



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 10:00 OP WOENSDAG
5 OKTOBER 2022**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON WEDNESDAY,
5 OCTOBER 2022 AT 10:00 AT THE MUNICIPAL
COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H Van Biljon	Direkteur: Finansiële Dienste
Mnr	H Kröhn	Direkteur: Bestuursdienste
Mnr	S Cooper	Bestuurder: Elektries
Mnr	B Swart	Interne Ouditeur
Mnr	M Moelich	Bestuurder: Administrasie
Me	S Nel	Stadsbeplanner
Me	T Stone	Afdelingshoof: Strategiese Dienste

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Swart open die vergadering met gebed. Die Speaker wens ook die Burgemeester geluk met sy verjaarsdag vandag.

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

Geen.

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

Mnr Bertus du Plessis: Eiendomsontwikkeling

Mnr Du Plessis lig die Raad in aangaande sy voornemende ontwikkeling op erf 1359, Napier. Hy versoek die Raad om 'n padsluiting, onderverdeling en konsolidasie te oorweeg (aangeleentheid is vervat in item 11.28 van hierdie agenda).

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

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

27 Julie 2022 (*Notule was onder lede versprei*)

BESLUIT 222/2022

Die Notule word as korrek en volledig bekragtig.

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

31 Augustus 2022 (*Notule was onder lede versprei*)

BESLUIT 223/2022

Die Notule word as korrek en volledig bekragtig.

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

5.1 **NOTULE VAN UBK VERGADERINGS: 27 September 2022** (insette in huidige Agenda vervat)

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

6.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings was onder lede versprei.

BESLUIT 224/2022

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

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

Notule was onder lede versprei.

BESLUIT 225/2022

Die Raad neem kennis van bogenoemde ICT Steering Committee Notule.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

8.1 **BRIEWE VAN DANK**

Geen.

8.2 **FUNKSIES VIR DIE MAAND**

- (i) Raadslid Louw gee terugvoer van 'n baie geslaagde markdag wat plaasgevind het.
- (ii) Raadslid Donald deel die Raad mee van 'n SALGA vergadering wat, onder andere gehandel het oor "leierskap".
- (iii) Raadsheer Nieuwoudt verwys na brande in die informele areas en die daarstelling van mobiele brandeenhede wat deur die ODM verskaf sal word.
- (iv) Raadsheer Jantjies bedank alle organiseerders en atlete na 'n baie suksesvolle Voet van Afrika marathon.
- (v) Raadsheer Jantjies spreek sy dank uit teenoor die organiseerders van 'n baie geslaagde NAMPO, Wes-Kaap wat vanaf 13 tot 17 September 2022 plaasgevind het.
- (vi) Councillor Donald thanks the organizers of the Napier Wine and Patat Festival.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Geen.

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

- (i) Raadsheer Jantjies gee terugvoer aangaande 'n SALGA vergadering ten opsigte van MPAC en die samestelling en funksionering daarvan. 'n Volledige Notule sal aan die Raad voorgelê word.
- (ii) Raadsheer Nieuwoudt gee terugvoer aangaande die artikel 80 Komiteelede wat nie op MPAC vergaderings mag dien nie. Volledige verslag sal voorgelê word.

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

- (i) Mnr Phillips word geluk gewens met sy aanstelling as Munisipale Bestuurder vir die volgende 5 jaar.
- (ii) Die Burgemeester bedank mnre Wasserman en Cooper vir hul bereidwilligheid om in bestaande poste waar te neem.
- (iii) Die Burgemeester bedank mnr Wasserman en sy span vir die spoedige oplossing van water probleme in Mill Park.
- (iv) Die Burgemeester versoek dat die huidige water situasie in Kaap Agulhas weekliks gemonitor word, sodat pro-aktiewe optrede betyds in plek gestel kan word.
- (v) The Mayor mentioned the "availability of land" which is included in this Agenda for noting.
- (vi) Die Burgemeester meld dat die grootste werkende watermeul in Elim in werking gestel is.

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

11.1 **STRATEGIC RISK REGISTER: 2022/23**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

During February 2022, risk identification meetings were facilitated with the departmental and line managers. The Risk registers were then submitted to FARMCO in April 2022, which included the proposed strategic risks of the municipality for 2022/2023. The directorate risk registers were presented to the Municipal Manager and Directors for approval in May 2022. The 2022/2023 action formulation sessions were done in May 2022. All Strategic risks and actions were closed off for 2021/2022 at the end of May 2022, but most risks and actions were carried over to the following financial year with some additional risks and risk actions.

LEGAL FRAMEWORK

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

DISCUSSION

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

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

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

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

Directorate	Risk	Risk Action	Deliverable	Deadline
Infrastructure	Non- adherence to Restrictive Permit Conditions (Landfill Sites)	1. Develop a new drop off site at Bredasdorp landfill - Phase 1 2. Medium security fencing 3. Stabilization of slopes 4. Establishment of Regional landfill steering committee	Improved Basic Service Delivery (Waste Management)	31 May 2023

Directorate	Risk	Risk Action	Deliverable	Deadline
Finance	Financial viability of the municipality	<p>1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods)</p> <p>1.2 (b) Cleansing and updating of indigents</p> <p>1.3 (c) Cleansing and updating of informal settlements</p> <p>2. Annual Report to finance portfolio committee/council of long-term financial plan and revenue enhancement framework</p>	Financially Viable	31 May 2023
Management Services	Protest action / Civil unrest	<p>1. Traffic and Law Enforcement Units to respond to protest actions and civil unrest.</p> <p>2. Collaboration with the SAPS to plan for and deal with protests and riots</p> <p>3. Implement Law enforcement strategy</p> <p>4. Implement safety plan</p>	Continuous awareness, integration between CAM, ODM, other municipalities (if needed), military backup (if needed), and SAPS to act within an acceptable response time.	31 May 2023
Management Services	Illegal Erection of Informal Structures and Land invasions	<p>1. Integrated meeting with regards to displacement of foreign nationals with all stakeholders which includes, law enforcement, SAPS, Home Affairs, Department of Labor, Department of Justice, human rights commission and the NPA</p> <p>2. Propose to council to give budget and resources to the human settlement function to mitigate risk.</p> <p>3. Implementation of Land invasion Policy</p>	Decrease in illegal land invasions	31 May 2023
Infrastructure	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>3. Source funding - Drafting Business plan for Struisbaai water</p>	To ensure water demand is met	31 May 2023
Management Services	Failure to provide/render effective disaster management function	<p>1. Council to consider appointing a skilled disaster management official</p> <p>2. Strengthen intergovernmental relations with all stakeholders with regards to disaster management</p>	Functional disaster management unit	31 May 2023

Directorate	Risk	Risk Action	Deliverable	Deadline
Management Services	Xenophobia attacks within Cape Agulhas	<ol style="list-style-type: none"> 1. Resolve planning to conduct an integrated approach in all informal areas to give effect to the memorandum received by the community with regards to the issue of undocumented foreign nationals. 2. Regular monitoring and communication with informal settlement committees with regards to allocation with plots within the informal. 3. Getting the buy in to safeguard and reporting possible illegal shacks and land grabs. Settlements 4. Agreement with other law enforcement agencies eg. Red ants to unlock their capacity only when a possible incident occurs. 	Mitigation of risk of xenophobia	31 ay 2023

MANAGEMENT RECOMMENDATION

- (i) That the 2022/2023 strategic risks be approved.
- (ii) That quarterly reports be submitted to the relevant Portfolio Committees on progress with implementation of the actions.

RECOMMENDATIONS: PORTFOLIO COMMITTEES

That the 2022/2023 strategic risks be noted and approved.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the 2022/2023 strategic risks be noted and referred to Council for approval.

RESOLUTION 226/2022

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

11.2 **WATER CONNECTION FOR FIRE HYDRANT AT ZOETENDAL ACADEMY, L'AGULHAS**

PURPOSE OF REPORT

For Council to consider providing a 75mm water connection free of charge to Zoetendal Academy, L'Agulhas for fire safety purposes.

BACKGROUND

A letter dated 20 July 2022 was received from Zoetendal Academy to apply for assistance from Council to install an additional water connection at the school's premises in Melkbos Street, L'Agulhas for a fire hydrant/emergency fire purposes. See letter attached on **page 1**. The minimum requirement for this purpose is a 75mm connection to be made directly from the municipal water mains at the school.

Council do not have a standard tariff for this connection in the municipal tariff budget and therefor a costing was done. The connection fee amounts to R11 782,65.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

R11 782,65 Cost of materials and labour for a 75mm water connection.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

For Council to consider the request to provide a 75mm water connection free of charge to Zoetendal Academy, L'Agulhas.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the matter be referred back for inputs from the Director: Finance, in accordance with the relevant policy.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the request not be accommodated and that the costs will be for the owners own account.

RESOLUTION 227/2022

That the request not be accommodated and that the costs will be for the owners own account.

11.3 **MOVING OF WATER METERS FOR AIR FORCE HOUSES LOCATED IN BREDASDORP**

PURPOSE OF REPORT

To obtain approval and commitment for the moving of water meters for the Overberg Air Force houses located in Bredasdorp.

BACKGROUND

The houses of the Overberg Air Force in Bredasdorp were recently renovated and gates and fencing were installed at the properties. This resulted that water meters cannot easily be read by Cape Agulhas staff.

The Air Force has requested that water meters be moved outside the erf boundary to allow water meters readers access to the meters. This will prevent inaccurate water meter readings and ensure billing is correct. See letter attached on **page 3**.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Labour cost of CAM staff for moving operation.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

For Council to approves the request.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the matter be referred back for further investigation, which includes the departmental inputs, financial implications, cost analysis and timeframes.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the request not be accommodated and that the costs will be for the owners own account.

RESOLUTION 228/2022

That the request not be accommodated and that the costs will be for the owners own account.

11.4 **SOLID WASTE MANAGEMENT TECHNOLOGIES: DENMARK DEVELOPMENT AID**

PURPOSE OF REPORT

For Council to note the learnings from the Solid Waste Management Technologies - Denmark Development Aid attended by the Director: Infrastructure Services.

BACKGROUND

Mr Jacobs participated in the Danida Fellowship Centre (DFC) Scholarship for Solid Waste Management and Technology in Denmark from 1 to 19 August 2022. The course provided participants with a well-founded and robust understanding of the modern waste management system, including the complexities and challenges associated with handling waste and organising an efficient waste management system. Participants were also furnished with a state-of-the-art knowledge base that represents a solid platform for future development within their organisations. The Scholarship capacitated participants to carry out coherent, robust and environmentally friendly waste planning.

The outcome of the scholarship was to develop an action plan for the organization (see document attached on **page 4 to 19**). The Director will present at the Infrastructure Portfolio Committee. The Director has also compiled a comprehensive file of all supporting training documents obtained at the Denmark University of Technology.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council notes the learnings from the Solid Waste Management Technologies: Denmark Development Aid.
- (ii) That the file be transferred to the Solid Waste Management.
- (iii) That Council endorses the recommendations as reflected in the CAM Action Plan.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note of the Management Recommendation.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

The Mayco takes note of the Management Recommendation.

RESOLUTION 229/2022

- (i) That Council takes note of the Management Recommendation.
- (ii) That Council endorses the recommendations as reflected in the CAM Action Plan.

11.5 **RENEWAL OF LIBRARY WORKERS CONTRACTS**

PURPOSE OF REPORT

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

BACKGROUND

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

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

The letter stated the following considerations:

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

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

Therefore, the implications are that the existing contracts ending the end of June 2022 must be scrutinized and measures put in place to accommodate the shortfall.

It's a fact and a reality that the libraries could not be functional as it should be without these temporary library personnel, and that a solution should be formulated regarding the new contracts with the least effect on service delivery by accommodating the shortfall.

Several options were discussed:

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

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

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

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

FINANCIAL IMPLICATIONS

Grant funding : R6 847 000
Shortfall : R 711 000 (currently 2022/23 book year)

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

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

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

STAFF AND SERVICE DELIVERY IMPLICATIONS

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

COMMUNICATION TO AFFECTED STAFF

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

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

MANAGEMENT RECOMMENDATION: 19 JULY 2022

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

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE (19 JULY 2022)

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

COUNCIL RESOLUTION 176/2022: 27 JULY 2022

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

OPTIONS DISCUSSED AT WORKSHOP 6 SEPTEMBER 2022:

	<u>Option 1-Status Quo</u>	<u>Option 2-DeCAS Contribution</u>	<u>Option 3-No Benefits + DeCAS</u>	<u>Option 4-100 Hours</u>
Personnel Costs	6 900 000,00	6 900 000,00	6 900 000,00	6 900 000,00
Salaries	5 940 000,00	5 940 000,00	5 940 000,00	5 940 000,00
Bonus	960 000,00	960 000,00	960 000,00	960 000,00
NO Benefits - 16 Temps			- 533 100,00	
Reduce total cost of 16 Temps				- 2 211 900,00
Add new contracts 100 Hours				687 109,68
Total	6 900 000,00	6 900 000,00	6 366 900,00	5 375 209,68
Operational Costs	870 000,00	870 000,00	870 000,00	870 000,00
Capital Costs	2 500,00	2 500,00	2 500,00	2 500,00
	7 772 500,00	7 772 500,00	7 239 400,00	6 247 709,68
Less: Grant	- 6 847 000,00	- 6 847 000,00	- 6 847 000,00	- 6 847 000,00
New grant commitment		- 306 000,00	- 306 000,00	- 306 000,00
Shortfall / (Surplus)	925 500,00	619 500,00	86 400,00	- 905 290,32
Other income	- 41 000,00	- 41 000,00	- 41 000,00	- 41 000,00
As per Approved budget	884 500,00	578 500,00	45 400,00	- 946 290,32

MANAGEMENT RECOMMENDATION AFTER WORKSHOP HELD ON 6 SEPTEMBER 2022

- (i) That new contracts be offered for the period from 30 September 2022 until July 2023 to affected staff members. Option 2 in the above table.
- (ii) That Council takes note that the new contracts are basically an extension of the current contracts with the benefits still included.
- (iii) That Council takes note of the contribution from DeCAS of R306 000, which result to a net shortfall of R578 500.
- (iv) That the following options be explored to accommodate the shortfall:
 - a. Savings on vacant budgeted positions in the Management Directorate.
 - b. Moratorium on vacant budgeted positions should it be necessary in the Management Directorate.
 - c. Possible extension of the filling of relevant vacant budgeted positions in the Management Directorate.
 - d. Savings in operational budget.

- (v) Report on these savings at next Portfolio Committee Meeting.
- (vi) Report to DeCAS regarding the outcome of workshop and alert them of the situation and prioritise the Libraries at Cape Agulhas Municipality by transferring additional funds should there be an underspending by other B3 municipalities.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) That the Management Recommendation be accepted.
- (ii) That the Director: Management Services meet with staff to update them on the current status.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the Management Services Committee recommendation be accepted.

RESOLUTION 230/2022

- (i) That new contracts be offered for the period from 30 September 2022 until July 2023 to affected staff members. Option 2 in the above table.
- (ii) That Council takes note that the new contracts are basically an extension of the current contracts with the benefits still included.
- (iii) That Council takes note of the contribution from DeCAS of R306 000, which result to a net shortfall of R578 500.
- (iv) That the following options be explored to accommodate the shortfall:
 - a. Savings on vacant budgeted positions in the Management Directorate.
 - b. Moratorium on vacant budgeted positions should it be necessary in the Management Directorate.
 - c. Possible extension of the filling of relevant vacant budgeted positions in the Management Directorate.
 - d. Savings in operational budget.
- (v) Report on these savings at next Portfolio Committee Meeting.
- (vi) Report to DeCAS regarding the outcome of workshop and alert them of the situation and prioritise the Libraries at Cape Agulhas Municipality by transferring additional funds should there be an underspending by other B3 municipalities.
- (vii) That the Director: Management Services meet with staff to update them on the current status.

11.6 **STRATEGY TO DEAL WITH THE ILLEGAL INVASION OF LAND**

PURPOSE OF REPORT

To brief Council on the progress made in respect of compiling a strategy to deal with land invasions.

BACKGROUND

The South African Local Government Association (SALGA) has undertaken to assist municipalities with the compilation of a strategy to deal with land invasions, due to the complexity of this problem. Therefore, since August 2018, SALGA has embarked upon a range of consultative discussions and workshops, in amongst other:

- Various SALGA platforms such as the SALGA Provincial Members Assembly held on 20 and 21 August 2018, and the Human Settlements and Planning Working.
- Group meeting of 16 September 2018.
- Engagements with Municipalities on 17 and 18 October 2018.
- Municipal Managers Forum held on 17 August 2018 and 22 February 2019.
- Provincial MinMay IGR meeting of 5 June 2018.
- Premiers Co-Coordinating Forum of 4 September 2018 (where a resolution was taken to raise this issue with the Presidential Coordinating Council).

- 20 September 2018: Key stakeholder engagement.
- 26 November 2018 - SALGA Circular - Draft Standard Operating Procedure for Unlawful Land Occupation.
- 28 November 2018: SALGA National Working Group: Proposals to the relevant Minister to consider referring to an IMC and recommendations to the PCC.
- The SALGA National Executive Committee Meeting of 5 December 2019 approved the recommendations.
- Draft SOP presented to MM Forum on 22 February 2019.
- Provincial Government Workshop on 4 March 2019.
- 13 March 2019 National Stakeholder Engagement.
- 14 March 2019 Engagement with selected Municipalities.

DISCUSSION

During the engagements it became apparent that SALGA should focus on drafting an operational manual, which can then be used by municipalities to compile their SOP's. It was envisaged that the operational manual should include the relevant definitions, the applicable legislation, the procedures that must be followed, as well as the roles and responsibilities of all role players concerned in the case of land invasions. In addition, it became apparent that an SOP would not be sufficient to deal with land invasions, especially in cases where private or state land was concerned. The consultative process has therefore proposed that the following aspects should be included as part of a comprehensive response to land invasions:

- A protocol for cooperation between different municipalities.
- An agreement between another sphere of government (where the state owns the land) and a municipality, which enables the latter to act as an agent of the landowner.
- An agreement with private landowners where needed.
- An understanding of the Planning and Environmental Regulatory Mechanisms to better respond to Rapid Urbanisation and Informal Settlement Upgrading.

The abovementioned was dealt with to some extent in the attached Operating Manual in Relation to Unlawful Land Occupation (**attached as separate document**). The consensus from the consultative process was that municipalities should focus on prevention, by way of regular patrols and the fencing of vacant land. If an invasion has occurred, a multi-pronged approach is envisaged, namely:

- Lay trespassing charges against the invaders.
- Lodge an urgent application for an eviction order under the PIE Act.
- Simultaneously embark on peaceful negotiations with the occupants.
- Counter Spoliation (If the structures are being erected, it can be demolished (as long as it is partially completed or completed but not occupied).

In the context of this consultative process, the Department of Local Government: Western Cape sought a legal opinion to clarify certain key aspects on illegal land invasion. Pursuant to that legal opinion, province has developed a **Standard Operating Procedure: Guideline on the Role of Municipalities in Eviction Proceedings (Annexure B)**. In terms of LG Circular C12 of 2019 (dated 2 May 2019), municipalities must use this SOP in so far as eviction proceedings are concerned (attached as **Annexure C**).

IMPLEMENTATION

Action	Responsible Person	Time Frame	Output
Review Land Invasion Strategy	H Krohn	2 September 2022 Workshopped by Council	Done
Submit to PC	H Krohn	13 September 2022	Prepare Item and Strategy
Visit MEC	M Dennis	16 August 2022	Done

Action	Responsible Person	Time Frame	Output
Identify Land: Possible landgrabs attempts	Town Planning / H Krohn	26 August 2022	Done
No Trespassing Signs	H Krohn / Deon Wasserman	18 November 2022	SCM
Apply for Court Interdicts	H Krohn / Town Planning	9 December 2022	After no trespassing signs installed

The Land Invasion Strategy must be read in conjunction with the CAM Safety Plan, Law Enforcement Strategy and other relevant implementation plans and procedures.

ILLEGAL LAND INVASIONS, LAND IDENTIFIED FOR POSSIBLE LAND INVASION

After the recent illegal landgrabs in Napier Informal Settlements and Struisbaai, land is at risk to be invaded. To mitigate this risk, pockets of land per town was identified to mitigate the risk of possible land invasions, as per council resolution taken at the council meeting of 27 July 2022.

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

Land Identified for possible invasion are included in the Land Invasion Strategy.

MANAGEMENT RECOMMENDATION

That Council approves the Land Invasion Strategy.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That Council approves the Land Invasion Strategy.

RESOLUTION 231/2022

- (i) That Council approves the Land Invasion Strategy.
- (ii) That an Informal Management Settlement Plan be developed, workshopped and submitted to Council for consideration.

11.7 **TURNAROUND STRATEGY FRAMEWORK: PROTECTION SERVICES**

PURPOSE OF REPORT

To present Council with two approaches of appointing additional capacity in order to compile a realistic, affordable and implement able Turnaround Strategy Framework that highlight the key strategic shortcomings and operational risks variables that will hamper operational effectiveness and superior service delivery.

LEGAL FRAMEWORK

None.

BACKGROUND

The department have a lot of challenges which was identified in an assessment report done by the service provider Ultimate Traffic Solutions (UTS). The Protection Services Department understands that the compilation, implementation, and execution of a turnaround strategy will require in-depth analysis of the bullet points findings presented in the outcomes report submitted provided by Ultimate Traffic Solutions (UTS). In order to ensure that management execute on an integrated and comprehensive plan, the department's initial submission is therefore a **Turnaround Strategy Framework (TSF)**, that seeks to outline the methodology, key objective.

DISCUSSION

The output of this strategic intervention therefore requires Management Action in the form of a Turnaround Strategy in order to ensure optimal performance and service delivery. Organizational stacking (addition of functionalities), Inadequate growth in Human Capital resources, skills and competencies. The In-house centralization and virtualization of certain functionalities - brought about by the COVID-19 pandemic.

It is essential that the Departmental leadership and reporting employees are equipped to tackle the new challenges as performance delivery issues become more complex and is driven in part by virtualization and higher expectations from constituents. Providing one-time training is not enough as skills and competencies development needs to move alongside expectations delivery.

For the above reasons, two options are proposed (for a period of 6 months):

1. To appoint a Temporary Programme Coordinator
2. To appoint a Service Provider

TEMPORARY PROGRAMME COORDINATOR

The most eligible candidate must be in possession of a Tertiary Qualification (NQF6) with 3 years project management experience. Be fully computer literate. Excellent communication skills as well as the ability to communicate on all levels. Good human relations. A valid Code B driver's license. Candidates must also be able to communicate effectively in at least two (2) of the three (3) official languages in the Western Cape, namely English, Afrikaans and Xhosa.

The successful applicant will be responsible for planning, monitoring and controlling of annual capital and operational budget of programmes * develop a strategic business plan (Turn Around Strategy) and align it with Council's strategic objectives and priorities * coordinate the implementation of Community Safety Plan and other relevant documents and other strategic statutory policy documents * Establish a municipal court * Review and implement of traffic contraventions and fines recovery initiatives.

SERVICE PROVIDER

Terms of reference/ scope of works

Appointment of a highly skilled service provider to act in a management support role, pertaining to the continuation of a **turnaround strategy** within the Traffic/Law enforcement department and setting up an in-house speed enforcement and contravention system at the Cape Agulhas Municipality

Introduction

The Cape Agulhas Municipality recently started embarking on a best practice roadmap and implementation strategy, to articulate implementable and sustainable solutions for the Directorate of Management Services, with a primary focus on the Traffic/Law enforcement department.

Scope of works

The Cape Agulhas Municipality is seeking the assistance of a highly skilled and experienced service provider to provide management support services for a period of 6 months, in respect of the following:

- Project manage the process to move to an in-house speed enforcement and back-office operations at the Municipality.
- Income and expenditure (within the traffic and law enforcement department).
- Comprehensive turnaround strategies in the K53, roadworthy and motor vehicle registration units (which would include training, feasibility studies etc).
- AARTO readiness.
- Managing special projects on an ad-hoc basis.
- Improve internal control measures and Quality control across the traffic department.
- Provide a comprehensive Management plan to demonstrate an understanding of the scope of works for this project.

Minimum Requirements

In order to be considered for a contract in terms of this tender, the bidders must include the following in their proposal:

- The Bidder must include a comprehensive list of similar previous projects completed at Municipalities or Government institutions.
- Must have a proven track record of at least 10 years in Comprehensive research studies in traffic related matters, both on strategic and operational levels, particularly in respect of contravention systems, K53 and Motor Vehicle registration and finalisation of fines and managing court processes.
- Track record of key personnel in successfully completed projects, that will form part of this project.
- Submit a comprehensive research methodology plan to demonstrate a understanding of the scope of work for this specific project.
- Must demonstrate strong research and management skills, particularly in Project Management, turn – around strategies, change management and systems thinking.
- Must have a proven track record in Contravention systems, Speed law enforcement equipment, court processes and all legislative requirements to successfully manage the process.
- Upskilling and empowerment of staff (including relevant training and anti – corruption capacity), towards increased and best practices, service delivery, as well as productivity/performance.

Technical Requirements for in house speed and contravention system

- Must have a thorough understanding of Guidelines issued by the Technical Committee on Standards and Procedures (TCSP guidelines).
- National Road Traffic Act (No.93 of 1996).
- AARTO.
- Criminal Procedure Act 51 of 1977 and regulations.
- Requirements from Director of Public Prosecutions.
- Assistance in drafting documents, obtaining permission from the Director public prosecutions.
- Good understanding of local and international contravention systems available.
- After consultation with traffic management to identify best suited local or international speed enforcement equipment for the Municipality.
- All SANS Requirements and compliance issues.

Timelines

The proposed project will be between six and ten months

Objectives

The successful candidate will have to provide a detailed plan on how it will assist the Municipality in a management support role. The successful management consultants will have to meet all the requirements as set out in the tender specifications and will have to supply a clear project plan with clear timelines and deliverables on how they intent to successfully manage this project.

FINANCIAL IMPLICATIONS

Estimate Cost of Consultant or Programme Coordinator - R230 000,00

MANAGEMENT RECOMMENDATION

That the appointment of a temporary programme coordinator be advertised as soon as possible BEFORE the end of January 2023.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the appointment of a temporary programme coordinator be advertised as soon as possible BEFORE the end of January 2023.

RESOLUTION 232/2022

That the appointment of a temporary programme coordinator be advertised as soon as possible BEFORE the end of January 2023.

11.8 **VANDALISM/THEFT - STRATEGY**

PURPOSE OF REPORT

To table the draft Vandalism Strategy to Council for adoption, and to consider the recommendations made with the purpose to decrease vandalism in the Cape Agulhas Municipality region.

BACKGROUND

Vandalism has an enormous impact on the finance and productivity of CAM, and it is therefore necessary to think out of the box trying to curb vandalism.

Vandalism in CAM

Implications

Water & Sewer

Water and sewer are an essential service and provides a basic human right which allows people to live a dignified life. Vandalism on water and sewer infrastructure has dire consequences on service delivery, could impact on health-related issues and even lead to death in some cases.

Waste Management

Cannot adhere to permit conditions and applicable legislation of waste sites.

Electricity Services

Electricity services is an essential service to ensure continuity of water and sewage network as well as other life essential functions. Vandalism and theft of electrical infrastructure has large monetary and service delivery implications.

Public Services

Impact on productivity due to continuous adaptation of work programs.

There were 49 vandalism incidents from July 20 until June 21 with a total cost of R 332 708,32. For the period July 20 until 31 August 20 there were 11 incidents with a total cost of R 132 360,66. For the same period this year there were 14 incidents with a total cost of R 60 807,42. Thus indicating an increase in vandalism but with reduce costs.

Incidents Hot spots

Public Services and IT

For the period July 20 until June 21 the following places were targeted for Public Services and IT. Most incidents marked in blue (*see table below*):

PLACE	Time	Amount
Bredasdorp Community Hall	5	R95 930,64
Bredasdorp Sport Complex	1	R5 418,13
Bredasdorp Stores	1	R220,00
Chalets Waenhuiskrans	6	R13 717,07
Chalets Struisbaai	4	R18 120,53
Chalet Suikerbossie	2	R11 156,87
Duiker Street Ablution SB	2	R2 035,69
Electrical Sub station	1	R1 017,81
Glaskasteel	1	R31 708,01
Lesedi	2	R1 992,50
Napier Community Halls and club house	5	R21 343,25
Nostra Ablution SB	1	R1 119,76
Ou Meule Square	1	R632,50
P&B Lime works	4	R8 491,25
Park Street Sport Grounds	5	R37 110,08
Shield House SB	1	R798,33
Play Parks	1	R1 207,50
Resort SB	2	R4 563,06
Sport Ground SB	1	R6 995,50
Zwelitsha Sport Grounds	7	R42 650,88
Zwelitsha Informal Settlement	1	R24 179,53

Total Cost IT and Public Services: R332 708,32.

Water & Sewer

Bredasdorp, Napier (especially close to informal areas).

Waste Management

All the waste sites in CAM area

Electricity Services

Informal Settlements and remote cables were not close to dwellings.

TYPE'S OF VANDALISM: COMMENTS FROM MANAGERS

Public Services

See attached table

Streets and Storm Water

No real issues with vandalism except for manhole cover stole from time to time, as well as traffic signs

Water & Sewer

Cable theft, pump theft, other mechanical and electrical instrument theft.

Waste Management

Fence waste site, section removed (and vandalized from time to time).

Although there is security at P&B Limeworks there is an increase in vandalism, especially in the evenings and over weekends.

Electricity Services

We have very few vandalism problems, the cable theft is starting to increase rapidly, but we have given training to the SAPS with regard to the Criminal Matters Amendment Act and essential infrastructure theft. SAPS is working closely with Cape Agulhas Municipality and we have had some successes with operations. Our main problem is the random theft of short pieces of house connection cables during loadshedding.

COSTS

Public Services and IT	R332 708,32
Water and Sewer	R500 000,00
Waste Management	R65 000,00
Streets and Storm Water	
Electricity	
Total	R897 708,32

Estimated Cost nearly: R1 000 000,00

Claims: R142 857,41

THE FOLLOWING FACILITIES HAVE SECURITY SERVICES

Struisbaai

Kantoor
Biblioteek – Struisbaai-Noord
Stoor - Industriële gebied
Stoor - Ralph Stoor - Industriële gebied
Struisbaai Gemeenskap Saal – Struisbaai-Noord
Struisbaai-Noord Sportgronde Badkamers

Napier

Groot Stoor
Kantoor -1 New Markstraat
Elektriesiteit Stoor
Klubhuis - 2 Volhoustraat
Saal - 2 Volhoustraat

Waenhuiskrans

Karavaanpark Waenhuiskrans
Rioolwerke Waenhuiskrans Oop/Toesluit Smse

Bredasdorp

Gemeenskapsdienste - Dirkie Uysstraat
Raadsaal - Museumstraat
SCM kantoor - Dirkie Uysstraat
Rioolwerke
Werkswinkel
Voertuigstoor
Glaskasteel
Vooraadstoor - Voorkant - Industriële gebied
Vooraadstoor- Agterkant - Industriële gebied
Elektriese stoor - industriële gebied
Ou Nedbank gebou - Van Riebeeckstraat
Beams stoor - Industriële gebied
Suikerbossie Karavaan Park
H/V Ou Meule en Parkstraat
Lesedi Square - H/V Malibongwe en Ou Meule
Hoofgebou / Kantore - Dirkie Uysstraat

Parkstraat - Sportgronde - Teekamer
Parkstraat Sportgronde - Ablusie blok
Toetsstasie
Toerisme Buro - H/V Langstraat en Firlaan
Wilverdiend Biblioteek - Ou Meuleweg
Zwelitsha Sport Gronde

Elim

Elim Biblioteek

Paid for security services: R300 000,00

With the above background the Management Services Directorate propose the following strategy with the aim to reduce vandalism over time.

Taking cognizance of the above we want to propose a strategy of rewarding a person who provides information, as to identity an offender who has vandalized or damaged municipal property, subject to that information leading to successful conviction of the offender or a successful outcome on the matter.

- Cape Agulhas Municipality actively seeks to reduce and prevent vandalism/theft in its community.
- Identification and prosecution of offenders may reduce the likelihood of future occurrences. To this end Council may offer a reward to anyone who provides information leading to the conviction of a person for an act of vandalism / theft or damage of council property.
- When an act of vandalism/theft of municipal property has occurred, the Chief Financial Officer is authorized to set an appropriate reward up to a value of R3 000.00 for information leading to a successful conviction, or to pay a reward to a person who voluntarily provides information regarding an offender which leads to a successful conviction.
- The amount of the reward is to take into consideration the level of damage that has been caused to municipal property.
- Where the CFO considers a reward of greater than R3 000 to be appropriate, he will discuss and agree this with the Municipal Manager or Mayor.
- Rewards will not be paid to Council Employees, Elected Members or Members of the SA Police Services.
- That an intensive public awareness campaign be lodge using a variety of media platforms to inform the community about this initiative.

FINANCIAL IMPLICATION

Rewards between R1 000 up to R3 000 depending on damage caused.

MANAGEMENT RECOMMENTATION

- (i) That Council considers this vandalism strategy and approves it for a term of 3 years after which it will be reviewed for an update, if needed.
- (ii) That a special vote number be established for these funds to be paid to a person where an offender is successfully convicted.
- (iii) That an intensive public awareness campaign be lodge using a variety of media platforms to inform the community about this initiative.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) That the Management Recommendation be accepted.
- (ii) That a security audit be compiled of all vulnerable assets and submitted to the Committee as soon as possible.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That a security audit be compiled of all vulnerable assets and submitted to the Management Services Committee as soon as possible whereafter the Strategy will be workshopped and submitted to Council for approval.

RESOLUTION 233/2022

That a security audit be compiled of all vulnerable assets and submitted to the Management Services Committee as soon as possible whereafter the Strategy will be workshopped and submitted to Council for approval.

11.9 **IMPLEMENTATION PLAN FOR THE ESTABLISHMENT OF THE CAPE AGULHAS SPORTS COUNCIL (CASC)**

PURPOSE OF REPORT

Council to take cognisance of the implementation plan for the establishment of the Cape Agulhas Sport Council.

BACKGROUND

The establishment of the Cape Agulhas Sports Council is vital to enhance sports development. The structure will comprise of representatives from the various sports codes within the Cape Agulhas area. The input of the sports council will give a directive of how the municipality should address the challenges within the sports fraternity and how the sports development budget should be utilized in an equitable manner.

Objectives of the Cape Agulhas Sports Council (CASC):

- To encourage, promote and facilitate the participation by all persons in the Cape Agulhas, irrespective of race, colour, creed, gender, age, or disability, in sport and to assist all such persons to empower themselves to participate in sport.
- To represent the stated interests of all sports federations and local sports councils in Cape Agulhas in negotiating with key stakeholders with regards to sports policy matters.
- To create opportunities for federations and local sports councils to network and share information, experiences, and expertise with each other.
- To provide support in the field of education and training for federations and local sports councils.
- To strive for, and promote a co-ordinated, scientific, and controlled creation, acquisition, development, and maintenance of sporting facilities for all the peoples in Cape Agulhas, but with special concern for people in rural areas, historically disadvantaged people and people living with a disability.
- To encourage and assist all its affiliates to be unified, non-racial, and non-sexist.
- To encourage, organise and promote the development of high-performance sport as well as sport for all.
- To co-operate, liaise and work with the provincial Ministry of Sport and Recreation, with any other provincial Ministry or department, local levels of Government and any other organisation established to promote sport in the region.
- To encourage that appropriate standards of discipline are maintained by its members and their individual members.

(Attached on **page 20** find the implementation plan for the Cape Agulhas Sports Council).

STAKEHOLDERS

Internal stakeholders:

Stakeholder	Role
CAM Public Services Department	Availability of municipal facilities
CAM Communications Department	Publications and social media awareness
CAM Sport HD/ Sports Development Department	Logistical arrangements

Government stakeholders:

Stakeholder	Role
Department of Cultural Affairs and Sport	Funding of Programmes
Department of Social Development	Registration of None Profit Organizations

External Stakeholders:

Stakeholder	Role
Federations for all sport codes	Creation of programmes for sports development. Ensure affiliation.
Overberg Sports Council	Assistance in establishment of the Cape Agulhas Sports Council. Funding to local sports council. Give alignment to the provincial programmes.

FINANCIAL IMPLICATIONS

The current cost will go towards catering for the day of sports indaba and the council election day, for further implementation transportation of the members towards its quarterly meetings will be required. In the interim the sport council will be aligned in the current programs of the sports desk until, they sit their meeting and submit programs with budget.

STAFF AND SERVICE DELIVERY IMPLICATIONS

1. The sports Coordinator will serve as ex-officio members in the forum to assist with administration, until they get off the ground.
2. The sports Coordinator will have an oversight role in the established Cape Agulhas Sports Council. The establishment of the sports council is incorporated into the approved list of projects/programmes of the CAM Sport Desk.

MANAGEMENT RECOMMENDATION

- (i) That Council take cognizance of the process for the implementation of the establishment of the Cape Agulhas Sports Council.
- (ii) That Council approves the implementation for the establishment of the Cape Agulhas Sports Council.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

- (i) That Council take cognizance of the process for the implementation of the establishment of the Cape Agulhas Sports Council.
- (ii) That Council approves the implementation for the establishment of the Cape Agulhas Sports Council.

RESOLUTION 234/2022

- (i) That Council take cognizance of the process for the implementation of the establishment of the Cape Agulhas Sports Council.
- (ii) That Council approves the implementation for the establishment of the Cape Agulhas Sports Council.

11.10 **GUIDELINES FOR COMPILING A SPORT FACILITIES IMPLEMENTATION PLAN**

PURPOSE OF REPORT

For Council to take cognisance of the Implementation Plan and to monitor progress according to dates and responsible officials as indicated in the Implementation Plan.

BACKGROUND

It is important for Municipalities and Local Authorities to align themselves with the principles of the National Sports Plan and National Priorities as captured in various Government Policy Documentation.

They should work towards:

- The inclusion of sport and recreation in the Local Economic Development (LED) plans and Municipal Integrated Development Plans (IDP) and;
- Sufficient and accessible sport facilities that are well maintained and fully utilized by communities.
- The National Sport and Recreation Plan (NSRP) is the end product of a consultative process with all stakeholders in the South African sport and recreation sector. It outlines the implementation plan for the sport and recreation framework captured in the White Paper.

The pillars of the NSRP are:

- Active nation;
- A winning nation;
- Creating and enabling environment to achieve an active and winning nation and;
- Using sport as a tool to achieve national priorities.

The enabling environment that is required to give effect to the two pillars of NSRP is inter alia, facilities, clubs and sport councils. Therefore, in developing our Municipal Sport and Recreation Policy, it is essential that our policy is aligned with the NSRP to create synergy with national and provincial vision, mission and objectives for sport and recreation (***draft Policy attached on page 21 to 35***). In terms of the National Development Plan and the National Sports Plan, it is mandatory for each municipality to submit a full audit on the status of their Sports-facilities. The Sports Master Plan (Sports Infrastructure Plan) will also enable the Municipality to apply for M.I.G (Municipal Infrastructure Grants) funding. This is of great significance, because the financial limitations faced by the Municipality compromise our ability to develop sports-facilities with own funding.

ACTION	REPOSIBLE PERSON	TIME FRAME
Sport and Recreation Policy		
Established sport Council	Sibongile	14 October 2022
Draft Sport and Recreation Policy	Sibongile	Next Portfolio Committee Meeting – October 2022
Distribute to all Managers and Directors for their inputs	Managers Directors Sibongile to Coordinate	28 October 2022
Incorporate in Policy	Sibongile	4 November 2022
Established sport Council	Sibongile	14 November 2022
Workshop with sport council and sport organisations	Council, Administration	21 November 2022
Workshop Council	Council, Administration	Council Meeting - November 2022
Ensure all inputs included in Policy	Sibongile	2 December 2022
Submit for approval to Council	Luzeth	December/January Council Meeting
Identify and Projects		
Identify and Prioritise Projects per Ward	Myburgh/Sibongile	14 October 2022
Workshop by Sport Bodies and Council	To coordinate Luzeth/Sibongile	21 November 2022
Register with MIG (5% allocated for sport)	Myburgh	February 2022
Do projects according to priority list and funds available	Myburgh	Continue

For more detailed Master plan		
Appoint Service Provider for drawing of plans and costing	Myburgh	
Specifications	Myburgh	2 December 2022
Specification Committee	Myburgh	15 December 2022
Evaluation Committee	Myburgh	23 December 2022
BAC	BAC Members	16 January 2022
Appointment	BAC/MM	27 January 2022
Draft Detailed Sport Master Plan	Myburgh	April 2022
Workshop Sport Bodies and Councillors	Myburgh/Sibongile/Luzeth	May 2022
Final Sport Master Plan	Portfolio Committee and Council	June 2022

Budget process and allocations could influence date, and the implementation plan must therefore be monitored at a quarterly basis.

FINANCIAL IMPLICATIONS

Grant Funding - MIG 5 % MIG allocated for sport. Designs, Plans, Quantities and available budgets will determine costs.

MANAGEMENT RECOMMENDATION

For the Portfolio Committee to take cognisance of the implementation plan and to monitor progress according to dates and responsible officials as indicated in the implementation plan.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

The Committee take cognisance of the implementation plan and to monitor progress according to dates and responsible officials as indicated in the implementation plan.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

- (i) The Mayco take cognisance of the implementation plan and to monitor progress according to dates and responsible officials as indicated in the implementation plan.
- (ii) That the timeframe be reviewed by the Director: Management Services.

RESOLUTION 235/2022

- (i) That Council take cognisance of the implementation plan and to monitor progress according to dates and responsible officials as indicated in the implementation plan.
- (ii) That the timeframe be reviewed by the Director: Management Services.

11.11 **ANTI-CORRUPTION & FRAUD PREVENTION POLICY, STRATEGY AND PLAN REVIEW 2022 - 2023**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To submit the revised Anti-Corruption and Fraud Prevention Policy, Strategy and Plan to Council for approval. The three documents must be read in conjunction with one another and are attached as follows:

1. Annexure A: Anti-Corruption and Fraud Prevention Policy **(page 36 - 48)**
2. Annexure B: Anti-Corruption and Fraud Prevention Strategy **(page 49 - 59)**
3. Annexure C: Anti-Corruption and Fraud Prevention Plan **(page 60 - 79)**

BACKGROUND

Corruption and fraud is a serious concern in South African society. Section 62 (2)(c) of the Local Government: Municipal Systems Act states that the administration of a municipality must take measures to prevent corruption.

The Local Government: Municipal Finance Management Act assigns responsibilities for the combatting of corrupt and fraudulent activities to the Accounting Officer while the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and the Prevention and Combating of Corrupt Activities Act compels the Accounting Officer to report certain cases of corruption, fraud and theft to the South African Police Service.

In addition to the legal requirements, various frameworks and best practices for preventing, detecting and responding to corrupt and fraudulent incidents have been issued by national and provincial government departments and professional associations, most notably the Local Government Anti-Corruption Strategy and Public Sector Risk Management Framework.

Corruption and fraud risk management is also an integral part of the municipality's risk management processes. In order to give effect to the Acts, frameworks and best practices as well as to the responsibilities of the Accounting Officer, an Anti-Corruption and Fraud Prevention Strategy, Policy and Plan have been developed and approved by the Municipality's FARMCO. The documents must now be approved by Council and implemented.

DISCUSSION

Council approved the 2017/2018 Anti-Corruption and Fraud Prevention Policy, Strategy and Plan on the 26th of September 2017 (RESOLUTION 199/2017). The first review took place in 2019 and was approved on 14 October 2019 (Resolution 161/ 2019).

The Anti-Corruption and Fraud Prevention 2022-2023 documents was reviewed again on the 4th of August 2022 by the Fraud and Risk Management Committee who recommended that the documents be submitted to Council for approval.

Amendments to the strategy, policy and plan were necessitated by the dissolution of the District Shared Risk Service from 1 July 2022.

ANTI-CORRUPTION AND FRAUD PREVENTION DOCUMENTS
Amendment
All shared risk management services roles and responsibilities have been removed from all Anti-Corruption and Fraud Prevention documents.

LEGAL FRAMEWORK

- 1) The Constitution of the Republic of South Africa
- 2) Municipal Finance Management Act (MFMA) (No. 56 2003)
- 3) MFMA Regulation on Financial Misconduct (No. 430 of 2014)
- 4) The Municipal Structures Act (No 17 of 1998)
- 5) Local Government: Municipal Systems Act (No 32 of 2000)
- 6) Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)
- 7) Protected Disclosures Act (PDA) (No. 26 of 2000)

PERSONNEL IMPLICATIONS

The 2021-2022 Anti-Corruption and Fraud Prevention Policy was also submitted to the LLF for consultation on the 13th of May 2021. The LLF recommended that the Anti-Corruption and Fraud Prevention Policy be referred to the Council for approval. There were no significant changes made to the Anti-Corruption and Fraud Prevention documents for 2022 - 2023.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the following revised Anti-Corruption and Fraud prevention documents be approved:

- a. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2022/23).
- b. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2022/23).
- c. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2022/23).

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the following revised Anti-Corruption and Fraud prevention documents be approved:

- a. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2022/23).
- b. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2022/23).
- c. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2022/23).

RESOLUTION 236/2022

That the following revised Anti-Corruption and Fraud prevention documents be approved:

- a. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2022/23).
- b. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2022/23).
- c. Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2022/23).

11.12 **2022/23 RISK MANAGEMENT POLICY, RISK MANAGEMENT STRATEGY AND FARMCO CHARTER REVIEW**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To submit the annual revision of the Cape Agulhas Municipality Risk Management Policy, Risk Management Strategy and FARMCO Charter for 2022/23 to Council for approval.

LEGAL IMPLICATIONS

Municipal Finance Management Act (MFMA)

The Municipal Finance Management Act (MFMA), Section 62 (1) (a) states, inter alia, that the Accounting Officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal controls.

National Treasury Risk Management Framework

The National Treasury Risk Management Framework requires that the Municipality must operate within the terms of a risk management policy.

The framework also recommends the establishment of mechanisms aimed at embedding risk management into organizational culture, one of which is a Fraud and Risk Management Committee (FARMCO). The FARMCO Charter sets out the roles and responsibilities of the FARMCO.

DISCUSSION

The Council approved the Risk Management Policy and Risk Management Strategy and FARMCO Charter on 25 May 2021. These documents are reviewed on an annual basis by the FARMCO. The revised documents were submitted to (FARMCO) on 4th of August 2022 who approved the amendments.

Amendments to the strategy, policy and charter were necessitated by the dissolution of the District Shared Risk Service from 1 July 2022.

Key amendments are summarised as follows:

RISK MANAGEMENT POLICY
Amendment
All shared risk management services roles and responsibilities have been removed from all risk management documents. RISK CATEGORY ADDED: Xenophobia as a risk category
RISK MANAGEMENT STRATEGY
Amendment
All shared risk management services roles and responsibilities have been removed from all risk management documents.
FARMCO CHARTER
Amendment
All shared risk management services roles and responsibilities have been removed from all risk management documents.

The documents are attached as Annexures:

Annexure A:	Risk Management Policy	<i>(attached on page 80 - 101)</i>
Annexure B:	Risk Management Strategy	<i>(attached on page 102 - 117)</i>
Annexure C:	FARMCO Charter	<i>(attached on page 118 - 127)</i>

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That 2022/2023 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2022/23 revision of the Cape Agulhas Municipality FARMCO Charter be approved.
- (iii) That Council note the dissolution of the ODM Shared Risk Service.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

- (i) That the 2022/2023 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2022/23 revision of the Cape Agulhas Municipality FARMCO Charter be approved.
- (iii) That Council note the dissolution of the ODM Shared Risk Service.

RESOLUTION 237/2022

- (i) That the 2022/2023 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2022/23 revision of the Cape Agulhas Municipality FARMCO Charter be approved.
- (iii) That Council note the dissolution of the ODM Shared Risk Service.

11.13 **2022/23 RISK MANAGEMENT IMPLEMENTATION PLAN**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To submit the annual revision of the Cape Agulhas Municipality Risk Management Implementation Plan for 2022/23 to Council for approval.

LEGAL IMPLICATIONS

Municipal Finance Management Act (MFMA)

The Municipal Finance Management Act (MFMA), Section 62 (1) (a) states, inter alia, that the Accounting Officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal controls.

DISCUSSION

This document sets out the annual risk management implementation plan and was compiled in adherence to the guidelines of National Treasury's Risk Management Framework and in support of good governance principles.

This document is reviewed on an annual basis by the FARMCO. The revised document was submitted to (FARMCO) on 4th of August 2022 who approved the amendments.

The implementation plan is similar to the previous years and the key amendment relates to the dissolution of the District Shared Risk Service from 1 July 2022.

See Annexure A: Risk Management (*attached on page 128 - 134*)

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the 2022/2023 revision of the Cape Agulhas Municipality Risk Management Implementation Plan be approved.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the 2022/2023 revision of the Cape Agulhas Municipality Risk Management Implementation Plan be approved.

RESOLUTION 238/2022

That the 2022/2023 revision of the Cape Agulhas Municipality Risk Management Implementation Plan be approved.

11.14 **VERVREEMDING (KOOP): GEDEELTE ERF AANGRENSEND AAN ERF 1873, BREDASDORP**

DOEL VAN VERSLAG

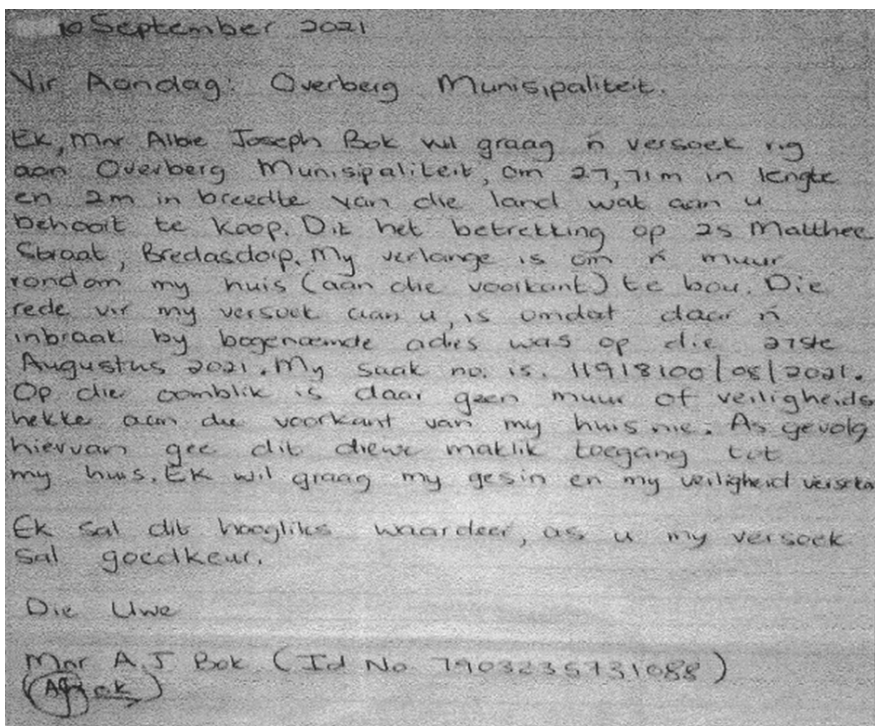
Dat oorweging geskenk word aan die versoek van mnr A J Bok ten einde 'n gedeelte aangrensend aan erf 1873, Bredasdorp te koop ten einde 'n muur rondom die huis te bou (liggingsplan aangeheg op **bladsy 135**).

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte aangrensend aan Erf 1873, Bredasdorp
Voorgestelde Grootte : 27.71m x 2m

AGTERGROND

Op 10 September 2021 ontvang die Raad die volgende skrywe vanaf mnr A J Bok:



10 September 2021
Vir Aandag: Overberg Munisipaliteit.
Ek, Mnr Albe Joseph Bok wil graag 'n versoek rig aan Overberg Munisipaliteit, om 27,71m in lengte en 2m in breedte van die land wat aan u behoort te koop. Dit het betrekking op 25 Matthee Straat, Bredasdorp. My verlanse is om 'n muur rondom my huis (aan die voorkant) te bou. Die rede vir my versoek aan u, is omdat daar 'n inbraak by bogenoemde adres was op die 27de Augustus 2021. My saak no. is. 11918100/05/2021. Op die oomblik is daar geen muur of veiligheids hekke aan die voorkant van my huis nie. As gevolg hiervan gee dit diewe maklik toegang tot my huis. Ek wil graag my gesin en my veiligheid versterk.
Ek sal dit hoogsliks waardeer, as u my versoek sal goedkeur.
Die Uwe
Mnr A.J Bok (Id No. 7903235731088)
(A.J. Bok)

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: BESTUURSDIENSTE

Behalwe dat dit 'n president sal skep, kan dit 'n impak hê op die sigbaarheid van ander verkeer en word die sypaadjie ook benodig as 'n servituut vir toekomstige dienste.

DIREKTEUR: FINANSIËLE DIENSTE

Not supported as per the reasons already provided.

DIREKTEUR: SIVIELE INGENEURS DIENSTE

Not supported. It looks like the road reserve and the sidewalk area.

ELEKTRISITEITSDIENSTE

The pavement is always reserved for future Infrastructure replacement and upgrades, we should not be alienating our sidewalks for fencing purposes. If the overhead lines are replaced with underground cables, we use the sidewalk as our servitude. We also need to make sure that there are no fiber cables installed there now.

BESTUURDER: STADSBEPLANNING

Not recommended. We will create a precedent for similar applications in the vicinity.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word nie ondersteun nie. Die vergunning om 'n muur te bou, sal definitief 'n nadelige uitwerking op die uitsig van die straat hê wat tot verkeersprobleme, en selfs ongelukke kan lei. Defnitief nee.

BESTUURDER: STRATE EN STORMWATER

Sigafstande vir verkeer sal wesenlik beïnvloed word. Die aansoek word derhalwe nie gesteun nie.

BESTUURDER: WATER EN RIOOL

Alle verskying van riool of water dienste vir applikant se kostes

BESTUURDER: BOUBEHEER

Die aansoek word nie ondersteun nie, die eienaar kan die grens muur op sy erfrens bou.

BESTUURDER: BESKERMINGSDIENSTE

Word nie ondersteun hoek erf en sig word belemmer.

KOMMENTAAR: WYKSKOMITEE: 19 JULIE 2022

Die Wykskomitee ondersteun nie die aansoek nie.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte alreeds gereserveer is vir toekomstige vervanging en opgradering van infrastruktuur.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte alreeds gereserveer is vir toekomstige vervanging en opgradering van munisipale infrastruktuur.

BESLUIT 239/2022

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte alreeds gereserveer is vir toekomstige vervanging en opgradering van munisipale infrastruktuur.

11.15 **VERVREEMDING (KOOP): ERF 3539, BREDASDORP**

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 136**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 137 - 139** is van mnr en mev Kloppers ten einde erf 3539, Bredasdorp te koop en te konsilideer 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

DIREKTEUR: FINANSIELE DIENSTE

No objection.

DIREKTEUR: 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.

BESTUURDER: 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.

BESTUURDER: STRATE EN STORMWATER

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

BESTUURDER: STADSBEPLANNING

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

BESTUURDER: 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.

BESLUIT 240/2022

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

11.16 **OU MEULE STREET: PROPOSED DEVELOPMENT PARAMETERS - ERVEN 3626, 3627, 3628 AND 3629, BREDASDORP**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER - MANAGER: TOWN PLANNING

PURPOSE OF REPORT

For Council to considered a report on proposed development parameters for Business Erven 3626, 3627, 3628 and 3629, Ou Meule Street, Bredasdorp, which are available to be sold. The Council resolved as follows on 28 April 2022 (Resolution 92/2022):

- (i) That admin support (property management) gets new market related values for the mentioned properties.
- (ii) That Council determined the way of alienation (auction or tender).
- (iii) That the layout be submitted to the Ward Committee and the public for their inputs/comments.

The main purpose of the report is for Council to consider the application of the development parameters, market values and mode of sale as well as the alternative proposal by the Ward Committee to subdivide each erf into two.

BACKGROUND

The zonings for the above-mentioned erven are currently Business. It has been decided by Council to develop new development parameters for these erven to enhance maximum utilization of business on ground floor level and flats/ residential on first level. This will be in line with the existing character displayed on neighbouring Erf 3601, Bredasdorp. The proposed development parameters will attract more developers to the auction, as it will enhance feasible and profitable development.

The intention is to adjust the existing parking ratio of 4 bays / 100sq.m to 2 bays / 100sq.m on ground level per GLA, for Business purposes. It is also proposed that parking be provided in the street reserve as indicated on the Layout. It will be in line parking area on Erf 3601 Bredasdorp.

Further to adjust the existing parking ratio of 1,25 bays per flat and 0,25 bays for visitors per flat (1 visitor's parking per 4 flats) to 1 bay per flat and 0.20 bays per visitors per flat (One visitors parking for every 5 flats).

PROPOSED DEVELOPMENT PARAMETERS

OU MEULE:

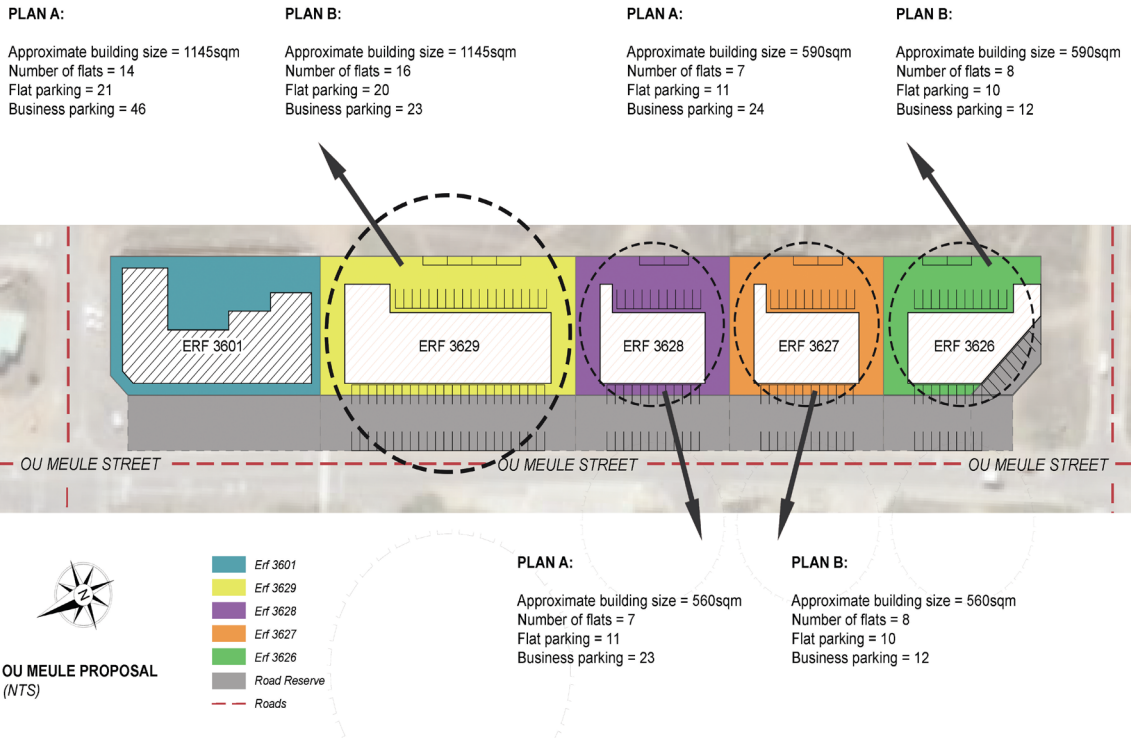
DEVELOPMENT OF ERVEN 3626 , 3627, 3628 AND 3629, BREDASDORP

PLAN A (standard legislation)	PLAN B (amended legislation)
<ol style="list-style-type: none"> 1. Business on ground floor, residential (flats) on first floor 2. Business parking in front in road reserve at ratio of 4 bays per 100sqm GLA (gross leasable area) 3. Residential parking at back of building at ratio of 1.25 bays per flat and 0.25 bays for visitors per flat (1 visitor's parking for every 4 flats) 4. Can assume a 80sqm average per flat 5. Each erf will have its own entry and exit points for residents 	<ol style="list-style-type: none"> 1. Business on ground floor, residential (flats) on first floor 2. Business parking in front in road reserve at ratio of 2 bays per 100sqm GLA (gross leasable area) 3. Residential parking at back of building at ratio of 1 bay per flat and 0.20 bays for visitors per flat (one visitor's parking for every 5 flats) 4. Can assume a 70sqm average per flat 5. Each erf will have its own entry and exit points for residents

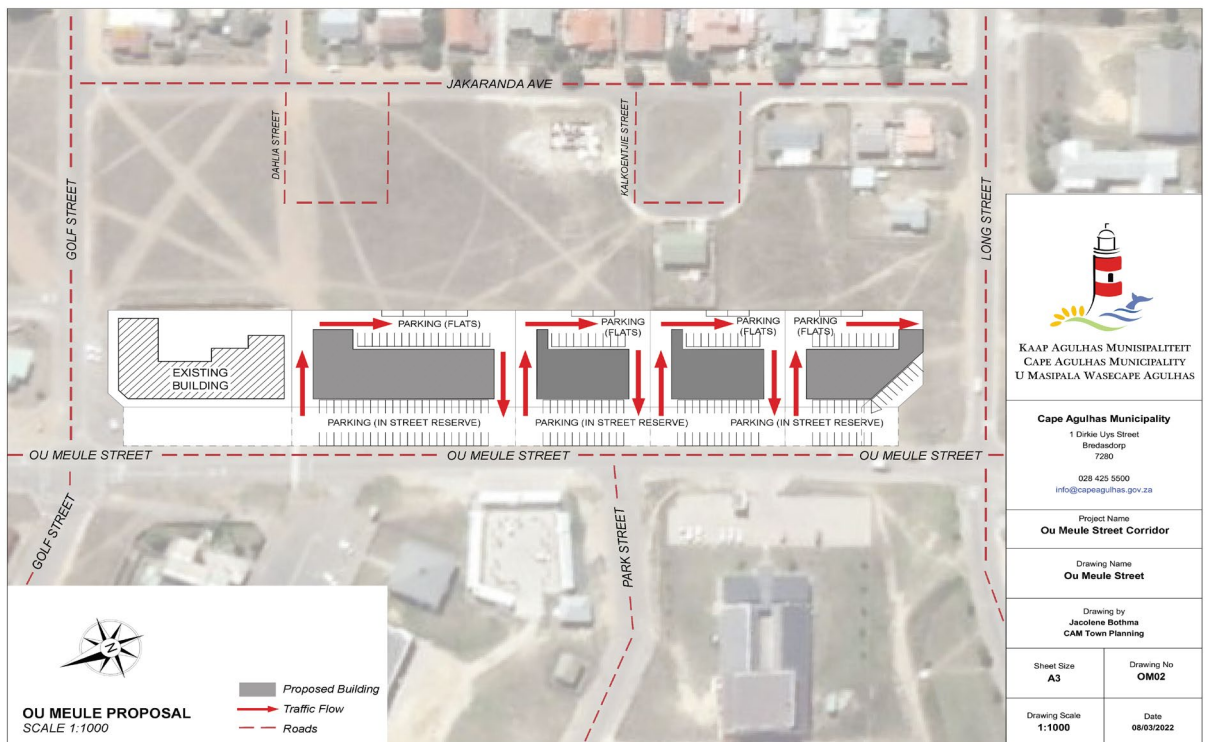


OU MEULE:
DEVELOPMENT OF ERVEN 3626 , 3627, 3628 AND 3629, BREDASDORP

PLAN A VS PLAN B



MOVEMENT



FINANCIAL IMPLICATION

Revenue.

LEGAL IMPLICATION

MFMA and SCM Regulations.

PERSONNEL IMPLICATION

None.

WARD COMMITTEE INPUT

1. Die komitee beveel aan dat erf 3626, 3627, 3628 en 3629 in twee verdeel moet word en op publieke veiling verkoop word aan voorheen benadeelde sake manne en 50% gebruik word vir opkomende entrepreneurs.
2. Die komiteedele beveel aan dat 50% van die opbrengs gebruik word vir opkomende entrepreneurs wat 'n verskil kan maak in die gemeenskap.

COMMENTS BY THE MANAGER: ADMIN SUPPORT

The valuation of the 4 plots received was as follow (on 25 July 2022):

Erf 3629	2555 m ²	R615 000
Erf 3628	1540 m ²	R370 000
Erf 3627	1540 m ²	R370 000
Erf 3626	1375 m ²	R330 000

- The plots can be sold individually and/or together as one (which ever get the highest bid).
- The plots could be sold to 1 or more buyers.
- The plots could be sold at a public auction.

MANAGEMENT RECOMMENDATION

- (i) That Council approves / disapproves the proposed development parameters for Erven 3626, 3627, 3628 and 3629, Bredasdorp.
- (ii) That the erven be sold on public auction and that the following reserve prices be determined:

ERF	RESERVE PRICE
3626	R330 000
3627	R370 000
3628	R370 000
3629	R615 000

- (iii) That, if the reserve prices are not received at the auction, the offer must be re-submitted to council for approval.
- (iv) That transfer of the property be done as soon as possible.
- (v) That the normal auction conditions be in place, like the signing of the agreement, the paying of the deposit and the final payment to the municipality.
- (vi) The sale agreement must be submitted to council within 14 days after the auction.
- (vii) That a building clause of R1 000 000 per plot be applicable after 2 years of sale.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the matter be referred back to the Ward Committee for their inputs regarding the development proposal.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

- (i) That Council approves the proposed development parameters for Erven 3626, 3627, 3628 and 3629, Bredasdorp.

- (ii) That the erven be sold on public auction and that the following reserve prices be determined:

ERF	RESERVE PRICE
3626	R330 000
3627	R370 000
3628	R370 000
3629	R615 000

- (iii) That, if the reserve prices are not received at the auction, the offer must be re-submitted to council for approval.
- (iv) That transfer of the property be done as soon as possible.
- (v) That the normal auction conditions be in place, like the signing of the agreement, the paying of the deposit and the final payment to the municipality.
- (vi) The sale agreement must be submitted to council within 14 days after the auction.
- (vii) That a building clause of R1 000 000 per plot be applicable after 2 years of sale.

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

RESOLUTION 241/2022

- (i) That Council approves the proposed development parameters for Erven 3626, 3627, 3628 and 3629, Bredasdorp.
- (ii) That the erven be sold on public auction and that the following reserve prices be determined:

ERF	RESERVE PRICE
3626	R330 000
3627	R370 000
3628	R370 000
3629	R615 000

- (iii) That, if the reserve prices are not received at the auction, the offer must be re-submitted to council for approval.
- (iv) That transfer of the property be done as soon as possible.
- (v) That the normal auction conditions be in place, like the signing of the agreement, the paying of the deposit and the final payment to the municipality.
- (vi) The sale agreement must be submitted to council within 14 days after the auction.
- (vii) That a building clause of R1 000 000 per plot be applicable after 2 years of sale.
- (viii) That Council takes note of the SCM processes to appoint the auctioneer, advertisement and publication before the auction.

(Alderman Jantjies records his dissentient vote.)

11.17 **VERVREEMDING (KOOP): GEDEELTE ERF 1422, STRUISBAAI**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr en mev Weyers ten einde 'n gedeelte van erf 1422, Struisbaai te koop (liggingsplan aangeheg op **bladsy 140**).

ALGEMENE INLIGTING

Eienaars : KAM
Eiendom : Gedeelte Erf 1422, Struisbaai
Huidige sonering : Publieke Oopruimte
Voorgestelde grootte: ±220m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 141** is van mnr en mev Weyers ontvang om 'n gedeelte van erf 1422, Struisbaai 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: FINANSIELE DIENSTE

Gebaseer op die tegniese insette kan nie ondersteun word.

DIREKTEUR: BESTUURSDIENSTE

Uit 'n tegniese oogpunt en kommentaar gelewer deur die Infrastruktuur Departement kan hierdie aansoek nie ondersteun word nie.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Request not supported. It is too close to the stormwater infrastructure and holds a high risk of flooding.

ELEKTRISITEITSDIENSTE

No impact on impact on electrical infrastructure.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek om vervreeding word nie ondersteun nie. Dit sal aanleiding gee tot die versnippering van Publiek oop areas, en aangesien daar reeds water-probleme in die area is, word die aansoek nie ondersteun nie.

Die aangrensende eienaars sal dan ook die POS voor hul erwe wil koop, wat tot verdere versnippering sal aanleiding gee. Die aangeleentheid moet deur die wykskomitee ook oorweeg word, sodat hul insette ook gedokumenteer kan word.

BESTUURDER: STADSBEPLANNING

Infrastruktuur het reeds hul kommer uitgespreek oor die stormwater probleem op die gedeelte. Ons sal ook deur hierdie versnippering toe te laat - soortgelyke aansoeke moet ondersteun. Dus uit 'n beplanningsoogpunt word die aansoek nie ondersteun nie.

BESTUURDER: STRATE EN STORMWATER

Die gedeelte grond kan moontlik oorstrom gedurende swaar reën.

BESTUURDER: WATER & RIOOL

Noted.

BESTUURDER: BOUBEHEER

Die aansoek kan nie ondersteun word indien daar die gevaar bestaan dat die kan oorstrom nie. Vloedlyne moet bepaal word.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die Wykskomitee ondersteun nie die aansoek nie, omrede:

1. Die groen areas moet bewaar word.
2. Hier is 'n stormwater probleem met risiko vir verspoeling.
3. Dit skep 'n president. KAM sal nie op 'n later stadium die bure so 'n versoek kan weier nie.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte te naby is aan die stormwater-infrastruktuur en hou 'n hoë risiko van oorstromings in.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte te naby is aan die stormwater-infrastruktuur en hou 'n hoë risiko van oorstromings in.

BESLUIT 242/2022

Dat die aansoek nie oorweeg word nie, aangesien die genoemde gedeelte te naby is aan die stormwater-infrastruktuur en hou 'n hoë risiko van oorstromings in.

11.18 **VERVREEMDING (KOOP): GEDEELTE ERF AANGRENSEND AAN ERF 1455, STRUISBAAI**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mev H C Hugo ten einde 'n gedeelte aangrensend aan erf 1455, Struisbaai te koop (liggingsplan aangeheg op **bladsy 142**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1448, Struisbaai
Sonering	:	Publieke Oopruimte
Voorgestelde Grootte	:	5257m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 143 tot 148** is van mev H C Hugo ontvang om 'n gedeelte van erf 1448, Struisbaai 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: BESTUURSDIENSTE

Geen beswaar.

DIREKTEUR: FINANSIËLE DIENSTE

Noted subject to policy directive / guidelines.

DIREKTEUR: SIVIELE INGENEURS DIENSTE

No objection. No impact on infrastructure services.

ELEKTRISITEITSDIENSTE

No impact on electrical services but do not agree with the sale of green areas, they are very important in maintaining the character of our areas.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word nie ondersteun nie. Die raad was in die verlede nie entoesiasies om "Groenstroke" te vervreemd nie. Aangesien daar wel beweging in die "groenstrook" is, in die vorm van 'n voetpad, dui dit op gemeenskapsaktiwiteite. Uit die Lugfoto lyk dit of daar wel munisipale dienste in die groenstrook is wat instandgehou moet word.

BESTUURDER: STADSBEPLANNING

From town planning no objection, as there will be no negative impact on infrastructure services. The owner is only asking for a small portion to close the gap between herself and her neighbor. She could utilize and maintain the portion in a better way as it is currently used for dumping etc. This will include costs for park closure, rezoning, subdivision, and consolidation - for owner's cost

BESTUURDER: STRATE EN STORMWATER

Die aansoek word gesteun.

BESTUURDER: WATER & RIOOL

Geen beswaar.

BESTUURDER: BOUBEHEER

Die aansoek word nie ondersteun nie. Daar is reeds te min groen areas in Struisbaai.

BESTUURDER: BESKERMINGSDIENSTE

Geen beswaar van verkeer.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die Wykskomitee ondersteun nie die aansoek nie, omrede:

1. KAM moet groenstroke bewaar.
2. Die komitee versoek die munisipaliteit om die area te gaan skoonmaak sodat dit nie deur ongewenste elemente gebruik kan word nie.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

Dat die aansoek nie oorweeg word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee.

BESLUIT 243/2022

Dat die aansoek nie oorweeg word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee en 'n stormwater probleem mag teweeg bring.

11.19 **VERVREEMDING (HUUR): GEDEELTE ERF 1837, STRUISBAAI**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr T Oberholster ten einde 'n gedeelte van Erf 1837, Struisbaai by die Raad te huur (liggingsplan aangeheg op **bladsy 149**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1837, Struisbaai
Erf Grootte	:	9553m ²
Voorgestelde Grootte	:	43m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 150 tot 154** is van mnr Oberholster ontvang om 'n gedeelte van erf 1837, Struisbaai by die Raad te huur.

MARKWAARDASIE

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

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

DIREKTEUR: BESTUURSDIENSTE

Eienaar moet verkeersimpakstudie laat doen om te verseker dat daar nie verkeersprobleme sou ontstaan nie.

DIREKTEUR: INFRASTRUKTUURDIENSTE

The agreement needs to be tabled in order to support or decline the application.

DIREKTEUR: FINANSIËLE DIENSTE

Noted the application with no objection.

ELEKTRISITEITSDIENSTE

Any impact on electrical infrastructure for owners account.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection provided public input is obtained and all necessary town planning processes followed.

BESTUURDER: STADSBEPLANNING

Indien die Raad die oorskreiding sal toestaan behels dit 'n onderverdeling, konsolidasie en hersonering wat die applikant sal moet betaal vir goedkeuring.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Omliggende bure se insette moet verkry word. Die beginsel van die "muur per ongeluk op die verkeerde plek gebou", is onaanvaarbaar. Eienaar moet ook versoek word om 'n verkeersimpakstudie te laat doen om toe te sien dat verkeer nie nadelig geraak word nie.

BESTUURDER: STRATE EN STORMWATER

Sigafstande vir verkeer word nie wesenlik beïnvloed nie.

BESTUURDER: BOUBEHEER

Die aansoek word ondersteun. Alle Wetlike prosese moet gevolg word.

BESTUURSAANBEVELING

- (i) Dat die aansoek goedgekeur word.
- (ii) Dat 'n oorskreidingsfooi van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) Dat 'n oorskreidingsooreenkoms met die aansoeker aangegaan word vir 3 jaar, met ingang 1 November 2021 tot 31 Oktober 2024.
- (iv) 'n Terugvalklousule sal in werking wees.
- (v) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.

RAADSBESLUIT 198/2021: 14 OKTOBER 2021

Dat die aangeleentheid terugverwys word, aangesien die betrokke muur reeds opgerig is en verdere ondersoek dienooreenkomstig moet plaasvind.

KOMMENTAAR: STRATE EN STORMWATER

"Ek was ook op terrein en kan bevestig dat die oorskreiding nie 'n wesenlike impak op verkeer het nie. Die grensmuur en sypaadjie, wat Thys op sy koste geplavei het, lyk baie netjies en voeg baie waarde toe tot die area. Daar is ook genoeg spasie op die sypaadjie, sou 'n voertuig om een of ander rede van die pad af moet trek. Die perseel word tans eintlik slegs gebruik om stokperdjies te beoefen en word nie gebruik vir kommersiële of nywerheidsdoeleindes nie. Die verkeer wat gegenereer word deur die aktiwiteite wat op die betrokke perseel beoefen word is minimaal."

KOMMENTAAR: BOUBEHEER

Soos voorgestel dink ek dat daar aansoek gedoen moet word vir oorskreiding vir die gedeelte van die sypaadjie. Ek ondersteun die aansoek, want dit het geen effek op enige dienste ens nie.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die oorskreidingsooreenkoms word ondersteun.

BESTUURSAANBEVELING

- (i) Dat die aansoek goedgekeur word.
- (ii) Dat 'n oorskreidingsfooie van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) Dat 'n oorskreidingssooreenkoms met die aansoeker aangegaan word vir 3 jaar, met ingang 1 November 2022 tot 31 Oktober 2025.
- (iv) 'n Terugvalklousule sal in werking wees.
- (v) Geen permanente strukture mag oor ondergrondse munisipale dienste opgerig word nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Dat die eienaar van erf 1837, Struisbaai die onwettige strukture op Raadsgrond verwyder.
- (ii) Dat 'n boete vir onwettige bouwerk, soos in die tariewe bepaal, aan die eienaar uitgereik word.
- (iii) Dat die eienaar alle wetlike prosesse volg insake stadsbeplanningsaangeleenthede, wat insluit onderverdeling, konsolidasie, die afwyking van parkeerregulasies asook die sluiting van die pad.

BESLUIT 244/2022

- (i) Dat die eienaar van erf 1837, Struisbaai die onwettige strukture op Raadsgrond verwyder.
- (ii) Dat 'n boete vir onwettige bouwerk, soos in die tariewe bepaal, aan die eienaar uitgereik word.
- (iii) Dat, indien die eienaar nie die onwettige strukture verwyder nie, hy op eie onkoste alle wetlike prosesse volg insake stadsbeplanningsaangeleenthede, wat insluit onderverdeling, konsolidasie, die afwyking van parkeerregulasies asook die sluiting van die pad en vervreemding van die eiendom.

11.20 **VERVREEMDING (HUUR): GEDEELTE ERF 921, STRUISBAAI (WYK 5) (COLLAB:417135)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr R Swart namens Cape Agulhas Fishing Charters om 'n gedeelte van erf 921, Struisbaai te huur ten einde vir 'n advertensie stalletjie aan te wend (liggingsplan aangeheg op *bladsy 155*).

ALGEMENE INLIGTING

Eienaars : KAM
Eiendom : Gedeelte Erf 921, Struisbaai
Huidige sonering : Parkering

AGTERGROND

24 August 2021

To Whom It May Concern

POSSIBLE PREMISES FOR NON-PERMANENT ADVERTISING STALL

I would like to apply for a small premise on the field outside the harbour, on Harbour Road, on which I would like to put up a mobile (non-permanent) stall.

I am a permanent resident of Struisbaai and own a fishing charter business, namely Cape Agulhas Fishing Charters. For this reason, I would like to apply for a premise outside the harbour and not on the field across from the OK Grocer (which is too far away from the harbour).

I understand that the white stall on wheels which is currently on this field, is standing there temporarily. If it is moved back into the harbour again, I can take that spot.

Alternatively, according to my knowledge, the container directly outside the harbour has not been used for the past +- two (2) years. If this is available, I would gladly take it over. I will renovate it and make it new and undertake to keep the area around it neat and tidy.

I thank you for considering my request.

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

DIREKTEUR: FINANSIËLE DIENSTE

Noted based on the comments for the various responsible section to be involved.

DIREKTEUR: BESKERMINGSDIENSTE

Holistiese belanning en uitleg moet hier gedoen word, met inagneming van die behoefte aanparkering om te bepaal of daar voldoende beskikbare area sal wees, alle ander faktore ingesluit.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No impact on infrastructure services.

ELEKTRISITEITSDIENSTE

There is currently no electricity service in that area, the connection will be for the tenants cost.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Noted.

BESTUURDER: STADSBEPLANNING

Dit word aanbeveel om so 'n tipe advertensie eerder op die plein te ondersteun, nie op bestaande parkering nie- en veral nie waar daar reeds 'n tekort is nie.

BESTUURDER: BOUBEHEER

Daar moet eers bepaal word vir watter tydperk die stalletjie benodig gaan word, inagenome die ontwikkeling van die Hotel tesame met die parkeer terrein.LED moet hier hulle insette lewer oor die huidige gebruik van die twee eenhede waarvan gepraat word, en of daar inkomste uit verkry word of nie. Indien een van die twee beskikbaar is sal ek se dat die nodige magtiging vir 12 maande gegee word met geen waarborg vir vrlenging nie.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek word nie ondersteun nie. Daar is gedurende seisoentyd 'n geweldige tekort aan parkeerplek vir bote en treilers. Met die wat die restaurant binne de hawe uitgebrei het, sal die aanvraag na parkeerplek nog vermeerder. Ek dink die raad kan wel die aansoek oorweeg, vir die stiller tye van die jaar. (middel Januarie - Middel Maart, April tot November) Daar was reeds verskeie aansoeke vir die genoemde grond, en verskeie besighede, so Die publieke deelname proses sal van kardinale belang wees.

BESTUURDER: WATER & RIOOL

No objection.

BESTUURDER: STRATE & STORWATER

Strate- en stormwaterinfrastruktuur word nie weselik beïnvloed nie. Die plasing van die tydelike struktuur moet van so 'n aard wees dat dit nie parkering op die perseel verminder of belemmer nie.

BESTUURDER: BESKERMINGSDIENSTE

Verkeer en law enforcement het geen probleem met die stalletjie eienaar van stalletjie moet net seker maak kliente ry in by parkeer area en parkeer nie op die sypaadtjie

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die Wykskomitee kan nie hul opinie gee alvorens die nodige studies gedoen is nie.

BESTUURSAANBEVELING

Dat die versoek om 'n "advertensie stalletjie" nie goedgekeur word nie, aangesien die genoemde erf in 'n ontwikkelingsfase is.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Dat die versoek om 'n "advertensie stalletjie" nie goedgekeur word nie, aangesien die genoemde erf in 'n ontwikkelingsfase is.
- (ii) Dat die genoemde erf so spoedig moontlik voorsien word van slegs een in- en uitgang vir voertuie.
- (iii) Dat die aansoeker aansoek doen vir die plasing van die stalletjie op die Struisbaai plein.

BESLUIT 245/2022

- (i) Dat die versoek om 'n "advertensie stalletjie" nie goedgekeur word nie, aangesien die genoemde erf in 'n ontwikkelingsfase is.
- (ii) Dat die genoemde erf so spoedig moontlik voorsien word van slegs een in- en uitgang vir voertuie.
- (iii) Dat die aansoeker aansoek doen vir die plasing van die stalletjie op die Struisbaai plein.

11.21 **VERVREEMDING (HUUR): GEDEELTE ERF 856, STRUISBAAI**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van Liyakha Marine World PTY LTD ten einde 'n gedeelte van erf 856, Struisbaai te huur vir die vestiging van 'n akwakultuur gemengde boerdery (liggingsplan aangeheg op **bladsy 156**).

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte Erf 856, Struisbaai
Huidige sonering : Onbepaald
Voorgestelde Grootte : 4ha

AGTERGROND

'n Skriftelike versoek soos aangeheg op **bladsy 157 tot 164** is van Liyakha Marine World PTY LTD ontvang om 'n gedeelte van erf 856, Struisbaai by die Raad te huur.

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

Referred to Town planning department to ensure that all statutory requirements and processes are being adhered to.

DIREKTEUR: BESTUURSDIENSTE

Ondersteun - maar moet voldoen aan alle wetlike prosesse.

DIREKTEUR: FINANSIËLE DIENSTE

Alvorens enige verdere oorweging moet verseker dat die projek / behoefte sal voldoen aan al die wetlike en Stadsbeplanning vereistes van toepassing op die voorgestelde eiendom.

DIREKTEUR: SIVIELE INGENEURS DIENSTE

Application for alienation not supported. This needs to go through a proper Town Planning Process and an environmental impact assessment.

ELEKTRISITEITSDIENSTE

Eskom area of supply.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Noted.

BESTUURDER: STADSBEPLANNING

They will have to provide us with a clear Business Plan. LED Section can also be of assistance wrt. It seems to me they will have to erect permanent structures- therefore we might need to consider selling of the land. The zoning is also not in line with the proposed use.

They talk about mixed aquaculture farming- they have to be specific- Particular kinds of aquaculture include fish farming, shrimp farming, oyster farming, mariculture, algaculture (such as seaweed farming), and the cultivation of ornamental fish.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Solank alle Wetlike aspekte (wat insluit - en nie beperk is tot: EIA, Sonering, sakeplanne, lewensvatbaarheidsondersoek, werkskeppingsaangeleenthede). Publieke deelname gaan kardinaal wees. Wykskomiteeinsette sal ontvang moet word. Ontwikkeling en werkskeppingspotensiaal word ondersteun.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

BESTUURDER: WATER EN RIOOL

Geen beswaar, Water & riool aansluiting vir eienaar.

BESTUURDER: BOUBEHEER

Die aansoek kan huidiglik nie ondersteun word nie. Daar moet eers duidelikheid wees of die grond nie vir toekomstige behuising aangewend gaan word nie, en of die sonering korrek is. Omgewing sake se insette sal ook hier verkry moet word.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die Wykskomitee beveel aan dat daar eers 'n omgewingsimpakstudie gedoen word en dat daar eers 'n gedetailleerde besigheidsplan opgestel word deur die aansoeker.

BESTUURSAANBEVELING

Dat 'n gedetailleerde besigheidsplan ingedien word deur die aansoeker.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

Dat, aangesien die area in 'n ontwikkelingsfase is, word die aansoek nie ondersteun nie.

BESLUIT 246/2022

- (i) Dat, aangesien die area in 'n ontwikkelingsfase is, word die aansoek nie ondersteun nie.
- (ii) Dat ondersoek ingestel word na die ontwikkeling van die genoemde perseel en voorstelle in die ROR vervat word.

11.22 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 2488, STRUISBAAI**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr en mev Bower ten einde 'n gedeelte van erf 2488, Struisbaai te huur (liggingsplan aangeheg op **bladsy 165**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 2488, Struisbaai
Ligging	:	Proteaweg
Erf Grootte	:	3110m ²
Huidige Sonering	:	Publieke Oopruimte

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 166 tot 172** is van mnr en mev Bower ontvang om 'n gedeelte van erf 2488, Struisbaai by die Raad te huur.

MARKWAARDASIE

R

FINANSIËLE IMPLIKASIE

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

DIREKTEUR: FINANSIËLE DIENSTE

Geen beswaar onderhewig aan bepaalde wetgewing van toepassing.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Permanent alienation not supported due to critical municipal infrastructure on the erf. No structures to be erected on the site, should it be rented out.

DIREKTEUR: BESKERMINGSDIENSTE

Kommentaar van omliggende eienaars moet verkry word, en daar moet aan alle wetlike prosesse voldoen word.

ELEKTRISITEITSDIENSTE

This plot has a mini-substation and cable servitudes for MV and LV cables supplying central Struisbaai.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek word nie ondersteun nie. Dit kan / sal die reg van aangrensende eienaars beïnvloed indien die raad van die genoemde terrein ontslae wil raak, behoort daar eers 'n deeglike studie oor die grond gedoen te word, deur 'n volledige publieke deelname proses te gaan en dit in die "vrye mark" beskikbaar te stel, en nie slegs aan een koper nie.

BESTUURDER: STADSBEPLANNING

It is proposed that the land be rented to ensure that no structures be erected and no interference with current infrastructure on site be secured.

BESTUURDER: BOUBEHEER

Die aansoek kan ondersteun word maar daar sal publiek deelname proses moet wees en of alle aangrensende en aanliggende eienaars se kommentaar sal verkry moet word. Die voorstel vir geboue word nie ondersteun nie.

BESTUURDER: STRATE & STORWATER

Daar is 'n stormwaterpyp op 'n gedeelte van die grond wat toeganklik moet bly vir onderhoudsdoeleindes.

BESTUURDER: BESKERMINGSDIENSTE

geen beswaar van verkeer

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die versoek word ondersteun, maar daar mag geen strukture opgerig word nie. Let ook daarop dat daar 'n stormwaterpyp op 'n gedeelte van die grond is wat toeganklik moet bly vir onderhoud. Die aansoeker se intensie om by te dra tot die verfraaiing van ons oop ruimtes word waardeur. Vervreemding in die toekoms sal egter nie oorweeg word nie.

BESTUURSAANBEVELING

Dat aangesien daar munisipale dienste (elektrisiteit en stormwaterpype) oor die gedeeltes van erf 2488 loop, die grond nie beskikbaar gestel kan word vir die verhuring of vervreemding nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

Dat, aangesien daar munisipale dienste (elektrisiteit en stormwaterpype) oor die gedeeltes van erf 2488 loop, die grond nie beskikbaar gestel kan word vir die verhuring of vervreemding nie.

BESLUIT 247/2022

Dat, aangesien daar munisipale dienste (elektrisiteit en stormwaterpype) op gedeeltes van erf 2488, Struisbaai geïnstalleer is, die grond nie beskikbaar gestel kan word vir die verhuring of vervreemding nie.

11.23 **VERVREEMDING (HUUR): GEDEELTE VAN ERF 854, STRUISBAAI**

Om oorweging te skenk aan die versoek van Fun Trucking and Rigging CC om 'n gedeelte van erf 854, Struisbaai te huur ten einde dit vir 'n vermaaklikheidsentrum aan te wend gedurende Desember 2022.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Erf 854, Struisbaai
Huidige sonering	:	Oop ruimte
Erf Grootte	:	7288m ²

AGTERGROND

Die volgende skrywe is van die aansoeker ontvang:

Activity

Funland will bring 9 Funfair equipment and the food truck to Struisbaai to bring family entertainment for the December holiday season!

The 9 Funfair equipment can accommodate young and old! All rides are fully tested and insured for public liability and all staff and operators are fully trained in all aspects of ride maintenance, operations and covid regulations.

We have a generator for backup/loadshedding.

If you have a sweet tooth, our food truck will take your tongue on a journey... selling soft serve, candy floss, popcorn, hot chips and our family recipe slush!

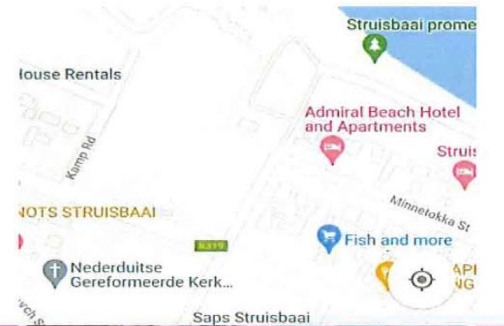
We would like to work with the municipality to select a day for a Christmas day for unprivileged children/schools in the community, providing them with free rides for a day. We can discuss the options.

Time Periods

Moving onto site	:	11 – 12 Dec 2022
MHA Engineer Sign off	:	15 Dec 2022
Soft opening	:	Evening of 15 Dec 2022
Operating Days	:	15 Dec 2022 – 8 Jan 2023
Teardown	:	9 – 12 Jan 2023

Preferred Areas

Option A	:	Old Shack Restaurant
Option B	:	Behind Midas Paint



WYKSKOMITEE INSETTE: 4 AUGUSTUS 2022

- (i) Die komitee versoek 'n besigheidsplan wat die tye van die dag wat dit sal funksioneer aandui.
- (ii) Die komitee is bekommerd oor geraas en 'n tekort aan parking.

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

BESTUURSAANBEVELING

- (i) Dat die Raad nie die aansoek op erf 854, Struisbaai goedkeur nie.
- (ii) Dat die aansoeker alternatiewe eiendom oorweeg (wat gedeelte van privaateiendom (Opsie B)) insluit.
- (iii) Dat die aansoeker dienooreenkomstig in kennis gestel word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Dat die Raad die aansoek op erf 854, Struisbaai goedkeur.
- (ii) Dat slegs 100 kVA aan die huurder beskikbaar gestel kan word.
- (iii) Dat die aansoeker dienooreenkomstig in kennis gestel word.

BESLUIT 248/2022

- (i) Dat die Raad in-beginsel die aansoek op erf 854, Struisbaai goedkeur.
- (ii) Dat slegs 100 Amps (3-fase) vir die huurder se rekening beskikbaar gestel kan word.
- (iii) Dat die publiek dienooreenkomstig ingelig word en die Wykskomitee se insette verkry word.
- (iv) Dat 'n markverwante huur verkry word. **(MARIUS VRA OF DIT REG IS SO ?)**
- (v) Dat die aansoeker dienooreenkomstig in kennis gestel word.

11.24 **APPLICATION TO PROVIDE ALTERNATIVE PARKING ON ERF 921 IN TERMS OF THE CAPE AGULHAS ZONING SCHEME**

PURPOSE OF REPORT

It is the owner of Erf 446, Struisbaai intention to apply for parking on CAM's land, Erf 921, Struisbaai (at the harbour) to enable him to develop his erf to its full potential as part of the development node at the harbour.

GENERAL INFORMATION

Owners : KAM
Property : Erf 921, Struisbaai
Current Zoning : Parking

BACKGROUND

The owner, Zelpi 1703 CC of Erf 921 is of the intention to develop his property Erf 446 and to erect a meaningful building that will fulfill tourists needs and expectations and that will contribute towards a sense of place, in this development node.

Therefore, the applicant is applying for 25 parking bays on CAM's Erf 921, in terms of Section 41 (b) which reads as follows:

41. Alternative parking supply

- (1) *As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Municipality -*
 - (a) *acquire an area of land sufficient for the permanent parking requirements elsewhere, in a location approved by the Municipality; or*
 - (b) *acquire permanent rights to a parking facility or portion of a parking facility elsewhere, in a location approved by the Municipality, and must register a notarial tie or servitude against that land or parking facility to link the properties concerned for the purpose of parking, and the owner must cause the parking concerned to be constructed and maintained in accordance with the Municipality's requirements and approval.*
- (2) *The cost of registration of the notarial tie or servitude referred to in paragraph (1)(b) must be borne by the owner.*

Section 43 sets out the requirements of said parking:

Additional parking and site access requirements

- (1) *The additional parking and site access requirements in this By-Law apply to all zones except Incremental Housing and Service Station.*
- (2) *Vehicle access shall be limited to one carriageway crossing per site per public street or road abutting the site.*
- (3) *A carriageway crossing may comprise a single lane not exceeding 4,0m in width where it crosses the street boundary, or combined entrance and exit lanes not exceeding 8,0m in width where they cross the street boundary.*
- (4) *Notwithstanding Section (3) above, where the total length of any street boundary of a site exceeds 30m in length, one additional carriageway crossing may be permitted provided that no two carriageway crossings are closer than 15m to each other.*
- (5) *If the corner at a street intersection is not splayed, vehicle carriageway crossings shall not be closer than 10m to such corner.*
- (6) *If the corner at a street intersection is splayed, vehicle carriageway crossings shall not be closer than 10m from such corner or 5,0m measured from the point where the splay reaches the road boundary, whichever is the greater distance from the corner.*

- (7) *Parking areas shall be used for the parking of vehicles that are lawfully allowed on them and any activity that causes an obstruction for the vehicular traffic, or pedestrians in the use of the pavement, is prohibited.*
- (8) *Additional parking for a public restaurant and/or conference facility at a hotel may be required to the satisfaction of the Municipality.*
- (9) *Parking areas shall be constructed to the satisfaction of the Municipality.*
- (10) *Driveways and parking spaces shall be smoothly graded, adequately drained and constructed with suitable sub-grade, base and surfacing to be durable under the use and maintenance contemplated.*
- (11) *Any grade transitions shall be designed and constructed to prevent undercarriages and bumper guards from scraping the pavement surface.*
- (12) *Such parking facilities shall be properly maintained and aisles shall remain open and free for traffic flow.*
- (13) *Each parking space shall be separated with proper striping, or other designation to the satisfaction of the Municipality.*
- (14) *The Municipality may lay down more restrictive requirements in connection with parking and site access than are provided for in this By-Law if it considers it necessary from a pedestrian or traffic safety point of view.*

Principle approval is being sought which will be subject to the land use planning process as well as the associated public participation processes.

With properties fairly small in the vicinity of the harbour, offsite parking will be required, to be able to erect meaningful buildings that will fulfill tourists needs and expectations and that will contribute towards a sense of place, in this development node.

In terms of the 2017 approved Cape Agulhas Spatial Development Plan, the Harbour Node is mentioned as an area where 'new tourism related facilities (including day visitor, accommodation, and commercial uses)' should be focused. The extract from the document read as follow:

"Focus new tourism related facilities (including day visitor, accommodation, and commercial uses) in the general area of the caravan park, business district and harbour (subject to detailed precinct planning for the area bounded by Protea Road, Church Street, Cinneraria Street, and Harbour Road with a view to maximise tourism related facilities, rationalise vehicular movement and parking (including boat trailers), improve pedestrian and NMT movement ensure efficient harbour use, and manage visitor impact on private residences)."

The owner attended the Consider Cape Agulhas Economical Development Conference in 2019, where the aim was to draw more investors and visitors to the area to promote local economic development and tourism. Developers were assured that the Municipality will join hands with them to help them boost and promote the Cape Agulhas area, should they decide to invest and develop here. This conference further inspired the owner to participate in the upgrading and marketing of Struisbaai.

After consultation with various role players and urban design experts, it was established that the required scale of development around the harbour will not be possible, if all parking spaces were to be supplied on site. On 14 September 2021 the owner also attended The Tourism Network Evening held by The Economic Development and Tourism Promotion Division. This evening was held to celebrate Tourism Heritage month and served as a platform to exchange and share ideas to advance tourism promotions to develop Cape Agulhas as a preferred tourist destination.

At this event the same message was echoed, why not Cape Agulhas as a preferred tourist destination and also that the municipality is committed to help investors. Application is therefore made to be able to make use of Council land, to make up for the shortfall in onsite parking spaces.

The owner will in exchange contribute towards the development of the current parking area and establish world class tourist and commercial facility.

An approval to develop Erf 646, also owned by Zelpy 1703 CC and inside the Harbour node, for purposes of a guesthouse and a coffee shop were already previously approved. One of the conditions of approval, was that 12 of the parking spaces will be developed on the municipal parking area on erf 921.

The facility, trading as Oceans Breeze Guest House (Pty) Ltd, has been operational since November 2018 is managed very successfully. Its visual appearance has already contributed towards upgrading the harbour area. Looking at comments received from happy customers, one can see that it is also marketing Struisbaai as an ideal holiday destination and contributes to visitors returning more often and for longer. The notarial tie / servitude is pending a final layout of the parking area.

LOCATION



TOWN PLANNING

From a Town Planning point of view proposed Erf 446's location, adjacent to the harbour at Struisbaai, forms part of the development node at the harbour. The proposal to optimize development in this node is in line with our current SDF. It makes sense to assist local investors to enhance our image as preferred tourist destination, at the most Southern Tip of Africa.

Erf 446 is currently zoned for Residential 1 purposes and should still be rezoned to Business.

Application should be made in terms of Section 41(b) of the Zoning By-Law, 2022 for 25 parking bays to register a notarial tie / servitude against Erf 921 to connect the 2 properties concerned.

In terms of Section 41 (2) of the CAM Zoning Scheme By-Law 2022, the cost of registration of the notarial tie / servitude should be borne by the owner.

The 25 parking bays should remain open to public (Only 4 parking bays on Erf 921, rest road reserve parking bays).



FINANCIAL IMPLICATION

In terms of Section 41 (2) of the CAM Zoning Scheme By-Law 2022, the cost of registration of the notarial tie / servitude should be borne by the owner. The owner will lease the parking bays as determined by Council

LEGAL IMPLICATIONS

1. Spatial Development Framework
2. Zoning Scheme By-Law 2022
3. By-Law on Municipal Land Use Planning, 2022

INPUTS: DIVISION HEAD STRATEGIC SERVICES

In terms of Section 14 of the MFMA the Municipal Council must decide on the disposal of capital assets. In terms of Chapter 4 of the Municipal Asset Transfer Regulations, Council must also decide whether to grant rights, to use, control or manage any municipal asset. (This include servitudes, notarial leases etc).

There is often a linkage between a town planning application and a disposal or a right to use municipal asset (land). An example is where the Municipal Planning By law makes provision that a developer can acquire rights to alternative parking elsewhere, in a location approved by the Municipality, subject to registration of a notarial tie or servitude to comply with the parking requirements of a zoning being applied for.

The difficulty is that the decision-making powers for the two types of application are vested in different authorities.

There are two ways to deal with applications where the decision requires such dual approvals:

1. The land use planning approval can be given subject to the condition that Council approve the land disposal / right of use.
2. Council can approve in principle the disposal / right of use subject to the land use planning decision.

If an applicant opts for the first option, the risk is that if the Council does not approve the disposal / land use the application will need to be amended or even resubmitted which will be costly as the process may have to start afresh. The second option allows the applicant to submit an application knowing that Council will subject to relevant processes allow the disposal / land use.

The Municipality is calling for development, but this is a classic red tape issue, which is unfortunately unavoidable due to the legislative context. The Municipality needs to try and expedite such applications within the legal framework if it is to promote development.

WARD COMMITTEE

Die Komitee versoek uitstel op terugvoer aangesien daar nie duidelikheid oor die planne is nie. Die Komitee voel daar sal 'n inpakstudie gedoen moet word, en die historiese gevestigde regte moet bevestig word.

PROPERTY MANAGEMENT

Property management will draft an agreement with the applicant after council approves the application.

MANAGEMENT RECOMMENDATION

- (i) Erf 446 is currently zoned for Residential 1 purposes and should still be rezoned to Business.
- (ii) Application should be made in terms of Section 41(b) of the Zoning By-Law, 2022 for a maximum of 25 parking bays to register a notarial tie / servitude against Erf 921 and other (Erf 446) to connect the properties concerned (as per layout/determined by Council):
 - (a) 4 parking bays on Erf 921, Struisbaai
 - (b) 15 parking bays on the road reserve of Erf 446, Struisbaai
 - (c) 6 parking bays on the road reserve opposite Erf 446, Struisbaai
- (iii) In terms of Section 41 (2) of the CAM Zoning Scheme By-Law 2022, the cost of registration of the notarial tie / servitude should be borne by the owner.
- (vi) The owner will have to lease the parking bays from CAM, as determined by Council.
- (vii) The 25 parking bays should remain open to the public. Location of parking bays as per layout or as determined by Council.
- (viii) That a formal layout of the parking be done.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the matter be referred back to Town Planning for a comprehensive report regarding the parking issues from Duiker Street to the harbour in Struisbaai.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

- (i) Erf 446 is currently zoned for Residential 1 purposes and should still be rezoned to Business.
- (ii) Application should be made in terms of Section 41(b) of the Zoning By-Law, 2022 for a maximum of 25 parking bays to register a notarial tie / servitude against the properties concerned (as determined by Council).
- (iii) In terms of Section 41 (2) of the CAM Zoning Scheme By-Law 2022, the cost of registration of the notarial tie / servitude should be borne by the owner.
- (iv) The owner will have to lease the parking bays from CAM, as determined by Council following valuation.
- (v) The 25 parking bays should remain open to the public. Location of parking bays as determined by Council.
- (vi) That a formal layout of the parking area be done (parking from main beach towards harbour including Erf 921 as well as Portion of Erf 855, next to harbour).

RESOLUTION 249/2022

- (i) Erf 446 is currently zoned for Residential 1 purposes and should still be rezoned to Business.
- (ii) Application should be made in terms of Section 41(b) of the Zoning By-Law, 2022 for a maximum of 25 parking bays to register a notarial tie / servitude against the properties concerned (as determined by Council).
- (iii) In terms of Section 41 (2) of the CAM Zoning Scheme By-Law 2022, the cost of registration of the notarial tie / servitude should be borne by the owner.
- (iv) The owner will have to lease the parking bays from CAM, as determined by Council following valuation.
- (v) The 25 parking bays should remain open to the public. Location of parking bays as determined by Council.
- (vi) That a formal layout of the parking area be done (parking from main beach towards harbour including Erf 921 as well as Portion of Erf 855, next to harbour).
- (vii) That a full public participation process be followed.

11.25 **VERVREEMDING (HUUR): GEDEELTE ERF 609, L'AGULHAS**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van ILANGA Technologies (PTY) LTD om 'n gedeelte van erf 609, L'Agulhas by die Raad te huur ten einde vir 'n vrystaande telekommunikasie-basisstasie.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 609, L'Agulhas
Bestaande sonering	:	Publiek en Sosiaal
Totale Terrein	:	5.4028ha

AGTERGROND

'n Skriftelike versoek soos aangeheg op **bladsy 173 tot 186** is van ILANGA Technologies (PTY) LTD ontvang om 'n gedeelte van erf 609, L'Agulhas by die Raad te huur.

FINANSIËLE IMPLIKASIES

R

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Noted.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Firstly I would like to know if the applicant has the expressed approval of the municipality to use it's logo, as it seems as if CAM is the applicant. The ICT department should provide a technical response to this application in order to endorse or reject the application.

DIREKTEUR: BESTUURSDIENSTE

Aangesien dit 'n 35m hoë mas in 'n residensiële area is, sal ek voorstel dat 'n publieke deelname proses eers gevolg word.

DIREKTEUR: FINANSIELE DIENSTE

Note and support the input and comments from the various responsible / technical section.

ELEKTRISITEITSDIENSTE

There is not sufficient capacity for the electrical connection for such a mast, the infrastructure upgrade will be for the tenant, I have also never seen the CAM logo that is being used on the cover page, this is not our official logo and it appears as if we are applying for the tower in conjunction.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Public opinion needs to be obtained.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek vir die oprigting van 'n 35m mas, word nie ondersteun nie. Daar word versoek om 64m² aan die koper beskikbaar te stel. Na aanleiding van Figuur 6, bleik dit dat die 35m mas, die horison sal breek en wat nie aanvaarbaar behoort te wees nie. "n Volledige publieke deelname moet ondergaan word, die grond moet onderverdeel en gehersoneer word. So, alle stadsbeplanningsprosesse moet nog deurgegaan word.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

BESTUURDER: WATER & RIOOL

This structure should rather be moved to reservoirs above the intended area. Currently the grounds is out on lease.

BESTUURDER: BOUBEHEER

Daar moet aan alle Wetlike vereistes voldoen word soos deur TP gestel.

BESTUURDER: STADSBEPLANNING

Die grond is tans Civic en Social gesoneer. Indien KAM 'n stuk grond sou uit verhuur oor lang termyn, stel ek voor dat die gedeelte afgesny word en dat daar aansoek vir Vergunning gedoen word om die beoogde gebruik te akkommodeer. Daar is 'n 30 dae publieke deelname proses wat gevolg moet word. Ons moet net in ag neem dat dit 'n baie hoë mas van 35m is wat baie onooglik kan vertoon op die voorgestelde ligging. Kommentaar van Elektriese moet ook in ag geneem word, omrede daar ekstra kostes verbonde sal wees.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die Wykskomitee ondersteun nie die aansoek nie, omrede:

1. Dit is 'n 35m hoë mas wat in 'n residensiële area opgerig word.
2. Dit gaan die horison breek.
3. Daar is nie kapasiteit vir die elektriese konneksies nie.

BESTUURSAANBEVELING

Dat die aansoek vir die oprigting van 'n 35m hoë telekommunikasie basisstasie nie goedgekeur word nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Die UBK ondersteun die aansoek, aangesien dit dienslewering in die gebied sal verbeter.
- (ii) Dat die opgradering van die elektrisiteitsnetwerk vir die aansoeker se rekening sal wees.
- (iii) Dat alle stadsbeplanningsprosesse gevolg word, wat ook 'n publieke deelname proses insluit.
- (iv) Dat die Beplanningstribunaal die aansoek oorweeg.

BESLUIT 250/2022

- (i) Dat die aansoek vir die oprigting van 'n 35m hoë telekommunikasie basisstasie goedgekeur word.
- (ii) Dat die opgradering van die elektrisiteitsnetwerk vir die aansoeker se rekening sal wees.
- (iii) Dat alle stadsbeplanningsprosesse (vir die rekening van die aansoeker) gevolg word, wat ook 'n publieke deelname proses insluit.
- (iv) Dat die Beplanningstribunaal die aansoek oorweeg.

11.26 **REGISTRASIE VAN SERWITUUT VIR "REG VAN WEG": ERF 574, L'AGULHAS**

DOEL VAN VERSLAG

Om oorweging te skenk om 'n vergunning aan die eienaar van erf 262, L'Agulhas, in beginsel toe te staan, om 'n serwituut vir die "Reg van Weg" te registreer om toegang tot hul eiendom te bekom (aansoek aangeheg op *bladsy 187 tot 192*).

AGTERGROND

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

FINANSIËLE IMPLIKASIE

Alle koste sal vir die aansoekers se rekening wees.

REGSIMPLIKASIE

'n Wetlike serwituut vir die "Reg van Weg" sal geregistreer moet word.

PERSONEEL IMPLIKASIE

Geen.

DEPARTEMENTELE INSETTE

MUNISIPALE BESTUURDER

Noted.

DIREKTEUR: FINANSIËLE DIENSTE

Geen beswaar.

DIREKTEUR: INFRASTRUKTUURDIENSTE

No objection. Due public process needs to be followed and costs for registration is for the owners account.

DIREKTEUR: BESTUURSDIENSTE

Geen beswaar.

ELEKTRISITEITSDIENSTE

No impact on electrical infrastructure.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek om die "reg van weg" word nie ondersteun nie, aangesien die "reg van weg", 'n negatiewe uitwerking op die direkte-aangrensende bure het, maar aangesien die aanliggende grond Publieke Oopruimte is, kan, indien die wykskomitee die aansoek ondersteun, die aansoek ondersteun word.

BESTUURDER: STADSBEPLANNING

Geen beswaar, mits die omliggende eienaars dit ook ondersteun.

BOUBEHEER

Alle Wetlike vereistes moet nagekom word.

BESTUURDER: WATER & RIOOL

Noted.

BESTUURDER: BESKERMINGSDIENSTE

Geen beswaar as die omliggende bure geen beswaar het teen die aansoek.

BESTUURDER: STRATE & STORMWATER

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie. Die eienaar van erf 262 sal verantwoordelik wees vir die onderhoud van die serwituut.

KOMMENTAAR: WYKSKOMITEE (4 AUGUSTUS 2022)

Die wykskomitee oorweeg 2 aansoeke gelyktydig:

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

Die Wykskomitee ondersteun nie die aansoeke nie, omrede:

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

Die aansoeker het die notule van die wykskomitee aangevra en 'n verdere skrywe gerig, soos aangeheg op **bladsy 193 tot 195** waarin hulle versoek dat die skrywe aan die Raad se aandag gebring word alvorens die Raad 'n finale besluit neem. Hulle het verder versoek dat hulle die geleentheid gegun word om die Raad toe te spreek. Hulle is in oorleg met die Speaker genooi om die IT- en Finansies Komitee by te woon.

BESTUURSAANBEVELING

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

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

Mnr Hofmeyr van Hofmeyr Prokureurs spreek die Komitee toe en doen 'n volledige motivering vir die registrasie van 'n "reg van weg" tot erf 574.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

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

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

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

BESLUIT 251/2022

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

11.27 **VERVREEMDING (HUUR): GEDEELTE ERF 670, WAENHUISKRANS**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr en mev September ten einde 'n gedeelte van erf 670 (nr 59), Waenhuiskrans te huur (liggingsplan aangeheg op **bladsy 196**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 670, Waenhuiskrans (nr 59)
Huidige sonering	:	Publieke Oopruimte
Erf Grootte	:	7413m ²
Voorgestelde Grootte	:	10m x 15m

AGTERGROND

Insake grondgebruik van oop stuk grond by die nuwe uitbreiding in Arniston

Ek rig graag hierdie skrywe as besigheids eienaar van Seppies Laundry & Cleaning Services in Arniston, om toestemming of riglyne te kry om aansoek te doen om die oop stuk grond hier by die nuwe uitbreiding te Arniston te gebruik om wasgoedlyne op te rig asook om gedeelte te gebruik vir ons Carwash, huidige tydlik word ons besigheid vanaf ons woning bedryf en spasie/ nie genoegsame grond is vir ons n reuse uitdaging.

Ons sal graag ± 15 x 10 meter grond wil benut, asook oprig van n tydelike konkryt slab (om voertuie te was) toestemming wil bekom.

Ons sal dit hoogs waardeer as u ons kan behulpsaam wees met ons problem, en ons hoop om spoedige terugvoering vanaf u te ontvang.

MARKWAARDASIE

R

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

DIREKTEUR: FINANSIELE DIENSTE

Geen beswaar.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

The application needs to be considered in it's totality from an LED, Town Planning and land use perspective. A Business Plan with financials needs to be submitted, as the isolated use of the land is not ideal without looking at the bigger picture. The proposed use is seemingly unaesthetic on it's own.

ELEKTRISITEITSDIENSTE

Eskom supply area.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen probleem word voorsien nie, solank die aansoek deur 'n volledige publieke deelname proses gaan, met insette van die wykskomitee en die gemeenskap.. Daar sal ook pertinent aandag gegee moet word aan die "afvoerwater" van die motorwassery. 'n Markverwante huur sal net gehief moet word, aangesien dit "duur grond" is waarop die fasluiteite opgerig kan word en war moontlik vir 'n gemeenskapsfasaliteit gebruik kon word. Daarom 'n markverwante huur.

BESTUURDER: STADSBEPLANNING

Die aansoek vorm deel van 'n bestaande uitleg vir 61 erwe van ongeveer 150vk.m elk. Die Wyk moet die uitleg goedgekeur - Dit was reeds by Wyk 6.

BESTUURDER: STRATE EN STORMWATER

Die water van die "carwash" moet nie op die straat gestort word nie.

BESTUURDER: BOUBEHEER

Die aansoek word ondersteun. Daar moet net seker gemaak word dat die gedeelte nie vir toekomstige uitbreidings benodig gaan word nie. Alle Wetlik aspekte moet nagekom word en daar moet getoon word wat van die was water van voertuie gaan word.

KOMMENTAAR: WYKSKOMITEE (19 JULIE 2022)

Die Wykskomitee beveel aan dat Seppie wel grond kan kry, maar tussen 55 tot 60.

BESTUURSAANBEVELING

- (i) Dat die nuwe erwe soos voorgestel deur Stadsbeplanning, eers geregistreer word.
- (ii) Stadsbeplanning sal in die ROR aandui wat die sonering van die erwe moet wees.
- (iii) Daarna kan die erwe, na latere Raadsgoedkeuring, per veiling vervreem word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die aangeleentheid terugverwys word vir verdere ondersoek asook 'n terrein inspeksie.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (27 SEPTEMBER 2022)

- (i) Dat die nuwe erwe soos voorgestel deur Stadsbeplanning, eers geregistreer word.
- (ii) Stadsbeplanning sal in die ROR aandui wat die sonering van die erwe moet wees.
- (iii) Erwe kan na latere Raadsgoedkeuring, per veiling vervreem word.

BESLUIT 252/2022

- (i) Dat die Raad 'n tydelike vergunning gee vir die gebruik van die oopruimte vir wasgoedlyne.
- (ii) Dat geen permanente strukture op die aangewese terrein opgerig word nie.

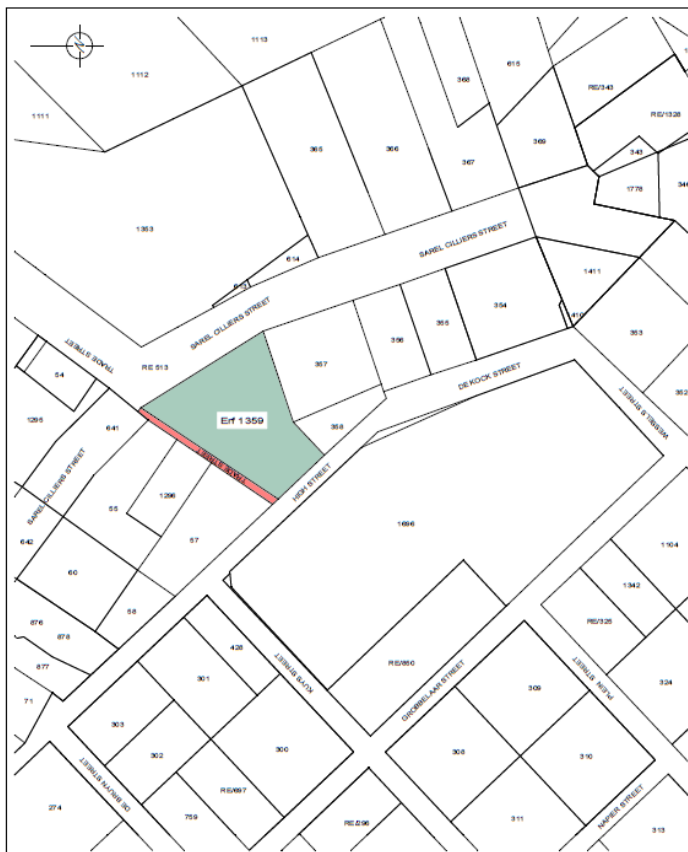
11.28 **ALIENATION (PURCHASE): PORTION ERF 513, NAPIER (COLLAB: 417138) (WARD 1)**

PURPOSE OF REPORT

To give consideration to the request of Mrs M du Plessis in order to close and buy a part of plot 513, Napier which is indicated as a street (*location plan below*).

GENERAL INFORMATION

Owners : KAM
 Property : Portion Erf 513, Napier
 Address : Trade Street
 Current zoning : Undetermine
 Proposed Size : 272m²



Project Name House on the Hill	Bertus du Plessis architecte o construction o town planning © Capricorn BMP	Project Number Napier 1/2022	Date 28 June 2022
Project Description Group Housing Development Erf 1359, Napier		Drawing Number 1 of 1	Scale No Scale
Client Bertus du Plessis Familie Trust 56 Jubileum Street Napier	Bertus Cell 083 684 0178 email bertus@bdp.co.za Locality Map, Erf 1359, Napier, Cape Agulhas Municipality, Western Cape	Revision Number R 1	Drawing Checked BDP

BACKGROUND

An application dated 30 June 2022 was made to the Town Planning Office by Bertus du Plessis Architecture, Construction and Town Planning Pty Ltd in which there is a request to close Trade Street (3.76m wide) and sell it to the developer in order to consolidate with lot 1359.

THE APPLICANT SUBMITTED THE FOLLOWING MOTIVATION

The closure of the public road is based on two reasons:

- (i) Only a portion of the road is usable as a road and does not comply to the norms and standards of traffic and road engineering guidelines thus constituting an unsafe road for users.
- (ii) There is no additional road reserve available to upgrade the existing infrastructure to comply with general traffic safety guidelines as well as the minimum road width requirements in the relevant zoning conditions pertaining to Medium Density Residential land use.

View down Trade Street from High Street



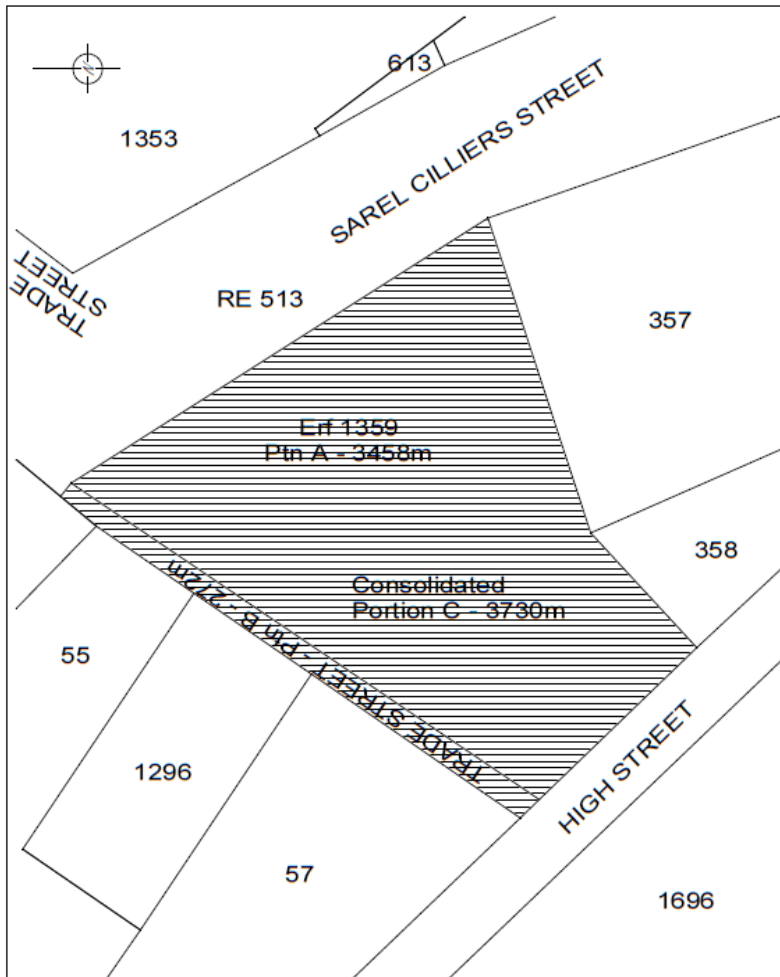
View from the gate of Erf 1296 up Trade Street towards High Street



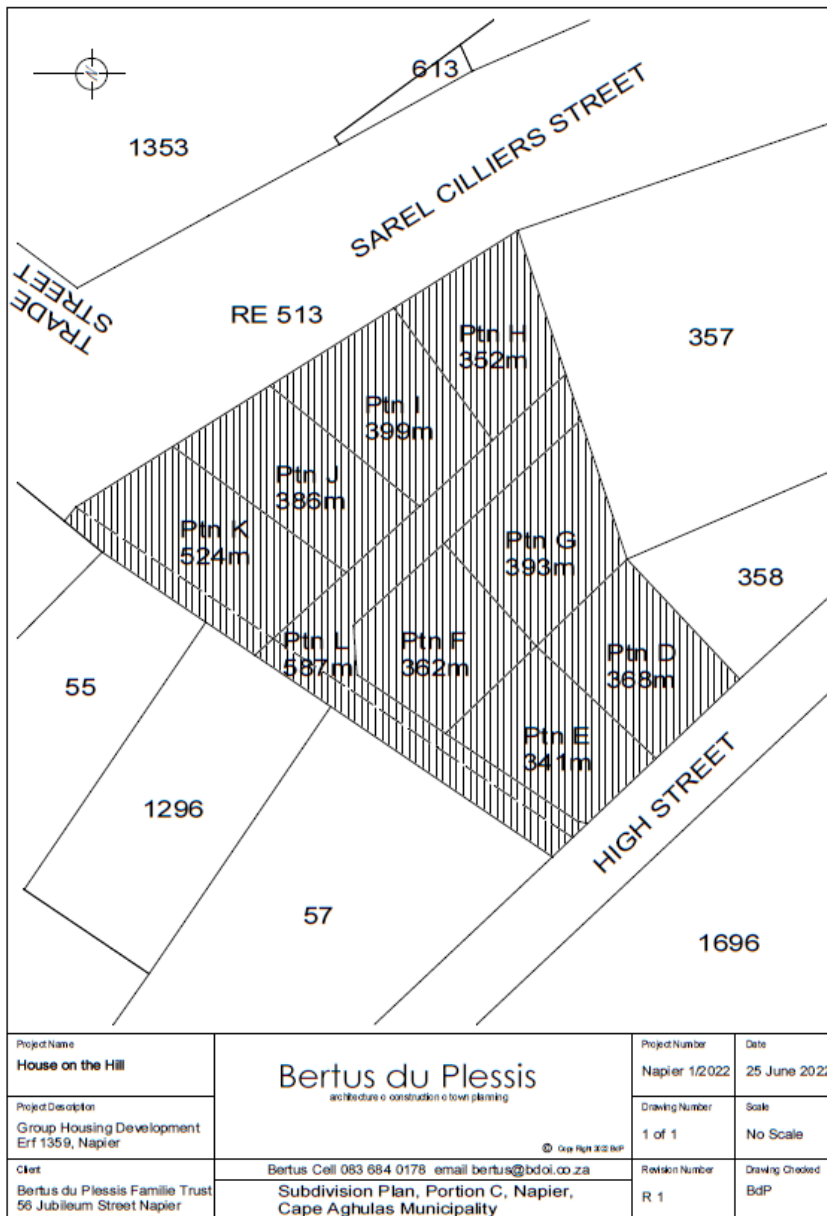
View from the gate of Erf 1296 towards Sarel Cilliers Street



The steep gradient and narrow width of the road makes it difficult for medium to large motor vehicles to negotiate. There is no pedestrian pavement on High Street abutting the site, and no provision for proper turning circles.



Project Name House on the Hill	Bertus du Plessis <small>architecture • construction • town planning</small> <small>© Copyright 2022</small>	Project Number Napier 1/2022	Date 25 June 2022
Project Description Group Housing Development Erf 1359, Napier		Drawing Number 1 of 1	Scale No Scale
Client Bertus du Plessis Familie Trust 56 Jubileum Street Napier	Bertus Cell 083 684 0178 email bertus@bdpl.co.za Consolidation Plan, Erf 1359, Napier, Cape Aghulas Municipality	Revision Number R 1	Drawing Checked BdP



An application has been made for a portion of Trade Street to be consolidated with Erf 1359. Portion C will be subdivided into nine Portions, with Portion L being rezoned as "Street" with the primary use of Private Road.

The proposed land use application can only be considered after Council has taken a decision on the applicant's request to alienate Trade Street, as it will have an impact on the proposed development.

COMMENTS

MANAGER: Streets and Stormwater: Deon Wasserman

I do not have a problem with the closure on the condition that the necessary servitudes are registered for access to the private plots in question as well as for the municipal water line.

MANAGER: Water and Sanitation: Shane Roach

We met with the developer today. He appointed Thys van Rooyen as Civil engineer who will do his design. Thys will carry out the following investigation and must provide us with it before we can approve:

GLS will have to investigate and include the proposed sewer connection from the developer on their Master plan. CAM will then approve the plan as the Master plan will have to change (the proposed sewer connection is practically better than what is currently in the Master plan).

DIVISION HEAD: STRATEGIC SERVICES

In terms of SPLUMA the Municipalities categorization of applications the decision-making powers in respect of land use applications on private land are delegated to the Authorized Official and land use applications for Municipal land are delegated to the Municipal Planning Tribunal.

In terms of Section 14 of the MFMA the Municipal Council must decide on the disposal of capital assets. In terms of Chapter 4 of the Municipal Asset Transfer Regulations, Council must also decide whether to grant rights, to use, control or manage any municipal asset. (This include servitudes, notarial leases etc). There is often a linkage between a town planning application and a disposal or a right to use municipal asset (land).

An example is where the Municipal Planning By law makes provision that a developer can acquire rights to alternative parking elsewhere, in a location approved by the Municipality, subject to registration of a notarial tie or servitude to comply with the parking requirements of a zoning being applied for.

The difficulty is that the decision-making powers for the two types of application are vested in different authorities. There are two ways to deal with applications where the decision requires such dual approvals. The land use planning approval can be given subject to the condition that Council approve the land disposal / right of use Council can approve in principle the disposal / right of use subject to the land use planning decision.

If an applicant opts for the first option, the risk is that if the Council does not approve the disposal / land use the application will need to be amended or even resubmitted which will be costly as the process may have to start afresh. The second option allows the applicant to submit an application knowing that Council will subject to relevant processes allow the disposal / land use.

The Municipality is calling for development, but this is a classic red tape issue, which is unfortunately unavoidable due to the legislative context. The Municipality needs to try and expedite such applications within the legal framework if it is to promote development.

WARD 1:

"The Ward Committee agrees with the application and recommends that the Northern portion of the road be consolidated with erven 1359 and the southern part of the road remains the property of CAM".

PROPERTY MANAGEMENT

After public participation and the approval by the tribunal, the market valuation should be deterrent.

MANAGEMENT RECOMMENDATION

- (i) That the application be supported for the closure, alienation and sale of the proposed section of Erf 513, Napier which is indicated as a portion of Trade Street.
- (ii) Approval by Council:
 - **Option 1:** The land use planning approval can be given subject to the condition that Council approve the land disposal / right of use.
 - **Option 2:** Council can approve in principle the disposal / right of use subject to the land use planning decision.
- (iii) A complete public participation process will be followed and surrounding neighbours will be informed accordingly.
- (iv) Application will serve on the tribunal for final decision.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (29 SEPTEMBER 2022)

- (i) That the application be supported for the closure, alienation and sale of the proposed section of Erf 513, Napier which is indicated as a portion of Trade Street.
- (ii) Approval by Council:
Option 2: Council can approve in principle the disposal / right of use subject to the land use planning decision.
- (iii) A complete public participation process will be followed and surrounding neighbours will be informed accordingly.
- (iv) Application will serve on the tribunal for final decision.
- (v) It is recommended that the Northern portion of the road be consolidated with erven 1359 and the southern part of the road remains the property of CAM, to give “right of way” to the owners of erf 57.

RESOLUTION 253/2022

- (i) That Council gives approval for the closure, alienation and sale of the proposed section of Erf 513, Napier which is indicated as a portion of Trade Street.
- (ii) That Council in principle approves the disposal (at a market related value), subject to the land use application.
- (iii) A complete public participation process will be followed and surrounding neighbours will be informed accordingly.
- (iv) The application will serve on the tribunal or the delegated official for final decision.

11.29 **PROPOSED DEVELOPMENT OF A TAXI INTERCHANGE ON ERF 538 AND 539, BREDASDORP**

PURPOSE OF REPORT

During the last Council meeting, dated 27 July 2022, Council decided that Councillors first be workshopped before any decision could be taken.

The outcome of the workshop with the Councillors are now tabled to Council. During the workshop we have obtain principal approval to proceed with a land use planning process in respect of erf 538 and 539, Bredasdorp to accommodate a taxi interchange on this site.



BACKGROUND

During 2018/19 a portion of Erf 1148, Bredasdorp measuring approximately 1.2 Ha on the intersection of Recreation Road (R319) (Struisbaai Road) and Church Street (R 316) (Arniston Road) (next to SAPS) was identified for a taxi interchange. We applied via the RSEP Programme for funding to develop the interchange with a paved secure area, ablution facilities, shelters, lighting, signage, an office and between two and four trading units.

The RSEP office did not approve the funding for the project but did grant an amount of R 345 000 for a site development plan and feasibility study as a prelude to possible funding at a later stage. The site development plan which included a detailed traffic assessment was approved by the Council in 2019. At the time an extensive public participation process took place which included consultations with the Taxi Association.

The Taxi Associations preference for an interchange at that time was Erf 539 and RE 538 but their preference could not be acceded to as the land did not belong to Council. They then accepted the proposed area next to SAPS. We proceeded to subdivide and rezone the site next to SAPS, and the process is complete except for an appeal. During 2020, Erf 539 and RE 538 were offered to the Council, and a resolution taken to purchase them for purposes of an informal market which has since been developed there. The property was also zoned for informal trading.

DISCUSSION

During 2021, the Taxi Association approached the Municipality and were unhappy that their preferred site had been purchased but utilised for a totally different purpose. The Taxi Association were adamant that the site next to SAPS was not suitable, despite their agreeing to it previously and that they wanted the Municipality to reconsider developing an interchange on the Erf 539 and RE 538. It was agreed that discussions would be held with the Taxi Association to find an amicable solution and mitigate the possible risk of taxi violence.

A meeting was held on 06 June 2022 at 10:00 with the Municipal Manager, Deputy Mayor, Director Management Services, Traffic Services, Councilors, Town Planning and Members of the Taxi Association, to discuss possible layouts for a taxi interchange on Erf 539 and RE 538 Bredasdorp as well as pick up points in Struisbaai and Napier.

Three different layouts were presented to them. The layouts were premised on utilising the existing infrastructure such as the shade nets and ablution facility as far as possible, even though these facilities will have to be relocated on the site and additional facilities added. The existing traders will still have place to trade, and it is believed that their business may benefit from the increased pedestrian traffic.

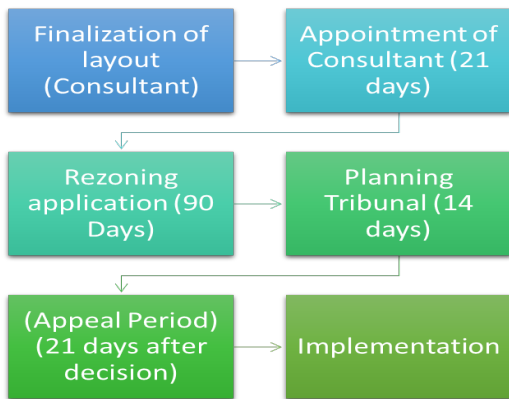
The current zoning of Erven 539 and 538 does not accommodate this use and the property will have to be rezoned to include "transport use" We have sufficient budget to commence with the rezoning and consolidation of the erven. Time frames will be as follows and if the application is approved the Council can consider the relocation of infrastructure and provision of additional facilities with the adjustment budget.

BREDASDORP TAXI INTERCHANGE

ERF NO	538 & 539
ZONING	Business
LOCATION	Cnr. of Plein St & Dirkie Uys St

	DESCRIPTION	EST. TIME	EST. COMPLETION DATE	EST. COST
STEP 1	Evaluate & Approve Prelim Layout	14 days	30-Jun-22	R0.00
STEP 2	Appoint Consultant	21 days	31-Jul-22	R0.00
STEP 3	Finalise Layouts	14 days	15-Aug-22	R0.00
STEP 4	Rezoning Application (rezone from Business to Transport Usage) and Consolidation	90 days	14-Nov-22	R60,000.00
STEP 5	Planning Tribunal	14 days	28-Nov-22	R0.00
STEP 6	Decision on Application	14 days	12-Dec-22	R0.00
STEP 7	Appeal Period	21 days	3-Jan-23	R0.00

THE PROCESS FLOW IS AS FOLLOWS:



A further step will be to link the interchange to formal pick-up points in the other towns.

The following sites were provisionally identified:

NAPIER - ERF 513 NAPIER (WEST STREET)



STRUISBAAI - ERF 1907 (DUINE STREET)



If the identified sites in Napier and Struisbaai are developed into interchanges, they will also have to be rezoned. If they remain pick up points with some shelter they will not need to be rezoned. The public's input on the location of these sites will also need to be obtained.

To be noted that the project is on the JDMA list and registered with RSEP. Irrespective of whether we proceed on the original site (if rezoning cannot be approved) or Erf 539 and RE 538 we need funding for the infrastructure on the site. The current budget does not make provision for this.

FINANCIAL IMPLICATION

- Rezoning of Erf 538 and 539 from Business to Transport Usage and consolidation - R60 000.
- Additional ablution facilities will cost approximately R180 000 if a container is used, and a container office will be approximately the same which will total R360 000.
- Rezoning and subdivision of pick-up points in Napier and Struisbaai If required - R120 000 (R60 000 each).
- Costing of the development of facilities will still need to be done depending on the extent.
- There is sufficient funding under the Town Planning budget to proceed with the rezoning and consolidation of Erf 538 and 539, Bredasdorp.
- No provision is made for the other expenditure; however, the land use planning process will be the first step and must be done before any development could be considered.

PERSONNEL IMPLICATION

None.

LEGAL IMPLICATIONS

Cape Agulhas Land use Planning By-law and Zoning Scheme.

INFRASTRUCTURE RECOMMENDATION

Water and sewer connections are available. All locations have access to formal roads and electricity is also available.

WORKSHOP WITH COUNCILLORS

During the workshop it was agreed that CAM should proceed with the Planning Processes for the proposed site next to KFC. It was also mentioned that current Taxi pick-up points in our area of jurisdiction be upgraded.

MANAGEMENT RECOMMENDATION

- (i) That approval be granted to proceed with a land use application in respect of Erf 539 and RE 538, Bredasdorp to accommodate a taxi interchange.
- (ii) That the additional funding required for the land use planning costs of the pick- up points (if applicable) be referred to the adjustment budget.
- (iii) That the relocation of the infrastructure / additional infrastructure at the Bredasdorp site be referred to the adjustment budget or the 2023/24 Budget.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (29 SEPTEMBER 2022)

- (i) That approval be granted to proceed with a land use application in respect of Erf 539 and RE 538, Bredasdorp to accommodate a taxi interchange.
- (ii) That the additional funding required for the land use planning costs of the pick- up points (if applicable) be referred to the adjustment budget.
- (iii) That the relocation of the infrastructure / additional infrastructure at the Bredasdorp site be referred to the adjustment budget or the 2023/24 Budget.
- (iv) Application will serve on the tribunal for final decision.

RESOLUTION 254/2022

- (i) That approval be granted to proceed with a land use application in respect of Erf 539 and RE 538, Bredasdorp to accommodate a taxi interchange.
- (ii) That the additional funding required for the land use planning costs of the pick- up points (if applicable) be referred to the adjustment budget.
- (iii) That the relocation of the infrastructure / additional infrastructure at the Bredasdorp, Struisbaai, Arniston and Napier sites be referred to the adjustment budget or the 2023/24 Budget.
- (iv) The application will serve on the tribunal for final decision.

11.30 **HUUROORENKOMS: NAPIER HEALTH GROW AND LIVESTOCK PRIMARY CO-OPERATIVE**

DOEL VAN VERSLAG

Om te oorweeg om goedkeuring te gee dat Napier Health Grow and Livestock Primary Co-Operative se naam in geslote ooreenkoms mag verander na Health Grow and Livestock (Pty) Ltd.

AGTERGROND

Daar bestaan 'n huurooreenkoms tussen Kaap Agulhas Munisipaliteit en Napier Health Grow and Livestock Primary Co-Operative soos deur die UBK goedgekeur per besluit BK130/2014 gedateer 29 Julie 2014 vir gedeelte van RE 142, Napier (ook bekend as die "Uitspanning"). Hierdie ooreenkoms is geldig vir 9 jaar en 11 maande (2 Maart 2015 tot 1 Februarie 2025).

'n Versoek is vanaf die Direksie van Health Grow ontvang om hul naam te verander na Health Grow and Livestock (Pty) Ltd.

FINANSIËLE IMPLIKASIE

Geen vir die Raad - Huurgeld beloop R400 per jaar met 'n jaarlikse eskalاسie van 5%.

REGSIMPLIKASIE

Indien die Raad die aansoek goedkeur, word Health Grow and Livestock (Pty) Ltd die regsopvolger, maar ingevolge die MFMA moet hierdie "wesentliche verandering aan die ooreenkoms" van die Raad se voorneme steeds geadverteer word vir publieke kennisname.

PERSONEEL IMPLIKASIE

Geen.

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring gee vir die verandering van die huurder van RE 142, Napier vanaf Napier Health Grow And Livestock Primary Co-Operative na Health Grow and Livestock (Pty) Ltd.
- (i) Dat alle bestaande huurvoorwaardes steeds van toepassing sal bly.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (29 SEPTEMBER 2022)

- (i) Dat die Raad goedkeuring gee vir die verandering van die huurder van RE 142, Napier vanaf Napier Health Grow And Livestock Primary Co-Operative na Health Grow and Livestock (Pty) Ltd.
- (ii) Dat alle bestaande huurvoorwaardes steeds van toepassing sal bly.

BESLUIT 255/2022

- (i) Dat die Raad goedkeuring gee vir die verandering van die huurder van RE 142, Napier vanaf Napier Health Grow And Livestock Primary Co-Operative na Health Grow and Livestock (Pty) Ltd.
- (ii) Dat alle bestaande huurvoorwaardes steeds van toepassing sal bly.
- (iii) Dat die Raad se voorneme geadverteer word vir publieke kennisname.

11.31 **SCHEDULE OF LAND APPLICATIONS (STRATEGIC SERVICES)**

PURPOSE OF REPORT

To submit a schedule to Council with an indication of applications for municipal land.

BACKGROUND

The mayor requests Strategic Services: Property Management to submit a list of applications for municipal land received.

The SOP for applications was discussed at the "Property Management Workshop" (22 July 2022) and there the focus was on the long processes to be followed due to public participation, zoning, town planning policies and prescriptions and council's Spatial Development Framework (which is now under review).

The list will be submitted during the Finance and IT Committee meeting. The list is always an "In Process list" because Property Management received about 4-6 applications per week. Town Planning also receive applications for land that first had to go through the Town Planning processes.

FINACIAL IMPLICATION

Potential source of income.

LEGAL IMPLICATION

MFMA, SDF, SCM regulations.

STAFF IMPLICATION

None (Property Management Division has only one staff member that work under extremely pressure).

THE WAY FORWARD

A list will be submitted during the meeting and will always be "in working progress" - as the application is finalized, it will be removed from the list.

MANAGEMENT RECOMENDATION

That Council note the list of land applications and the progress their off.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Committee notes the list of land applications and their progression.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (29 SEPTEMBER 2022)

That the Mayco notes the list of land applications and the progress be submitted in the monthly report and submitted to ward committees.

RESOLUTION 256/2022

That Council notes the list of land applications and the progress be submitted in the monthly report.

11.32 **VERHURING/VERKOOP: GROND AANLIGGEND AAN DIEPKLOOF, BREDASDORP - L ANDREWS**

DOEL VAN VERSLAG

Om oorweging te skenk om grond aanliggend aan Diepkloofplaas (erf 1148, Bredasdorp) te verkoop en kennis te neem van mnr Andrews se versoek om grond te bekom.

AGTERGROND

'n Skrywe van mnr L Andrews gedateer 20 November 2019 is weer versoek om aan die Raad voor te lê. In die skrywe gee hy 'n uiteensetting van gebeure ten opsigte van die vervreemding van die genoemde grond, asook die "nie-uitvoering" van 'n Raadsbesluit.

Mnr Leslie Andrews het versoek dat die Raad uitvoering gee aan 'n besluit geneem in 2003, om 'n stuk grond, aanliggend aan Diepkloofplaas aan hom te vervreem, volgens sy interpretasie van die opvolgskrywes wat voortspruit uit die besluit.

Gedurende die Raadsvergadering van 28 Oktober 2003 het 'n agendapunt voor die Raad gedien waarin die aansoeker appèl aangeteken het teen die vervreemding van 'n gedeelte van erf 1148, Bredasdorp aan mnr Odendal.

In die kommentaar van bogenoemde agenda item, word melding gemaak dat 4 hektaar steeds beskikbaar is en kon gedeeltes hiervan ook onder dieselfde voorwaardes vervreem word (op die voorwaardes wat vir mnr Odendal gegeld het).

Op 6 November 2003 stuur KAM (mnr E Oosthuizen - Stadbeplanner) 'n skrywe (verwysing 7/1/3/2) aan mnr Andrews waarin gemeld word dat 'n gedeelte van die oorblywende 4ha ook aan mnr Andrews vervreem kan word (dit was egter nie 'n besluit van die Raad nie).

'n Opvolgskrywe word op 10 Februarie 2004 weer aan mnr Andrews gestuur, waarin aangedui word dat 'n Landmeter aangestel sal word om die presiese grootte van die oorblywende grond te bepaal (*"to determine the exact extent of land for possible alienation or rental to enable Council to sufficiently evaluate the various applications."*) In die genoemde skrywe word mnr Andrews uitgenooi *"to supply Council with detailed information regarding his proposal (e.g. land use, extent of land which is required, ect.)"*

Op 9 Desember 2004 skryf die Munisipaliteit weer aan mnr Andrews waarin gemeld word dat daar baie belangstelling in die grond is en die Raad nie die grond gaan vervreem, alvorens die Ruimtelike Ontwikkelingsraamwerk afgehandel is nie.

Op 19 Oktober 2004 en 14 Februarie 2005 rig die Munisipaliteit dit dat daar geen wetlike verpligting op die Raad is om die grond aan mnr Andrews te vervreem nie. Verskeie verdere korrespondensie word weer met mnr Andrews gevoer.

Die betrokke deel van erf 1148 (Bredasdorp meent) wat tersprake is, is geleë langs die Struisbaaipad reg langs Diepkloofplaas. Die grond is ook bekend aan die Raad, aangesien die grond reeds 'n geruime tyd deur mnr Summers gehuur was, maar die huurkontrak verval in 2024.

Mnr Andrews versoek weereens die Raad om die grond te koop teen die 2003 "prys met rentekoers formule."

FINANSIËLE IMPLIKASIE

Moontlike bron van inkomste uit verhuring/verkoop. Sedert 2003 het die MFMA in werking getree, wat nuwe regulasies daarstel vir die vervreemding van vaste eiendom/bates van die raad.

RAADSBESLUIT 113/2022: 31 MEI 2022

Dat die aangeleentheid eers na die Wykskomitee en Portfolio Komitee verwys word vir bespreking.

KOMMENTAAR: WYK 2

- Mnr Andrews wil 1 hektaar grond koop by die Raad, gedeelte van erf 1148.
- Bestuursaanbeveling - Raad dra kennis van mnr Andrews se skrywe en is nie van voornemene om genoemde gedeelte van erf te verkoop nie.
- Persoon wel in kennis gestel word indien die Raad van voorneme is om grond wel in toekoms te verkoop - geen voorkeur, stel net in kennis grond gaan nou in mark.
- Volgens die Raad se beleid moet persoon ingelig word, moet op 'n veiling of tender geskied. Dit moet ook geadverteer word.
- Voorstel gemaak - Persone moet sê waarvoor grond gebruik gaan word.
- Wykskomitee - Eenparig besluit: Grond bly soos dit is - volgens vorige Raadsbesluit.

BESTUURAAANBEVELING

- (i) Dat die Raad kennis neem van mnr Les Andrews se skrywe en versoek om die 1 hektaar grond op gedeelte van erf 1148, Bredasdorp te koop (soos reeds in 2003 versoek).
- (ii) Dat die Raad nie nou van voorneme is om die genoemde gedeelte van erf 1148, Bredasdorp (1 ha) te vervreem nie.

- (iii) Dat die Raad onderneem om mnr Andrews in kennis te stel sodra die Raad van voorneme is om die grond in die toekoms te verkoop.
- (iv) Indien die vervreemding in die toekoms kan/sal geskied, sal dit geskied ingevolge die Raad se beleid, asook die voorskrifte soos bepaal in die MFMA (of toepaslike wetgewing op betrokke datum).

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Die Komitee ondersteun die Bestuursaanbeveling.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (29 SEPTEMBER 2022)

- (i) Dat die Raad kennis neem van mnr Les Andrews se skrywe en versoek om die 1 hektaar grond op gedeelte van erf 1148, Bredasdorp te koop (soos reeds in 2003 versoek).
- (ii) Dat die Raad nie nou van voorneme is om die genoemde gedeelte van erf 1148, Bredasdorp (1 ha) te vervreem nie.
- (iii) Dat die Raad onderneem om mnr Andrews in kennis te stel sodra die Raad van voorneme is om die grond in die toekoms te verkoop.
- (iv) Indien die vervreemding in die toekoms kan/sal geskied, sal dit geskied ingevolge die Raad se beleid, asook die voorskrifte soos bepaal in die MFMA (of toepaslike wetgewing op betrokke datum).
- (v) Dat die ontwikkeling van genoemde erwe ingesluit word in die Ruimtelike Ontwikkelingsraamwerk.

BESLUIT 257/2022

- (i) Dat die Raad kennis neem van mnr Les Andrews se skrywe en versoek om die 1 hektaar grond op gedeelte van erf 1148, Bredasdorp te koop (soos reeds in 2003 versoek).
- (ii) Dat die Raad nie nou van voorneme is om die genoemde gedeelte van erf 1148, Bredasdorp (1 ha) te vervreem nie.
- (iii) Dat die Raad onderneem om mnr Andrews in kennis te stel sodra die Raad van voorneme is om die grond in die toekoms te verkoop.
- (iv) Indien die vervreemding in die toekoms kan/sal geskied, sal dit geskied ingevolge die Raad se beleid, asook die voorskrifte soos bepaal in die MFMA (of toepaslike wetgewing op betrokke datum).
- (v) Dat die ontwikkeling van genoemde erwe ingesluit word in die Ruimtelike Ontwikkelingsraamwerk.

11.33 **REKORDSOUDIT: KAAP AGULHAS MUNISIPALITEIT 2022 (2/6/3)**

DOEL VAN VERSLAG

Om kennis te neem van die Ouditverslag wat ontvang is vanaf "Western Cape Archives and Records Services".

AGTERGROND

Jaarliks, ingevolge die Argiefwet 3/2005 vind 'n Ouditeuring van Argiefdienste binne Plaaslike Owerhede deur Provinsie plaas. Tydens so inspeksie, kom amptenare vanaf die Wes Kaapse Argief- en Rekordsdienste 'n volledige oudit doen van alle rekords en infrastruktuur sover dit argiefdienste aangaan. Hierdie oudit het op 5 Julie 2022 in Kaap Agulhas Munisipaliteit plaasgevind. Aangeheg op **bladsy 197 tot 206** vind u die volledige ouditverslag.

Sedert 2013 het KAM 'n spesiale fokus geplaas om aan die genoemde Wet te voldoen, en vanjaar is GEEN noemenswaardige items uitgewys wat aandag kort nie. KAM voldoen aan die genoemde Wet. Die voorgeskrewe Aksieplan vir 2022/23 sal voor 30 september 2022 aan die Departement voorsien word.

The specific focus areas are listed in the report:

The last paragraph the department appreciated the hard work and friendly assistance.

Records Management Checklist: evaluated as **LEVEL 4 - "COMPLIANT"**

FINANSIËLE IMPLIKASIE

Geen.

PERSONEEL IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Nasionale Argiefwet (Wet 3 van 2005)

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die Ouditverslag ten opsigte van Argief- en Rekorddienste.
- (ii) Dat die personeel bedank word vir hul toewyding.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (29 SEPTEMBER 2022)

- (i) Dat die Raad kennis neem van die Ouditverslag ten opsigte van Argief- en Rekorddienste.
- (ii) Dat die personeel bedank word vir hul toewyding.

BESLUIT 258/2022

- (i) Dat die Raad kennis neem van die Ouditverslag ten opsigte van Argief- en Rekorddienste.
- (ii) Dat die personeel bedank word vir hul toewyding.

11.34 **HERSIENING: DEERNISBELEID**

DOEL VAN VERSLAG

Om aandag te skenk aan moontlike wysigings aan die bestaande Deernisbeleid ("Masakhane Indigent Support Policy") - sien dokument aangeheg op **bladsy 207 tot 225**.

AGTERGROND

Die Masakhane Komitee het tydens 'n werksessie versoek dat die bestaande Deernisbeleid gewysig word. Verdere gesprekke met die Munisipale Bestuurder en die Direkteur: Finansies dui daarop dat die beleid nie sodanig gewysig kan word, alvorens daar nie deeglike ondersoek gedoen word na die voor-/nadele van sodanige wysigings nie. Daar moet ook daarop gelet word dat geen wysigings vir die huidige finansiële jaar aangebring en geïmplementeer kan word nie. Enige beleidsverandering sal eers van toepassing wees in die 2023/24 finansiële jaar.

FINANSIËLE IMPLIKASIES

Onbekend.

BESTUURSAANBEVELING

Dat die nodige werkswinkel gereël word ten einde die Beleid te hersien, sodat dit gereed kan wees vir die begroting van die 2023/24 boekjaar.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die aangeleentheid terugverwys word sodat die nodige werksinkels in wyke kan plaasvind.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (29 SEPTEMBER 2022)

Dat 'n inligtingsessie in alle wyke gehou word om die Deernisbeleid aan die inwoners te verduidelik.

BESLUIT 259/2022

Dat 'n inligtingsessie in alle wyke gehou word om die Deernisbeleid aan die inwoners te verduidelik.

11.35 **APPROVAL FOR UNFORSEEN EXPENDITURE FOR THE SUPPLY AND DELIVER OF A BLOWER**

PURPOSE OF REPORT

For Council to take note of the unforeseen expenditure approved by the Executive Mayor in terms of Section 29 of the MFMA with reference to additional operating/capital expenses not foreseen and/or budgeted for the supply and deliver of a blower.

BACKGROUND

While compiling the 2022/2023 capital budget, quotations were received by suppliers for a blower and R8 000,00 (VAT excluded) was budgeted for this purpose.

FINANCIAL IMPLICATIONS

- Current budget for 2022/2022 is R8 000,00 which is not enough as the cheapest quotation after tenders were advertised was R13 018,00 (VAT included).
- An additional amount of R5 915,00 is needed for approved contractor to supply & deliver the blower.

The following votes has savings that these funds can be moved to in order to buy the capital item needed:

- 074 042 055 104 : R4 170,00
- 074 043 055 104 : R2 085,00

MANAGEMENT RECOMMENDATION

That Council takes note of the unforeseen expenditure to the estimated amount of R5 915,00 approved by the Executive Mayor in terms of Section 29 of the MFMA with reference to additional operating/capital expenses not foreseen and/or budgeted for the supply and deliver of a blower.

RESOLUTION 260/2022

That Council takes note of the unforeseen expenditure to the estimated amount of R5 915,00 approved by the Executive Mayor in terms of Section 29 of the MFMA with reference to additional operating/capital expenses not foreseen and/or budgeted for the supply and deliver of a blower.

11.36 **EXTERNAL AUDIT ACTION PLAN FOR THE AUDITOR GENERAL AUDIT OF THE 2020/21 FINANCIAL YEAR (OPCAR): MONTHLY PROGRESS REPORT AS AT 30 SEPTEMBER 2022**

PURPOSE OF REPORT

Consideration of the progress made with the implementation of the approved 2020/21 Auditor General Findings Action Plan (OPCAR) as at 30 September 2022.

AGTERGROND

The Auditor General's audit of the municipality's activities for the 2020/21 financial year revealed some shortcomings that needs to be addressed. These shortcomings, as attached on **page 226 to 229** has been taken up in the 2020/21 OPCAR where specific corrective measures has been determined for implementation. The Action Plan was approved by Council on 14 December 2021. The progress made with the implementation of the plan is submitted to Council and the Western Cape Treasury on a monthly basis as well as quarterly to the Cape Agulhas Audit Committee for review. All corrective measures has now been implemented and finalised. The 2020/21 OPCAR can therefore be considered as finalised.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council consider and approve the progress report on the 2020/21 OPCAR action plan as at 30 September 2022 and consider the action plan as finalised.

RESOLUTION 261/2022

That Council approves the progress report on the 2020/21 OPCAR action plan as at 30 September 2022 and consider the action plan as finalised.

11.37 **REPORT TO COUNCIL ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE'S ACTIVITIES FOR JULY, AUGUST AND SEPTEMBER 2022**

PURPOSE OF REPORT

For the Committee to report to Council on its meetings held on 28 July 2022, 26 August 2022, 7 September 2022 and 28 September 2022 and to bring to the Council's attention recommendations made by the Committee.

BACKGROUND

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

The Committee had meetings on 28 July 2022, 26 August 2022, 7 September 2022 and 28 September 2022, as attached on **page 230 to 238** on various items as well as the review of the municipality's draft annual financial statements for 2021/22 before submission to the Auditor-General for auditing.

The minutes of these meetings are now submitted to Council for consideration with specific reference to the following:

1. **Minutes of 26 August 2022 - Recommendation 1/2022:** That the matter of the management of the traffic department and the low level recovery of traffic fines be referred to Council to request that the matter be referred to MPAC for further investigation.
2. **Minutes of 7 September 2022:**
 - a. Recommendation 2/2022
That, due to the Mayor and Deputy Mayor not declaring their interest in certain businesses on their annual Declaration of Interest Forms, a disciplinary process be followed against them for such non-disclosure of important information.
 - b. Recommendation 3/2022
 - That the amount of R84 966 paid to the Western Cape Handball Association and not yet refunded, be declared as Fruitless and Wasteful expenditure, and submitted to Council at their next meeting scheduled for 5 October 2022.
 - That the outstanding payment be recovered by the end of September 2022.
 - In future, there must be a Memorandum of Understanding for what funds must be used for, statements on how the funds was used, and the process of refunding should the funds not be used for its intended purpose.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

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

MPAC RECOMMENDATION

- (i) That Council consider the MPAC Reports for 28 July 2022, 26 August 2022, 7 September 2022 and 28 September 2022 for acceptance.
- (ii) That Council considers the MPAC recommendations made per recommendations 1, 2, 3 and 4/2022 and take specific decisions regarding these recommendations.

RESOLUTION 262/2022

- (i) That Council accepts the MPAC Reports for 28 July 2022, 26 August 2022, 7 September 2022 and 28 September 2022.
- (ii) Council considered the MPAC recommendations made per recommendations 1, 2 and 3/2022 and made the following decisions regarding these recommendations:
 - (a) **Recommendation 1/2022:**
MPAC must do a further investigation and report back to Council.
 - (b) **Recommendation 2/2022:**
The Speaker will initiate a disciplinary process against the accused for such non-disclosure of important information, and report back to Council.

(c) **Recommendation 3/2022:**

- The Speaker will investigate and report back to Council regarding the amount of R84 966 paid to the Western Cape Handball Association and not yet refunded.
- The Speaker will investigate and report back to Council regarding the Memorandum of Understanding for what funds must be used for, statements on how the funds were used, and the process of refunding. This may implicate the review of the Donation Policy.

12. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**

12.1 **WYSIGING TEN OPSIGTE VAN "MASAKHANE - INDIGENT SUPPORT" BELEID**

DOEL VAN VERSLAG

Vir die Raad om die huidige beperking ten opsigte van die jaarlikse wyksbegroting toekennings wat bepaal dat geen werk op privaat eiendom verrig kan word nie en/of geld vir enige sodanige doel aangewend mag word nie te heroorweeg vir moontlike verslapping, deurdat die genoemde fondse, onderhewig aan die diskresie en goedkeuring van die Munsipale Bestuurder wel aangewend mag word vir liefdadigheid, nie-winsgewende welsyn organisasies en/of kindersorg / kleuterskole in die bepaalde wyk.

AGTERGROND

Die versoek vir die moontlike verslapping van paragraaf 6 van die goedgekeurde Beleid is ontvang vanaf Wyk twee (2) waar 'n gedeelte van die jaarlikse wyksbegroting toekenning ten opsigte van die 2022/23 boekjaar aangewend wil word vir die herstel en vervanging van geroeste vensterrame by "Liefdesnessie".

Die Beleid (paragraaf 6) bepaal as volg:

"Besigheidplanne ten opsigte van elke geïdentifiseerde program / projek in die onderskeie wyke moet jaarlikse voor en/of 31 Julie deur die verantwoordelike raadslid insamewerking met die wyk verteenwoordigers aan die Bestuurder Sosio-Ekonomiese Ontwikkeling voorgelê word vir konsolidering en voorlegging aan die Burgermeesters komitee vir oorweging en goedkeuring in terme van die goedgekeurde begroting / vasgestelde kriteria.

Die primêre fokus waarteen die geïdentifiseerde programme / projekte oorweeg sal word vir goedkeuring deur die Burgermeesters komitee is:

Kriteria 1:

Die geïdentifiseerde program / projek moet arbeid intensief wees met die een hoofsaaklike doelstelling van soveel as moontlik werkskepping geleenthede binne elke wyk;

Kriteria 2:

Enige ander initiatiewe wat die welvaart van die gemeenskappe binne elke wyk sal bevorder; en

Kriteria 3:

'n Jaarlikse gemeenskap's funksie wat nie meer as 5% van die toegekende allokasie per wyk sal verteenwoordig en / of 'n maksimum bedrag van R7,500 per wyk welke ookal die kleinste sal wees.

*Nie prioriteit uitgawes soos die aanstelling van konsultante, verskaffing verversings moet beperk word en indien noodsaaklik hanteer word in terme van die goedgekeurde "Cost Containment" riglyne van toepassing met die uitsondering van die jaarlikse gemeenskap funksie. **(Geen werk kan op privaat eiendom verrig en / of geld vir enige sodanige doel aangewend word.)**"*

Daar word derhalwe voorgestel dat die genoemde beperking as volg aangepas word vir oorweging/ goedkeuring deur die Raad, naamlik:

Nie prioriteit uitgawes soos die aanstelling van konsultante, verskaffing verversings moet beperk word en indien noodsaaklik hanteer word in terme van die goedgekeurde "Cost Containment" riglyne van toepassing met die uitsondering van die jaarlikse gemeenskap funksie. **(Geen werk kan op privaat eiendom verrig en / of geld vir enige sodanige doel aangewend word met uitsondering ooreenkomstig die Munisipale Bestuurder se diskresie / goedkeuring en uitsluitlik in die geval van liefdadig, nie-winsgewende welsyn organisasies en / of kindersorg / kleuterskole instansies in lyn met die oogmerke van die beleid doelstelling asook onderhewig die meerderheid ondersteuning deur die wyk verteenwoordigers.)**

Die Munisipale Bestuurder in konsultasie met die Direkteur Finansies & IT Dienste beveal as volg aan:

BESTUURSAANBEVELING

Dat die Raad die versoek ter verslapping van paragraaf 6 in terme van die "Mashakane - Indigent Support" Beleid goedkeur soos uiteengesit deurdat die Munisipale Bestuurder gemagtig word om sodanige toekenning op privaat eiendom ten opsigte van liefdadigheid, nie-winsgewende welsyn organisasies en/of kindersorg / kleuterskole volgens diskresie en oordeel te mag goedkeur in lyn met die beleid riglyne en onderhewig aan die meerderheid ondersteuning deur die onderskeie wyksverteenwoordigers.

BESLUIT 263/2022

Dat die Raad die versoek ter verslapping van paragraaf 6 in terme van die "Mashakane - Indigent Support" Beleid goedkeur soos uiteengesit deurdat die Munisipale Bestuurder gemagtig word om sodanige toekenning op privaat eiendom ten opsigte van liefdadigheid, nie-winsgewende welsyn organisasies en/of kindersorg / kleuterskole volgens diskresie en oordeel te mag goedkeur in lyn met die beleid riglyne en onderhewig aan die meerderheid ondersteuning deur die onderskeie wyksverteenwoordigers.

13. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER

- 13.1 Raadslede word uitgenooi vir 'n bespreking aangaande die "somer gereedheidsplan" op Maandag 10 Oktober 2022.
- 13.2 SALGA beplan binnekort twee werkswinkels, maar finale besonderhede sal aan Raadslede deurgegee word.

14. OORWEGING VAN KENNISGEWING VAN MOSIES

Geen.

15. OORWEGING VAN KENNISGEWING VAN VRAE

Geen.

16. VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 76** van hierdie Agenda.

17. IN KOMITEE VERSLAE

In Komitee items word vertroulik hanteer.

18. SLUITING

Die vergadering verdaag om 15h10.

ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
118/2020	Vervreemding (Koop): Ged erf 955, Struisbaai	(i) In-beginsel-goedkeuring verleen word vir die verkoop van Ged van erf 955, Struisbaai per publieke veiling. (ii) Die munisipale waardasie sal as reserwe prys dien. (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.	Erf word per veiling verkoop. Veiling sou saam met die vervreemding van Struisbaai industriële erwe plaasgevind het, maar is uitgestel tot 'n latere datum. Die kontrakteur vir die installering van munisipale dienste word in Jan 2023 aangestel, so die moontlike veilingsdatum kan April / Mei 2023 wees.	Eiendoms-administrasie
179/2022	Vervreemding (huur): Ged erf 270, Bredasdorp (T October)	(i) Dat die aansoek in-beginsel goedgekeur word. (ii) Volledige publieke deelname proses gevolg word. (iii) Dat Stadsbeplanning 'n uitleg van die perseel doen om sodoende ook die sokker spelers en ander aansoekers te akkommodeer. (iv) Ondersoek toestand van die bestaande ablusiegeriewe. (v) Grond sal hersoneer moet word om die gebruik te akkommodeer. (vi) Verdere verslag aan die Raad na afhandeling van bogenoemde stappe.	Publieke deelname proses moet nog gevolg word.	Eiendoms-administrasie / Stadsbeplanning
182/2022	Vervreemding (huur): Ged erf 1343, Bredasdorp (J Williams)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Eiendom sal hersoneer moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder erf 6951, Bredasdorp of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik. (iv) Verdere verslag aan die Raad voorgelê word.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuring. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
184/2022	Vervreemding (koop): Ged erf 5209, Bredasdorp (H Vaaltyn)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
185/2022	Vervreemding (koop): Erf 937, Napier (C Van Zyl)	Dat erf per veiling verkoop word met die waardasie as insetprys en dat 'n veiling van die en ander erwe wat die Raad mag identifiseer voor einde 2022 plaasvind.	Sal met eerskomende veiling hanteer word.	Eiendoms-administrasie
186/2022	Vervreemding (koop): Ged erf 670, WHKrans (United Outreach Ministries)	Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.	Terreinbesoek sal plaasvind en daarna weer aan Raad voorgelê word.	Eiendoms-administrasie
188/2022	Subdivision: Erf 5783, Bredasdorp	(i) Approves that Town Planning Department proceed with the subdivision. (ii) Further report be submitted on the servicing and manner of disposal of the erven.		Stadsbeplanning

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 264/2022

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

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

BEKRAGTIG op hierdie

dag van

2022

SPEAKER

DATUM