



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 6 MAART 2024**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON WEDNESDAY,
6 MARCH 2024 AT 10:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

TEENWOORDIG / PRESENT

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H van Biljon	Direkteur: Finansiële Dienste (<i>vanaf 10h10</i>)
Mnr	H Kröhn	Direkteur: Infrastruktuurdienste
Me	L Smith	Wnde Direkteur: Bestuursdienste
Mnr	Z Baca	Internal Audit
Mnr	O January	Bestuurder: LED en Toerisme
Me	T Stone	Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	N Mhlati-Musewe	Divisional Head: HR and OD (<i>vanaf 10h45</i>)
Mr	P Valentine	Bestuurder: Admin Support
Mr	W Van Zyl	Bestuurder: IT
Me	C Dietrich	Admin Beampte: Komiteedienste

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1. **VERWELKOMING / WELCOME**

Die Speaker heet die teenwoordiges welkom.

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

Dr. A Eksteen open die vergadering met gebed.

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

Mnr D Jantjies Raadslid

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

Na die byvoeging van die onderstaande addisionele items word die Agenda aanvaar (voorgestel deur Rdl Donald en gesecondeer deur Rdl Swart):

- Amendment of the Standing Rules and Procedures regarding disciplinary matters against Council members
- Hernuwing: Huurooreenkoms met die L'Agulhas Tennis en Jukskeiklub vir Erf 690 L'Agulhas
- Post retirement Medical Aid benefit – PJ Van Biljon

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

Lief:

Rdh Jantjies se seun, Heinrich, het onlangs sy PhD in Landbou Ekonomie ontvang. Voorwaar 'n besondere prestasie en ons wens hom en sy ouers baie geluk hiermee.

Leed:

- 'n Werknemer van Struisbaai, Khona Mpama, is gedurende Januarie 2024 oorlede.
- Michael en Graça Visagie se skoonpa en oupa is op 21 Februarie 2024 oorlede.
- Mnre APO October en Jan Granfield was in die hospitaal op Worcester opgeneem.

Ons innige simpatie met veral die families wat lede van hulle gesin aan die dood afgestaan het en bid dat hulle vertroosting sal vind.

Die Munisipale Bestuurder bedank Raadslede en kollegas vir hul boodskappe van herstel en hul volgehoue gebede.

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

Rdh Swart verklaar sy belange ten opsigte van Item 15.5 (Application to purchase Erf 916, Struisbaai: Struisbaai SOS Trust) op die Agenda.

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

Geen.

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

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

12 Desember 2023 (Notule was onder lede versprei)

BESLUIT 7/2024

Die Notule word as korrek en volledig bekragtig.

(Voorsteller: Rdl Ross / Sekondant: Rdl Eksteen)

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

31 Januarie 2024 (Notule was onder lede versprei)

BESLUIT 8/2024

Die Notule word as korrek en volledig bekragtig.

(Voorsteller: Rdl Donald / Sekondant: Rdl Ross)

9. **NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS**

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

5 Desember 2023 (Notule was onder lede versprei)

BESLUIT 9/2024

Die Raad neem kennis van bogenoemde UBK Notule.

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

10.1 **WYKSKOMITEE VERGADERINGS**

Notules van Wykskomitee vergaderings was onder lede versprei.

Kommentare:

Clr Louw mentioned that probable land grab in Ward 3 is becoming problematic.

Die Munisipale Bestuurder word deur die Raad versoek om die aangeleentheid met betrekking tot "land grab" op te volg.

The Municipal Manager indicated that land was identified. A meeting will take place this afternoon (6 March 2024) with stakeholders and engagement with the community members in the area.

Clr Louw mentioned that an incident happened at Albert Myburgh Secondary School, after which Clr Ross indicated that the persons involved do not want to open cases. They do have a meeting with the Principal this afternoon (6 March 2024).

Rdh Nieuwoudt bring dit onder die aandag van die Raad dat twee items rakende Wyk 4 reeds vir meer as twee jaar op die Agenda van die Wykskomitee is.

BESLUIT 10/2024

- (i) Die Raad neem kennis van bogenoemde Wykskomitee Notules.
- (ii) Dat die Munisipale Bestuurder die aangeleentheid met betrekking tot "land grab" in Wyk 3 opvolg.

Implementation: Municipal Manager (E Phillips)

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

RAADSVERGADERING: 12 DESEMBER 2023 / COUNCIL MEETING: 12 DECEMBER 2023

ITEM	BESLUIT / RESOLUTION	VORDERING / PROGRESS
CAM Draft Annual Report: 2022/23 (Division Head: Strategic Services)	247/2023	Draft Annual Report advertised for public comment and Council adopted the final Annual Report and Oversight Report on 31 Jan 2024. 2022/23 Process finalised.
Alternative Waste Management Solutions (Director: Infrastructure Services)	249/2023	<ul style="list-style-type: none">• Roadmap for guidance to achieve target by the end of October 2024 - Project Implementation Plan with Deliverables, Actions, Timeframes and Status of Actions to serve as a guideline for reaching our target for implementation by the end of October 2024.• Draft Recycling Strategy was compiled.

		<ul style="list-style-type: none"> • Draft Organic Waste Strategy - was compiled. • Several meetings were held with Zwaza to discuss Organic Green Waste strategy. • Meeting with ODM - 20 December 2023 to discuss way forward and to be included in existing Service Level Agreement. • Will budget accordingly during next budgeting process. • Strategy already included in the IWMP. • Meeting was held with the Manager: Solid Waste and Deputy Director of Overstrand Municipality to discuss our strategy and to get more info regarding the tender processes. They are busy with a new tender and will close during March 2024. • Tender documents also requested from Theewaterskloof Municipality and Bergrivier Municipality to assist us and serve as a guideline. We also started with our own tender process. • Roadmap for guidance to achieve target by the end of October 2024 - Project Implementation Plan with Deliverables, Actions, Timeframes and Status of Actions to serve as a guideline for reaching our target for implementation by the end of October 2024. • Letter to DEADP and response letter for extension to dump waste until the end of October 2024. • Long term process: Service provider cannot be appointed before the construction of a new landfill site or a new cell - This option is too expensive and time consuming as was indicated in the report to Council.
Final Draft Integrated Waste Management Plan (Director: Infrastructure Services)	250/2023	IWMP was advertised from 15 January 2024 until 16 February 2024 for public comment. No comment received, only from DeadP. Will be incorporated in the IWMP and submitted to Council April 2024 for final approval. The final approved IWMP will then be submitted to DeadP.
Draft By-Law: Nuisances, Behaviour in public places and Crime Prevention (Division Head: Strategic Services)	254/2023	A date for the workshop still needs to be determined.
Sale of Municipal Property: 2023/24 (Division Head: Strategic Services)	257/2023	Market valuations to be obtain of all properties on the list and submitted to Council on 28 March 2024.
Vervreemding (koop): Ged erf 1277, Struisbaai (Islamic Society) (Manager: Admin Support)	258/2023	Closing date for comments are 8 March 2024. Item will be re-submitted to Council on 28 March 2024 for a final decision.
Vervreemding (huur): Ged erf 1148, Bredasdorp (Indiwe Overberg) (Manager: Admin Support)	259/2023	Closing date for comments/objections are 8 March 2024.
Viability Study: Lesedi- and Ou Meule Square (Manager: LED and Tourism)	262/2023	Completed
Process for appointment for Director: Management Services (Division Head: HR and OD)	270/2023	See In Committee item for Council Meeting of 6 March 2024.
Process for filling of vacancy of Director: Financial Services (Division Head: HR and OD)	271/2023	See In Committee item for Council Meeting of 6 March 2024.

BESLUIT 11/2024

- (i) Die Raad neem kennis van bogenoemde kommentaar/terugvoer.
- (ii) That Council take note that the workshop as scheduled for 12 March 2024 is cancelled until further notice as it was postponed due to SALGA meetings. A date for the workshop still needs to be determined.
- (iii) That Council take note that the valuation report will be tabled to Council on 28 March 2024.

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

12.1 **BRIEWE VAN DANK**

Geen.

12.2 **FUNKSIES VIR DIE MAAND**

Geen.

12.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

12.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker hou die onderstaande aan die Raad voor:

- A refresher Course for Ward Committees will take place on 16 March 2024.
- Raad gaan in reses vanaf 24 Junie tot 12 Julie 2024
- Rdh Swart stel voor dat Raad 2 weke voor die verkiesing ook in reses gaan, waarop die Speaker bevestig dat dit so gedoen kan word, maar dat Raadslede hul beskikbaar moet stel vir belangrike vergaderings.
- Dat die Spesiale Raadsvergadering plaasvind op 27 Mei 2024 in plaas van 30 Mei 2024.
- Die Speaker noem dat hy nie beskikbaar is op 28 Maart 2024 en dat 'n waarnemende Speaker aangewys moet word in sy afwesigheid. Rdl Eksteen stel Rdh Nieuwoudt voor.

12.5 **AMENDMENT OF STANDING RULES AND PROCEDURES WITH REGARDS TO DISCIPLINARY MATTERS AGAINST COUNCIL MEMBERS**

Ms. Stone took the Council through the proposed changes and reasons to the "Standing rules and procedures with regard to disciplinary matters against Council members."

Clr Mokotwana proposed that a directive be obtained from SALGA before the amendment can be approved, seconded by Clr Ross.

RESOLUTION 12/2024

That the Division Head: Strategic Services take the matter up with SALGA regarding the amendment of the standing rules and procedure with regard to disciplinary matters against Council members and submit an item to Council after their guidance.

(Proposer: Clr Mokotwana / Secoder: Clr Ross)

Implementation: Division Head - Strategic Services (T Stone)

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

Die Burgemeester woon die PCF vergadering by en noem dat die "TID roll-over process" deur Eskom afgehandel moet wees voor 24 November 2024.

Rdl Louw mentioned that the Spaza shops charge extra fees on electricity purchases and that they also sell expired food. He requested that the matters be investigated.

The Speaker requested that By-Laws be taken to the Portfolio Committees to revise it, if needed. There is eleven that is dated.

RESOLUTION 13/2024

That the Director: Infrastructure Services submit an item to the Portfolio Committee of Infrastructure Services regarding the progress status of the TID roll-over process in CAM.

Implementation: Director: Infrastructure Services (H Kröhn)

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

Geen.

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

15.1 **CAPE AGULHAS MUNICIPALITY: DEBRIEFING REPORT OF THE SUMMER SEASON READINESS PLAN 2023/24**

REPORT COMPILED BY THE DIRECTOR: MANAGEMENT SERVICES

PURPOSE OF REPORT

To present Council with the post Summer Season report as attached on **page 1 to 18**.

BACKGROUND

Council approved the Summer Season Readiness Plan (SSRP) per Resolution 219/2023 on 31 October 2023.

DISCUSSION

The anticipated public safety and service delivery risks were effectively reduced through the appropriate operational and resource planning. Delivery of essential public services, including Traffic Management, Law Enforcement, Disaster Management, Public Services, Streets and Stormwater, Water and Sanitation and Waste Management continued without any major incidents, injuries, or loss of life.

The Manager: Protection Services will convene an integrated post-season debriefing meeting with all the internal and external stakeholders, where the issues that will inform future planning be discussed.

LEGAL FRAMEWORK

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

FINANCIAL IMPLICATIONS

Activities are within the approved Council Budget provision.

MANAGEMENT RECOMMENDATION

That the 2023/24 post Summer Season report be noted.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYCO (20 FEBRUARY 2024)

- (i) That the 2023/24 post Summer Season report be noted.
- (ii) That residents and shop owners be properly informed about the recent ban on fireworks.

RESOLUTION 14/2024

- (i) That the 2023/24 post Summer Season report be noted.
- (ii) That residents and shop owners be properly informed about the recent ban on fireworks.

- (iii) That a workshop be held regarding the Public Nuisance By-Law (including the ban on fireworks) before the end of June 2024.

Implementation: Division Head - Strategic Services (T Stone)

15.2 **AFSKAFFING VAN SATERDAE DIENS: WELVERDIEND, STRUISBAAI EN BREDASDORP BIBLIOTEKE**

DOEL VAN VERSLAG

Om die werk op Saterdag te staak by Welverdiend, Bredasdorp en Struisbaai biblioteke.

AGTERGROND

Daar word elke Saterdag by Bredasdorp, Struisbaai en Welverdiend biblioteke diens gedoen vanaf 9vm tot 12vm. Daar is egter nadat proefneming gedoen is bevind dat skaars 10 mense die biblioteke op Saterdag besoek. Hierdie getal is voortsettend buite skoolvakansie ook.

Kaap Agulhas se datalyne vir al die biblioteke word baie druk gebruik en daar is alreeds die eerste 6 maande van die nuwe boekjaar amper R14 000 gebruik. Gewoonlik loop die fondse na die einde van die boekjaar in die rooi. Dit is aanduidend van verbruikersneigings om eerder aanlyn hulpbronne te gebruik.

Die departement is van mening dat die verbruikersgetalle om die biblioteek op Saterdag oop te hou nie die operasionele kostes regverdig nie.

FINANSIËLE IMPLIKASIES

Besparings op die operasionele koste.

BESTUURSAANBEVELING

Dat Saterdag dienste by die Welverdiend, Bredasdorp en Struisbaai biblioteke gestaak word.

AANBEVELING: BESTUURSDIENSTE KOMITEE

Dat in-beginsel goedkeuring verleen word vir die afskaffing van dienste by die Welverdiend, Bredasdorp en Struisbaai Biblioteke op Saterdag, onderhewig aan 'n publieke deelname proses sowel as insette vanaf die Wykskomitees.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (20 FEBRUARIE 2024)

- (i) Dat Saterdag dienste by die Welverdiend, Bredasdorp en Struisbaai biblioteke gestaak word, met ingang 1 Julie 2024.
- (ii) Dat die publiek behoorlik ingelig word aangaande die beplande afskaffing van Saterdag dienste by bogenoemde biblioteke.

BESLUIT 15/2024

- (i) Dat Saterdag dienste by die Welverdiend, Bredasdorp en Struisbaai biblioteke gestaak word, met ingang 1 Julie 2024.
- (ii) Dat die publiek behoorlik ingelig word aangaande die beplande afskaffing van Saterdag dienste by bogenoemde biblioteke.

(Voorsteller: Rdl Ross / Sekondant: Rdh Nieuwoudt)

Implimentation: Manager: Library Services (C Conradie-Lötter)

15.3 **VERVREEMDING (KOOP): ERF 479, WAENHUISKRANS (MNR EN MEV DAVIDS)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr N en mev H Davids ten einde Erf 479, Waenhuiskrans by die Raad te koop ten einde vir residensiële doeleindes aan te wend (liggingsplan aangeheg op **bladsy 19**).

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Erf 479, Waenhuiskrans
Sonering : Enkel Residensiël
Erf Grootte : 214m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 20** is van mnr N en mev H Davids ontvang om Erf 479, Waenhuiskrans by die Raad te koop.

Mnr en mev Davids is op die waglys vir 'n RDP huis, maar omdat hulle inkomste die minimum vereiste oorskry, kwalifiseer hulle nie.

MARKWAARDASIE

Moet verkry word.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Noted.

FINANSIËLE DIENSTE

Neem kennis met geen beswaar.

BESTUURSDIENSTE

Kennis word geneem van Tegniese Dienste se insette rakende die infrastruktuur. Daar moet bepaal word hoekom die besondere erf nie oorspronklik toegeken was aan 'n begunstigde nie.

INFRASTRUKTUURDIENSTE

Uitleg van dienste sal aangedui moet word op die kaart en 'n terplaatsse inspeksie om die posissie van die dienste te bevestig.

ELEKTRISITEITSDIENSTE

Eskom supply area.

STADSBEPLANNING

Geen beswaar. Die erf is reeds enkel residensieel gesoneer. Ons sal net seker moet maak van bestaande dienste wat dalk op die erf voorkom.

STRATE EN STORMWATER

Daar is 'n munisipale rioolyn langs die agtergrens van die erf. Dit blyk, volgens die planne, of daar 'n stormwaterpyp uitmond op die erf. 'n Terreininspeksie sal gedoen moet word.

WATER EN RIOOL

There is an existing gravity sewer pipeline in the proximity of the site that will need to be taken into account.

BOUBEHEER

Geen beswaar prosesse moet gevolg word soos met enige aansoeker.

MENSLIKE ONTWIKKELING

Ek het geen beswaar ten opsigte van die versoek nie.

EKONOMIESE ONTWIKKELING EN TOERISME

Geen probleem met die vervreemding van die erf vir behuising nie indien nie vir ander munisipale doeleindes benodig word nie, aangesien dit as enkel residensieel gesoneer is.

BESKERMINGSDIENSTE

Neem kennis van aansoek met geen beswaar.

WYKSKOMITEE: KOMMENTAAR: 23 NOVEMBER 2023

Wyksomitee het geen beswaar teen die koop van die erf nie. Hulle staan die koop van erf 479, heelhartig goed.

BESTUURSAANBEVELING

- (i) Dat die verkoop van Erf 479, Waenhuiskrans, ongeveer 214m² in grootte, aan mnr en mev Davids vir residensiële gebruik, nie goedgekeur word nie.
- (ii) Dat die verkoop van Erf 479, Waenhuiskrans eerder op openbare tender geplaas word, met voorwaardes dat voorkeur gegee sal word aan plaaslike inwoners van Kaap Agulhas Munisipaliteit.
- (iii) Dat 'n markwaardasie verkry word om as 'n reserweprys te dien, sodat die koopprys nie minder as die markwaarde van die eiendom is nie.
- (iv) Dat die voornemens van die Raad geadverteer word vir openbare kommentaar en indien geen besware na 30 dae ontvang word nie, die volle bevoegdheid aan die Munisipale Bestuurder verleen word om die verkoop van Erf 479 te finaliseer.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die verkoop van Erf 479, Waenhuiskrans, ongeveer 214m² in grootte, aan mnr en mev Davids vir residensiële gebruik, nie goedgekeur word nie.
- (ii) Dat die verkoop van Erf 479, Waenhuiskrans eerder op openbare tender geplaas word, met voorwaardes dat voorkeur gegee sal word aan plaaslike inwoners van Kaap Agulhas Munisipaliteit.
- (iii) Dat 'n markwaardasie verkry word om as 'n reserweprys te dien, sodat die koopprys nie minder as die markwaarde van die eiendom is nie.

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (20 FEBRUARIE 2024)

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 16/2024

- (i) Dat die verkoop van Erf 479, Waenhuiskrans, ongeveer 214m² in grootte, aan mnr en mev Davids vir residensiële gebruik, nie goedgekeur word nie.
- (ii) Dat die verkoop van Erf 479, Waenhuiskrans eerder op openbare tender geplaas word, met voorwaardes dat voorkeur gegee sal word aan plaaslike inwoners van Kaap Agulhas Munisipaliteit, asook aan eerste huiskopers.
- (iii) Dat 'n markwaardasie verkry word om as 'n reserweprys te dien, sodat die koopprys nie minder as die markwaarde van die eiendom is nie.

(Voorsteller: Rdl Eksteen / Sekondant: Rdl Donald)

Implementation: Manager: Admin Support (P Valentine)

15.4 **VERVREEMDING (KOOP): GEDEELTE (126.36M²) ERF 955, STRUISBAAI (W STEENKAMP)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr W Steenkamp om 'n gedeelte van erf 955, Struisbaai by die Raad te koop ten einde te konsolideer met sy bestaande erf, erf 1812, Struisbaai (liggingsplan aangeheg op **bladsy 21 en 22**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 955, Struisbaai
Huidige sonering	:	Straat
Voorgestelde Grootte	:	126.36m ²

AGTERGROND

'n Skriftelike versoek soos aangeheg op **bladsy 23** is van mnr W Steenkamp ontvang om 'n gedeelte van erf 955, Struisbaai by die Raad te koop ten einde dit te konsolideer met sy bestaande erf, erf 1812, Struisbaai.

MARKWAARDASIE

R47 300,00 (sien **bladsy 24 tot 27**)

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

	ALIENATION OF LAND
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of “high value asset”: <i>“fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).
	<ol style="list-style-type: none"> 2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion. 3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Noted.

FINANSIËLE DIENSTE

Will be sold on next auction.

BESTUURSDIENSTE

The roads already appear fairly narrow. This approval further impact the road and road reserve space, which should be adequate for two cars to pass, while leaving sufficient non-motorised utilisation of the road reserve.

INFRASTRUKTUURDIENSTE

Sou dienste verskuif moet word sal dit vir die rekening van die eienaar wees.

ELEKTRISITEITSDIENSTE

Electricity available.

STADSBEPANNING

Indien die Raad sou besluit om die stuk grond te vervreem, behels dit 'n padsluiting, onderverdeling en herosnering. Ongeveer R60 000,00.

ADMINISTRATIEWE DIENSTE

Geen beswaar. Alle wetlike munisipale prosesse moet net gevolg word.

MENSLIKE ONTWIKKELING

Ek ondersteun die versoek, mits dit toelaatbaar is binne die raamwerk van die Raad.

EKONOMIESE ONTWIKKELING EN TOERISME

Aansoek word nie ondersteun nie aangesien dit 'n presedent sal skep gegewe die ligging van die grond. Andersins moet 'n publieke deelname proses gevolg word.

STRATE EN STORMWATER

Enige verskuiwing van bestaande dienste is vir die rekening van die aansoeker.

WATER EN RIOOL

No objection.

BOUBEHEER

Geen beswaar.

BESKERMINGSDIENSTE

Geen beswaar.

KOMMENTAAR: WYKSKOMITEE: 22 NOVEMBER 2023

Die Wykskomitee het geen beletsel teen die vervreemding van die stukkie grond nie.

BESTUURSAANBEVELING

- (i) Dat in-beginsel goedkeuring verleen word vir die verkoop van 'n gedeelte van Erf 955, Struisbaai, ongeveer 126,36m² in grootte, aan mnr W Steenkamp.
- (ii) Dat in terme van Artikel 14(2)(a) van die MFMA dit bevestig word dat die bate nie benodig word om die minimum vlak van basiese dienste te verskaf nie.
- (iii) Dat alle koste verbonde aan die verkoop, vir die rekening van die koper sal wees.
- (iv) Dat die voorgestelde verkoping vir openbare insette geadverteer word.
- (v) Dat 'n markverwante koopprijs deur 'n onafhanklike waardeerder bepaal word vir oorweging deur die Raad, indien finale goedkeuring gegee word na oorweging van enige openbare insette wat ontvang is.
- (vi) Dat die volgende stadsbeplanningsprosesse deur die koper op eie koste afgehandel word:
 - 1. Hersonering
 - 2. Onderverdeling
 - 3. Konsolidasie
 - 4. Padsluiting

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat in-beginsel goedkeuring verleen word vir die verkoop van 'n gedeelte van Erf 955, Struisbaai, ongeveer 126,36m² in grootte, aan mnr W Steenkamp.
- (ii) Dat in terme van Artikel 14(2)(a) van die MFMA dit bevestig word dat die bate nie benodig word om die minimum vlak van basiese dienste te verskaf nie.
- (iii) Dat alle koste verbonde aan die verkoop, vir die rekening van die koper sal wees.
- (iv) Dat die voornemens van die Raad geadverteer word vir openbare kommentaar en indien geen besware na 30 dae ontvang word nie, die volle bevoegdheid aan die Munisipale Bestuurder verleen word om die verkoop van 'n gedeelte van Erf 955, Struisbaai te finaliseer.
- (v) Dat die volgende stadsbeplanningsprosesse deur die koper op eie koste afgehandel word:
 - 1. Hersonering
 - 2. Onderverdeling
 - 3. Konsolidasie
 - 4. Padsluiting

AANBEVELING: UITVOERENDE BURGEMEESTERSKOMITEE (20 FEBRUARIE 2024)

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 17/2024

- (i) Dat in-beginsel goedkeuring verleen word vir die verkoop van 'n gedeelte van Erf 955, Struisbaai, ongeveer 126,36m² in grootte, aan mnr W Steenkamp.
- (ii) Dat in terme van Artikel 14(2)(a) van die MFMA dit bevestig word dat die bate nie benodig word om die minimum vlak van basiese dienste te verskaf nie.
- (iii) Dat alle koste verbonde aan die verkoop, vir die rekening van die koper sal wees.

- (iv) Dat die voorgestelde verkoping vir openbare insette geadverteer word.
- (v) Dat 'n markverwante koopprys deur 'n onafhanklike waardeerder bepaal word vir oorweging deur die Raad, indien finale goedkeuring gegee word na oorweging van enige openbare insette wat ontvang is.
- (vi) Dat die volgende stadsbeplanningsprosesse deur die koper op eie koste afgehandel word:
 1. Hersonering
 2. Onderverdeling
 3. Konsolidasie
 4. Padsluiting
- (vii) Dat indien geen besware ontvang word nie, die volle bevoegdheid aan die Munisipale Bestuurder verleen word om die verkoop van 'n gedeelte van Erf 955 Struisbaai te finaliseer.

(Voorsteller: Rdh Nieuwoudt / Sekondant: Rdh Swart)

Implementation: Manager: Admin Support (P Valentine)

15.5 **APPLICATION TO PURCHASE ERF 916, STRUISBAAI: STRUISBAAI SOS TRUST**

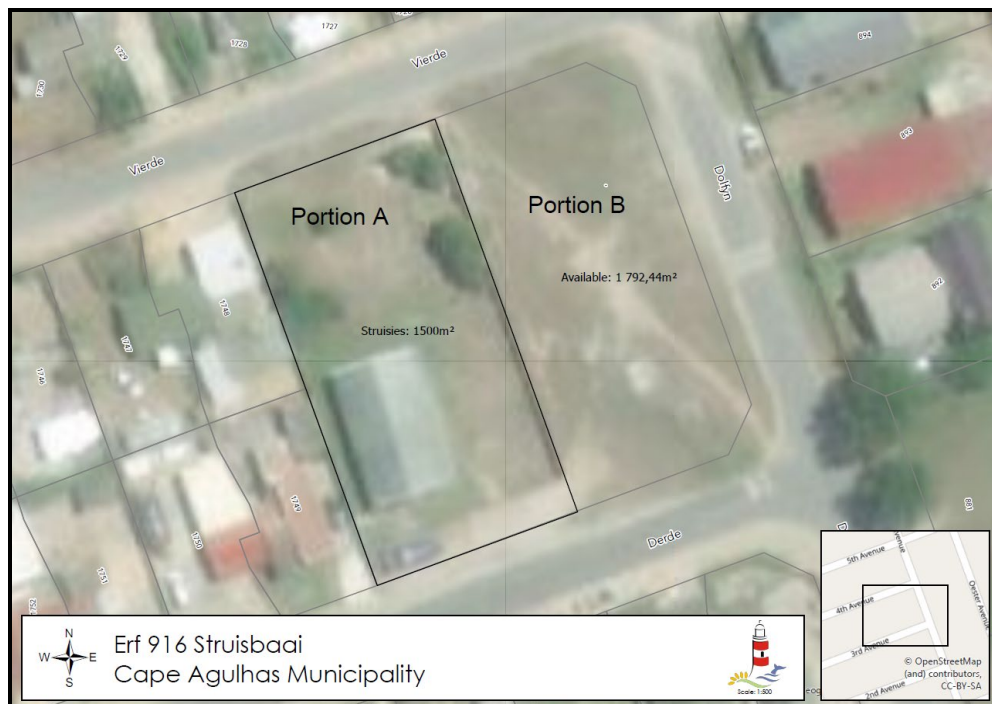
REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To consider an application by the Struisbaai SOS Trust to purchase Erf 916, Struisbaai for purposes of an ECD Centre.

PROPERTY DETAILS AND LOCALITY PLAN

Ownership	CAM
Size of property	3292 m ²
Current zoning	Civic and social
Encumbrances	Lease agreement with Struisies Speelskool (Portion A)



BACKGROUND

An application was received from the Struisbaai SOS Trust to purchase Erf 916, Struisbaai measuring 3 292 m² for a ECD Family Centre. Their motivation is attached on **page 28 to 42**.

There is an existing lease agreement with Struisies Speelskool on portion (Portion A) which was concluded in terms of Council Resolution 172/2023 on 31 August 2023. The lease agreement is valid until 31 August 2033 and the rental payable is R1.00 per annum. It is a principle of law that unless a lease agreement states otherwise an existing lease agreement generally remains valid and binding on the new owner. This means that the new owner must honor the terms and conditions outlined in the existing lease until it expires, or they can mutually agree to terminate the lease.

The SOS Trust has been in discussions with the governing body of Struisies and they have confirmed in writing that they have no objection to the land being sold, and the lease being taken over by the SOS Trust (**see page 43**).

LEGAL IMPLICATIONS

Legislation:

1. Local Government Municipal Finance Management Act, Act 56 of 2003 (MFMA)
2. Municipal Asset Transfer Regulations 2008 (GN R878 in GG 31346) (MATR)
3. Municipal Supply Chain Regulations 2005 (GN 868 in GG 27636) (SCM)
4. Local Government Municipal Systems Act, Act 32 of 2000 as amended (MSA)

FINANCIAL IMPLICATIONS

The applicants have requested a nominal purchase price.

Regulation 13(1) of the Municipal asset transfer regulations provides that:

- (2) *If a municipality or municipal entity on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a non-exempted capital asset for less than its fair market value, the municipality or entity must, when considering the proposed transfer, take into account -*
- a) *the interests of -*
 - (i) *the State; and*
 - (ii) *the local community;*
 - b) *the strategic and economic interests of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;*
 - c) *the constitutional rights and legal interests of all affected parties;*
 - d) *whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and*
 - e) *whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.*

In order to make this determination Council needs to know what the fair market value is, and a valuation should be obtained.

PERSONNEL IMPLICATIONS

None.

COMMENTS ON THE APPLICATION

Ward Committee	EDC Centre : Erf 916 SOS TRUST Aansoek word gedoen om te koop en nie te huur nie. Wil dit graag meer permanent maak en die Trust wil 'n aanbod maak. Was die ou parkie area. Diensverskaffers moet kostes betaal. AKSIE: Word aanbeveel en goedgekeur.
Manager Human Development	Daar is 'n groot behoefte vir die uitbreiding van die huidige vroeë kind ontwikkelingsentrum in Struisbaai. Die inisiatief word ondersteun.
Manager Town Planning	Geen beswaar. Die voorgestelde ontwikkeling is in lyn met die bestaande grondregte.
Director Finance	Geen beswaar.

Manager Water and Sanitation	None.
Manager Electromechanical	Eskom supply area.
Manager Roads and Stormwater	Volgens planne is daar 'n rioolstyglyn oor die betrokke erf gelee waarvan die posisie op terrein vasgestel moet word. Enige verskuiwing van bestaande dienste sowel as dienste-aansluitings is vir die rekening van die aansoeker.
Manager Building Control	No objection.

MANAGEMENT RECOMMENDATION

- (i) That it be approved in principle that Erf 916, Struisbaai, measuring 3 292 m² be sold to the Struisbaai SOS Family Trust for purposes of developing an ECD family centre.
- (ii) That it be confirmed in terms of Section 14 Sect 14(2)(a) of the MFMA that the asset is not required to provide the minimum level of basic services.
- (iii) That the proposed sale be advertised for public comment.
- (iv) That all costs associated with the sale be for the account of the buyer, inclusive of the moving of any services.
- (v) That a market value be determined by an independent valuer, for consideration by Council.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

(The Mayor declares his interest as a member of the “Struisbaai SOS Family Trust”).

RECOMMENDATION: MAYCO (20 FEBRUARY 2024)

The Mayco supports the Management recommendation.

RESOLUTION 18/2024

- (i) That it be approved in principle that Erf 916, Struisbaai, measuring 3 292 m² be sold to the Struisbaai SOS Family Trust for purposes of developing an ECD family centre.
- (ii) That it be confirmed in terms of Section 14 Sect 14(2)(a) of the MFMA that the asset is not required to provide the minimum level of basic services.
- (iii) That the proposed sale be advertised for public comment.
- (iv) That all costs associated with the sale be for the account of the buyer, inclusive of the moving of any services.
- (v) That a market value be determined by an independent valuer, for consideration by Council.
- (vi) That special effort be made to inform the community of Struisbaai of the value of ECD facilities to children and the community in general.

(Proposer: Clr Eksteen / Seconder: Clr Donald)

Implementation: Manager: Admin Support

15.6 **MUNICIPAL ECONOMIC REVIEW AND OUTLOOK FOR CAPE AGULHAS (MERO 2023/24)**

REPORT COMPILED BY: LED/TOURISM

PURPOSE OF REPORT

For Council to take cognizance of the latest Municipal Economic Review and Outlook for Cape Agulhas, issued by the provincial government.

BACKGROUND

The MERO is an annual publication compiled by top economists on behalf of the provincial government. It indicates where progress has been made in a geo-economical context. The report gives us an indication of what the challenges are, and where to focus on. The report can be found attached on **page 44 to 49**. Kindly note that we have experienced an increase in job opportunities, as well as a decrease in the total number of people who qualifies to be economically active but are still unemployed. The report also indicates that the informal sector plays a pivotal role in the generation of job opportunities. The key economic drivers in our region are also highlighted in this report.

MANAGEMENT RECOMMENDATION

That Council notes the report of the latest Municipal Economic Review and Outlook for Cape Agulhas, issued by the provincial government.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

RECOMMENDATION: MAYCO (20 FEBRUARY 2024)

The Mayco takes note of the report of the latest Municipal Economic Review and Outlook for Cape Agulhas, issued by the provincial government.

RESOLUTION 19/2024

That Council takes note of the report of the latest Municipal Economic Review and Outlook for Cape Agulhas, issued by Provincial Treasury. It is also noted that in economic context Cape Agulhas demonstrated growth in employment for the time under review, of which informal employment played a significant role. In terms of well-being Cape Agulhas' per capita JDP surpassed those of the District as well as the Province.

Implementation: Manager: Economic Development and Tourism (O January)

15.7 **REZONING AND CONSOLIDATION (STRUISBAAI PLEIN): ERVEN 515, 516, 491, 492 AND 493, STRUISBAAI**

PURPOSE OF REPORT

Recommend to proceed with planning processes for rezoning and consolidation.

GENERAL INFORMATION

Registered Owner	:	Cape Agulhas Municipality
Property	:	Erven 515, 516, 491, 492 and 493 Struisbaai
Locality	:	Cnr Main and Malvern roads, Struisbaai
Size	:	4400 sq.m
Zoning	:	Authority

BACKGROUND

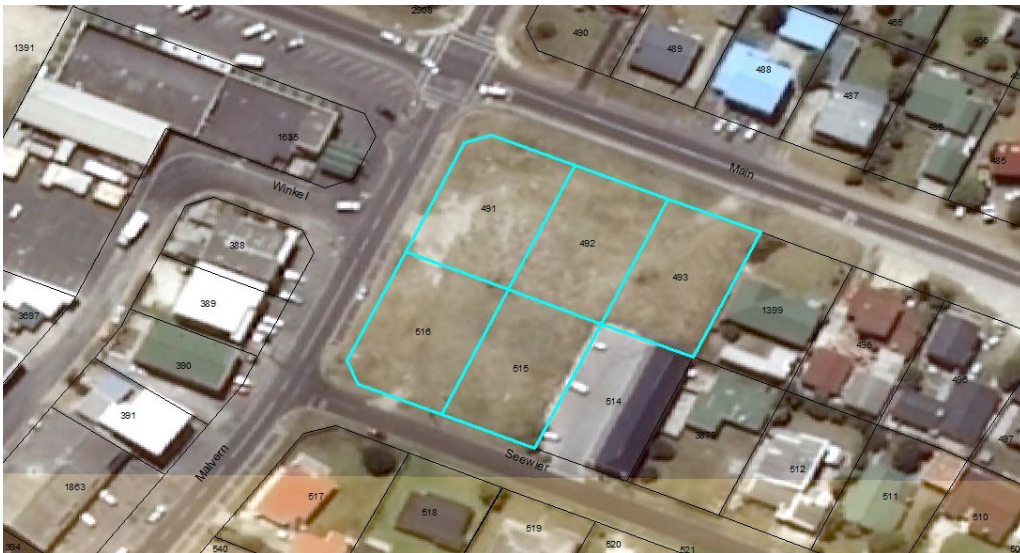
The Struisbaai Square is comprised of five erven located adjacent to Struisbaai's main commercial node, totalling 4 400 m². The contextual analysis of the Square reveals that the Square is situated in the centre of Struisbaai and directly within the business core. This lends itself to the opportunity to create a central public space where people come together, whilst also functioning as a place that attracts tourists. The location of the Square also provides the opportunity to be integrated with surrounding businesses in order to strengthen the business core of Struisbaai.

An evaluation of the existing design concepts for the Square and stakeholder's suggestions as good examples of successful developments revealed that the proposed development could benefit from:

1. A good variety of food, drinks and crafts.
2. Indoor and outdoor eating area and shade structures with seating.
3. Permanent and semi-permanent stalls.
4. Storage lockers for stalls.
5. Relaxed atmosphere.

It is therefore proposed to rezone the erven to Local Business and also to consolidate it into one erf.

LOCATION



PUBLIC PARTICIPATION: ADVERTISING PERIOD FOR COMMENTS

The proposed application will be advertised for 30 days, for public comments.

COST IMPLICATION

Approximately R60 000,00

MANAGEMENT RECOMMENDATION

In view of the above, it is recommended that Council take a decision to proceed with the applicable town planning processes of rezoning and consolidation of erven 515, 516, 491, 492 and 493 Struisbaai.

RECOMMENDATION: MAYCO (20 FEBRUARY 2024)

That the applicable town planning processes of rezoning and consolidation of erven 515, 516, 491, 492 and 493, Struisbaai continue.

RESOLUTION 20/2024

To proceed with the applicable town planning processes of rezoning and consolidation of erven 515, 516, 491, 492 and 493 Struisbaai.

(Proposer: Ald Swart / Seconder: Clr Eksteen)

Implementation: Manager: Town- & Regional Planning (S Nel)

15.8 **SLUITING VAN STEGIE: TUSSEN OUMEULEWEG EN ASTERLAAN, BREDASDORP (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van inwoners van wyk 2 vir die sluiting van die stegie tussen Oumeuleweg en Asterlaan, Bredasdorp.

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 2986, Bredasdorp
Bestaande sonering	:	Publieke Oopruimte
Erf Grootte	:	213m ²

AGTERGROND

'n Skriftelike versoek is van van mnr Jacobs en omliggende eienaars ontvang vir die sluiting van die steeg op erf 2986, Bredasdorp.

Die redes vir die aansoeke vir die sluiting van die stegie is dat storting van vuillis deurlopend plaasvind, die aanliggende eienaars se eiendom word gevandaliseer en inbrake vind plaas asook geraas veral weens die misbruik van alkohol.

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.

INFRASTRUKTUURSDIENSTE

No objection to closing the steeg, however access needs to be retained for maintenance.

FINANSIELE DIENSTE

Geen beswaar solank die toepaslike wetgewing prosedure gevolg word.

BESTUURSDIENSTE

Geen beswaar.

ELEKTRISITEITSDIENSTE

No Objections.

ADMINISTRATIEWE DIENSTE

Die aansoek om sluiting word nie ondersteun nie. Die steeg bied 'n deurgang vir voetgangers asook in 'n geval van nood ontruiming kan dit baie toeganklik wees. Die Wykskomitee se insette is van kardinale belang. Om van die probleme aan te spreek, kan die steeg moontlik net saans verlig word.

STRATE EN STORMWATER

Volgens planne is daar 'n 300mm stormwaterpyp in die steeg geleë en kan die steeg dus nie gesluit word nie. Daar is ook 'n munisipale rioollyn wat die steeg kruis.

BOUBEHEER

Die aansoek word ondersteun, maar daar moet aan alle Wetlik vereistes voldoen word en alle omliggende en aanliggende eienaars moet geken word in die aansoek.

STADSBEPLANNING

Due to current CAM's infrastructure (stormwater and sewer lines), the proposal is not supported, however we should look at alternative measures to safeguard the area.

BESKERMINGSDIENSTE

Geen beswaar.

KOMMENTAAR: WYKSKOMITEE (19 JUNIE 2023)

Die Komitee beveel ten sterkste aan dat die stegie toegemaak word as gevolg van inbrake/probleme wat daar plaasvind.

UBK AANBEVELING: 19 SEPTEMBER 2023

"Dat 'n kennisgewing vir sluiting van die genoemde stegie in drie amptelike tale op die perseel opgerig word vir 'n termyn van 21 dae en indien besware ontvang word dit terugverwys word vir verdere oorweging."

RAADSBESLUIT 202/2023: 4 OKTOBER 2023

"Dat 'n kennisgewing vir sluiting van die genoemde stegie in drie amptelike tale op die perseel opgerig word vir 'n termyn van 21 dae en indien besware ontvang word dit terugverwys word vir verdere oorweging."

(Voorsteller: Rdh Jantjies / Sekondant: Rdl Louw)

Kennisgewing vir die sluiting van die genoemde stegie in die drie amptelike tale is op 27 November 2023 op die perseel opgerig van 21 dae en geen kommentare of besware is ontvang nie.

BESTUURSAANBEVELING

- (i) Dat die stegie tussen Oumeuleweg en Asterlaan tydelik gesluit word.
- (ii) Dat die omliggende eienaars die perseel skoon en netjies sal hou.
- (iii) Dat die Raad die koste dra vir die tydelike sluiting van die stegie.

BESLUIT 21/2024

- (i) Dat die stegie tussen Oumeuleweg en Asterlaan tydelik gesluit word en dat die omliggende inwoners dienooreenkomstig ingelig word van die Raad se besluit.
- (ii) Dat die omliggende eienaars die perseel skoon en netjies sal hou.
- (iii) Dat die Raad die koste dra vir die tydelike sluiting van die stegie.

(Eenparig)

Implementation: Manager: Admin Support (P Valentine); and
Manager: Streets and Stormwater (D Wasserman)

15.9 VERVREEMDING (KOOP): GEDEELTE VAN ERF 6570, BREDASDORP

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr J Muggels ten einde 'n gedeelte van erf 6570, Bredasdorp te koop.

ALGEMENE INLIGTING

Eienaars : KAM
Eiendom : Gedeelte Erf 6570, Bredasdorp
Huidige sonering : Publieke Oopruimte
Erf Grootte : 33.5116ha
Voorgestelde Grootte : 6m x 7m (±42)

AGTERGROND

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

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

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

DOEL/REDE

Ek wil graag tuin maak om groente te plant.

0734249045/0717517602

MARKWAARDASIE

R 1 764,00 pj (aangeheg op **bladsy 50 tot 54**)

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

	<p>4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries. (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

KOMMENTAAR: WYKSKOMITEE: 16 MEI 2022

Die Komiteelede keur Erf 6570 vir uitbreiding, nie goed nie.

RAADSBESLUIT 183/2022: 27 JULIE 2022

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

'n Advertensie van die Raad se voorneme is op 10 Februarie 2023 in die plaaslike pers geplaas en geen besware is ontvang nie.

KOMMENTAAR: J MUGGELS

Die groente wat geplant word gaan vir huishoudelike gebruik word.

KOMMENTAAR: WYKSKOMITEE: 23 OKTOBER 2023

Wykskomitee kommentaar van 16 Mei 2022, word gehandhaaf.

BESTUURSAANBEVELING

- (i) Dat goedkeuring verleen word vir die verhuring van 'n gedeelte (42m²) van erf 6570, Bredasdorp aan mnr J Muggels vir 'n termyn van 3 jaar teen R500,00 pj, vir die doel van 'n groentetuin.
- (ii) Dat 'n terugvalklousule in plek gestel word in die ooreenkoms wat deur eiendomsadministrasie opstel word.
- (iii) Dat die versoek om die erf te koop nie toegestaan word nie.

BESLUIT 22/2024

- (i) Dat die versoek om die erf te koop nie toegestaan word nie.
- (ii) Dat goedkeuring verleen word vir die verhuring van 'n gedeelte (42m²) van erf 6570, Bredasdorp aan mnr J Muggels vir 'n termyn van 3 jaar teen R500,00 pj, vir die doel van 'n groentetuin.
- (iii) Dat 'n terugvalklousule in plek gestel word in die ooreenkoms wat deur eiendomsadministrasie opstel word.
- (iv) Dat die aansoeker ingelig moet word van die raad se besluit en dat die Eiendomsadministrasie die nodige kontrak finaliseer met mnr Muggels

(Voorsteller: Clr Donald / Seconder: Ald Swart)

Implementation: Manager: Admin Support (P Valentine)

15.10 **AMENDMENT / EXTENTION OF CONTRACT: IKUSASA CHEMICALS PTY LTD (SCM20/2019/20)**

PURPOSE OF REPORT

To obtain approval in terms of Part 20.14 of the Municipal Supply Chain Management Policy and System [SCMP] issued in terms of section 111 of the Municipal Finance Management Act, 2003 (Act 56 of 2003) - [MFMA] and adopted by the Council in 2015 and section 116 (3) (a) of the MFMA that the municipality intends to extend the existing contract with **Ikusasa Chemicals Pty Ltd** for water treatment in Waenhuiskrans and Suiderstrand until 29 February 2024.

BACKGROUND

In 2019, the Cape Agulhas Municipality [CAM] issued a tender T88/2020 (SCM 20/2019/20) for the treatment of existing groundwater sources in Waenhuiskrans and Suiderstrand. Subsequently, the CAM concluded a formal agreement with Ikusasa Chemicals on March 2021 for the rendering of the abovementioned service. The service level agreement is valid for a period of three years from the date of delivery of water to the respective towns. The infrastructure is owned and operated by the Service provider. The treatment plants deliver a high-quality drinking water to the public and alleviates the pressure on the Bredasdorp water sources since Waenhuiskrans is supplied with water from Bredasdorp. The Service Provider is efficient and deals quickly with queries on short notice.

The rationale for the above conclusion is that **Ikusasa Chemicals Pty Ltd** -

- a. The tenderer confirmed in writing their willingness to supply the goods under the same terms and conditions.
- b. Tariffs for the first year (March 2024 to February 2025) will be R13,16 and for the second year (March 2025 to February 2026) it will be R14,48.
- c. The tenderer has initially been appointed after an open bidding process.
- d. The tenderer can ensure legal compliance and delivery of the goods.

The Municipality now wishes to invoke the aforementioned contractual condition and renew /amend the service level agreement effectively from 01 March 2024 for a further period of two years to the end of February 2026.

FINANCIAL IMPLICATIONS

The amendment will be on the same terms and conditions and will be funded from budget vote 015021297000 and sufficient funds are available.

1. An annual tariff increase of 10% on 1 March 2024 is proposed and again an escalation of 10% on 1 March 2025 which is in line with adjustments made during the previous two years. (Ikusasa remains responsible for payment of electricity):

(Excl)	R/kL water	R/kl electr	R/kl total	Increase %
Year 1	R 7.95	R 2.00	R 9.95	
Year 2	R 8.55	R 2.30	R 10.85	9.0%
Year 3	R 9.31	R 2.65	R 11.96	10.2%
Year 4	R 10.19	R 2.97	R 13.16	10.0%
Year 5	R 11.29	R 3.56	R 14.48	10.0%

MANAGEMENT RECOMMENDATION

That the proposed amendment of the Service Level Agreement of **Ikusasa Chemicals Pty Ltd** as per Parts 20.14 of the Municipal SCM Policy and System and in terms of Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), be approved at the same terms and conditions as the original agreement.

RESOLUTION 23/2024

That the proposed amendment of the Service Level Agreement of **Ikusasa Chemicals Pty Ltd** as per Parts 20.14 of the Municipal SCM Policy and System and in terms of Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), be approved at the same terms and conditions as the original agreement.

(Proposer: Clr Mokotwana / Seconder: Clr Ross)

Implementation: Director: Infrastructure Services – H Kröhn

15.11 **REPORT OF THE MUNICIPAL AUDIT COMMITTEE FOR THE QUARTER ENDED 31 DECEMBER 2023**

PURPOSE OF THE REPORT

To present to Council the Audit Committee report on its activities for the quarter ended 31 December 2023.

BACKGROUND

In terms of National Treasury Circular 65 of 2003, the municipality's Audit Committee must report to Council, on a quarterly basis, on its functions and activities for that quarter including its oversight function over the Internal Audit Function. The Committee has completed its report for the quarter ended 31 December 2023 for consideration by the Council (attached on **page 55 to 57**).

The Committee wishes to bring to Council's attention to following items in their report:

1. Par. 5(a) : Areas of satisfaction.
2. Par. 5(b) : Areas of concern.
3. Par. 5(c) : Internal Audit reports reviewed by the Committee.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Compliance to National Treasury Circular 65 Of 2003.

RECOMMENDATION: AUDIT COMMITTEE

That the Council consider and approve the Audit Committee's quarterly report for the quarter ended 31 December 2023.

RESOLUTION 24/2024

That Council approve the Audit Committee's quarterly report for the quarter ended 31 December 2023.

(Proposer: Ald Nieuwoudt / Seconder: Clr Eksteen)

Implementation: Chief Audit Executive (Z Baca)

15.12 **REPORT OF THE MUNICIPAL PERFORMANCE AUDIT COMMITTEE FOR THE QUARTER ENDED 31 DECEMBER 2023**

PURPOSE OF REPORT

To present to Council the Performance Audit Committee report on its activities for the quarter ended 31 December 2023.

BACKGROUND

In terms of Municipal Planning and Performance Management Regulations of 2001, the municipality's Performance Audit Committee must report to Council, at least twice during the financial year, on its functions and activities for each quarter including its oversight function over the Internal Audit Function. The Committee has completed its report for the quarter ended 31 December 2023 for consideration by the Council (attached on **page 58 to 60**).

The Committee wishes to bring to Council's attention to following items in their report:

1. Par. 7 : Areas of satisfaction
2. Par. 8 : Areas of concern

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Compliance Municipal Planning and Performance Management Regulations of 2001.

RECOMMENDATION: AUDIT COMMITTEE

That the Council consider and approve the Performance Audit Committee's quarterly report for the quarter ended 31 December 2023.

RESOLUTION 25/2024

That Council approve the Performance Audit Committee's quarterly report for the quarter ended 31 December 2023.

(Proposer: Cnr Ross / Seconder: Cnr Donald)

Implementation: Chief Audit Executive (Z Baca)

15.13 **EXTERNAL AUDIT ACTION PLAN FOR THE AUDITOR GENERAL AUDIT OF THE 2022/23 FINANCIAL YEAR (OPCAR): MONTHLY PROGRESS REPORT AS AT 29 FEBRUARY 2024**

PURPOSE OF REPORT

To present to Council the Audit Action Plan (OPCAR) meant to address the audit findings made by the Auditor-General of South Africa during the 2022/23 financial year audit.

BACKGROUND

The Auditor General's audit of the municipality's operations and activities for the 2022/23 financial year revealed some shortcomings that needs to be addressed. These shortcomings have been taken up in the 2022/23 OPCAR, as attached on **page 61 to 63** where specific corrective measures have been determined for implementation. The progress made with the implementation of the plan is submitted to the municipal Council and the Western Cape Provincial Treasury on a monthly basis as well as quarterly to the Cape Agulhas Municipality Audit Committee for review.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council considers and accept the presentation of the 2022/23 OPCAR action plan as at 29 February 2024.

RESOLUTION 26/2024

That Council accept the presentation of the 2022/23 OPCAR action plan as at 29 February 2024.

(Proposer: Clr Donald / Seconder: Clr Eksteen)

Implementation: Chief Audit Executive (Z Baca)

15.14 **HERNUWING: HUUROOREENKOMS MET DIE L'AGULHAS TENNIS EN JUKSKEIKLUB VIR ERF 690 L'AGULHAS**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van L'Agulhas Tennis en Jukskeiklub ten einde 'n addisionele huurder by te voeg op die huur ooreenkoms.

AGTERGROND

Die Raad het baie jare gelede die verhuring van Erf 690 L'Agulhas aan die L'Agulhas Tennis- en Jukskeiklub goedgekeur. In Desember 2013 is die huurkontrak henu vir 'n tydperk van 3 jaar, (Besluit 308/2013) en sedertdien is die huurkontrak deur die Munisipale Bestuurder henu op 'n jaar-tot-jaar basis ingevolge gedelegeerde bevoegdheid. Ingevolge die besluit was die Munisipale Bestuurder gemagtig om die ooreenkoms vir 3 jaar tydperke te verleng.

Met die laaste hernuwing is 'n versoek ontvang om Zoetendal Akademie as huurder in te sluit en dat die huurkontrak vir 'n tydperk van 3 jaar in plaas van een jaar henu word. Hierdie reëling word bevestig in die brief wat as aanhangsel A aangeheg is.

Die rede waarom hierdie hernuwing aan die Raad gebring word, is dat daar 'n verandering aan die bepalinge en voorwaardes is, naamlik die byvoeging van 'n bykomende huurder en die wysiging na 'n gesamentlike huur.

HUURTARIEF

R 1 505.82 pj

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

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

BESTUURSAANBEVELING

- i) Dat goedkeuring verleen word dat daar met die hernuwing van die L'Agulhas Tennis en Jukskeikklub-huurooreenkoms, vir Erf 609, L'Agulhas, Zoetendal Akademie as 'n gesamentlike huurder bygevoeg word.
- ii) Dat die versoek dat die termyn verleng word vir 'n tydperk van 3 jaar goedgekeur word.
- iii) Dat alle bestaande huurvoorwaardes steeds van toepassing sal bly.

BESLUIT 27/2024

- (i) Dat goedkeuring verleen word dat daar met die hernuwing van die L'Agulhas Tennis en Jukskeikklub-huurooreenkoms, vir Erf 609, L'Agulhas, Zoetendal Akademie as 'n gesamentlike huurder bygevoeg word.
- ii) Dat die versoek dat die termyn verleng word vir 'n tydperk van 3 jaar goedgekeur word.
- iii) Dat alle bestaande huurvoorwaardes steeds van toepassing sal bly.

(Voorsteller: Rdl Donald / Seconder: Ald Nieuwoudt)

Implementation: Manager: Admin Support (P Valentine)

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

- Dreigende grondbesettings moontlik hierdie komende naweek. Me Smith se departement het vanmiddag om 14:00 'n vergadering met die belanghebbendes en 'n opvolgvergadering gaan daarna gehou word met die inwoners op Maandag 11 Maart 2024 en almal is welkom om die vergadering by te woon. Die proses met betrekking tot "back-yard dwellers" moet nie uitgesluit word nie.
- Provincial Commercial Crimes Unit case – the investigation has been going on for a long time. The person was found and arrested and he is currently out on bail.
- Pro-active approach – urge communities to take care of kids. This item must be added to the Agenda of the next Safety Forum meeting.

18. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

19. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 29 - 31** van hierdie Notule.

21. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

22. **SLUITING**

Hierna verdaag die vergadering om 13h10.

ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuur. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Publieke deelname proses. Marketing value to be determined. Item will be resubmitted to Council on the meeting of 12 December 2023.	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.	Publieke deelname proses. Management recommendation will be submitted to Council for final decision on 12 Dec 2023.	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 nog nie plaasgevind nie - Datum sal vasgestel word in Oktober 2023. Abraham het reeds in Oktober 2022 saam met die Raadslid 'n terreinbesoek gedoen. Daarna het hy twee planne aan die Raadslid gemail op 13 Maart 2023, sodat die Wykskomitee die uitleg kon goedkeur om met die stadsbeplanningsprosesse voort te gaan. Dus is die Wykskomitee se besluit steeds uitstaande.	Eiendoms-administrasie
31/2023	Duikerstraat, Struisbaai: Uitdagings Ou Jaarsdag en Nuwe Jaarsdag	(i) The proposal be noted. (ii) Alternative sites be identified for recreational purposes in Struisbaai. (iii) A layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning. (iv) That the SDF also includes investigation towards the "OK-plein" in Struisbaai, the parking area at the harbour and the parking area on the southern side of the harbour. (v) Proposed layouts for the abovementioned premises be tabled at the next Finance- and IT Services Portfolio Committee meeting by the Town Planning Department.	The parking area at the harbour and the parking area on the southern side of the harbour. The layout was circulated internally and wil go to Committees & Council during October 2023. Currently we do not have an Auto Cad programme. Abraham was doing layouts on his own computer at home- the license expired. A quote from a service provider for an AutoCAD 3D license is estimated to cost R27,000 per year, making it a crucial investment for efficient functioning of our department and Cape Agulhas Municipality as a whole. We have motivated for the purchase of AutoCad 3d license - it will have to go to the ICT Steering Committee for consideration. Abraham will only be able to continue preparing layouts, after approval and purchase of the Autocad 3d license.	Stadsbeplanning

**NOTULE: RAADSVERGADERING / COUNCIL MEETING
6 MAART / MARCH 2024**

			<i>An Agenda item went to the ICT Committee where it was approved to buy the software license. However, IT doesn't have a budget available. Abraham will continue with the layouts before the end of December 2023, as soon as the software has been paid.</i>	
223/2023	Vervreemding (huur): Ged 1148, Bredasdorp (J Williams)	Dat die aansoeker 'n volledige besigheidsplan aan die Raad voorlê vir oorweging.	<i>The applicant was informed about the business plan. Still waiting but will follow up.</i>	Eiendoms-administrasie
228/2023	Finalisation of outstanding Council resolution 118/2020: Alienation of a portion of erf 955, Struisbaai	(i) Valuation be obtained. (ii) After obtaining the valuation, the matter be submitted to Council for final decision making.	<i>Valuation has been obtained and will be submitted to Council in January 2024.</i>	Eiendoms-administrasie
229/2023	Heroorweging van Raadsbesluit 203/2023: Vergunning vir verlaagde oorskredingskoste: Erf 574, L'Agulhas (A Steyn)	(i) Versoek nie toegestaan word nie, en daar nie afgewyk word van die vasgestelde tariewe vir oorskredings nie. (ii) In beginsel goedkeuring verleen word vir die aangaan van 'n oorskreiding ooreenkoms vir 'n oorskreiding van 2.5 meter om 'n tent te akkommodeer. (iii) Dat die termyn van die ooreenkoms vir 'n periode van 2 jaar sal wees. (iv) Jaarlikse oorskreidingstariewe van toepassing sal wees. (v) Aangrensende eienaar (erf 262) te alle tye toegang tot haar eiendom sal hê (vi) Indien enige klagtes ontvang word, die MB gemagtig word om namens die Raad enige behorende maatreëls in plek te stel, insluitend die onmiddellike beëindiging van die kontrak. (vii) Publieke deelname proses gevolg word en indien geen besware ontvang word, die MB gemagtig word om die ooreenkoms aan te gaan.	<i>The application has been advertised for comments and the closing date is 1 Dec 2023. Item will be submitted to Council for final December 2023.</i>	Eiendoms-administrasie
230/2023	Vervreemding (huur): Ged erf 373, Waenhuiskrans (M Murtz)	(i) In beginsel goedkeuring vir die verhuring van 8m stuk grond vir 3 jaar. (ii) Huurbedrag vasgestel word op R1,00 per jaar. (iii) Geen permanente strukture opgerig mag word nie, en dat 'n volledige terugvalklausule in plek gestel sal word. (iv) Raad se voorneme geadverteer word en indien geen besware, die MB gemagtig word om die huurooreenkoms namens die Raad aan te gaan.	<i>The application has been advertised for comments and the closing date is 1 Dec 2023. Item will be submitted to Council for final decision in December 2023.</i>	Eiendoms-administrasie
249/2023	Alternative Waste Management Solutions	(i) Approves transportation of waste to Karwyderskraal in the short to medium term. (ii) Aggressive recycling, organic waste/green waste at source campaign starts as soon as possible. (iii) CAM works closely with ZWASA. (iv) That the SLA with the ODM be finalised as soon as possible. (v) That there be budgeted accordingly during the coming budgeting process. (vi) That the strategy be included in the final IWMP. (vii) Process of compiling tender starts as soon as possible. (viii) To be ready for implementation by October 2024. (ix) Negotiated with DEADP for extending the non-compliance permit conditions until October 2024. (x) Process of determining the service delivery mechanism for management of the Bredasdorp landfill facility be commenced with.	<ul style="list-style-type: none"> • Roadmap for guidance to achieve target by the end of October 2024 - Project Implementation Plan with Deliverables, Actions, Timeframes and Status of Actions to serve as a guideline for reaching our target for implementation by the end of October 2024. • Draft Recycling Strategy was compiled. • Draft Organic Waste Strategy - was compiled. • Several meetings were held with Zwaza to discuss Organic Green Waste strategy. • Meeting with ODM - 20 December 2023 to discuss way forward and to be included in existing Service Level Agreement. 	Infrastruktuurdienste

			<ul style="list-style-type: none"> • Will budget accordingly during next budgeting process. • Strategy already included in the IWMP. • Meeting was held with the Manager: Solid Waste and Deputy Director of Overstrand Municipality to discuss our strategy and to get more info regarding the tender processes. They are busy with a new tender and will close during March 2024. • Tender documents also requested from Theewaterskloof Municipality and Bergrivier Municipality to assist us and serve as a guideline. We also started with our own tender process. • Roadmap for guidance to achieve target by the end of October 2024 - Project Implementation Plan with Deliverables, Actions, Timeframes and Status of Actions to serve as a guideline for reaching our target for implementation by the end of October 2024. • Letter to DEADP and response letter for extension to dump waste until the end of October 2024. • Long term process: Service provider cannot be appointed before the construction of a new landfill site or a new cell - This option is too expensive and time consuming as was indicated in the report to Council. 	
250/2023	Final Draft Integrated Waste Management Plan	<p>(i) In principle approves the final draft Integrated Waste Management Plan.</p> <p>(ii) IWMP be made available for public inputs, for a period of 30 days (to be advertised after Council meeting of 12 December 2023).</p> <p>(iii) That comments from the Overberg District Municipality and the DEADP be obtained.</p> <p>(iv) Comments be incorporated in the IWMP and submitted to Council for final approval.</p> <p>(v) That the final Integrated Waste Management Plan be submitted to DEADP.</p>	<p>IWMP was advertised from 15 January 2024 until 16 February 2024 for public comment.</p> <p>No comment received, only from DeadP. Will be incorporated in the IWMP and submitted to Council April 2024 for final approval. The final approved IWMP will then be submitted to DeadP.</p>	Infrastruktuurdienste

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 28/2024

Dat die Raad kennis neem van onafgehandelde Raadsbesluite en dat die items wat afgehandel is, verwyder moet word van lys van onafgehandelde Raadsbesluite.

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

BEKRAGTIG op hierdie dag van 2024

SPEAKER

DATUM