaai na Onderverdelingsgebied in terme van Artikel 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985).
 3. Onderverdeling in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie no. 15 van 1985) van Gedeelte 1 van Erf 857 Struisbaai vir die volgende doeleindes:

Details	Erwe	Sonering
Residensiële erwe	397	Enkel Residensieel
Oop ruimte	13	Oop Ruimte
Kleuterskole / Kerk	3	Publiek en Sosiaal
Besigheid	2	Sakesone
Paaie	1	Straat

4. Fasering van die projek.

Bogenoemde goedkeuring is onderhewig aan die volgende voorwaardes, neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985):

1. Dat geen aktiwiteite wat 'n openbare oorlas tot gevolg kan hê mag uitgeoefen word nie.
 2. Dat bouplanne van alle strukture by die Raad ingedien word vir goedkeuring voordat konstruksie in aanvang neem nadat dienste voltooi is en aanvaar is.
 3. Dat die nuutgeskepte erwe herwaardeer en dienooreenkomstig belas word.
 4. Dat die Raad voorsien word van die goedgekeurde Landmeter-Generaal diagramme en/of Algemene Planne.
 5. Dat gesondheidsvereistes aan voldoen word wat van tyd tot tyd deur die Raad neergelê mag word.
 6. Dat die aansoeker/ontwikkelaar verantwoordelik sal wees vir alle interne- en eksterne dienste wat uit hierdie aansoek mag voortspruit.
 7. Dat enige bestaande serwitute wat uit die titelaktes mag voortspruit gehandhaaf word.
 8. Dat die dienste-ontwerp opgestel word en aan die Raad voorgelê word vir goedkeuring en dat die ontwerp volgens die riglyne van "Guidelines for the Provision of Engineering Services in Residential Townships" uitgegee deur die Departement van Openbare Werke en Grondsake, gedoen word.
 9. Dat geen konstruksie sal in aanvang neem voordat die planne deur die Raad goedgekeur is nie.
 10. Dat die Raad voldoende geskikte water beskikbaar stel om die ontwikkeling te bedien, welke water deur die Raad op sodanige punt of punte op die grens van die ontwikkeling gelewer sal word wat die geskikste vir die Raad is, vir aansluiting by die eksterne verspreidingsstelsel wat die dorp bedien.
 11. Dat 'n voltooiingsertifikaat deur 'n Ingenieur ingehandig word, waarin gesertifiseer word dat toepaslike toetse uitgevoer is en dat die werke aan die nodige SABS standaarde voldoen en dat oorname-inspeksies deur die Raad gedoen word sodra die werke bevredigend voltooi is, al is die dorpsregister nog nie geopen nie, sodat die retensieperiode in aanvang kan neem. Gedurende die retensieperiode van twaalf maande is die ontwikkelaar verantwoordelik vir die herstel en vervanging van enige ontwerpoute asook gebreke in die doeltreffende funksionering van die werke, wat aan die lig kom en enige gebreke in materiale of vakmanskap.
 12. Dat die Raad na die proklamasie van die ontwikkeling op sy koste alle huishoudelike vullis, in ooreenstemming met sy verordeninge, te verwyder en sal eie reëlins met die eienaars of kopers van erwe in die ontwikkeling vir die verwydering van sodanige vullis tref.
 13. Dat geen oordrag van 'n erf aan individue sal toegelaat word nie, voordat alle dienste, uitgesonderd septiese tenks, tot bevrediging van die Raad geïnstalleer is nie.
 14. Dat alle stormwater aansluit by die bestaande stelsel.
- (ii) Dat die aansoeker/eienaar en beswaarmakers in kennis gestel word van die Raad se besluit.

BESLUIT 106/2018

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

11.2.13 COMMUNITY GARDEN, BREDASDORP AND STRUISBAAI NORTH (15/5/R- STRP) (WARDS 4 AND 5)**PURPOSE OF REPORT**

That Council consider in principle a Community Garden in Bredasdorp and Struisbaai North.

BACKGROUND

On 7 May 2018 the following officials and Councillors visited Babylonstoren, Franschhoek and Oranjezicht Farm:

Mayor Paul Swart
Deputy Mayor Zuki Tunisi
Councillor Marjorie October
Councillor Evelyn Sauls
Bertus Hayward

Sipho Mengezeleli
Urlene Jantjies
Doreen Oncke
Abraham Theron
Donald October

The functions and vision of the two gardens are summarised below:

BABYLONSTOREN

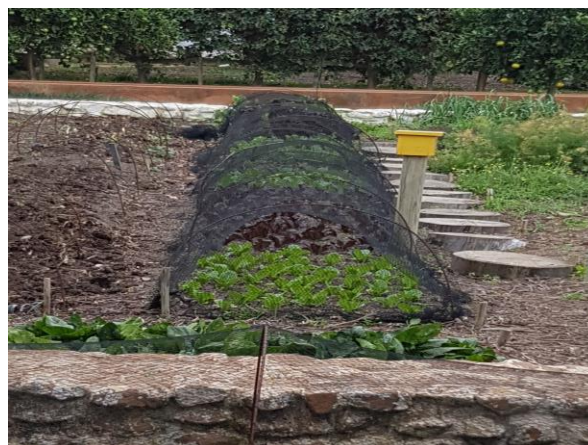
With the Simonsberg, Du Toitskloof and Franschhoek mountains as backdrop, Babylonstoren's garden is majestic. Dating back to 1692, the fortunes of this historic fruit and wine farm took a turn ten years ago when it fell under the gaze of former magazine editor Karen Roos. Her passion for historic Cape Dutch style led to an authentic yet contemporary restoration that projects the farm into the future.

In 1692, Babylonstoren farm was granted to burgher Pieter van der Byl by the then Governor of the Cape, Simon van der Stel. Prior to that, the Drakenstein Valley had been inhabited by the nomadic Khoisan communities for tens of centuries. And so it was Pieter van der Byl who planted the first vineyards on the farm and who altered the water courses to provide irrigation.

Some of the farm's earliest structures from that time remain on the farm today, with Babylonstoren's Cape Dutch *werf* (farmyard) typical of the architectural style popular in the 17th and 18th centuries. As such it is considered to be one of the best preserved farmyards in the Cape today.

The original buildings comprise a manor house that dates back to 1777, while the Koornhuis (for storing wheat), the old cellar, ornate fowl house, dovecote, the leaning bell tower and the historic gates, all date back closer to the 1750s. A disused cow shed was transformed into the current-day Babel restaurant. When new accommodation was added to create the Farm Hotel, every care was taken to ensure that the integrity of the original architecture and its sympathetic relationship with the landscape and climate, were reflected. And so the signature look at Babylonstoren remains whitewashed walls of thick stone or primitive brick, with ornate gables and thatched roofs but with contemporary glass boxes (to house a kitchen and dining area) seamlessly added onto the Cape Dutch cottages. The result is a modern yet authentic sensibility, that takes the farm firmly into the future.

Similarly, the garden at Babylonstoren looked to the past for inspiration, taking its cue from the Company's Garden of Cape Town, which supplied passing ships to the Cape with food in the 1600s. All of the more than 300 varieties of plants in the garden are edible or have medicinal value, with everything from blood oranges to asparagus, mushrooms and persimmons supplying the farm's two restaurants: Babel and the Greenhouse. As such the garden's ever-changing tapestry and rich bounty of produce, informs every aspect of Babylonstoren.



ORANJEZICHT FARM

The Oranjezicht City Farm (OZCF) is a non-profit project celebrating local food, culture and community through urban farming in Cape Town. It is located next to the corner of Sidmouth Avenue and Upper Orange Street, Oranjezicht, adjacent to Homestead Park. Visitors are welcome Mon-Fri 08h00 – 16h00, Sat 08h00 – 13h00.

Join us every Saturday from 9am for a pick-your-own harvest, kids activities, and light refreshments including coffee, tea, cordials, and healthy bites at our weekly community gathering on the farm. Seedlings, compost, bokashi available as well, and always an added something special each week.

Market Day is located at Granger Bay, V&A Waterfront. (next to The Lookout event venue)

Vision

As individuals, we can bring about change every day through what we choose to buy and cook. But change also begins in our communities, and through action we can take together with our families, our neighbours, our local farmers, our local shops, and even our politicians. Together, we can assume more control over at least some of the food we eat, by understanding where it comes from, who has grown it, how it has been grown and how it has arrived on our plates. And we can even get actively involved in the process by growing our own, or helping a farmer, or setting up a food buying co-op, or influencing decisions made locally that will support a better local food system.

**COMMENTS****Director: Infrastructure Services**

Please keep me in the loop with this Community Garden, as I have a vested interest in this project, from a waste management and recycling perspective. Perhaps we should look at getting some providers to provide us with some proposals to setup a Community Garden, costing and include an operating model.

Bestuurder: Water en Riool

Die grootste oorweging sal maar die beskikbaarheid van geskikte water wees.

Ons moet, behalwe 'n boorgat, kyk na die verdere suiwering / ontsmetting van die rioolwater vir besproeiing indien moontlik.

DISCUSSION

Council received in the past various applications from members of the public to start a vegetable and/or fruit garden. The concept to combine all these individual efforts is investigated in order to create a facility which is an asset for Cape Agulhas Municipality and to contribute towards eco-tourism within our area.

A few thoughts to consider:

1. Size of communal garden.
2. Possible location: South of Bredasdorp Cemetery, the site east of the Nelson Mandela Hall. Kleinbegin or Bredasdorp Railway Station and in Struisbaai - north of the Sewage Treatment Works.
3. Agreement with stakeholders / tenants to be signed.
4. Business Plan to be compiled in order to get funding.
5. How much water do we need / ha?
6. Contamination from cemetery to be tested.
7. Cost for borehole?
8. Investigation for borehole to be done and cost thereof determined
9. 20 - 30 kiloliter municipal water will cost ±R300/month

MANAGEMENT RECOMMENDATION

- (i) That Council approve in principle the concept of a Community Garden in Cape Agulhas with tourism and LED potential.
- (ii) That the LED and Town Planning Sections investigate the possible location of the two gardens and prepare a feasibility report for Council's consideration.
- (iii) That all costs be budgeted for in the 2019/20 Financial year.

RESOLUTION 107/2018

That management's recommendation (i) and (ii) be accepted as a resolution of Council.

11.2.14 **DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: RSEP AND VPUU PROGRAMMES (WARDS 2, 3, 4, 6) (TRP - 15/5/5)**

PURPOSE OF REPORT

For Council to determine the way forward and approve the three projects over three financial years.

BACKGROUND

The Municipality successfully applied to participate in the RSEP / VPUU programme. The application was approved and the Municipality was allocated R4 000 000,00 over 3 years in terms of DORA. The project must be rolled out in terms of the implementation protocol concluded between the Municipal Manager and the Department of Environmental Affairs and Development Planning,(DEADP).

On 24 October 2017 a discussion took place between officials of DEADP and the Mayoral Committee.

Mr's Wust, Kruger and Sipoxo of Department introduced Council to the RSEP (regional, social, economic programme) and VPUU (violence, prevention through urban upgrading programme).

They referred to the work streams, the reconstruction framework as a tool kit, previous phases (3 municipalities), identification of opportunities and further commitments from Cape Agulhas Municipality. They informed Council of the co-funding from Western Cape Province for the implementation of projects.

On 31 October 2017 Council took the following decision (220/2017):

- (i) *That the Committee support the RSEP and VPUU projects.*
- (ii) *That the Municipal Manager be delegated to sign all relevant documentation and to give regular feedback to Council.*

On 1 December 2017 after the following request, the Mayoral Committee took decision BK206/2017:

“Die Burgemeester versoek dat die RSEP (Regional, Social, Economic Program) en die VPUU (Violence, Prevention Through Urban Upgrading program) dringende aandag geniet.

BESLUIT BK206/2017

Dat ‘n taakspan aangewys word om die projek, spesifiek met betrekking tot Ou Meulestraat te dryf. Die taakspan sal bestaan uit amptenare: Munisipale Bestuurder, Steve Cooper, Francois du Toit, Tracey Stone, Bertus Hayward en John Daniels, Raadslede: Burger en October en lede van die publiek.”

The officials and Councillors serve as the “Internal Task Team” required by the Implementation Protocol. DEADP are also active participants in the “Internal Task Team”.

The members of the public include representatives from the business sector and ward committees of the relevant wards. They will meet with the Internal Task Team on a regular basis. The first meeting took place on 5 July 2018.

MEMORANDUM FROM DEADP ON PROJECT ROLL OUT

On 20 July 2018 the following memorandum was received from the Directorate: DDF -RSEP and VPUU (Department of Environmental Affairs and Development Planning):

“RSEP ROLL OUT TO BREDASDORP: CAM OU MEULE SREET CORRIDOR TASK TEAM FINDINGS AND WAY FORWARD (PROJECT MOTIVATION)

PURPOSE

The purpose of this memorandum is to notify Cape Agulhas Municipality (CAM) of the proposed way forward after the CAM Ou Meule Street Corridor meeting held on the 5th July 2018. The aim is for the RSEP PO to analyse and arrive at an informed decision, whether the top three (3) prioritised projects, post Ou Meule Street Corridor Task Team Meeting, are in line with the RSEP filters and should therefore be approved by the next CAM Council meeting.

PRIORITISED PROJECTS

1. Shown in Figure 1 on the following page, the three (3) prioritised projects include:

- *LED Units/Stalls and ancillary braai facilities (See between Node 1 and Node 2 or in Node 3 only)*
- *Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities (See Node 1)*
- *Paving and pedestrian access/bridge in Ou-Meule Street at the crossing with Long Street, Landscaping and street lighting in crime areas (Between Nodes 1 and 3)*

2. **The RSEP motivation of project filters are:**

- Will the project strengthen and promote the RSEP story and be potential examples/pilots/best practise for other towns and municipalities?
- Will the project reflect 'value for money' with high impact relative to cost?
- Will the project be supported by the residents, as communicated by appropriate community?
- Will the project have a high feasibility rating and a low risk of delays extending beyond the Programme duration?



Figure 1: Project Proposals for Co-funding in Ou-Meule Corridor

All three (3) prioritised projects, stated above, meet the RSEP filters and can therefore be recommended for approval at council.

However, the first proposed project, "LED Units/Stalls and ancillary braai facilities" does not meet the criteria if located in Node 3 and should therefore be located in Node 2. The reason for this is that Node 2 is already set up as a transition zone (where people move from home to work) and therefore experiences far higher footfall which will be beneficial to both traders and those in need of cash and carry goods closer to home (see Figure 2 below for assistance).



Figure 2: Project 1 proposed locations

WAY FORWARD

1. CAM stated that they are aware of the fact that the business stakeholders were absent, and thus made an undertaking to liaise with them and inform them, of the outcome of CAM Ou Meule Street Corridor Task Team meeting.
2. For the 2018/19 financial period, R 1 Million is gazetted to CAM, which should ideally be ring fenced for small and/or large scale projects to this value and or any additional value co-funded by CAM.
3. It is imperative to note that CAM Ou Meule Street Corridor Task Team stated that there is R500 000.00 from CAM that can be used for co-funding.

Steps to follow as per DEADP's letter:

- Node 2 (Cnr of Ou Meule and Padiachy Street) is a more viable location for Project 1 (LED Units/Stalls and ancillary braai facilities) than in Node 3.
- This project should fall under the LED strategy and rentals per LED unit could be generated.
- A council resolution should be taken to motivate for the prioritised projects.
- The RSEP team leader will assist with filling out the RSEP project motivation document (i.e. with maps and answers to the RSEP filters).
- This motivation should be accompanied by estimated cost of by a draft 'Feasibility Study'.
- This motivation will be sent to the RSEP project Adjudication Committee who will provide an approval in 'principle' of the project.
- Thereafter, a proper feasibility must be undertaken in order for final approval to take place (i.e Bill of quantities which will arise from land surveys, architectural and engineering designs).
- The template for the final feasibility will be made available on request.
- The CAM various departments be informed accordingly.

DISCUSSION

1. Province allocated R1 000 000,00 within their financial year (April 2018 – March 2019).
2. Cape Agulhas Municipality (Strategic Services) allocated R500 000,00 within their Operational Budget.
3. That the three projects be prioritised over a three year time frame.

RECOMMENDATION

1. **That Council consider the following:**
 - a. LED Units/Stalls and ancillary braai facilities at Node 3 within YEAR 1 (2018/19 Financial year).
 - b. Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities (See Node 1) within YEAR 2 2019/20.
 - c. Paving and pedestrian access/bridge in Ou-Meule Street at the crossing with Long Street, Landscaping and street lighting in crime areas (Between Nodes 1 and 3) during YEAR 3 and 4 (2020/21/22)
2. **That Council take note of the following steps to be taken:**
 - a. Node 2 (Cnr of Ou Meule and Padiachy Street) is a more viable location for Project 1 (LED Units/Stalls and ancillary braai facilities) than in Node 3.
 - b. This project should fall under the LED strategy and rentals per LED unit could be generated.
 - c. A council resolution should be taken to motivate for the prioritised projects.
 - d. The RSEP team leader will assist with filling out the RSEP project motivation document (i.e. with maps and answers to the RSEP filters).
 - e. This motivation should be accompanied by estimated cost of by a draft 'Feasibility Study'.
 - f. This motivation will be sent to the RSEP project Adjudication Committee who will provide an approval in 'principle' of the project.
 - g. Thereafter, a proper feasibility must be undertaken in order for final approval to take place (i.e Bill of quantities which will arise from land surveys, architectural and engineering designs).
 - h. The template for the final feasibility will be made available on request.
 - i. The CAM various departments be informed accordingly.

MANAGEMENT RECOMMENDATION

- (i) That Council approve the LED Unit Stalls between the Ablution facilities and the Library in Ou Meule street with Landscaping and Streetlighting within YEAR 1.

- (ii) That Council approve the Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities at the Anene Booysen Skills Centre and Nelson Mandela Hall within YEAR 2.
- (iii) That Council approve the Paving and pedestrian access/bridge in Ou-Meule Street at the crossing with Long Street, Landscaping and street lighting in crime areas during YEAR 3.

RESOLUTION 108/2018

That the management recommendation be accepted as a resolution of Council.

11.2.15 AANSOEK OM VERVREEMDING (HUUR): ERF 601, L'AGULHAS (COLLAB: 266563) (WYK 5)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Jebo Africa Communications om erf 601, L'Agulhas te huur ten einde internet dienste aan kliënte te verskaf.

ALGEMENE INLIGTING

Eienaars : KAM
 Ligging : Erf 601, Jim Van Druten Singel, L'Agulhas
 Erf Grootte : 2700m²
 Huidige Sonering : Landbou

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 219 tot 226** is van Jebo Africa Communications ontvang om erf 601, L'Agulhas by die Raad te huur ten einde internet dienste aan kliente te verskaf.

FINANSIële IMPLIKASIES

R700,00 per maand (Vervreemdingsinkomste vir KAM)

WETLIKE IMPLIKASIES

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

Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Ek sal voorstel dat ons eers die aansoek by die ITC komitee hanteer ten einde 'n aanbeveling te maak wat na die raad kan gaan.

DIREKTEUR: GEMEENSKAPSDIENSTE

Noted.

DIREKTEUR: FINANSIËLE DIENSTE

Ondersteun die voorstel om die aangeleentheid eers te verwys na die ICT komitee ten einde die impak op bestaande diens sowel as toekomstige uitbreiding te bepaal

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

The site will be required for basic service delivery with respect to telemetry and smart metering backbone facilitation.

BESTUURDER: ADMINISTRATIEWE DIENSTE

My aanbeveling sal afhang van ITC Committee se oorweging en aanbeveling.

SENIOR SPESIALIS STADSBEPLANNER

Geen beswaar.

BESTUURDER: STRATE EN STORMWATER

Have no objection.

BESTUURDER: WATER EN RIOOL

Geen invloed op water- en riooldienste nie.

Die volgende besluit (ICT 16/2018) is op 24 Mei 2018 tydens die ICT Steering Komitee Vergadering geneem:

- (i) That the current lease agreement with Suidpunt Security, be reconsidered for renewal.
- (ii) That the application of erf 604, L'Agulhas not be approved, because Council needs the specific area for municipal services (MFMA Section 14(a)).
- (iii) That the committee's recommendation be referred to property management for consideration.

BESTUURSAANBEVELING

Vir oorweging.

BESLUIT 109/2018

Dat die aanbeveling van die ICT Steering Committee as 'n besluit van die Raad aanvaar word.

11.3 BESTUURSDIENSTE / MANAGEMENT SERVICES**11.3.1 APPROVAL OF AMENDED: HOUSING SELECTION POLICY****PURPOSE OF REPORT**

To inform council on the proposed amendments on the Cape Agulhas Housing Selection policy as per Circular C10 of 2015 from the Western Cape Department of Human Settlements (Circular attached on **page 227 to 229**).

BACKGROUND

The MEC of Human Settlements in the Western Cape signed a Framework Policy on 21 May 2015 detailing guidelines on how municipalities should conduct “age-based prioritization” in the selection of beneficiaries for ownership-based subsidy products in green-fields projects.

All municipalities have to comply with the core elements and principles of the Framework Policy and project applications submitted by municipalities, which are not compliant, may not be approved for funding by the department. The implementation of the guidelines as stated in Circular C10 of 2015 are effective as from 21 May 2015.

LEGAL AND POLICY IMPLICATIONS

1. The Constitution of South Africa
2. The Housing Act, 1997
3. The National Housing Code, 2009
4. Circular C10 of 2015

FINANCIAL IMPLICATIONS

None.

ADVERTISING

The Policy, as attached on **page 230 to 250** was advertised in the local newspaper and the CAM official website 11 February 2016 to 11 March 2016 .

No comments were received from the public. The housing unit also did presentations during the Mayoral Housing Imbizo's for community members so that they can be aware of this policy.

WARD	TOWN	DATE	VENUE
2 and part of ward 6	Bredasdorp	6th September	Thusong
Ward 3	Bredasdorp	12 September	Nelson Mandela Hall
Ward 5	Struisbaai	18 September	Community Hall
Ward 6	Arniston	20 September	Community Hall
Ward 1	Napier	26 September	Community Hall

MANAGEMENT RECOMMENDATION

- (i) Council to approve the policy as amended.
- (ii) Community information sessions to be held as an awareness campaign on the amendments.

RESOLUTION 110/2018

- (i) That the management recommendation be accepted as a resolution of Council.
- (ii) That the Director of Infrastructure, mr Jacobs be appointed as “selection controller”.

11.4 **FINANSIES- EN IT DIENSTE / FINANCE- AND IT SERVICES**

11.4.1 **JAARLIKSE BATEOPNAME: 2017/2018 BOEKJAAR (DFD)**

DOEL VAN VERSLAG

Om oorweging te skenk vir die afskrywing van roerende bates wat nie opgespoor kon word tydens jaarlikse bateopname, asook items wat nie meer voldoen aan die minimum vlak van dienslewering nie. Ingesluit by hierdie verslag ook 'n lys van erwe soos wysigings gedoen vir die boekjaar 2017/2018.

AGTERGROND

Gedurende die boekjaar 2017/2018 was daar items gevind wat nie aan die minimum vlak van dienslewering vereistes voldoen nie en as uitgedien verklaar is. Verskeie bates is ook nie tydens die bateopname gevind nie.

Aangeheg as bylae is die lys van roerende bates wat afgeskryf moet word:

Bylaag A: Uitgediende voorraad - boekjaar 2017/2018 (**bladsy 251 tot 253**)
Bylaag B: Bates nie gevind tydens opname - boekjaar 2017/2018 (**bladsy 254**)
Bylaag C: Verteenwoordig wysigings soos geskied in die 2017/2018 finansiële jaar (sien kommetaar vir meer inligting) (**bladsy 255**)

WETLIKE IMPLIKASIE

Ingevolge Wet 56 van 2003 (MFMA), Artikel 14

FINANSIËLE IMPLIKASIE

Aangehegte lys van items ter waarde van R20 544,27 wat 'n persentasie van 0.013% teenoor die totale bates is, kon nie gevind word nie.

BESTUURSAANBEVELING

Dat alle roerende bates (soos in Bylaag A en B) afgeskryf en wysigings aan erwe aanvaar word.

BESLUIT 111/2018

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

11.4.2 **UDIT AKSIEPLAN 2016/17 (OPCAR): MAANDELIKSE VORDERING - JULIE 2018**

DOEL VAN VERSLAG

Oorweging van die vordering met die goedgekeurde 2016/17 Oudit bevindinge Aksieplan (OPCAR) soos op Julie 2018.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2016/17 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan, soos aangeheg op **bladsy 257 tot 264** opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die Raad die vordering met die 2016/17 Ouditeur-Generaal Aksieplan soos op Julie 2018 oorweeg en aanvaar.

BESLUIT 112/2018

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

12. ADDISIONELE ITEMS DEUR DIE RAAD HANTEER

12.1 NERSA SE GOEDKEURING VAN ELEKTRISITEITSTARIEWE INSAKE DIE 2018/19 BEGROTING JAAR

DOEL VAN VERSLAG

Om NERSA se goedgekeurde tariewe vir die lewering van elektrisiteitsdienste in die Kaap Agulhas munisipale gebied, met betrekking tot die 2018/19 begroting jaar te oorweeg vir goedkeuring in terme van Nasionale Tesourie se riglyne met omsendskrywe 85 en 86 asook ander toepaslike wetgewing in dié verband.

AGTERGROND

Die voorlopige elektrisiteitstariewe vir die periode 1 Julie 2018 tot Junie 2019 was deur die Raad goedgekeur op 27 Maart 2018 en aan NERSA voorgelê vir finale goedkeuring. Deurdat die munisipaliteit se gemiddelde elektrisiteitstarief verhoging vir die finansiële jaar (2018/19) hoër is as die voorgestelde verhoging van 6,84% soos deur NERSA afgekondig, moes die munisipaliteit op versoek van NERSA 'n voorlegging doen op 15 Junie 2018 met betrekking tot die tariewe voorgelê vir goedkeuring.

Op 29 Junie 2018 het die munisipaliteit terugvoer ontvang vanaf NERSA insake die voorgestelde finale goedgekeurde elektrisiteitstariewe vir implementering met effek 1 Julie 2018. Derhalwe is dit noodsaaklik dat enige afwyking in terme van die reeds goedgekeurde elektrisiteitstariewe deur die Raad op 29 Mei 2018 aangepas en in lyn gebring moet word met die elektrisiteitstariewe soos vasgestel deur NERSA per skrywe gedateer 29 Junie 2018. 'n Afskrif van die Raad se goedgekeurde tariewe vir elektrisiteit *versus* die van NERSA word aangeheg vir oorweging en wysiging.

Die munisipaliteit se aansoek vir 'n gemiddelde taiefverhoging van 8,42% blyk net so deur NERSA goedgekeur te wees met die uitsondering van die Huishoulike Tarief - Vooruitbetaald 30 Amp wat afgerond is tot die hoër desimaal.

FINANSIËLE IMPLIKASIES

Die finansiële implikasie met betrekking tot die gewysigde tarief het geen impak op die goedgekeurde begroting vir elektrisiteit ten opsigte van die 2018/19 begroting jaar nie.

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

BESTUURSAANBEVELING

- (i) Dat die Raad die goedgekeurde elektrisiteitstariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2018 tot Junie 2019.
- (ii) Dat die Raad verder goedkeuring verleen dat Bylaag "A(1)" - Elektrisiteit Dienste Tariewe (2018/19), paragraaf 4 gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

BESLUIT 113/2018

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

17. **ONAFGEHANDELDE RAADSBSLUITTE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	Dat die randstene wel verwyder word, op voorwaarde dat - (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningsooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.	<i>Eienaar reageer nie op skrywe van prokureur nie.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."	<i>In proses.</i>	BSSB
244/2016	Oordrag: Suiderstrand Pad	(i) Dat beginsel-goedkeuring vir die oordrag van die Suiderstrand pad na Provinsie gegee word. (ii) Dat die Munisipale Bestuurder getaak word om die nodige prosesse van oordrag in werking te stel. (iii) Dat die Munisipale Bestuurder dringend 'n vergadering belê tussen die munisipaliteit, SANParke en die provinsiale departement van Paaie en Openbare Werke om die opgradering van die pad te bespreek.		
17/2018	Fase 3 Area H Behuisingsontwikkeling in Bredasdorp	Dat die aangeleentheid terugverwys word vir die voorgestelde herontwikkeling van Fase 3 van Area H, Bredasdorp en gereed is vir ter tafellegging.		BSSB
27/2018	Valuation: Erf 857, Struisbaai	That the matter be referred back to Town Planning for further investigation.		BSSB

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 114/2018

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

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

BEKRAGTIG op hierdie dag van 2018

SPEAKER

DATUM: