



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

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

MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY,  
31 OCTOBER 2023 AT 10:00 AT THE MUNICIPAL COUNCIL CHAMBERS,  
BREDASDORP

TEENWOORDIG / PRESENT

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	S Stanley	wnd Direkteur: Finansiële Dienste
Mnr	H Kröhn	Direkteur: Infrastruktuurdienste
Me	L Smith	wnd Direkteur: Bestuursdienste
Mnr	Z Baca	Internal Audit ( <i>from 10h20</i> )
Mnr	O January	Bestuurder: LED en Toerisme
Me	T Stone	Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	N Mhlati-Musewe	Divisional Head: HR and OD
Me	A Jonker	Snr Admin Beampte: Komiteedienste

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1. **VERWELKOMING / WELCOME**

Die Speaker heet die teenwoordiges welkom.

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

Raadsheer Jantjies open die vergadering met gebed.

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

Mnr H van Biljon	Direkteur: Finansiële Dienste
Mnr P Valentine	wnd. Bestuurder: Admin Ondersteuning
Me M Boyce	Direkteur: Bestuursdienste

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

Na die byvoeging van 'n addisionele item, word die Agenda aanvaar.

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

Die Speaker betuig namens die Raad sy medelye teenoor die familie na die afsterwe van twee munisipale amptenare, naamlik Johannes Williams en Koos Arends asook met die afsterwe van die moeders van me Elsabé Zieff en mnr Myburgh Briers.

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

Geen.

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

Geen.

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

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

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

**BESLUIT 216/2023**

Die Notule word as korrek en volledig bekragtig.

(Voorsteller: Rdh Swart / Sekondant: Rdl Ross)

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

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

19 September 2023 (*Notule was onder lede versprei*)

**BESLUIT 217/2023**

Die Raad neem kennis van bogenoemde UBK Notule.

(Voorsteller: Rdl Donald / Sekondant: Rdl Eksteen)

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

10.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings was onder lede versprei.

**BESLUIT 218/2023**

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

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

Die Speaker versoek terugvoer aangaande die volgende besluite, geneem tydens die Raadsvergadering van 4 Oktober 2023:

- (i) **Service Delivery Imbizo and SOMA:**  
Raadsheer Jantjies bevestig dat dit afgehandel is deur MPAC.
- (ii) **Kwytskelding van huurgeld - S Mbili:**  
Afgehandel.
- (iii) **Auditing of commonages, Bredasdorp:**  
Besig met spesifikasies vir professionele dienste wat eiendomme namens die Raad kan bemark en bestuur.
- (iv) **Temporary location for filming use (erf 854, Struisbaai) - Homebrew Films:**  
Wag nog op terugvoer vanaf Wes-Kaapse Departement van Omgewingsake.
- (v) **Huur: Gedeelte Erf 1873, Bredasdorp (Mnr A J Bok):**  
Nog nie afgehandel nie.
- (vi) **Huur: Gedeelte Erf 809, Bredasdorp (L Witbooi):**  
Grootte van erf moet deur LED uitgewys word - In proses.
- (vii) **Sluiting van stegie: Oumeuleweg en Asterlaan, Bredasdorp:**  
Besig met laminering van plakkate.
- (viii) **Boetes vir onwettige strukture:**  
Boetelys is intussen deur die Landdros goedgekeur.
- (ix) **Homeless People:**  
Letter was submitted to MEC's Social Development Office - Waiting for response.
- (x) **Draft Social Conflict Management Plan:**  
The optimal utilisation of mediation services is currently being explored by the Director: Management Services.

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

12.1 **BRIEWE VAN DANK**

Die Raad neem kennis van aangehegte briewe van dank.

12.2 **FUNKSIES VIR DIE MAAND**

Die Speaker sal 'n Speakers Forum te Plettenbergbaai bywoon vanaf 1 tot 3 November 2023.

12.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

12.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

(i) Na aanleiding van Raadsbesluit 53/2023 geneem op 30 Maart 2023 bevestig die Speaker dat die dissiplinêre komitee soos volg aangestel is:

- DA Raadslede: Rdl Donald en Rdl Ross
- Diensleweringsparty Raadslid: Rdh Jantjies
- ANC Raadslid: Rdl Louw
- Vryheidsfront Plus Raadslid: Rdh Burger
- Inisieërder: Adv Tredoux
- Voorsittende Beampte: Rdl Donald

Hy bevestig verder dat die inisieërder aangestel is en besig met die finalisering van die klagstaat.

(ii) Die Speaker vestig die Raad se aandag op die Ordereëls vir die hou van vergaderings, met spesifieke verwysing na die volgende aangeleenthede, naamlik:

1. *The Speaker must decide whether a meeting should be: (a) physical meeting; (b) virtual meeting; or (c) hybrid meeting. All physical meetings must be open to members of the public, unless members of the public are excluded as contemplated in rule 25. All virtual meetings must be livestreamed on the municipality's website, unless members of the public are excluded as contemplated in rule 25.*

Virtuele Raadsvergaderings was gedurende Covid geïmplementeer, maar aangesien dit nie meer nodig is nie, kan die lewendige uitsendings ook gestaak word. Die Speaker plaas die afskaf van die lewendige uitsendings op hersiening en vra vir kommentaar/voorstelle vanaf Raadslede, waarna dit na die Finansies- en IT Dienste Komitee verwys sal word vir bespreking en voorlegging aan die Raad.

2. *A councillor has freedom of speech in any meeting of the Council and in any committee of which the councillor is a member in accordance with section 28 of the Structures Act and section 2 of the Western Cape Privileges and Immunities of Councillors Act, 2011 (Act 7 of 2011): Provided that the councillor must - (a) confine the councillor's speech to municipal matters; (b) avoid personal attacks on other councillors; and (c) refrain from defaming another councillor, a person or an institution.*
3. **Content of debate:** *A councillor who speaks, must direct the councillor's speech to the matter before the Council. Point of order: (1) A councillor may interject during a meeting to raise a point of order to call the attention of the Speaker to a breach of the rules, the Code or a statutory provision. (2) A point of order may be raised in relation to - (a) a procedural matter; or (b) the conduct of a councillor, municipal employee, or member of the public. A councillor raising a point of order must immediately be heard, and the councillor must state the - (a) point of order; and (b) rule, item in the Code or statutory provision that is being breached. The Speaker's ruling on a point of order: (a) is final and not open to debate; and (b) must be recorded in the minutes.*

(iii) Die Raad sal in reses gaan vanaf 14 Desember 2023 tot en met 14 Januarie 2024.

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

Geen.

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

Die Burgemeester meld dat die UBK tesame met die Munisipale Bestuurder inspeksie sal doen in alle wyke ter voorbereiding van nethed vir die Kersseisoen. Raadslede word versoek om intussen besonderhede deur te gee van areas wat aandag moet geniet.

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

15.1 **CAPE AGULHAS MUNICIPALITY: SUMMER SEASON READINESS PLAN 2023/24**

**REPORT BY THE DIRECTOR: MANAGEMENT SERVICES**

**PURPOSE OF REPORT**

To present Council with the Summer Season Readiness Plan which include relevant services applicable for its municipal area.

**BACKGROUND**

The summer season brings increased risk of incidents that could affect public safety as well as the delivery of services by the municipality due to increased visitors. The Municipality has therefore developed a Summer Season Readiness Plan (SSRP) to ensure that the municipality is able to cope with the increased visitors and seasonal activities.

**DISCUSSION**

The purpose of the SSRP is to identify possible public safety and service delivery risks, and to mitigate against these risks through appropriate operational and resource planning. It focusses on the delivery of essential public services, including Traffic Management, Law Enforcement, Disaster Management, Public Services, Streets and Stormwater, Water and Sanitation and Waste Management. The responsibilities and operational arrangements for each department are set out in the SSRP. The Manager: Protection Services will convene an integrated coordination meeting with all the internal and external stakeholders, prior to the start of the season to ensure that resources are in place to implement the plan.

**LEGAL FRAMEWORK**

1. Criminal Procedure Act, 1977 (Act 51 of 1977)
2. Fire Brigade Services Act, 1987 (Act 99 of 1987)
3. National Road Traffic Act, 1996 (Act 93 of 1996)
4. Disaster Management Act, 2002 (Act 57 of 2002)

**FINANCIAL IMPLICATIONS**

Activities are within the approved Council Budget provision.

**ANNEXURES**

Draft Summer Season Readiness Plan 2023/24, attached on **page 2 to 21**.

**MANAGEMENT RECOMMENDATION**

That the Summer Season Readiness Plan for 2023/24 be approved.

**RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

That the Summer Season Readiness Plan for 2023/24 be approved and implemented.

**RESOLUTION 219/2023**

That the Summer Season Readiness Plan for 2023/24 be approved and implemented.

**(Proposer: Cllr Eksteen / Seconder: Ald Swart)**

15.2 **HOUSING COMMITTEES**

**REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER**

**PURPOSE OF REPORT**

To submit a proposal to Council to consider a report on committee arrangements in respect of housing.

**BACKGROUND**

At the Mayoral Committee held on 19 September 2023, the following statement was made by the Chairperson.

*“Clarity must be finalized between the Housing Committee and the Housing Technical Committee and the Municipal Manager must submit a comprehensive report to Council to address this section 79 and 80 Committees”*

**Housing Committee**

No records can be found on the initial establishment and terms of reference of the Housing Committee. In the absence thereof the committee is not compliant with Section 79 of the Municipal Structures Act. The appointment of members to this committee was done through Council Resolution 251/2021 reads as follows:

<b><u>BESLUIT 251/2021</u></b>	
(i)	<i>“Dat die lede/verteenvoerders van die bogenoemde Komitees soos volg aangewys word:</i>
<b>A. <u>ARTIKEL 79 KOMITEES</u></b>	
Arbeidsforum (4)	<ul style="list-style-type: none"> <li>• Rdl K Donald</li> <li>• Rdl R Ross</li> <li>• Rdl R Mokotwana</li> <li>• Rdl J August-Marthinus</li> </ul>
Gelyke Indiensnemingskomitee (2)	<ul style="list-style-type: none"> <li>• Rdl K Donald</li> <li>• Rdl J August-Marthinus</li> </ul>
Opleiding- en Ontwikkelingskomitee (2)	<ul style="list-style-type: none"> <li>• Rdl R Ross</li> <li>• Rdl M Matthysen</li> </ul>
Beroepsgesondheid- en Veiligheidskomitee (2)	<ul style="list-style-type: none"> <li>• Rdl G Olwage</li> <li>• Rdl R Louw</li> </ul>
Behuisingskomitee (6 Wyksraadslede)	<ul style="list-style-type: none"> <li>• Rdl R Ross</li> <li>• Rdh D Jantjies</li> <li>• Rdl R Louw</li> <li>• Rdh J Nieuwoudt</li> <li>• Rdl G Olwage</li> <li>• Rdl August-Marthinus</li> </ul>
MPAC	<ul style="list-style-type: none"> <li>• Rdh D Jantjies (Voorsitter)</li> <li>• Rdl R Louw</li> <li>• Rdh J Nieuwoudt</li> </ul>
Oudit- en Prestasie-Oudit Komitee	<i>Komitee is reeds aangewys - Geen Raadslede mag op Komitee dien nie.</i>

The Housing Committee is chaired by Ald. Jantjies, who was elected by the Committee.



### **Housing Technical Committee**

The Housing Technical Meeting is coordinated by the contracted service provider and includes municipal administrative staff, provincial staff, service providers and Councillors. There is no Council Resolution establishing this committee, nor are Councillors delegated to serve on it. This leads to a situation where Councillors are involved in contractor management and technical administrative matters which is contrary to the prescripts of the MFMA. This is therefore not a Committee appointed in terms of Section 79.

### **DISCUSSION**

The Management Services Portfolio Committee is the Section 80 Committee appointed in terms of Section 79 to assist the Executive Mayor that is responsible for all functions within the Management Services portfolio including Housing and use could be made of this Committee as a platform for political level discussion of housing matters.

#### **The members of the Management Services Portfolio are:**

1. Cllr Ross (Chairperson)
2. Ald Jantjies
3. Ald Nieuwoudt
4. Cllr August-Martinus
5. Cllr Donald

The Portfolio Committee meetings are open to all Councillors to participate and provide inputs. The Housing Technical Committee should be retained but should be a purely administrative committee that meets as and when required.

### **LEGAL IMPLICATIONS**

Municipal Systems Act.

### **FINANCIAL IMPLICATIONS**

None.

### **PERSONNEL IMPLICATIONS**

None.

### **MANAGEMENT RECOMMENDATION**

- (i) That the Housing Committee be abolished.
- (ii) That the Management Services Portfolio Committee be tasked with the responsibility for housing matters.
- (iii) That the applicable provision of Council Resolution 251/2021 be rescinded.
- (iv) That the Housing Technical Committee be retained as a purely administrative committee that meets as and when required.

### **RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE**

That the matter be referred to Council for consideration.

### **RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

That the management recommendation be accepted.

1. **Proposal from Alderman Jantjies (supported by: Cllrs Matthyssen, Louw and Mokotwana):**  
That the Housing Committees continue to function as at present.
2. **Proposal from Alderman Swart:**  
That the management recommendation be accepted.

**After voting, Council decided by 6 votes towards 5:**

**RESOLUTION 220/2023**

- (i) That the Housing Committee be abolished in terms of Section 79(1)(c) of the Municipal Structures Act.
- (ii) That the Management Services Portfolio Committee be tasked with the responsibility for housing matters.
- (iii) That the applicable provision of Council Resolution 251/2021 be rescinded.
- (iv) That the Housing Technical Committee be retained as a purely administrative committee that meets as and when required.

15.3 **APPEAL: FIREWORKS (ARNISTON HOTEL)**

**REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER**

**PURPOSE OF REPORT**

To consider the appeal from the Arniston Hotel to hold an annual fireworks display, which was refused.

**BACKGROUND**

The Municipal Council took the following resolution (32/2023) on 28 February 2023:

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

An application was received from the Arniston Hotel to hold an annual fireworks display, which was refused by the Municipal Manager on the basis of the above decision.

**DISCUSSION**

The Arniston Hotel convened a meeting with the relevant officials to discuss the refusal and requested that it be reconsidered. Given that the decision was based on a Council Resolution his request could not be considered and he was advised to submit an appeal to Council in terms of Section 62 of the Municipal Systems Act.

**HIS APPEAL IS BELOW:**

13<sup>th</sup> October 2023

THE MUNICIPAL MANAGER  
Cape Agulhas Municipality  
PO Box 51  
Bredasdorp  
7280

Dear Mr Eben Phillips

New Year's Eve Traditional Fireworks - 2023/24

Further to your response, to our application dated 13<sup>th</sup> August 2023, we herewith lodge an appeal to Council's Resolution 32/2023 taken on the 28<sup>th</sup> February 2023

Our appeal is based on the following mitigation measures:

1. No complaints were received by CAM in regard to last years' display
2. All safety regulations are adhered to
3. We have the support of the ODM, Police, Fire Brigade & Ambulance service
4. CAM's traffic department usually attends to the road closure

We would be willing to address council should they so require

Yours sincerely

*RHaarburger*

Robert Haarburger

Further to the above an engagement was also held with the ODM and SAPS to obtain their views on the matter. The outcomes of this discussion will be shared at the meeting.

**LEGAL IMPLICATIONS**

1. Municipal Systems Act insofar as the appeal is concerned.
2. By-Law to Prevent and Control Public Nuisances (the revised nuisances, behaviour in public places and crime prevention by-law is in draft form).

**FINANCIAL IMPLICATIONS**

None.

**PERSONNEL IMPLICATIONS**

None.

**MANAGEMENT RECOMMENDATION**

For consideration by the Management Services Committee.

**RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE**

That the matter be referred to Council for consideration.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

- (i) That Council resolution 32/2023 which was taken on 28 February 2023 be upheld and that permission for fireworks displays not be granted.
- (ii) That the appellant be informed accordingly.

**RESOLUTION 221/2023**

- (i) That the appeal against Council Resolution 32/2023 by Mr R Haarburger of the Arniston Hotel be upheld as there were no complaints emanating from Arniston residents during the 2022 display.
- (ii) That permission be granted to the Arniston Hotel to hold a firework display on new year's eve (31 December 2023) subject to the following:
  - a. That the provisions of the Explosives Act, 15 of 2003 and its Regulations be complied with.
  - b. That the display be held as an event and comply with the provisions of the Safety at Sports- and Recreational Events Act, 2 of 2010 and its Regulations.
- (iii) That the appellant be informed accordingly.
- (iv) That Council Resolution 32/2023 remain applicable in respect of future displays.

**(Unanimously Resolved)**

15.4 **MFMA SECTION 52(D) QUARTERLY BUDGET- AND PERFORMANCE REPORT FOR THE QUARTER ENDING 30 SEPTEMBER 2023**

**The Director: Finance reports as follows:**

**PURPOSE OF REPORT**

To submit the Quarterly Section 52 Budget- and Performance Report for the period ending 30 September 2023 as prescribed in the Municipal Finance Management Act (MFMA) (**see page 22 to 69**).

**BACKGROUND**

Municipal Finance Management Act, 56 of 2003 states as follows:

52. The mayor of a municipality -  
(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality;

**Monthly budget statements**

71. (1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:
- (a) Actual revenue, per revenue source;
  - (b) actual borrowings;
  - (c) actual expenditure, per vote;
  - (d) actual capital expenditure, per vote;
  - (e) the amount of any allocations received;
  - (f) actual expenditure on those allocations, excluding expenditure on -
    - (i) its share of the local government equitable share; and
    - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
  - (g) when necessary, an explanation of -
    - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
    - (ii) any material variances from the service delivery and budget implementation plan;
    - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
- (2) The statement must include -
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
  - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).

**National Treasury Budget Circular 122 dated 12 December 2022 states as follows:**

Section 4.4 reads as follows - Regulation of Minimum Business Processes and System Specifications:

*"Where a municipality is not fully compliant with the mSCOA requirements, a mSCOA Road Map must be in place to drive and fast track the mSCOA implementation in the municipality. The mSCOA Steering Committee, chaired by the Accounting Officer or his/her delegate, must use the mSCOA Road Map to track process and take correction action where required."*

The mSCOA Road Map needs to address the municipal approach to ensuring full mSCOA compliance and the roadmap must be table to Council on a quarterly basis as part of the in-year reporting.

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

**MANAGEMENT RECOMMENDATION**

- (i) Council takes note of the quarterly budget and performance report for the period 30 September 2023 as per section 52 of the MFMA.
- (ii) It be noted that the directors ensure that the budget is implemented in accordance with the Service Delivery and Budget Implementation Plan projections and in accordance with the approved budget.
- (iii) It be noted that any material variances will receive remedial or corrective steps.
- (iv) Council takes note of the mSCOA Road Map for the quarter ending 30 September 2023 as required.

**RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

- (i) The Mayco takes note of the quarterly budget and performance report for the period 30 September 2023 as per section 52 of the MFMA.
- (ii) It be noted that the directors ensure that the budget is implemented in accordance with the Service Delivery and Budget Implementation Plan projections and in accordance with the approved budget.
- (iii) It be noted that any material variances will receive remedial or corrective steps.
- (iv) The Mayco takes note of the mSCOA Road Map for the quarter ending 30 September 2023 as required.

**RESOLUTION 222/2023**

That Council takes note of -

- (i) The quarterly budget and performance report for the period 30 September 2023 as per section 52 of the MFMA.
- (ii) That the directors ensure that the budget is implemented in accordance with the Service Delivery and Budget Implementation Plan projections and in accordance with the approved budget.
- (iii) That any material variances will receive remedial or corrective steps.
- (iv) The mSCOA Road Map for the quarter ending 30 September 2023 as required.
- (v) That Council note the revised calculation of the water losses (18.65%) in respect of KPI TL 32.

**(Unanimously Resolved)**

15.5 **VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (J WILLIAMS)**

**DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr J C Williams ten einde 'n gedeelte van Erf 1148, Bredasdorp by die Raad te huur vir 'n perdryskool (liggingsplan aangeheg op **bladsy 70**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148, Bredasdorp
Huidige sonering	:	Meentgrond
Voorgestelde grootte	:	1Ha

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 71 tot 77** is van mnr Williams ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te huur.

**MARKWAARDASIE**

R500,00 pm

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

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

## **DEPARTEMENTELE KOMMENTAAR**

### **FINANSIËLE DIENSTE**

Geen beswaar.

### **BESTUURSDIENSTE**

It is not apparent what the application is for. There is also no assurance that the applicant can contain the intended use activity within the boundaries of the erf and what potential impact there may be for traffic and law enforcement in respect of the road safety.

### **INFRASTRUKTUURDIENSTE**

Wat van ander persone/instansies wat ook sou belangstel om die grond te gebruik? Moet 'n publieke deelname proses nie gevolg word nie? Kan voorstelle dalk aangevra word vir die aanwending van die grond tot voordeel van die gemeenskap?

### **ELEKTRISITEITSDIENSTE**

Noted.

### **ADMINISTRATIEWE DIENSTE**

Dit is nie duidelik waarvoor die perseel gehuur wil word nie (afleiding is dat dit moontlik vir perde/vee kampe sal wees). Aansoek word ondersteun vir die aanhouding van vee, maar geen permanente strukture mag opgerig word nie. Die ingang vanaf Swellendam is reeds 'n geweldige oogseer, en enige struktuur kan die ingang se aangesig verder verswak (daarom - geen permanente strukture - aangesien die grond ook in die vloedvlakte van die rivier geleë is).

### **STRATE EN STORMWATER**

Siviele dienste word nie beïnvloed nie. Besoedeling van die rivier moet verhoed word.

### **BOUBEHEER**

Support.

## **KOMMENTAAR: WYK 4: 22 AUGUSTUS 2023**

Hierdie aansoek word nie ondersteun deur die Komitee nie. Daar is nie 'n uitvoerbare besigheidsplan nie en die aanname dat water uit die rivier onttrek kan word hou nie water nie. Probleme met vlieë sal ontstaan.

## **BESTUURSAANBEVELING**

- (i) Dat in-beginsel goedkeuring verleen word vir die verhuring van gedeelte Erf 1148, Bredasdorp, ongeveer 1ha in grootte vir 'n termyn van 3 jaar aan mnr Williams vir 'n perdryskool.
- (ii) Dat geen permanente strukture op die perseel opgerig mag word nie.
- (iii) Dat alle tydelike strukture eers deur boubeheer oorweeg en goedgekeur moet word.
- (iv) Dat die maandelikse huur R500,00 sal beloop.
- (v) Dat die Raad se voorneme geadverteer word.

## **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

## **AANBEVELING: UBK (25 OKTOBER 2023)**

Die UBK ondersteun die Bestuursaanbeveling.

## **BESLUIT 223/2023**

Dat die aansoeker 'n volledige besigheidsplan aan die Raad voorlê vir oorweging.

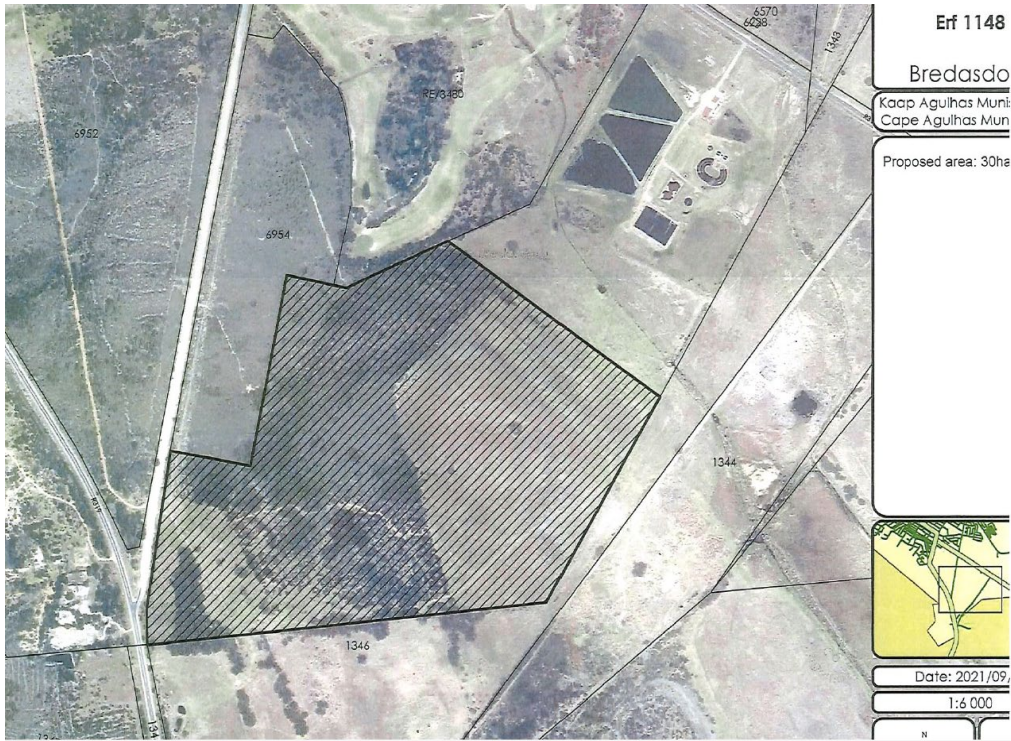
(Voorsteller: Rdl Donald / Sekondant: Rdl Eksteen)

15.6 **ALIENATION: PORTION OF ERF 1148, BREDASDORP (CLEARLAKE) (PTY) LTD**

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

**PURPOSE OF REPORT**

To finalise the sale of a portion of Erf 1148, Bredasdorp, measuring 30 Ha to Clearlake (PTY) (LTD) as depicted on the map below:



**BACKGROUND**

The land requested is adjacent to Erf 6954 which is also owned by the applicant as part of a joint venture and is an extension of the proposed development which includes a medical facility, frail care, retirement housing and single-family dwellings.

The application has been submitted to Council on two occasions (November 2022) and (August 2023). The reports that were submitted are below:

<b><u>November 2022</u></b>	
11.2	<b><u>VERVREEMDING (KOOP): GED ERF 1148, BREDASDORP (CLEARLAKE (PTY) LTD</u></b>
	<b><u>DOEL VAN VERSLAG</u></b>
	<i>Om oorweging te skenk aan die versoek van mnr B Smit, namens Clearlake (Pty) Ltd ten einde 'n gedeelte van erf 1148, Bredasdorp te koop vir die uitbreiding van die voorgestelde ontwikkeling op erf 6954, Bredasdorp.</i>
	<b><u>ALGEMENE INLIGTING</u></b>
<i>Eienaars</i>	: KAM
<i>Eiendom</i>	: Gedeelte Erf 1148, Bredasdorp
<i>Huidige sonering</i>	: Meentgrond
<i>Voorgestelde Grootte</i>	: 30ha

**AGTERGROND**

*'n Skriftelike versoek, soos aangeheg op **bladsy 22** is van mnr Smit, namens Clearlake (Pty) Ltd ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te koop.*

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

*Vervreemdingsinkomste vir KAM.*

**WETLIKE IMPLIKASIES**

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

**DEPARTEMENTELE KOMMENTAAR**

**MUNISIPALE BESTUURDER**

*Noted.*

**DIREKTEUR: FINANSIËLE DIENSTE**

*In principle no objection but will to be considered in terms of the SDF as well as the directive for selling of pre-identified property aligned with the LTFFP.*

**DIREKTEUR: BESTUURSDIENSTE**

*Neem kennis sien kommentaar van verkeer.*

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

*This consideration of alienation should be tested against all Spatial Planning determinations and a holistic infrastructure development plan needs to be tabled in order for this application to be considered.*

**ELEKTRISITEITSDIENSTE**

*There would be bulk infrastructure costs and upgrading of the MV network in that area, this will be for the purchasers account when developing the property.*

**BESTUURDER: STADSBEPLANNING**

*This development proposal is supported. Our SDF earmarked the proposed portion of Erf 1148 east of the R319 and south of the R316 for future settlement expansion provided that the planning of the land be sensitive to the golf course. The proposed Golf Estate development on Erf 6954 could be an expansion to include the medical facility, frail care and retirement housing.*

**BESTUURDER: STRATE EN STORMWATER**

*In beginsel geen beswaar. Alle dienste sal aangespreek word in 'n ingenieursverslag van die totale gholflandgoed ontwikkeling.*

**BESTUURDER: WATER EN RIOOL**

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



**BESTUURDER: BOUBEHEER**

Die aansoek vir die ontwikkeling word ondersteun, daar moet aan alle Wetlike aspekte voldoen word.

**BESTUURDER: BESKERMINGSDIENSTE**

Geen kommentaar. Geen inpak op verkeer.

**KOMMENTAAR: WYKSKOMITEE (12 SEPTEMBER 2022)**

Die Wykskomitee versoek dat mnr Smit eers 'n voorlegging moet kom doen.

**BESTUURSAANBEVELING**

Dat die aansoek deur die Raad oorweeg word, nadat:

- (i) 'n Publieke deelname proses gevolg is.
- (ii) Mnr Smit die voorlegging gedoen het.
- (iii) 'n Markwaarde bepaal is.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) That the Committee in-principle supports the alienation of part of erf 1148, Bredasdorp.
- (ii) That all legal processes be followed, which includes a public participation process.
- (iii) That a market related value be determined.
- (iv) That all townplanning processes be followed by the applicant.

**AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (1 NOVEMBER 2022)**

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee in-beginsel aanvaar word.
- (ii) Dat 'n werkwinkel ten opsigte van die "Eiendomsvervreemdingsbeleid" voor einde Februarie 2023 afgehandel word.

**BESLUIT 279/2022**

- (i) Dat die aanbeveling van die Uitvoerende Burgemeesterskomitee in-beginsel aanvaar word.
- (ii) Dat 'n werkwinkel met die ontwikkelaar gereël word waarin hy die wykskomitee se lede ook inlig aangaande die beplande ontwikkeling.

**August 2023**

14.4 **VERVREEMDING (KOOP): GEDEELTE ERF 1148, BREDASDORP (CLEARLAKE) (PTY) LTD**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr B Smit, namens Clearlake (Pty) Ltd ten einde 'n gedeelte van erf 1148, Bredasdorp te koop vir die uitbreiding van die voorgestelde ontwikkeling op erf 6954, Bredasdorp.

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 1148, Bredasdorp
Huidige sonering	:	Meentgrond
Voorgestelde Grootte	:	30ha

**AGTERGROND**

*'n Skriftelike versoek is van mnr Smit, namens Clearlake (Pty) Ltd ontvang om 'n gedeelte van erf 1148, Bredasdorp by die Raad te koop.*

**MARKWAARDASIE**

*R4 800 000,00*

**FINANSIËLE IMPLIKASIES**

*Vervreemdingsinkomste vir KAM.*

**WETLIKE IMPLIKASIES**

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

**DEPARTEMENTELE KOMMENTAAR**

**MUNISIPALE BESTUURDER**

*Noted.*

**DIREKTEUR: FINANSIËLE DIENSTE**

*In principle no objection but will to be considered in terms of the SDF as well as the directive for selling of pre-identified property aligned with the LTFP.*

**DIREKTEUR: BESTUURSDIENSTE**

*Neem kennis sien kommentaar van verkeer.*

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

*This consideration of alienation should be tested against all Spatial Planning determinations and a holistic infrastructure development plan needs to be tabled in order for this application to be considered.*

**ELEKTRISITEITSDIENSTE**

*There would be bulk infrastructure costs and upgrading of the MV network in that area, this will be for the purchasers account when developing the property.*

**BESTUURDER: STADSBEPLANNING**

*This development proposal is supported. Our SDF earmarked the proposed portion of Erf 1148 east of the R319 and south of the R316 for future settlement expansion provided that the planning of the land be sensitive to the golf course. The proposed Golf Estate development on Erf 6954 could be an expansion to include the medical facility, frail care and retirement housing.*

**BESTUURDER: STRATE EN STORMWATER**

*In beginsel geen beswaar. Alle dienste sal aangespreek word in 'n ingenieursverslag van die totale gholflandgoed ontwikkeling.*

**BESTUURDER: WATER EN RIOOL**

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

**BESTUURDER: BOUBEHEER**

Die aansoek vir die ontwikkeling word ondersteun, daar moet aan alle wetlike aspekte voldoen word.

**BESTUURDER: BESKERMINGSDIENSTE**

Geen kommentaar. Geen impak op verkeer.

**KOMMENTAAR: WYKSKOMITEE (12 SEPTEMBER 2022)**

Die Wykskomitee versoek dat mnr Smit eers 'n voorlegging moet kom doen.

**BESTUURSAANBEVELING**

Dat die aansoek deur die Raad oorweeg word, nadat:

- (i) 'n Publieke deelname proses gevolg is.
- (ii) Mnr Smit die voorlegging gedoen het.
- (iii) 'n Markwaarde bepaal is.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) That the Committee in-principle supports the alienation of part of erf 1148, Bredasdorp.
- (ii) That all legal processes be followed, which includes a public participation process.
- (iii) That a market related value be determined.
- (iv) That all townplanning processes be followed by the applicant.

**AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (1 NOVEMBER 2022)**

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee in-beginsel aanvaar word.
- (ii) Dat 'n werkwinkel ten opsigte van die "Eiendomsvervreemdingsbeleid" voor einde Februarie 2023 afgehandel word.

**RAADSBESLUIT 279 /2022: 10 NOVEMBER 2022**

- (i) Dat die aanbeveling van die Uitvoerende Burgemeesterskomitee in-beginsel aanvaar word.
- (ii) Dat 'n werkwinkel met die ontwikkelaar gereël word waarin hy die wykskomitee se lede ook inlig aangaande die beplande ontwikkeling.

Die aansoek was op 7 April 2023 geadverteer en geen kommentaar/besware was ontvang nie.

**BESTUURSAANBEVELING**

- (i) Dat die Raad die versoek van mnr B Smit, namens Clearlake (Pty) Ltd ten einde 'n gedeelte van erf 1148, Bredasdorp te koop vir die uitbreiding van die voorgestelde ontwikkeling op erf 6954, Bredasdorp, oorweeg.
- (ii) Dat alle stadsbeplanningsprosesse vir die aansoeker se rekening sal wees.

**BESLUIT 170/2023**

Dat die aangeleentheid oorstaan tot na die "property management workshop" afgehandel en gefinaliseer is.

**DISCUSSION**

The proposed alienation was discussed as part of the property management workshop held on 18 September 2023 where it was supported.

**LEGAL IMPLICATIONS**

COUNCIL POLICY	ALIENATION OF LAND
MFMA	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li>2. <b>Sect 14(2)(b)</b>: consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li>4. <b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>
MATR	<ol style="list-style-type: none"> <li>1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts:               <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. Definition of "realisable value": fair market value less estimated costs of completion.</li> <li>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. Regulation 5 (decision-making).</li> <li>5. Regulation 6 (public participation)</li> </ol>
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"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>(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.</li> </ol>
Town Planning legislation	Cape Agulhas Planning By-Law 2022 Cape Agulhas Zoning By-Law 2022

**FINANCIAL IMPLICATIONS**

The property is valued at R4 800 000,00 which translates to income for the municipality. The valuation is attached as annexure on **page 78 to 87**.

**PERSONNEL IMPLICATIONS**

None.

**MANAGEMENT RECOMMENDATION**

- (i) That the sale of a Portion of Erf 1148 as depicted on the map, measuring 30 Ha be approved.
- (ii) That it be confirmed in terms of Section 14 of the MFMA that the asset is not required for minimum levels of basic services.
- (iii) That it be noted that the proposed alienation was advertised and that no objections were received.
- (iv) That the purchase price be determined at R4 800 000,00 as per the market-related valuation.
- (v) That the purchaser at own cost and risk conclude all planning processes required to secure any development rights on the property that may be required.
- (vi) That the Municipal Manager be authorized to finalize the purchase agreement.

**RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

That a second valuation be obtained before submission to Council for final decision making.

*(The Mayco has since reconsidered their recommendation and decided to accept the management recommendation.)*

**RESOLUTION 224/2023**

- (i) That the sale of a Portion of Erf 1148 as depicted on the map, measuring 30 Ha be approved.
- (ii) That it be confirmed in terms of Section 14 of the MFMA that the asset is not required for minimum levels of basic services.
- (iii) That it be noted that the proposed alienation was advertised and that no objections were received.
- (iv) That the purchase price be determined at R4 800 000,00 as per the market-related valuation.
- (v) That the purchaser at own cost and risk conclude all planning processes required to secure any development rights on the property that may be required.
- (vi) That the Municipal Manager be authorized to finalize the purchase agreement.

**(Proposer: Ald Jantjies / Seconder: Clr Ross)**

15.7 **PROPOSED LAND USE RIGHTS: PORTION OF ERF 1148, BREDASDORP (UNREGISTERED ERF 5783) (WARD 3)**

**PURPOSE OF REPORT**

To confirm Council's intentions regarding the development of unregistered erf 5783 (proposed industrial erven in Ou Meule Street) following the Property Management Workshop.

**GENERAL INFORMATION**

Registered Owner	:	Cape Agulhas Municipality
Property	:	Portion of Erf 1148 Bredasdorp (Unregistered Erf 5783)
Locality	:	Ou Meule Street, Bredasdorp
Size	:	12 944sq.m

**BACKGROUND**

Portion of Erf 1148, Bredasdorp (Unregistered Erf 5783) was zoned as Undetermined. There is a shortage of industrial erven in Bredasdorp and with **Council Resolution 188/2022**, it was resolved that the unregistered Erf 5783 should be rezoned to Industrial and divided into four portions. An application for the rezoning in terms of Section 15(2)(a), of the Cape Agulhas Municipal Planning By-Law, 2022, from "Undetermined" to "Industrial and subdivision in terms of Section 15(2)(d) into four (4) industry erven, was approved by the **Tribunal on the 15th of March 2023**.

**The application was approved as follows:**

In terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2022) be approved:

1. Rezoning in terms of Section 15(2)(a), from "Undetermined" to "Industrial."
2. Subdivision in terms of Section 15(2)(d), into 4 erven of 3236m<sup>2</sup> each.

**Purpose of the zone**

The purpose of this zone is to provide for all forms of industry, except noxious industry. Additional uses are allowed to support such industry, as well as uses that could reasonably be accommodated in such a zone, because they take place outside of normal business hours.

**The primary uses of an Industrial Zone includes:**

- Industry
- Light industry
- Service trade
- Warehouse
- Public parking
- Motor repair garage
- Rooftop base station

**The restrictions of the zoning scheme will be applicable to the development of these erven and includes the following:**

1. A 3m street building line.
2. A 3m building line where the erf abuts another zoning.
3. 75% coverage.
4. Floor factor: 2,0



**LOCATION**

The application site is surrounded by an abattoir towards the north, open space, a community centre and residential erven towards the east, vacant land towards the south and Ou Meule Street and Industrial properties towards the west.



### **PUBLIC PARTICIPATION: ADVERTISING PERIOD FOR COMMENTS**

The application was advertised in the Press on 25 November 2022. Registered letters were also circulated to the surrounding owners, Cape Agulhas Business Chamber, Department of Environmental Affairs and Development Planning and Ward Committee.

**During the public participation process, no objections were received pertaining to the application at hand.**

### **Streets and stormwater**

Stormwater line on the grounds next to the boundary of the abattoir that cannot be built upon. Servitude must be registered.

### **PROPERTY MANAGEMENT WORKSHOP**

It was decided during the Property Management Workshop, dated 18 September 2023 that the property should rather be utilised for infill housing purposes. The above proposal will entail a re-application for a rezoning and subdivision of the property. This will be a much bigger application which might include rezoning and subdivision of approximately 30 - 60 erven that would still need to be serviced as well.

### **FINANCIAL IMPLICATIONS**

1. Costs incurred to date to subdivide and rezone as per Council Resolution 188/2022 are R26 000,00. The Town Planning Department has budgeted for the appointment of a Land Surveyor to finalize the subdivision (survey and registration) but has not yet made an appointment. The costs of this will be approximately R27 000. The funds already spent could be deemed fruitless and wasteful expenditure.
2. The approximate town planning and surveying costs to rezone and survey the land will be approximately R150 000 which will need to be provided for on the adjustment budget if it is decided to proceed.
3. Over and above this provision will have to be made for the servicing of the residential erven (the current layout was done in such a way that no additional services would be required).
4. These erven were earmarked for sale on auction during the 2023/24 financial year which will impact on the budgeted income for the year.

### **MANAGEMENT RECOMMENDATION**

That the Committee consider and make a recommendation on the proposed land use rights of Portion of Erf 1148, Bredasdorp (Unregistered Erf 5783) with due cognisance of the financial implications.

### **RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

That Council Resolution 188/2022 be reaffirmed and that the unregistered Erf 5783, Bredasdorp be retained for industrial purposes.

### **RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

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

### **RESOLUTION 225/2023**

That Council Resolution 188/2022 be reaffirmed and that the unregistered Erf 5783, Bredasdorp be retained for industrial purposes.

**(Unanimously Resolved)**

15.8 **PROPERTIES SOLD ON AUCTION: CAPE AGULHAS MUNICIPALITY / V AND P CONSULTING: ERF 1557, BREDASDORP**

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

**PURPOSE OF REPORT**

To present a request to Council to reduce the purchase price of a property bought on auction due to it being significantly smaller than was advertised.

**BACKGROUND**

Erf 1557, Bredasdorp was sold on auction in February 2023 to Mr. P Valentine (*private individual*) of V and P Consulting.

**The purchase price is as follows:**

Purchase price:	R345 000,00
Vat:	R 51 750,00
Total Purchase price:	R396 750,00

According to the initial deeds office information the Erf 1557 measured 1 456m<sup>2</sup>, and the property was advertised as such in the auction pack. It has now transpired that the size is incorrect, and that the erf is only 861m<sup>2</sup>, meaning that it is 595m<sup>2</sup> (nearly 40%) smaller than advertised.

This specific issue stems from the Deeds Office records that are incorrect. The deeds office search reflected the incorrect extent and the copy of the deed obtained from the deeds office did not have page 7 (with the last subdivision endorsement reflecting the new extent). It appears that this is the only erf affected by this error and that all the others are as advertised.

**DISCUSSION**

Clause 10.1 of the sales agreement states that:

*“The Property is sold “voetstoots” and as described in the Title Deed subject to the servitudes and conditions contained herein. The seller shall not profit by any excess, nor shall it be answerable for any deficiency in the extent thereof. Neither the Seller nor the auctioneer shall be responsible for pointing out to the purchaser any surveyor pegs or beacons in respect of the property.”*

The purchaser was informed of this clause, but is of the opinion that the Municipality is being unreasonable (see correspondence below):

I am not prepared to accept this. The Seller (KAM) explicitly benefitted from this sale on the pretence that the plot is almost double the size. Whether it was unintentional or not. It remains unfair towards the Purchaser and is not in the spirit of mutual trust and co-operation dealing with a local Municipality.

Further, Voetstoots relates to selling an item or property with defects (defects that have been declared by the Seller). I do not see the relevance here.

However, I am not a litigation lawyer and will seek legal advice/consultation on this matter if needed.

In the interim I sincerely request that Kemp & Associates in conjunction with KAM be reasonable and come forward with an impeccable solution for both parties, to avoid unexpected and unnecessary legal fees.

A suggestion from my side (if I may) is to consider and allocate a credit amount (pro rata calculated as 40% of the R345 000 plus VAT selling price) on my Municipal rates and taxes account for this Erf 1557 as a fair settlement, and then this matter can be closed.

I look forward to hearing from you in due course on the way forward.

Regards,  
Paul Valentine



The purchaser has proposed that a credit amount equivalent to 40% of the initial purchase price of R345 000 be credited to his municipal account to resolve the matter.

The property was sold through an open and transparent process and amending the purchase price could compromise the openness and transparency of the process.

### **FINANCIAL IMPLICATIONS**

The financial implication if acceded to will be R140 000,00. Commission was paid on the full price, and it would have to be made conditional that commission cannot be claimed back.

### **LEGAL IMPLICATIONS**

1. MFMA
2. SCM Policy and Regulations

### **PERSONNEL IMPLICATIONS**

None.

### **COMMENTS BY THE DIRECTOR: FINANCE AND IT**

My view is that an independent market related value was requested up front to determine the reserve price of the property at stake and secondly the person bought the property from free will based on physical inspection of the property which he was willing to buy as the purchase price. The size of the property was not the determining factor to buy the property or not, but the willingness based on the physical inspection what the purchaser been willing to offer for buying the property as the error only been established after the purchase of the property.

Surely a proper process needs to be followed whereby the transferring lawyer will give notice together with a confirmation letter from the deed's office indicating the error in order for the municipality to instruct our valuers to perform a re-evaluation of the market value which might have minor adjustment but not to the extent of 40% as requested for adjustment on the purchase price. Remember the municipality provided a reserve price on the property but the actual offer been from the purchaser of the property what he / she was willing to pay with the size of the property not the deciding factor?

**The condition is clear and not in agreement with their statement on what they understand as "voetstoets":**

*"The Property is sold "voetstoets" and as described in the Title Deed subject to the servitudes and conditions contained herein. The seller shall not profit from any excess, nor shall it be answerable for any deficiency in the extent thereof. Neither the Seller nor the auctioneer shall be responsible for pointing out to the purchaser any surveyor pegs or beacons in respect of the property"* The size of the property was also confirmed from the deeds office in May 2017 based on an enquiry from the municipality itself (note on Vesta Financial system).

### **MANAGEMENT RECOMMENDATION**

- (i) That the request by Mr P Valentine to reduce the purchase price of Erf 1557, Bredasdorp not be acceded to due to the provisions of Clause 10.1 of the sales agreement.
- (ii) That Mr Valentine be permitted to cancel the sale should he not wish to proceed.

### **RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

- (i) That the management recommendation be accepted.
- (ii) That, should mr Valentine choose to cancel the purchase, the purchase price, excluding commission, be refunded to him.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

- (i) That the request by Mr P Valentine to reduce the purchase price of Erf 1557, Bredasdorp not be acceded to due to the provisions of Clause 10.1 of the sales agreement.
- (ii) That Mr Valentine be permitted to cancel the sale should he not wish to proceed.
- (iii) That, should Mr Valentine choose to cancel the purchase, the purchase price, excluding commission, be refunded to him.

**RESOLUTION 226/2023**

- (i) That the request by Mr P Valentine to reduce the purchase price of Erf 1557, Bredasdorp not be acceded to due to the provisions of Clause 10.1 of the sales agreement.
- (ii) That Mr Valentine be permitted to cancel the sale should he not wish to proceed.
- (iii) That, should Mr Valentine choose to cancel the purchase, the purchase price, including commission, be refunded to him.

**(Unanimously Resolved)**

15.9 **VERVREEMDING (KOOP): ERF 3539, BREDASDORP (MEV KLOPPERS)**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr en mev Kloppers ten einde erf 3539, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 88**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Erf 3539, Bredasdorp
Ligging	:	Fynbosstraat
Huidige sonering	:	Publieke Oopruimte
Erf Grootte	:	602m <sup>2</sup>

**AGTERGROND**

'n Skriftelike versoek is van mnr en mev Kloppers ten einde erf 3539, Bredasdorp te koop en te konsolideer met erf 3540, Bredasdorp.

**MARKWAARDASIE**

R200 000,00 (Munisipale Waardasie)

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

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

**DEPARTEMENTELE KOMMENTAAR**

**FINANSIELE DIENSTE**

No objection.

**INFRASTRUKTUURDIENSTE**

No objection to alienation of the erf on a public auction to fulfill the requirements of the MFMA.

**ELEKTRISITEITSDIENSTE**

No impact on current electrical infrastructure.

**ADMINISTRATIEWE DIENSTE**

Insette van Infrastruktuur Departement sal deurslag gee of erf vervreemd kan word. Daar was reeds verskeie aansoeke om die erf te koop, wat deur die raad afgekeur is. Indien die raad die vervreemding goedkeur, en alle sonerings is in plek, moet die erf per veiling verkoop word.

**STRATE EN STORMWATER**

Erf 3539 is die enigste toegang na erf 1131 en kan derhalwe nie vervreem word nie.

**STADSBEPLANNING**

Do not support the proposal - This is the only access to Erf 1131.

**BOUBEHEER**

Die aansoek word ondersteun, alle wetlike vereistes moet nagekom word.

**BESTUURDER: BESKERMINGSDIENSTE**

Aansoek word ondersteun.

**KOMMENTAAR: WYKSKOMITEE (19 JULIE 2022)**

Die Wykskomitee ondersteun die aansoek.

**BESTUURSAANBEVELING**

Dat erf 3539 per publieke veiling vervreem word.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)**

Dat erf 3539, Bredasdorp nie vervreem word nie.

**RAADSBESLUIT 240/2022: 05 OKTOBER 2022**

Dat die aangeleentheid terugverwys word, sodat Stadsbeplanning oorweging kan skenk aan 'n registrasie van 'n "reg tot weg" vir die aanliggende erf.

**KOMMENTAAR: STADSBEPLANNING**

Die reg van weg kan nie toegestaan word nie, aangesien daar bestaande dienste op die grond is daarom is dit Oop Ruimte gesoneer.

**BESTUURSAANBEVELING**

Dat die aansoek nie oorweeg word nie, aangesien daar bestaande dienste op die genoemde grond bekend as Erf 3539, Bredasdorp is.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**AANBEVELING: UBK (25 OKTOBER 2023)**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 227/2023**

Dat die aansoek nie oorweeg word nie, aangesien daar bestaande dienste op die genoemde grond bekend as Erf 3539, Bredasdorp is.

(Eenparige Besluit)

15.10 **FINALISATION OF OUTSTANDING COUNCIL RESOLUTION 118/2020: ALIENATION OF A PORTION OF ERF 955, STRUISBAAI**

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

**PURPOSE OF REPORT**

To reaffirm a previous Council resolution and indicate the cost implications of implementation. The Resolution was taken by the previous Council and the current Council notes it on the list of outstanding items without being familiar with the content.

**BACKGROUND**

The Property Management Unit is making a concerted effort to ensure that all outstanding resolutions are executed. One of the resolutions that has been outstanding for some time is Resolution 118/2020 taken on 27 August 2020 which reads as follows:

- (i) *Dat, 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 verkoop van Gedeelte ( $\pm 589m^2$ ) van gedeelte erf 955, Struisbaai per publieke veiling.*
- (ii) *Die munisipale waardasie sal as reserwe prys dien.*
- (iii) *Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.*

The report submitted under the previous item is below:

11.2 **VERVREEMDING (KOOP): GEDEELTE ( $\pm 589m^2$ ) ERF 955, STRUISBAAI (COLLAB: 339445) (WYK 5)**

**DOEL VAN VERSLAG**

*Om oorweging te skenk aan die versoek van Town & Country namens mnr Marchean Delpont om 'n gedeelte van erf 955, Struisbaai te koop.*

**ALGEMENE INLIGTING**

<i>Eienaars</i>	:	<i>KAM</i>
<i>Eiendom</i>	:	<i>Gedeelte Erf 955, Struisbaai</i>
<i>Huidige sonering</i>	:	<i>Straat</i>
<i>Voorgestelde Grootte</i>	:	<i><math>\pm 589m^2</math></i>

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 5 tot 11** is van Town & Country namens mr Marchean Delport ontvang om 'n gedeelte van erf 955, Struisbaai by die Raad te koop ten einde dit te konsilideer met erf 3925, Struisbaai.

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

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

**DEPARTEMENTELE KOMMENTAAR**

**MUNISIPALE BESTUURDER**

My view is that the erf be sub-divided and rezoned for residential purposes and then sold by public auction.

**DIREKTEUR: FINANSIËLE DIENSTE**

Should consider rezoning to residential and then sold by public auction / tender.

**DIREKTEUR: SIVIELE INGENEURSDIENSTE**

589m2 is a considerable size plot suitable for a dwelling in a prime area. No objection to alienation, however, should be rezoned and disposed of in a competitive bidding process.

**DIREKTEUR: GEMEENSKAPSDIENSTE**

*My mening is dat die erf groot genoeg is om verkoop te word volgens alle wetlike prosesse en sodoende as 'n inkomste vir die Raad kan wees.*

**ELEK**

*Any upgrade to existing infrastructure for owner's account.*

**SENIOR BOUBEHEERBEAMPTTE**

*Take note.*

**BESTUURDER: STRATE EN STORMWATER**

*Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.*

**BESTUURDER: WATER EN RIOOL**

*No impact on water and Sanitation system.*

**BESTUURSAANBEVELING**

- (i) *Dat, 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 verkoop van Gedeelte ( $\pm 589m^2$ ) van gedeelte erf 955, Struisbaai aan mnr Marcheand Delpont, teen 'n markverwante prys.*
- (ii) *Dat die konsolidasie van die erf vir die aansoeker se koste sal wees.*
- (iii) *Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.*

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

*Dat die aangeleentheid na die Wykskomitee verwys word vir insette.*

**RAADSBESLUIT 95/2020: 28 JULIE 2020**

- (i) *Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.*
- (ii) *Dat die aangeleentheid daarna weer na die Raad verwys word vir oorweging.*

**KOMMENTAAR: WYK 5**

*Die Wykskomitee ondersteun die aanbeveling dat die eiendom teen 'n markverwante prys verkoop kan word.*

**NA BESPREKING WORD DIE VOLGENDE VOORSTELLE GEMAAK**

**VOORSTEL 1 - Raadsdame Marthinus:**

*As gevolg van die swak ekonomiese toestand van die land sal die erf teen 'n verminderde waarde as markwaarde verkoop en daarom dat die erf nie nou verkoop word nie.*

**Ondersteun:** Raadslede Baker en Europa

**VOORSTEL 2 - Raadslid Tonisi:**

*Dat die Bestuursaanbeveling aanvaar word.*

**Ondersteun:** Raadslede Burger, October, Sauls, Swart en Jacobs

*Na die uitbring van stemme, word die volgende besluit geneem:*

**BESLUIT 118/2020**

- (i) *Dat, 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 verkoop van Gedeelte ( $\pm 589m^2$ ) van gedeelte erf 955, Struisbaai per publieke veiling.*
- (ii) *Die munisipale waardasie sal as reserwe prys dien.*
- (iii) *Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervoerding aan die publiek bekend gemaak moet word.*

***(Rdd Marthinus en Raadslede Baker en Europa teken hul teenstem aan, aangesien die ekonomiese toestande nie nou voordelig is vir verkope van grond van die munisipaliteit nie.)***

**LOCALITY PLAN**



**DISCUSSION**

Before Council can sell this property, it will be necessary to subdivide, rezone and do a road closure that will cost approximately R50 000 - R60 000. This will in turn affect the valuation. It is also recommended that in this case, the intention to sell the property after conclusion of the town planning processes be advertised first. In this way we can gauge what public opinion would be prior to expending money on the full town planning process.

**FINANCIAL IMPLICATIONS**

Income for Council.

**MANAGEMENT RECOMMENDATION**

- (i) That Council note and reaffirm Resolution 118/2020.
- (ii) That the Town Planning processes to subdivide, rezone and close the road be commenced with.
- (iii) That given the time lapse, the intention to sell the property be advertised prior to commencement of the Town Planning process.

**RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

- (i) That the management recommendation be accepted.
- (ii) That it be established if the original applicant still wants to purchase the property.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

That a valuation for the said portion be obtained for Council's consideration.

**RESOLUTION 228/2023**

- (i) That a valuation for a portion of erf 955, Struisbaai be obtained.
- (ii) That after obtaining the valuation, the matter be submitted to Council for final decision making.

**(Unanimously Resolved)**

15.11 **HEROORWEGING VAN RAADSBESLUIT 203/2023: VERGUNNING VIR VERLAAGDE OORSKREIDINGSKOSTES: ERF 574, L'AGULHAS (A STEYN)**

**DOEL VAN VERSLAG**

Die heroorweging van Raadsbesluit 203/2023 geneem op 4 Oktober 2023 aangaande 'n versoek vanaf A Steyn vir die verlaging van oorskreidingskoste, erf 574, L'Agulhas, op versoek van die Speaker.

**AGTERGROND**

Die onderstaande versoek is van me Steyn ontvang vir die goedkeuring vir verlaagde oorskreidingskoste op erf 574, L'Agulhas:

*"Die oorskreidingsheffing is oorgegee aan prokureurs in Bredasdorp. Ek het intussen met Hannes van Biljon gesels - hy het voorgestel dat ek reëlings tref met prokureurs vir afbetaling, aangesien dit reeds oorgegee is. Ek gaan voort daarmee. Intussen moet ek met julle kommunikeer oor die proses om die Raad te versoek om die oorskreidingskoste te verlaag. Die oorskreiding word letterlik net vir 3 - 4 weke van die jaar gebruik.*

- 1. Ons wil asb versoek vir 'n verlaging in die koste.
- 2. Ons wil weet wat is die proses vir die oorskreidingsversoek vir 2024 - moet ons die hele proses van vooraf begin?
- 3. Ons wil asb sien dat Mev Viljoen se reg na weg bewoord is aan julle kant dat net Mev Viljoen snr die vergunning gegee word en nie enige iemand anders nie. Die recording van die raadsvergadering is baie duidelik net vir haar, maar die papierwerk lees anders – oop vir almal? Wil net sekerheid hieroor kry."

**OP 4 OKTOBER 2023 NEEM DIE RAAD DIE VOLGENDE BESLUIT (203/2023)**

- (i) Dat die aansoek goedgekeur word vir 'n tydperk van 1 jaar vanaf 1 Desember 2023 tot 30 November 2024.
- (ii) 'n Terugvalklousule sal in werking wees.
- (iii) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.
- (iv) Dat die aangrensende eienaar (erf 262, L'Agulhas) te alle tye toegang tot haar eiendom sal hê, soos reeds deur die Raad goedgekeur.
- (v) Dat, indien enige grondige klagtes ten opsigte van die gebruik van erf 574, L'Agulhas ontvang en ondersoek word, die Munisipale Bestuurder gemagtig word om namens die Raad enige behorende maatreëls in plek te stel.
- (vi) Dat daar nie afgewyk word van die vasgestelde tariewe vir oorskreidings nie.
- (vii) Dat volmag aan die Munisipale Bestuurder gegee word om die ooreenkoms aan te gaan.

**WETLIKE IMPLIKASIES**

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



**BESTUURSAANBEVELING**

Dat Raadsbesluit 203/2023 geneem op 4 Oktober 2023 heroorweeg word.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) Dat die versoek vir die verlaging van die oorskreidingskoste nie toegestaan word nie en daarom nie afgewyk word van die vasgestelde tariewe vir oorskreidings nie.
- (ii) Dat 'n nuwe aansoek ingedien word vir oorweging deur die Raad, sou die aansoeker weer 'n oorskreidingsooreenkoms wil aangaan.

**AANBEVELING: UBK (25 OKTOBER 2023)**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.

*(Die agterstallige oorskreidingsfooie is intussen volledig betaal.)*

**BESLUIT 229/2023**

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

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

**DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van M Murtz ten einde 'n gedeelte van Erf 373, Waenhuiskrans by die Raad te huur (liggingsplan aangeheg op **bladsy 89**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 373, Waenhuiskrans
Huidige Sonering	:	Publiek en Sosiaal
Erf Grootte	:	4189m <sup>2</sup>
Voorgestelde Grootte	:	8m

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 90 tot 92** is van M Murtz ontvang om 'n gedeelte van erf 373, Waenhuiskrans by die Raad te huur.

**MARKWAARDASIE**

R1 000,00 pj

### **FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

### **WETLIKE IMPLIKASIES**

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

### **DEPARTEMENTELE KOMMENTAAR**

#### **MUNISIPALE BESTUURDER**

Noted.

#### **FINANSIËLE DIENSTE**

In principle no objection subject to the position of municipal infrastructure services and any other policy directive applicable.

#### **INFRASTRUKTUURDIENSTE**

In beginsel geen beswaar teen die huur van 'n gedeelte van erf 373 nie, maar munisipale dienste moet in ag geneem word en alle tersaaklike beleid(e). Is daar nie ook ander wat sou belang stel nie?

#### **ELEKTRISITEITSDIENSTE**

Eskom supply area.

#### **STADSBEPLANNING**

The proposed portion forms part of a new layout for residential erven as proposed by the Ward Committee.

#### **ADMINISTRATIEWE DIENSTE**

Aangesien die grond nie aangewend is vir die bou van 'n huis nie, word die aansoek ondersteun. 'n Terplaats inspeksie moet uitgevoer word, aangesien die grond moontlik vir ander doeleindes aangewend kan word, of moontlik vir NIKS anders as 'n leë erf nie.

Indien die raad die perseel verhuur, moet die huur op 'n 3 jaar kontrak wees, met 'n volledige terugval klousule. Die eienaar mag gee permanente strukture op die perseel aanbring nie. Die wykskomitee se insette is ook kardinaal belangrik in die raad se oorweging, asook die insette van die omliggende bure.

#### **STRATE EN STORMWATER**

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

#### **BOUBEHEER**

No objection

### **KOMMENTAAR: WYKSKOMITEE: 28 MAART 2023**

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

### **BESTUURSAANBEVELING**

- (i) Dat in beginsel goedkeuring verleen word vir die verhuring van die 8m stuk grond aanliggend aan Erf 748, Waenhuiskrans vir 3 jaar.
- (ii) Dat die huurbedrag vasgestel word op R1 000,00 per jaar.
- (iii) Dat geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklousule in plek gestel sal word.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

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

**AANBEVELING: UBK (25 OKTOBER 2023)**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.

**BESLUIT 230/2023**

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

**(Eenparige Besluit)**

15.13 **OORWEGING VAN REGSTELLINGSKOSTE: GEDEELTE ERF 374, WAENHUISKRANS PINKSTER KERK**

**DOEL VAN VERSLAG**

Om oorweging te skenk aan die regstellingskoste van 'n gedeelte erf 374, Waenhuiskrans as gevolg van die ruiling van onontwikkelde erf 779, Waenhuiskrans (liggingsplan aangeheg op **bladsy 93**).

**ALGEMENE INLIGTING**

Eienaar : KAM  
Eiendom : Erf 374, WHK  
Erf Grootte : 2 330 m<sup>2</sup>  
Sonerig : Publiek en Sosiaal

**AGTERGROND**

Die Waenhuis Pinkster Kerk koop erf 779, Waenhuiskrans by die Raad en die volle koopsom (R12 000,00) word betaal . Die eiendom word op 9 April 2019 in die naam van Waenhuis Pinkster Kerk geregistreer (Akte T1331-1957). By nadere ondersoek deur die koper, word waargeneem dat die erf heeltemal ontoeganklik is en dat die erf in 'n sandgat van bykans 3 meter diep geleë is. Verskeie ondersoeke is departementeel gedoen om alternatiewe gebruik te ondersoek, maar die erf sal nie as 'n veilige perseel beskou kan word nie. Die rioolaansluiting is onder andere te hoog en die kerk sal nie op die bestaande stelsels gekoppel kan word nie.

'n Terplaatse ondersoek word weer op 21 Augustus 2019 uitgevoer deur die verteenwoordiger van die kerk asook verskeie amptenare van die Raad. Ooreenstemming word bereik dat die erf nie vir 'n kerk gebruik kan word nie. Die verteenwoordiger versoek die Raad om 'n alternatiewe perseel te identifiseer. Met die terplaatse besoek word 'n gedeelte van erf 374, Waenhuiskrans uitgewys as die gewenste gedeelte.

**Opsomming:** Die Waenhuis Pinkster Kerk is die geregistreerde eienaar van erf 779, Waenhuiskrans, maar as gevolg van die ontoeganklikheid van die erf, die Raad ruil vir gedeelte van erf 374, nagenoeg 800m<sup>2</sup>.

**Regstelling:** Ruil ooreenkoms, onderverdeling en oordrag.

#### **FINANSIËLE IMPLIKASIES**

Sal bepaal word na aanleiding van die Raad se besluit.

#### **BESTUURSAANBEVELING**

- (i) Dat goedkeuring gegee word om erf 779, Waenhuiskrans te ruil vir gedeelte van erf 374, Waenhuiskrans, met 'n grootte van nagenoeg 800m<sup>2</sup>.
- (ii) Dat geen kompensasie aan Waenhuis Pinkster Kerk betaal sal word nie.
- (iii) Dat die koste van die regstelling, vir die rekening van die eienaar van Waenhuis Pinkster Kerk sal wees.
- (iv) Dat die Raad se prokureur opdrag sal ontvang om die nodige transaksie te doen.

#### **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

#### **RAADSBESLUIT 151/2019: 1 OKTOBER 2019**

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

***'n Advertensie van die Raad se voorneme is op 27 Februarie 2020 in die plaaslike pers geplaas en geen besware is ontvang nie.***

#### **BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem dat die koper nie die R17 505,00 vir die onderverdeling van erf 374, Waenhuiskrans kan betaal nie.
- (ii) Dat goedkeuring gegee word om erf 779, Waenhuiskrans te ruil vir gedeelte van erf 374, Waenhuiskrans, met 'n grootte van nagenoeg 800m<sup>2</sup>.
- (iii) Dat die Raad se prokureur opdrag sal ontvang om die nodige transaksie te doen.
- (iv) Dat die Raad vir die onderverdeling van erf 374, Waenhuiskrans, die regskoste vir die opstel van die ruilooreenkoms, sowel as die registrasie van die eiendom verantwoordelik sal wees.

#### **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

- (i) Dat die aangeleentheid na die Raad verwys word vir oorweging.
- (ii) Dat die Raad kennis neem dat die koper nie die R17 505,00 vir die onderverdeling van erf 374, Waenhuiskrans kan betaal nie.
- (iii) Dat die aansoeker verantwoordelik sal wees vir alle stadsbeplanningsprosesse indien die aansoek deur die Raad goedgekeur word.

#### **AANBEVELING: UBK (17 JULIE 2023)**

Die UBK ondersteun die bestuursaanbeveling.

#### **RAADSBESLUIT 148/2023: 27 JULIE 2023**

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

### **KOSTEBERAMING**

Stadsbeplanningsaansoek en onderverdeling van Erf 374, Waenhuiskrans	R29 991,00
Oordragkoste vanaf KAM na Waenhuis Pinkster Kerk	± R 7 746,20
Oordragkoste vanaf Waenhuis Pinkster Kerk na KAM	± R 7 746,20
<b>TOTAAL</b>	<b>± R45 483,40</b>

### **BESTUURSAANBEVELING**

Vir oorweging deur die UBK.

#### **AANBEVELING: UBK (25 OKTOBER 2023)**

- (i) Dat goedkeuring gegee word om erf 779, Waenhuiskrans te ruil vir gedeelte van erf 374, Waenhuiskrans, met 'n grootte van nagenoeg 800m<sup>2</sup>.
- (ii) Dat die Raad se prokureur opdrag sal ontvang om die nodige transaksie te doen.
- (iii) Dat die aansoeker vir alle oordragkoste van en na KAM verantwoordelik sal wees.
- (iv) Dat die Raad vir die kostes van die stadsbeplanningsaansoek en onderverdeling van erf 374, Waenhuiskrans verantwoordelik sal wees.

#### **BESLUIT 231/2023**

- (i) Dat goedkeuring gegee word om erf 779, Waenhuiskrans te ruil vir gedeelte van erf 374, Waenhuiskrans, met 'n grootte van nagenoeg 800m<sup>2</sup>, onderhewig daaraan dat die stadsbeplanningsaansoek goedgekeur word.
- (ii) Dat die Raad se prokureur opdrag sal ontvang om die nodige transaksie te doen.
- (iii) Dat die aansoeker vir alle oordragkoste van en na KAM verantwoordelik sal wees.
- (iv) Dat die Raad vir die kostes van die stadsbeplanningsaansoek en onderverdeling van erf 374, Waenhuiskrans verantwoordelik sal wees.

(Eenparige Besluit)

#### 15.14 **VERSOEK OM GOEDKEURING VIR DIE AANKOOP VAN VYF (5) LESSENAARSTOELE IN TERME VAN ARTIKEL 29 (1) VAN DIE MFMA**

##### **DOEL VAN VERSLAG**

Oorweging van 'n versoek om vyf (5) lessenaarstoele aan te koop in terme van Artikel 29 (1) van die MFMA.

##### **Extract of Section 29 of the MFMA**

*"Unforeseen and unavoidable expenditure*

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

##### **AGTERGROND**

Op Vrydag 10 Maart 2023 is 'n skriftelike versoek, soos aangeheg op **bladsy 94** aan die begrotingskantoor per epos gestuur waarin daar versoek word om R20 000 op die kapitaal begroting van die Inkomste Afdeling te plaas vir die aankoop van vyf lessenaarstoele.

Hierdie versoek is per abuis nie by die begroting bygewerk nie en die weglating is ook nie waargeneem met die goedkeuring van die finale begroting nie. Die stoele ter sprake is reeds in 'n haaglike toestand en moet dringend vervang word, aangesien dit al vir sommige amptenare fisiese probleme veroorsaak (rugpyn). Die aanvanklike bedrag wat aangevra was, was R20 000. Dit blyk egter dat die bedrag te min is en gevolglik word 'n bedrag van R25 000 benodig (**sien e-pos aangeheg op bladsy 95**).

**FINANSIële IMPLIKASIE**

R25 000 - Kapitaal Uitgawe

**BESTUURSAANBEVELING**

Dat die Raad die versoek vir die aankoop van vyf (5) lessenaarstoele, ingevolge Artikel 29(1) van die MFMA oorweeg.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die versoek vir die aankoop van vyf lessenaarstoele, ingevolge Artikel 29(1) van die MFMA, toegestaan word.

**AANBEVELING: UBK (25 OKTOBER 2023)**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee aanvaar word.

**BESLUIT 232/2023**

Dat die versoek vir die aankoop van vyf lessenaarstoele, ingevolge Artikel 29(1) van die MFMA, toegestaan word.

(Eenparige Besluit)

15.15 **STRATEGIC RISK REGISTER: 2023/24 REPORT ON RISK RESPONSES: QUARTER 1 (ALL DIRECTORATES)**

**REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION**

**INTRODUCTION**

Council approved a report on the Municipalities strategic risks on 27 July 2023 and resolved as follows:

**RESOLUTION 140/2023**

- (i) That the 2023/2024 strategic risks be approved.
- (ii) That the red flags be noted that will be dealt with by management, which includes cable theft.
- (iii) That quarterly reports be submitted to the relevant Portfolio Committees on progress with implementation of the actions.
- (iv) That a comprehensive report be submitted to the Mayco, before the end of November 2023 to highlight the improvement of risks.

**LEGAL FRAMEWORK**

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

**DISCUSSION**

The Councils strategic risks for 2023/24 are as follows:

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK EXPOSURE	RESIDUAL RISK
R663	Power Outages / Loadshedding	67.5	High
R664	Non- adherence to Restrictive Permit Conditions (Landfill and drop off Sites	48	High
R665	Financial viability of the municipality	47.25	High

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK EXPOSURE	RESIDUAL RISK
R667	Illegal Erection of Informal Structures and Land invasions	40.5	High
R668	Failure to provide/render effective disaster management function	26.25	Medium
R669	Inadequate Provision of water supply - source and water quality	26.25	Medium
R666	Protest action / Civil unrest	20.25	Medium
R670	Xenophobia attacks within Cape Agulhas	14.4	Low

The risks as well as actions to address the risks are captured on the Risk Assist Module of the Ignite System. Some risks have multiple actions. Each action is assigned a risk owner, who is responsible for updating the system. Strategic risks are generally updated monthly. The update must include a percentage progress and a response.

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

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
Infrastructure	Power Outages / Loadshedding	<ol style="list-style-type: none"> <li>Submit business plans to Western Cape Government for solar PV installation at Bredasdorp Waste water treatment works.</li> <li>Submit business plans to Department of Energy and Mineral Resources.</li> <li>PPP application.</li> <li>Retrofit program on all old motor control centers.</li> <li>Financial monitoring/forecasting on electricity.</li> <li>Increased capacity - two-way radios.</li> </ol>	<ul style="list-style-type: none"> <li>- Business plans have been submitted to Province, awaiting results of the JDMA process and EEDSM request to DMRE (Logged by Stephen Cooper on 06-Oct-2023 at 12:59)</li> <li>- Submitting an application to DMRE for funding for the year 23/24. (Logged by Esmarie Gabriella Coetzee on 29-Aug-2023 at 15:19)</li> <li>- Three year business plans have been submitted to DMRE under their INEP program according to CAM housing pipeline (Logged by Stephen Cooper on 06-Oct-2023 at 13:00)</li> <li>- Business' plan submitter to DMRE for consideration for funding (Logged by Esmarie Gabriella Coetzee on 29-Aug-2023 at 15:23)</li> <li>- PPP application is progressing well with two possible financiers already interested (Logged by Stephen Cooper on 06-Oct-2023 at 13:02)</li> <li>- The program has been drawn up and all will be replaced this financial year (Logged by Stephen Cooper on 06-Oct-2023 at 13:03)</li> <li>- Risk action to be continued in 23/24. Feedback on the grant funding for the appointment of a transactional advisor may be done by middle September 2023 (Logged by Esmarie Gabriella Coetzee on 29-Aug-2023 at 15:25)</li> <li>- Measures are in place and modifications paid for at Eskom, but local farmers are holding the process hostage (Logged by Stephen Cooper on 06-Oct-2023 at 13:05)</li> <li>- Send uploads of the info from the stats to budget office for the auditors. In financial year 2023/2024 still at the necessary monitoring is done. (Logged by Esmarie Gabriella Coetzee on 29-Aug-2023)</li> <li>- We are currently investigating additional options for backup power</li> </ul>	To put measures in place to address the energy shortfall and to continue effective and efficient service delivery	31 May 2024

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
			at high sites, where we two-way radio repeaters are situated. There is existing power solutions in place which but no real time monitoring of this environment is currently in place. (Logged by Willem Gabriel Van Zyl on 28-Aug-2023 at 11:14)		
<b>Infrastructure</b>	Non-adherence to Restrictive Permit Conditions (Landfill Sites)	<ol style="list-style-type: none"> <li>1. Develop a new drop off site at Bredasdorp landfill - Phase.</li> <li>2. Medium security fencing.</li> <li>3. Stabilization of slopes.</li> </ol>	<ul style="list-style-type: none"> <li>- Currently the contractor is not on site. Apply for the roll over of the MIG Funding. (Logged by Walter Linnert on 04-Sep-2023 at 11:06)</li> <li>- Currently the contractor is busy with the new fence at Bredasdorp landfill site. (Logged by Walter Linnert on 04-Sep-2023 at 11:07)</li> <li>- The excavator is on site and busy with the process. (Logged by Walter Linnert on 04-Sep-2023 at 11:07)</li> </ul>	Improved Basic Service Delivery (Waste Management)	31 May 2024
<b>Finance</b>	Financial viability of the municipality	<ol style="list-style-type: none"> <li>1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods)</li> <li>1.2 (b) Cleansing and updating of indigents.</li> <li>1.3 (c) Cleansing and updating of informal settlements.</li> <li>2. Annual Report to finance portfolio committee/council of long-term financial plan and revenue enhancement framework.</li> <li>3. Establishment of a Revenue Committee/working group.</li> </ol>	<ul style="list-style-type: none"> <li>- Dit is 'n deurlopende proses (Logged by Dawid van Wyk on 29-Sep-2023 at 08:20)</li> <li>- Dit is 'n deurlopende proses (Logged by Dawid van Wyk on 11-Sep-2023 at 15:00)</li> <li>- Dit is 'n deurlopende proses (Logged by Dawid van Wyk on 29-Sep-2023 at 08:21)</li> <li>- Dit is 'n deurlopende proses (Logged by Dawid van Wyk on 11-Sep-2023 at 15:01)</li> <li>- Proses is op koers (Logged by Dawid van Wyk on 29-Sep-2023 at 08:22)</li> <li>- Prsoses is op koers (Logged by Dawid van Wyk on 11-Sep-2023 at 15:02)</li> </ul>	Financially Viable	31 May 2024
<b>Management Services</b>	Protest action / Civil unrest	<ol style="list-style-type: none"> <li>1. Traffic and Law Enforcement Units to respond to protest actions and civil unrest.</li> <li>2. Collaboration with the SAPS to plan for and deal with protests and riots.</li> </ol>	<ul style="list-style-type: none"> <li>- Regular safety plan meetings and cross boarder planning meeting on operations done weekly in Hermanus jointly for the Overberg and every municipality. (Logged by Myllison Saptou on 12-Sep-2023 at 20:34)</li> <li>- Regular safety plan meetings and cross boarder planning meeting on operations done weekly in Hermanus jointly for the Overberg and every municipality. (Logged by Myllison Saptou on 22-Aug-2023 at 15:41)</li> <li>- Have meetings every Tuesday at Bredasdorp SAPS and every Thursday in Hermanus. (Logged by Myllison Saptou on 12-Sep-2023 at 20:36)</li> <li>- Have meetings every Tuesday at Bredasdorp SAPS and every Thursday in Hermanus. (Logged by Myllison Saptou on 12-Sep-2023 at 20:35)</li> <li>- Have meetings every Tuesday at Bredasdorp SAPS and every</li> </ul>	Continuous awareness, integration between CAM, ODM, other municipalities (if needed), military backup (if needed), and SAPS to act within an acceptable response time.	31 May 2024



Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		<p>3. Implement Law enforcement strategy</p> <p>4. Implement safety plan</p> <p>5. Budget for Outsourcing to effectively deal with protest actions</p>	<p>Thursday in Hermanus. (Logged by Myllison Saptou on 22-Aug-2023 at 15:43)</p> <p>- Continuous awareness and integration between all municipalities and other safety partners in place for assistance when needed. (Logged by Myllison Saptou on 12-Sep-2023 at 20:37)</p> <p>- Continuous awareness and integration between all municipalities and other safety partners in place for assistance when needed. (Logged by Myllison Saptou on 22-Aug-2023 at 15:45)</p> <p>- Implementation in progress. (Logged by Myllison Saptou on 12-Sep-2023 at 20:39)</p> <p>- Implementation in progress. (Logged by Myllison Saptou on 22-Aug-2023 at 15:47)</p> <p>- In proses (Logged by Myllison Saptou on 12-Sep-2023 at 20:42)</p> <p>- In progress (Logged by Myllison Saptou on 22-Aug-2023 at 15:49)</p>		
<b>Management Services</b>	Illegal Erection of Informal Structures and Land invasions	<p>1. Integrated meeting with regards to displacement of foreign nationals with all stakeholders which includes, law enforcement, SAPS, Home Affairs, Department of Labor, Department of Justice, human rights commission and the NPA</p> <p>2. Implementation of Land invasion Policy</p> <p>3. Budget for Outsourcing to effectively deal with illegal structures.</p> <p>4. Develop Draft by-law to address land invasions</p>	<p>- Follow up meetings must be arranged by Manager Protection Services (Logged by Michael Dennis on 06-Oct-2023 at 12:12)</p> <p>- Policy are implemented, daily monitoring of Informal Settlements (Logged by Michael Dennis on 06-Oct-2023 at 12:14)</p> <p>- Must budget at ajustment budget (Logged by Michael Dennis on 06-Oct-2023 at 12:15)</p> <p>- Draft by-law in place, strtegic services has referred it to our legal advisors (Logged by Michael Dennis on 06-Oct-2023 at 12:17)</p>	Decrease in illegal land invasions	31 May 2024
<b>Infrastructure</b>	Inadequate Provision of water supply - source and water quality	<p>1. Verification and licensing of all ground water sources and drafting of a groundwater management plan.</p> <p>2. Budget for new water pipe replacement</p>	<p>- Licensing and verification in process. (Logged by Deon Wasserman on 04-Sep-2023 at 10:35)</p> <p>- Capital budget approved. Tender advertised for pipe replacement. (Logged by Deon Wasserman on 04-Sep-2023 at 10:36)</p>	To ensure water demand is met	31 May 2024

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
Management Services	Failure to provide/render effective disaster management function	<ol style="list-style-type: none"> <li>Council to consider appointing a skilled disaster management official - Budget/organogram.</li> <li>Strengthen intergovernmental relations with all stakeholders with regards to disaster management</li> </ol>	<ul style="list-style-type: none"> <li>- Request made to add position to the new micro structure. (Logged by Myllison Saptou on 12-Sep-2023 at 20:44)</li> <li>- No post exist on the new Departmental Micro Structure. (Logged by Myllison Saptou on 22-Aug-2023 at 15:51)</li> <li>- Busy building intergovernmental relations. (Logged by Myllison Saptou on 12-Sep-2023 at 20:45)</li> </ul>	Functional disaster management unit	31 May 2024
Management Services	Xenophobia attacks within Cape Agulhas	<ol style="list-style-type: none"> <li>Regular monitoring and communication with informal settlement committees with regards to allocation with plots within the informal settlements</li> <li>Budget for Outsourcing to effectively deal with illegal structures.</li> </ol>	<ul style="list-style-type: none"> <li>- Regular meetings are taking place (Logged by Michael Dennis on 06-Oct-2023 at 12:17)</li> <li>- Budget aimed at adjustment budget cycle , subject to budget approval (Logged by Michael Dennis on 06-Oct-2023 at 12:19)</li> </ul>	Mitigation of risk of xenophobia	31 May 2024

During the quarterly risk assessment, it was recommended that the Xenophobia risk be changed to social conflict since social conflict focuses on the broader category of disputes and tensions within a society.

The main difference between xenophobia and social conflict is that xenophobia is a specific type of prejudiced attitude or behavior towards individuals or groups perceived as foreign or different, whereas social conflict is a broader term that encompasses various disputes and tensions within a society, often related to a range of issues beyond nationality or cultural differences.

Xenophobia can contribute to social conflict when it is widespread or institutionalized, as it may lead to tensions and confrontations between different social groups.

On the 13th of October 2023 the Fraud- and Risk Management Committee (FARMCO) reviewed the strategic risk change from xenophobia to social conflict and recommended the change for Council approval.

**MANAGEMENT RECOMMENDATION**

- (i) That the 2023/2024 strategic risks and action responses for the first quarter of 2023/2024 be noted.
- (ii) That the Portfolio Committee's take cognisance that the quarterly risk assessments commenced.
- (iii) That the Xenophobia risk be changed to Social Conflict.

**RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE, MANAGEMENT SERVICES COMMITTEE AND FINANCE- AND IT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RECOMMENDATION: MAYCO (25 OCTOBER 2023)**

That the management recommendation be accepted.

**RESOLUTION 233/2023**

- (i) That Council takes note of the 2023/2024 strategic risks and action responses for the first quarter of 2023/2024.
- (ii) That Council takes cognisance that the quarterly risk assessments commenced.
- (iii) That the Xenophobia risk be changed to Social Conflict.

**(Unanimously Resolved)**

16. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER / ADDITIONAL ITEMS DISCUSSED BY COUNCIL**

16.1 **REPORT: WATER SERVICES DEVELOPMENT PLAN (WSDP) / WATER SERVICES AUDIT (WSA)**

**REPORT COMPILED BY THE DIRECTOR: INFRASTRUCTURE SERVICES**

**PURPOSE OF REPORT**

For Council to take cognisance of the legislative requirement to report on the implementation of its water services development plan/water services development audit.

**BACKGROUND**

Cape Agulhas Municipality is required in terms of Section 18 of the Water Services Act, 1997 (Act No.108 of 1997), as well as the "Regulations relating to compulsory national standards and measures to conserve water", as issued in terms of sections 9(1) and 73(1)(j) of the Water Services Act, to report on the implementation of its WSDP during each financial year and to include a water services audit in such an annual report. The WSDP and WSA is designed to monitor the compliance of Cape Agulhas Municipality with these regulations.

The WSDP is applicable for a period of 5 years, and a WSDA must be done on a yearly basis reporting on its WSDP.

**LEGISLATION**

Section 18 of the Water Services Act, 1997 (Act No.108 of 1997):

- 18. (1) *A water services authority must report on the implementation of its development plan during each financial year.*
- (2) *The report -*
  - (a) *must be made within four months after the end of each financial year; and*
  - (b) *must be given to the Minister. the Minister for Provincial Affairs and Constitutional Development, the relevant Province and every organisation representing municipalities having jurisdiction in the area of the water services authority.*
- (3) *The water services authority must publicise a summary of its report.*
- (4) *A copy of the report and of its summary must be -*
  - (a) *available for inspection at the offices of the water services authority; and*
  - (b) *obtainable against payment of a nominal fee.*

**MANAGEMENT RECOMMENDATION**

To take cognisance of the legislative requirements to report on the implementation of its water services development plan/water services audit.

**RESOLUTION 234/2023**

That Council takes cognisance of the legislative requirements to report on the implementation of its water services development plan/water services audit.

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

Geen.

18. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

19. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 45** van hierdie Notule.

21. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

21. **SLUITING**

Die vergadering verdaag om 12h40.

**ONAFGEHANDELDE RAADSBESLUIE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
118/2020	Vervreemding (Koop): Ged erf 955, Struisbaai	(i) In-beginsel-goedkeuring verleen word vir die verkoop van Ged van erf 955, Struisbaai per publieke veiling. (ii) Die munisipale waardasie sal as reserwe prys dien. (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.	<i>Item to serve on Council agenda of 31 October 2023.</i>	Eiendoms-administrasie
182/2022	Vervreemding (huur): Ged erf 1343, Bredasdorp (J Williams)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Eiendom sal hersoneer moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder erf 6951, Bredasdorp of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik. (iv) Verdere verslag aan die Raad voorgelê word.	<i>Item to serve on Council agenda of 31 October 2023.</i>	Eiendoms-administrasie
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuring. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname prosesse.	<i>Publieke deelname prosesse afgehandel - Item word na die Oktober 2023 portfolio komitee verwys.</i>	Eiendoms-administrasie
184/2022	Vervreemding (koop): Ged erf 5209, Bredasdorp (H Vaaltyn)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname prosesse.	<i>Publieke deelname prosesse afgehandel - Item word na die Oktober 2023 portfolio komitee verwys.</i>	Eiendoms-administrasie
186/2022	Vervreemding (koop): Ged erf 670, WHKrans (United Outreach Ministries)	Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.	<i>Terreinbesoek nog nie plaasgevind nie - Datum sal vasgestel word in Oktober 2023.</i>	Eiendoms-administrasie
188/2022	Subdivision: Erf 5783, Bredasdorp	(i) Approves that Town Planning Department proceed with the subdivision. (ii) Further report be submitted on the servicing and manner of disposal of the erven.	<i>A consultant was appointed to proceed with the rezoning and subdivision of the erf into 4 erven of approximately 3 236m<sup>2</sup> each. The application was submitted and advertised. Public participation period for comments and objections lapsed on the 27<sup>th</sup> of January 2023. Tribunal dated 15 March 2023 approved application. Next step should be to appoint a Land Surveyor to formalize the subdivision of the 4 Industrial erven (We have received quotes: Approximately 30 000). During our Property Management Workshop dated 18 September 2023, it was decided to put the process on hold, as the Councillors wish to look at the option of using it for infill housing purposes? Item to serve on Council agenda of 31 October 2023</i>	Stadsbeplanning

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

<b>Besluit Nr</b>	<b>Onderwerp</b>	<b>Verkorte Besluit</b>	<b>Vordering</b>	<b>Verantwoordelike persoon</b>
240/2022	Vervreemding (koop): Erf 3539, Bredasdorp (mnr en mev Kloppers)	Dat die aangeleentheid terugverwys word, sodat Stadsbeplanning oorweging kan skenk aan 'n registrasie van 'n "reg tot weg" vir die aanliggende erf.	<p><b><i>Na aanleiding van Stadsbeplanning se kommentaar, kan die aansoek nie oorweeg word nie. UBK het ook die versoek afgekeur. Die onderstaande kommentaar het deel gevorm van die item:</i></b></p> <p><b><i>BESTUURDER: STRATE EN STORMWATER</i></b>  <i>Erf 3539 is die enigste toegang na erf 1131 en kan derhalwe nie vervreem word nie.</i></p> <p><b><i>BESTUURDER: STADSBEPLANNING</i></b>  <i>Do not support the proposal- This is the only access to Erf 1131. Aansoeker sal in kennis gestel word.</i></p> <p><b><i>STADSBEPLANNING</i></b>  <i>Hierdie is 'n eiendomsadministrasie aangeleentheid.</i></p> <p><b><i>Kommentaar vanaf Stadsbeplanning - 25 Aug'22:</i></b>  <i>Die reg van weg nie toegestaan word nie omrede daar bestaande dienste op die grond is daarom is dit "Oop Ruimte" gesoneer.</i></p>	Stadsbeplanning
312/2022	Vervreemding (huur): Ged Erf 1148, Bredasdorp (W Murtz)	<p>(i) Dat die aansoek nie ondersteun word nie.</p> <p>(ii) Dat Eiendomsbestuur gedurende die eerste kwartaal van 2023 'n werkwinkel aanbied waartydens alle Raadslandbougrond en opkomende boere bespreek sal word.</p>	<p><b><i>Hierdie aansoek was nie by die werkwinkel bespreek nie en sal weer by die Oktober 2023 portfolio komitee voorgelê word.</i></b></p>	Eiendomsadministrasie
31/2023	Duikerstraat, Struisbaai: Uitdagings Ou Jaarsdag en Nuwe Jaarsdag	<p>(i) The proposal be noted.</p> <p>(ii) Alternative sites be identified for recreational purposes in Struisbaai.</p> <p>(iii) A layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning.</p> <p>(iv) That the SDF also includes investigation towards the "OK-plein" in Struisbaai, the parking area at the harbour and the parking area on the southern side of the harbour.</p> <p>(v) Proposed layouts for the abovementioned premises be tabled at the next Finance- and IT Services Portfolio Committee meeting by the Town Planning Department.</p>	<p><b><i>The parking area at the harbour and the parking area on the southern side of the harbour. The layout was circulated internally and wil go to Committees &amp; Council during October 2023.</i></b></p> <p><b><i>Currently we do not have an Auto Cad programme. Abraham was doing layouts on his own computer at home- the license expired.</i></b></p> <p><b><i>A quote from a service provider for an AutoCAD 3D license is estimated to cost R27,000 per year, making it a crucial investment for efficient functioning of our department and Cape Agulhas Municipality as a whole.</i></b></p>	Stadsbeplanning

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelijke persoon
			<i>We have motivated for the purchase of AutoCad 3d license - it will have to go to the ICT Steering Committee for consideration.</i>  <i>Abraham will only be able to continue preparing layouts, after approval and purchase of the Autocad 3d license.</i>	

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

**BESLUIT 235/2023**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

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

BEKRAGTIG op hierdie

dag van

2023

\_\_\_\_\_  
SPEAKER

\_\_\_\_\_  
DATUM