



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DINSDAG
10 DESEMBER 2019 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 10 DECEMBER 2019
AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr A Jacobs	Direkteur: Infrastruktuurdienste
Mnr H Kröhn	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Me N Mhlati-Musewe	Divisional Head: HR Services & Organisational Development

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Baker open die vergadering met gebed. 'n Spesiale woord van verwelkoming ook aan die begunstigdes van die ABSA internskappe wat aan die Raad toegedeel is.

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

Mnr	C J Jacobs	Raadslid
Me	T Stone	Afdelingshoof: Strategiese Dienste

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

Geen.

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

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

1 Oktober 2019

BESLUIT 188/2019

Die Notule word as korrek en volledig bekragtig.

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

29 Oktober 2019

BESLUIT 189/2019

Die Notule word as korrek en volledig bekragtig.

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

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

19 November 2019

BESLUIT 190/2019

Die Raad neem kennis van bogenoemde UBK Notule.

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

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

- WYK 1 : 21 Oktober 2019
- WYK 2 : 24 Oktober 2019
- WYK 3 : 22 Oktober 2019
- WYK 4 : 11 September 2019
- WYK 5 : 23 Oktober 2019
- WYK 6 : 24 Oktober 2019

BESLUIT 191/2019

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 VOORGELê VIR KENNISNAME**Municipal Accounts Committee (MPAC):**

- 19 en 22 Januarie 2018
- 31 Julie 2018
- 29 Augustus 2018
- 31 Januarie 2019
- 18 Januarie 2019
- 23 Julie 2019

BESLUIT 192/2019

Die Raad neem kennis van bogenoemde MPAC Notules.

7. SAKE VOORTSPRUITEND UIT NOTULES

Geen.

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

Aangeheg op *bladsy 1 tot 11* van die bylae.

8.2 FUNKSIES VIR DIE MAAND

- Wykskomitees se kersfunksies is afgehandel, buiten wyk 5 (28 Desember 2019).
- Raadslid Europa, mnr Jacobs en me Stone word geluk gewens met hul verjaarsdae die afgelope week.

8.3 AANWYS VAN AFGEVAARDIGDES

Geen.

8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

Geen.

9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Raadslid Sauls gee terugvoer aangaande die opgradering van die Otto du Plessis Hospitaal asook die Elim Kliniek.

10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

Die Burgemeester meld die volgende:

- Hy spreek sy dank uit teenoor Raadslede en amptenare ten opsigte van die skoon oudit ontvang vanaf die Ouditeur-Generaal.
- Die Geslagsgelykheids-Bewusmakingsveldtog wat vandag ten einde loop.
- Hy spreek sy teleurstelling uit, aangesien die beloofde aantal huise nie almal oorhandig kon word nie.
- Raadslede word 'n geseënde vakansieseisoen toegewens en versoek om steeds in nood situasies beskikbaar te wees.

		<u>Bladsy</u>	
		<u>Agenda</u>	<u>Bylaes</u>
11.	<u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u>		
11.1	Internal Health and Safety Risk Audit Report	5	12 - 33
11.2	Nuisances and Behaviour in Public Places and Crime Prevention By-Law	5 - 6	34 - 45
11.3	Flash Flood Report	6 - 7	46 - 49
11.4	CAM Maintenance Management Maturity Assessment	7 - 8	Apart
11.5	CAM Energy Management System Report	8 - 9	50 - 72
11.6	Review: Air Quality Management Plan	9	73 - 79
11.7	Sale of Portion of Uitkyk Street, Suiderstrand	10 - 12	-
11.8	Valuation: Erf 857, Struisbaai	12 - 15	-
11.9	Vervreemding (koop): Oopruimte direk langs Erf 528, Waenhuiskrans	15 - 18	80 - 81
11.10	Vervreemding (koop): Ged erf 663 en Ged erf 579, L'Agulhas	18 - 20	82 - 84
11.11	Vervreemding (koop): Erf 3616, 3617, 3620 en 3625, Bredasdorp	20 - 21	85 - 96
11.12	Vervreemding (verkoop): Erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195, Struisbaai	22 - 24	-
11.13	Hersiening van bestaande Huurooreenkoms: Kindersorg, Napier	24 - 25	97 - 99
11.14	Draft Amendments: By-Law on Municipal Land Use Planning	26 - 28	100 - 108
11.15	Verslag: Foutiewe tarief t.o.v. Eiendomsbelasting - Tariewe 2019/2020	28	-
11.16	Quarterly SCM Report: Period ended 30 September 2019	28 - 29	109 - 149
11.17	Approval: Human Resources Policies	29 - 30	150 - 171
11.18	Reviewed and Amended SCM Policy	30 - 31	172 - 175
11.19	Jaarbeplanner: 2020	31	Apart
12.	<u>AANVULLENDE ITEMS DEUR DIE RAAD HANTEER</u>		
12.1	L'Agulhas Rolbalklub: Ondersteuning t.o.v. waterverbruik	31 - 32	
12.2	CAM Draft Annual Report: 2018/19	32 - 34	
12.3	Performance Reviews: 2018/19	34 - 36	
12.4	Amendment/Extention of Contract: Fidelity Security Services	36 - 37	
12.5	Struisbaai Square Feasibiity Study: Final Draft Report	37 - 41	
12.6	Verlenging Huurooreenkoms: Absolute Marine Adventures	41 - 42	
12.7	Vervreemding van Munisipale Eiendomme	42 - 45	
13.	<u>DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER</u>		
	Geen.		
14.	<u>OORWEGING VAN KENNISGEWING VAN MOSIES</u>		
	Geen.		
15.	<u>OORWEGING VAN KENNISGEWING VAN VRAE</u>		
	Geen.		
16.	<u>OORWEGING VAN DRINGENDE MOSIES</u>		
	Geen.		
17.	<u>VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE</u>		
	Lys van onafgehandelde Raadsbesluite verskyn op bladsy 46 .		
18.	<u>IN-KOMITEE VERSLAE</u>		
	Die In-Komitee items word vertroulik hanteer.		

19. **SLUITING**

Die vergadering verdaag om 13:00

11. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING**

11.1 **INTERNAL HEALTH AND SAFETY RISK AUDIT REPORT**

PURPOSE OF REPORT

For Council to take note of the Internal Health and Safety Audit report for September 2019.

BACKGROUND

Council sought a legal compliance opinion from the Health and Safety Officer on the reasonably practicable adherence to and compliance with the requirements of the Occupational Health and Safety Act 85 of 1993 (as amended and hereinafter referred to as "the Act").

The Occupational Health and Safety Officer conducted an internal risk audit report for Cape Agulhas Municipality for September 2019.

The internal health and safety risk audit was conducted by the OHS Officer on the following areas:

Bredasdorp, Napier, Struisbaai, Agulhas and Arniston (see reports attached on **page 12 to 33**).

LEGAL IMPLICATIONS

1. Health and Safety Act of 85 of 1993.
2. Health and Safety Policy of Council.

PERSONNEL IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Unknown.

MANAGEMENT RECOMMENDATION

That Council take note of the Internal Health and Safety Audit report for September 2019.

RESOLUTION 193/2019

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

11.2 **NUISANCES AND BEHAVIOUR IN PUBLIC PLACES AND CRIME PREVENTION BY-LAW (DMS)**

PURPOSE OF REPORT

For Council to consider the draft by-law: **Nuisances and Behaviour in Public Places and Crime Prevention** for acceptance as a by-law for the municipality, as attached on **page 34 to 45**.

BACKGROUND

The by-law encapsulates a few by-laws, namely: By-Law to Prevent and Control Public Nuisance, By-Law Relating to Streets, By-Law for Keeping of Animals, Bees and Poultry, Refuse Removal By-Law, Street Trading By-Law, etc. in one By-Law, whereby the relevant officials can act with more authority. The By-Law especially speaks to the problems that we experience during the festival season and gives the officials involved the necessary authority to act upon certain offenses.

LEGAL IMPLICATIONS

The municipality has competence in terms of Part B of Schedule 4 and 5, as authorized by Section 156(2) of the Constitution of the Republic of South Africa to make and administer By-Laws for the effective administration of the matters which it has the right to administer; and

Whereas such competence includes the management of nuisances, behaviour in public places and crime prevention.

Once the By-Law has been accepted by Council, it needs to be advertised in the Provincial Gazette, after which it will become enforceable as a law of Cape Agulhas Municipality.

FINANCIAL IMPLICATIONS

No direct financial implications, except for the advertising costs which are fully budgeted for.

PERSONNEL IMPLICATIONS

No direct personnel implications.

MANAGEMENT RECOMMENDATION

- (i) That Council accepts the draft By-Law: Nuisances and Behaviour in Public Places and Crime Prevention.
- (ii) That a workshop be held on 20 January 2020 with Council before the final draft is published as required.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 194/2019

That the Management Services Committee recommendation be accepted as a resolution of Council.

11.3 **FLASH FLOOD REPORT (DIS) (WARDS 2, 3, 4 & 6)**

PURPOSE OF REPORT

To give Council an overview of the flooding and damaged caused due to heavy rains on the 29th of September 2019 (see report attached on **page 46 to 49**).

BACKGROUND

During the night and morning of 29 September 2019 heavy rain fell in Bredasdorp and surrounding areas in a short period of time, causing severe flooding in certain areas.

The stand-by team as well as personnel from the Streets & Stormwater Division were responsive to all complaints on the day.

No loss of life or injuries were reported. The clean-up of debris, deposited gravel and sand on road surfaces commenced on the same day and continued for 2 weeks after the flooding occurred.

CONCLUSION

Most of the flooding occurred due to the intensity of the rainfall and the fact that the existing storm water infrastructure, in some cases, could not cope with the high volumes of water in a very short period of time. The volume of rain that fell over a short period categorizes this incident as a flash flood.

The majority of the flooding occurred on flat lying areas. The incidents of flooding need to be assessed individually, with proper hydraulic modelling and designs after the run off of the catchment areas have been determined. There are no "quick fixes" for these type of problems.

Consultants are in the process to compile a storm water master plan for all towns, which will highlight all the areas at risk of storm water flooding. Projects will be identified to address the storm water risks, which need to be budgeted for according to priorities.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

Unknown - Possible insurance claims.

MANAGEMENT RECOMMENDATION

That Council take note of the report.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 195/2019

That the Infrastructure Services Committee recommendation be accepted as a resolution of Council.

11.4 **CAM MAINTENANCE MANAGEMENT MATURITY ASSESSMENT (DIS) (ALL WARDS)**

PURPOSE OF REPORT

To present the Maintenance Management Maturity Assessment Report for Cape Agulhas Municipality to Council.

BACKGROUND

Cape Winelands District Municipality (CWDM) embarked on a pilot project for Maintenance Management Maturity Assessment in the Western Cape. Cape Agulhas Municipality supported this intervention with the expertise of CAM Director: Infrastructure Services, Mr Jacobs. The Municipal Manager of Cape Winelands District Municipality formally requested that Mr Jacobs be seconded as the Technical Specialist to develop the technical specifications, establishing the scope of works and evaluating the tender received for this project.

The tender was awarded to Aurecon Consulting Engineers and Cape Agulhas Municipality was included in the 6 municipalities participating in Asset Management Maturity project. Provincial Government and CWDM funded this project.

An international best practice assessment (ISO 55000) was conducted using the Asset Management Framework defined by the Global Forum on Maintenance and Asset Management. Extensive consultation informed the assessment, including interviews with individuals. The results of the assessment captured the maturity for each of the 39 subjects in the Framework and are included in the report, together with suggested improvement projects and their expected outcomes.

The report was **already distributed** along with the portfolio committee agenda's.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

A subsequent funding application was submitted to the Development Bank of South Africa for an Asset Care Improvement Project to the amount of R2 145 400,00 to support the project recommendations roll-out at Cape Agulhas Municipality.

MANAGEMENT RECOMMENDATION

That Council accept the Maintenance Management Maturity Assessment for Cape Agulhas Municipality including the proposed best practice recommendations.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 196/2019

That the Infrastructure Services Committee recommendation be accepted as a resolution of Council.

11.5 **CAM ENERGY MANAGEMENT SYSTEM REPORT (DIS) (ALL WARDS)**

PURPOSE OF REPORT

To present the CAM Situational Analysis of the Energy Management System Report for Cape Agulhas Municipality to Council.

BACKGROUND

GFA Consulting Group/Urban Earth was appointed to do a Situational Analysis for Energy Management Systems in select Municipalities in South Africa, including Cape Agulhas Municipality. The purpose of this report is to provide an energy management situational analysis of the Cape Agulhas Municipality. This project/initiative was applied for through SALGA and the consultants were appointed and funded by GIZ.

The information was developed through a combination of desktop research and stakeholder engagements. A "self-assessment" stakeholder engagement workshop was conducted on the 9th of September 2019 with key officials from Cape Agulhas Municipality.

The following energy efficiency recommendations for CAM were proposed in the short term:

1. Consumption Data Analysis
2. Capacity Building
3. Supporting an Enabling Environment
4. Revised Action Plan for Cape Agulhas

See report attached on **page 50 to 72**.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

None.

MANAGEMENT RECOMMENDATION

That Council accept the CAM Situational Analysis Report for Cape Agulhas Municipality including the proposed best practice recommendations.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 197/2019

That the Infrastructure Services Committee recommendation be accepted as a resolution of Council.

11.6 **REVIEW: AIR QUALITY MANAGEMENT PLAN****PURPOSE OF REPORT**

To inform Council of the review of the Air Quality Management Plan that needs approval before public participation can take place.

BACKGROUND

Each municipality must include an "Air Quality Management Plan" in its integrated development plan, contemplated in Chapter 5 of the Municipal Systems Act. The Constitution defines air quality as an executive function of local government and imposes great responsibilities on local municipalities. The AQMP of CAM was approved in 2014 and must now be reviewed in 2019 as required. Review of AQMP must be reviewed every 5 years (see plan attached on **page 73 to 79**). The next review will be in 2024.

FINANCIAL IMPLICATION

Budgeted for.

LEGISLATIVE REQUIREMENTS

Appointed Air Quality Officer are responsible for implementation.

MANAGEMENT RECOMMENDATION

That Council approves the review of the Air Quality Management Plan.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 198/2019

That the Infrastructure Services Committee recommendation be accepted as a resolution of Council.

11.7 SALE OF PORTION OF UITKYK STREET, SUIDERSTRAND (15/5/R - STRP) (WARD 5)**PURPOSE OF REPORT**

For Council to consider the sale of a portion of Uitkyk Street, Suiderstrand.

BACKGROUND

The following proposal (in yellow below) was received from Mr Schalk van der Merwe, owner of Erf 85 Suiderstrand in order to build his garage on the south eastern side of his dwelling:



Messrs Deon Wasserman, Shane Roach and Bertus Hayward met with the owners of erf 85, Suiderstrand on-site to determine whether any services will be affected by the proposal.

Mr Van Der Merwe is the owner of Erf 85, Suiderstrand - see locality plan below:



FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

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

MANAGEMENT RECOMMENDATION

- (i) That Council, in principle, approves the sale of a portion of Uitkyk Street, Suiderstrand.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account, if necessary.
- (iv) That a Portion of Uitkyk Street, Suiderstrand in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of Portion of Uitkyk Street, Suiderstrand to Mr Van der Merwe (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

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

- (vi) That valuations be obtained in order for Council to determine a reserve price.
- (vii) That all legal requirements are met for the disposal of land.

RESOLUTION 199/2019

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

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

PURPOSE OF REPORT

For Council to consider the request from LTN Bedrywe Pty Ltd.

BACKGROUND

Council took the following decision (125/2018) on 25 September 2018:

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

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

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

- (a) the way in which the capital asset is to be sold or disposed of;
 - (b) a floor price or minimum compensation for the capital asset;
 - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
 - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R16 715 000,00 (excluding VAT) for 55 866m².
 - (vii) That all legal requirements are met for disposal of land.
 - (viii) That a by-annual report be submitted to Council on the progress of the development.

Council took the following decision (158/2019) on 1 October 2019:

That Council take note of the Progress Report dated 19 September 2019 received from Messrs Kruger and Blignaut.

After Council considered the following input from Messrs Kruger and Blignaut:

The terms and conditions of the sale agreement has been agreed upon with the purchaser. The purchaser is however in process to secure his anchor tenants and undertook to advise us if the entire purchase, subject to the number of secured tenants, will proceed by the time that the Council meeting commences. If it does, the agreement will have to be advertised for public comment, where after the comments must be considered by council and be inserted in the agreement, where required. The agreement can then formally be signed.

REQUEST FROM LTN BEDRYWE

The Municipal Manager received the following electronic mail from mr Pierre Erasmus on 31 October 2019:

“Na verskeie ondersoek om bg. ontwikkeling haalbaar te maak wil ons graag die volgende voorstel maak:

- *Die SAP terrein, as dit moontlik is, dat die toekomstige perseel skuif na oorkantse hoek (hoek van Industrie straat en Hoofweg)*
- *Om n sirkel op bg. hoek te ontwerp en bou, dit sal verkeerspoed afbring op wat tans n gevaarlike kruising is en ook meeste verkeer herlei na Industriestraat.*
- *Die gedeelte van 857 hoër op met Industriestraat (+- 1,4 ha) is die voorstel om saam met die Stadsraad dit te onderverdeel in 11-12 erwe wat beide n hoër verkoopsprys en geleentede vir ander kleiner besigheidsaars gun.*
- *Weens die tydsverloop het ons een van ons ankerhuurders verloor . Om die projek suksesvol te maak het ons tyd nodig om n ander ankerhuurder te kry.*

Na aanleiding van bg punte wil ek u graag versoek vir meer tyd om die projek sinvol en volhoubaar te maak en n bate vir Struisbaai gemeenskap.”

On 29 September 2016 Council took the following decision (202/2016):

“Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van ‘n gedeelte van Erf 857 Struisbaai vir die gebruik daarvan vir polisiestatie doeleindes, op voorwaarde dat:

1. *Alle wetlike vereistes vir vervreemding, stadsbeplanning en boubeheer nagekom word.*
2. *Die aansoek na afhandeling van die stadsbeplanning en boubeheer prosesse weer na die Raad verwys word vir finale oorweging.*
3. *Oordrag sal plaasvind sodra alle wetlike prosesse afgehandel is.*
4. *Dat onderhandelings met Departement Openbare Werke in aanvang neem vir die ruiling van erf 1253, Struisbaai.”*

TRIBUNAL DECISION: POLICE STATION

The Tribunal took the following decision (MPT3/2019) on 30 January 2019:

- (i) *That Town Planning amend the conditions of approval under General Services (13.) on page 56 of the agenda, to replace the words vehicular access with the words all access.*
- (ii) *That the following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-Law (2015) be approved:*
 1. *Subdivision of Erf 857 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 into Portion A (±1.5ha) and the Remainder.*
 2. *Rezoning of Portion A of Erf 857 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Undetermined Zone to Authority Zone for Police Station purposes.*
- (iii) *That the applicant and objector be shown of his/her right of appeal to the Council pointed in terms of article 79(2) of the Cape Agulhas By-Law on Municipal Land Usen Planning, 2015.*

KUSASA COMMODITIES PROPERTY INVESTMENT AND DEVELOPMENT (PTY) LTD: ERF 1257, STRUISBAAI)

On 30 October 2018 Council took the following decision (154/2018):

- (i) That Council, in principle approves the development.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That erf 1257, Struisbaai in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of erf 1257, Struisbaai by development proposal to Kusasa (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

- (a) the way in which the capital asset is to be sold or disposed of;
 - (b) a floor price or minimum compensation for the capital asset;
 - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
 - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R25 700 000,00 (excluding VAT) for the 25.7ha in extent.
 - (vii) That all legal requirements are met for disposal of land.
 - (viii) That the installation of municipal services on the mentioned erf be for the cost of the developer.
 - (ix) That a progress report be submitted to Council every six months.

DISCUSSION

An alternative site of the same size (1.5Ha) be allocated to the SAPD west from the current site on Erf 1257 Struisbaai, also on Industria Road.



This site will be subdivided and will not form part of the land Council has already alienated to Kusasa Commodities.

MANAGEMENT RECOMMENDATION

- (i) That Council hereby revoke the decision (202/2016) taken on 29 September 2016, seeing that the SAPS failed to build the police station.
- (ii) That an alternative site of the same size to be allocated to the SAPS west from the current site on Erf 1257, Struisbaai.
- (iii) That the above site will be subdivided and will not form part of the land Council has already alienated to Kusasa Commodities.
- (iv) That all roleplayers be informed accordingly.

RESOLUTION 200/2019

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

11.9 VERVREEMDING (KOOP) VAN OOPRUIMTE DIREK LANGS ERF 528, WAENHUISKRANS (COLLAB: 151335)

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr H J Siljeur ten einde die ongebruikte area langs erf 528, Waenhuiskrans te koop (liggingsplan aangeheg op **bladsy 80**).

ALGEMENE INLIGTING

Eienaars : KAM
 Ligging : Gedeelte Erf 403, Waenhuiskrans
 Huidige sonering : Oopruimte
 Voorgestelde grootte : 110m²

AGTERGROND

'n Skriftelike versoek is van mnr Siljeur (vader van die koper) ontvang om die ongebruikte area langs erf 528, Waenhuiskrans by die Raad te koop.

MARKWAARDASIE

R22 000,00 (gebaseer op die markwaardasie vir 15m x 5m)
 R 200,00 x 110m²

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality... c) An amount determined by resolution of the council of the municipality ... which is less than (a) or (b). 2. Definition of "realisable value" : fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Follow due procedures.

DIREKTEUR: GEMEENSKAPSDIENSTE

No objections.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

Eskom verspreidings gebied.

SENIOR SPESIALIS STADSBEPLANNER

W528

BESTUURDER: WATER EN RIOOL

Daar is geen water- en riooldienste in die steeg nie.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek kan ondersteun word, en die verkoop kan belastinginkomste vir die Raad verseker.
Aansoek kan ondersteun word, indien die vervreemding deur die korrekte publieke deelnameprosesse gaan.

KOMMENTAAR: RAADSLID EUROPA

Ek het nie 'n probleem, indien die bure en Eagle Ministries kerk nie 'n probleem het met die verkoop van grond nie.

BESLUIT: LD 32/2017

- (i) Dat die aansoek aanbeveel word, onderhewig dat die erf gekonsolideer word met die koper se bestaande erf, vir die koste van die koper.
- (ii) Dat die onderverdeling en hersonering van die gedeelte erf vir die koper se koste sal wees.

Op 1 Desember 2017 neem die UBK die volgende besluit (Besluit BK222/2017):

"Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte Erf 403, Waenhuiskrans ongeveer 110m² in grootte.

- (i) *Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.*
- (ii) *Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.*
- (iii) *Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word."*

BESTUURSAANBEVELING

Dat die Raad die UBK besluit van 1 Desember 2017 vir die verkoop van 'n gedeelte van erf 403, Waenhuiskrans aan mnr Siljeur, oorweeg.

Op 27 Maart 2018 neem die Raad die volgende besluit:

BESLUIT 19/2018

- (i) Dat UBK besluit BK222/2017 as besluit van die Raad aanvaar word.
- (ii) Dat die markwaarde op R22 000,00 (BTW uitg.) bepaal word.

BESTUURSAANBEVELING

- (i) Dat UBK besluit BK222/2017 geneem op 27 Maart 2018 herroep word.
- (ii) Dat in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte Erf 403, Waenhuiskrans ongeveer 110m² in grootte aan die eienaar me Olivia Nadia Siljeur.
- (iii) Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.
- (iv) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.
- (v) Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.

RAADSBESLUIT 157/2019: 01 OKTOBER 2019

- (i) Dat die bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word totdat 'n skrywe vanaf die aanliggende grondeienaar (me O N Siljeur) self ontvang is vir die aankoop van die gedeelte van erf 403, Waenhuiskrans.

'n Skriftelike versoek soos aangeheg op **bladsy 81** is ontvang vanaf me O N Siljeur om die ongebruikte area langs erf 528, Waenhuiskrans by die Raad te koop.

BESTUURSAANBEVELING

- (i) Dat in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte Erf 403, Waenhuiskrans ongeveer 110m² in grootte aan die eienaar me Olivia Nadia Siljeur.
- (ii) Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.
- (iii) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.
- (iv) Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.

BESLUIT 201/2019

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

11.10 **VERVREEMDING (KOOP): GEDEELTE (±132M²) ERF 663 EN GEDEELTE (±36M²) ERF 579, L'AGULHAS (COLLAB: 287169) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me L Geldenhuys ten einde 'n gedeelte (±132m²) van erf 663 en gedeelte (±36m²) van erf 579, L'Agulhas te koop.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 663, L'Agulhas en Gedeelte Erf 579, L'Agulhas
Ligging	:	Golfstraat
Huidige sonering	:	Oop Ruimte
Erf Grootte	:	3 377m ²

AGTERGROND

'n Skriftelike versoek is van me L Geldenhuys ontvang om 'n gedeelte (±132m²) van erf 663 en gedeelte (±36m²) van erf 579, L'Agulhas by die Raad te koop.

MARKWAARDASIE

R93 150,00 (BTW uitgesluit) (aangeheg op **bladsy 82 tot 84**)

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

I do not have any objections to the sale of the proposed pieces of the land as requested. We must just determine where our services are located and if it is located within these pieces of land the applicant must pay for the re-alignment of the services as well. We just need to get the valuers to confirm the price per square meter as determined late last year.

DIREKTEUR: FINANSIËLE DIENSTE

Word ondersteun onderhewig dat enige koste vir die installeer van dienste by die reserwe prys ingesluit word, indien enige.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No objection, as this erf is not needed for basic service delivery.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

Will not affect electrical services.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die 2 gedeeltes nie.

SENIOR SPESIALIS STADSBEPLANNER

Geen beswaar. Alle stadsbeplanningkoste sal vir eienaar/aansoeker se rekening wees.

SENIOR BOUBEHEERBEAMPTTE

Take note.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste word nie beïnvloed nie.

BESTUURSAANBEVELING: 30 APRIL 2019

- (i) Dat die Raad in beginsel goedkeuring gee dat 'n gedeelte van erf 633, L'Agulhas vervreemd mag word.
- (ii) Dat die Wykskomitee se aanbeveling ook oorweeg sal word.
- (iii) Dat 'n markverwante waarde bekom word sodra duidelike landmetersketse opgestel is.

RAADSBESLUIT 63/2019: 30 APRIL 2019

Dat die aangeleentheid terugverwys word na die Finans- en IT Dienste Komitee vir oorweging nadat alle relevante uitstaande inligting bekom is.

BESTUURSAANBEVELING

Vir bespreking by die Finansies- en IT Dienste Komitee vergadering.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van gedeelte van erf 633, L'Agulhas.
- (ii) Dat insette ook vanaf die Wykskomitee geïmplementeerd word.

RAADSBESLUIT 106/2019: 23 JULIE 2019

Dat die aangeleentheid terugverwys word sodat die markwaarde eers vasgestel kan word.

BESTUURSAANBEVELING

- (i) Dat die Raad in beginsel goedkeuring gee dat 'n gedeelte van erf 633, L'Agulhas vervreemd mag word.
- (ii) Dat die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.
- (iii) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.
- (iv) Dat alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word."

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 202/2019

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

11.11 **VERVREEMDING (KOOP): ERF 3616, 3617, 3620 EN 3625, BREDASDORP (WYK 2)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr J C Swartbooi, me D Van Hansen, mnr F C Williams en mnr H Hendricks ten einde erwe 3616, 3617, 3620 en 3625, Bredasdorp te koop.

ALGEMENE INLIGTING

Voornemende Koper : **Mnr J C Swartbooi**
 Eienaar : KAM
 Eiendom : Erf 3616, Bredasdorp
 Ligging : Kalkoentjiesingel
 Erf Grootte : 673m²
 Huidige Sonering : Enkel Residensieel

Voornemende Koper : **Me D Van Hansen**
 Eienaar : KAM
 Eiendom : Erf 3617, Bredasdorp
 Ligging : Kalkoentjiesingel
 Erf Grootte : 643m²
 Huidige Sonering : Enkel Residensieel

Voornemende Koper : **Mnr FC Williams**
 Eienaar : KAM
 Eiendom : Erf 3620, Bredasdorp
 Ligging : Kalkoentjiesingel
 Erf Grootte : 673m²
 Huidige Sonering : Enkel Residensieel

Voornemende Koper : **Mnr H Hendricks (Volle koopsom reeds betaal)**
 Eienaar : KAM
 Eiendom : Erf 3625, Bredasdorp
 Ligging : Kalkoentjiesingel
 Erf Grootte : 750m²
 Huidige Sonering : Enkel Residensieel

AGTERGROND

Skriftelike versoeke is vanaf mnr Swartbooi, me D Van Hansen, mnr F C Williams en mnr H Hendricks ontvang om erwe 3616, 3617, 3620 en 3625, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (BTW uitgesluit)

BESTUURSAANBEVELING

- (i) Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van erf 3616, 3617, 3620 en 3625, Bredasdorp.
- (ii) Dat die genoemde erf op publieke veiling verkoop word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

(Raadsheer Jantjies nie teenwoordig tydens bespreking van die aangeleentheid nie.)

RAADSBESLUIT 183/2018: 13 DESEMBER 2018

- (i) Dat bestuursaanbeveling (i) as 'n besluit van die Raad aanvaar word.
- (ii) Dat die eiendom "uit die hand" verkoop word teen die markverwante waardasieprys, nadat die publieke deelname proses gevolg is.

'n Advertensie met die Raad se voorneme is op 26 September 2019 in die plaaslike pers geplaas en die volgende besware is ontvang (sien besware aangeheg op bladsy 85 tot 96):

BESWARE ONTVANG

PERSOON	ERF	BESWAAR
D De Klerk	3616, 3617, 3620 en 3625	<ul style="list-style-type: none"> Bogenoemde erwe was nie geadverteer nie. Die regte proses was nie gevolg nie.
Woedende inwoner	3616, 3617, 3620 en 3625	<ul style="list-style-type: none"> Regverdige kanse word nie gegun nie. Die erwe wat geadverteer was, was geensins 'n deurskynende proses nie. Gelyke geleenthede word nie gegun om erwe te kan bekom nie. Die hele proses is swak en grens aan maatjie, maatjie besigheid.
J D Teras	3616, 3617, 3620 en 3625	<ul style="list-style-type: none"> Openbare veiling nie gehou nie. Mense is nie 'n gelyke kans gegun om 'n aanbod op die erwe te maak nie. Die erwe wat geadverteer was, was geensins 'n deurskynende proses nie. Die Tender was nooit geadverteer nie. Inligting is nie gesien oor erwe wat te koop is nie.
S B Meyer	3616, 3617, 3620 en 3625	<ul style="list-style-type: none"> Geen advertensie was geplaas dat erwe beskikbaar was op tender nie. Die regte tender prosedure was nie gevolg nie. Die proses was nie deursigtig nie aangesien die raad reeds 'n besluit gemaak het met die verkoop van die erwe.
D Crouch	3616, 3617, 3620 en 3625	<ul style="list-style-type: none"> We believe that the process should be fairly dealt with.
H Papier	3625	<ul style="list-style-type: none"> Ek het vanaf 2016 aansoek gedoen vir erf 3625. Ek was meegedeel dat die erwe oor geen dienste beskik nie. Die proses word onregverdig gevind. Ek voel dat my aansoek in ag geneem moet word as vorige aansoeker.

BESTUURSAANBEVELING

Dat die item na die Raad terugverwys word vir oorweging.

BESLUIT 203/2019

- (i) Dat, weens die aantal geldige besware wat ontvang is, erwe 3616, 3617, 3620 en 3625, Bredasdorp per publieke tender verkoop word aan eerste, plaaslike kopers.
- (ii) Dat die betaalde koopsom van erf 3625, Bredasdorp aan die voornemende koper terugbetaal word.

11.12 **VERVREEMDING (VERKOOP): ERWE 4185, 4186, 4187, 4201, 4200, 4209 EN 4195, STRUISBAAI (15/5/R - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die vervreemding van erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195, Struisbaai.

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195 Struis Crescent, Struisbaai
Erf Groottes	:	Erf 4185 = 1 258m ² Erf 4186 = 1 796m ² Erf 4187 = 1 144m ² Erf 4201 = 945m ² Erf 4200 = 945m ² Erf 4209 = 2 403m ² Erf 4195 = 1 701m ²
Huidige Sonering	:	Industrieel

AGTERGROND

Verskeie versoeke is ontvang vir die beskikbaarstelling van verdere industriële erwe in Struisbaai. Die volgende erwe beskikbaar vir vervreemding: Erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195, Struisbaai.



MARKWAARDASIE: PHILIP ELOFF

Mnrre Philip Eloff se waardasie met die vorige erwe verkoop op die veiling was as volg:

Property description: ERVEN 1825, 4199, 4198, 4197, 4196 AND 4210, STRUISBAAI

I, Philip Eloff, hereby certify that I have inspected the subject properties herein described, that I have no pecuniary interests in the property and that I have verified particulars contained herein, that I have valued the subject property to the best of my ability and knowledge and have found the market value of the subject properties at 22 August 2018 to be:

- Erf 4184 (1 275m²) at R320 / m² compounding R408 000 rounded to R400 000
- Erf 4199 (946m²) at R350 / m² compounding R331 100 rounded to R330 000
- Erf 4198 (939m²) at R350 / m² compounding R328 650 rounded to R329 000
- Erf 4197 (936m²) at R350 / m² compounding R327 600 rounded to R328 000
- Erf 4196 (954m²) at R350 / m² compounding R333 900 rounded to R334 000
- Erf 4210 (2 849m²) at R300 / m² compounding R854 700 rounded to R855 000

PRYSE ONTVANG

Pryse ontvang tydens vorige veiling was as volg:

Erf 4199	946m ²	R 833 750
Erf 4210	2 848m ²	R1 495 000
Erf 4196	954m ²	R 517 500
Erf 4197	936m ²	R 575 000
Erf 4184	1 257m ²	R1 150 000
Erf 4198	939m ²	R 603 750

Dus 'n gemiddelde bedrag van R656,73/m².

VOORGESTELDE RESERWE PRYSE

Na aanleiding van die bogenoemde gemiddelde bedrag per vierkante meter, word die volgende bedrae voorgestel met Mnre Dealcor se voorgestelde waardes, aangesien die ligging van erwe ook die veilingswaarde beïnvloed:

ERF	R656,73/m ²	DEALCOR
4185	R826 166,34	R720 000,00
4186	R1 179 487,08	R940 000,00
4187	R751 299,12	R600 000,00
4201	R620 609,85	R500 000,00
4200	R620 609,85	R500 000,00
4209	R1 578 122,19	R1 100 000,00
4195	R1 117 097,73	R890 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality....

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

BESTUURSAANBEVELING

- (i) Aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste nodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van Erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195 Struisbaai.
- (ii) Dat die genoemde erwe op publieke veiling verkoop word.
- (iii) Dat die genoemde erwe vir industriële doeleindes aangewend word.

BESLUIT 204/2019

- (i) Aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste nodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van Erwe 4185, 4186, 4187, 4201, 4200, 4209 en 4195, Struisbaai.
- (ii) Dat die genoemde erwe op publieke veiling verkoop word.
- (iii) Dat die reserweprys soos volg sal geld:
- Erf 4184 R400 000
 - Erf 4199 R330 000
 - Erf 4198 R329 000
 - Erf 4197 R328 000
 - Erf 4196 R334 000
 - Erf 4210 R855 000
- (iv) Dat die erwe aanliggend aan "pad D" ontwikkel word vir plaaslike entrepreneurs - Befondsing kan moontlik uit verkoopprijs van bogenoemde eiendomme reserveer word vir die voormelde ontwikkeling.

11.13 **HERSIENING - BESTAANDE HUUROOREENKOMS: KINDERSORG, NAPIER (COLLAB: 160099)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van Kindersorg Suid-Afrika, Napier ten einde erf 1614, Napier as kantoorruimte in te rig.

AGTERGROND

Volgens huidige huurooreenkoms word Kammaland Educare (Haasbekkie) tans vanuit erf 1614, Napier bedryf. Die huidige struktuur wat tans as kantoorruimte aangewend word te Volhoustraat, Napier is nie ruim genoeg om drie kantore te huisves nie.

Die voordeel van so 'n verskuiwing sal ook die logistieke aspekte en funksionering van Kammaland Versorgingsoord en Kammaland Educare vergemaklik. Die gebou wat tans KSA, Napier se kantore huisves, kan as voorskoolse klas ingerig word en is beide Kammaland Versorgingsoord en Kammaland op een perseel gevestig wat weer petrolkoste sal bespaar en die administratiewe take sal vergemaklik.

LAND DISPOSAL KOMITEE BESLUIT: LD 3/2017

Dat die versoek van Kindersorg Suid-Afrika, Napier aanbeveel word.

FINANSIële IMPLIKASIE

Die huidige huur beloop R150,00 per maand.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem dat die aansoeker wel 'n geregistreerde welsynsorganisasie is.
- (ii) Dat die Huurooreenkoms dienoreenkomstig aangepas word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE (13 MAART 2018)

- (i) Dat die Bestuursaanbeveling nie aanvaar word nie.
- (ii) Dat die aangeleentheid terugverwys word vir verdere ondersoek.

'n Nuwe skrywe was intussen ontvang waarin versoek word dat Kindersorg Suid-Afrika, Napier die "ou kliniek" by die Raad huur vir 'n tydperk van 3 jaar.

BESTUURSAANBEVELING: 19 MAART 2018

Dat die Raad die aansoek oorweeg.

BURGEMEESTERSKOMITEE BESLUIT BK42/2018: 19 MAART 2018

Dat 'n markverwante huurbedrag verkry word en na die Raad verwys word vir oorweging.

MARKWAARDASIE

R700,00 per maand (aangeheg op *bladsy 97 tot 99*)

BESTUURSAANBEVELING

Dat die Raad die aansoek oorweeg.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 205/2019

Dat, aangesien die huurder 'n nie-winsgewende organisasie is wat gratis dienste aan die breër gemeenskap verskaf, erf 1614, Napier aan Kindersorg Suid-Afrika, Napier verhuur word vir 'n termyn van 3 jaar teen R150,00 per maand (water en elektrisiteit uitgesluit).

11.14 PASSING OF DRAFT AMENDMENTS TO THE BY-LAW ON MUNICIPAL LAND USE PLANNING (MTRP - 15/5/R) (ALL WARDS)

PURPOSE OF REPORT

To obtain a Council resolution in respect of the passing of the proposed draft amendments to the existing by-law on municipal land use planning in terms of Section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (MSA). The proposed By-law amendments were introduced by Councillor Derick Burger provided for in terms of Section 12(1) of the MSA. At its meeting on 27 March 2018 (RESOLUTION 18/2018), the Council resolved to publish the proposed by-law amendments in the local press in order to give the public an opportunity to make representations.

ANNEXURES

ANNEXURE A: Tabulated reasons for individual amendments (*attached on page 100 to 108*)

ANNEXURE B: Proposed by-laws amendments incorporated in the text (*was already distributed along with the portfolio committee agenda's*)

BACKGROUND

The background to the need for the proposed amendment to the by-law was provided in the report submitted for the introduction of the by-law amendments and are for completeness sake included below.

The Council has adopted the current By-laws (by-laws) on Municipal Land Use Planning, which have been in operation since it was advertised in the Provincial Gazette on 15 July 2015. These by-laws are modelled on the proposed Provincial Standard draft By-Law on municipal land use planning (PSDB), as drafted and provided to the municipality, by the Western Cape Government, Department of Environmental Affairs and Development Planning (DEA & DP).

This was based on the best available knowledge at the time and also informed by the outcome of the public participation processes followed by all Western Cape Municipalities (municipalities) and DEA & DP.

These by-laws have been in operation for almost two years now and DEA & DP has effected a number of changes to the PSDB mainly as a result of -

- collective experience of municipalities in implementation of their by-laws, shared on various platforms and fora;
- enquiries received from municipalities, the Registrar of Deeds, the Surveyor-General, planning consultants, land surveyors and conveyancing attorneys which indicated areas for improvement or additional clarity; and
- DEA & DP's improved understanding of the legislative regime, as well as legal opinions.

The changes in the PSDB are partly to improve content, provision of additional clarity, improvement of grammar and in some cases cross referencing and in some instances to remove some ambiguities and to improve ease of use and lastly to improve alignment with SPLUMA and LUPA.

DEA & DP has further developed the PSDB and provided the municipality with an updated version of the PSDB, which includes all suggested amendments, as well as a version in which it can clearly be seen where and how the amendments are to be effected in the text thereof, as background. The full reasoning for the individual amendments are included in this report, attached as Annexure A.

A comparative version of the PSDB provided to municipalities in 2015 and the updated version of 2017 was done. Although it does not facilitate ease of reading it is provided purely to indicate where and what changes have been made. Attached as Annexure B is a clear copy of the PSDB of 2017 where the suggested amendments have been incorporated.

DEA & DP has now suggested and requested that the municipalities consider the PSDB for adoption, with or without amendments in order to further improve the local authority's regulation of municipal land use planning.

It needs to be noted that the development and further refinement of the by-laws (and PSDB) is still an ongoing process as the new legislative regime settles, but it needs to be recognised that as amendments to SPLUMA and LUPA may still occur, future adjustments to the by-laws may be required.

Process of amendment and effecting the amendments

The process for amending the existing by-laws is exactly the same as for making by-laws which is regulated in terms of Sections 12 and 13 of the MSA.

In practice there are essentially two ways to effect such amendments, once adopted by a municipality:

- The first is the "Brackets and Underline" method in which every individual amendment is shown in the by-law by way of words in [] to indicate omissions from the by-law and words underlined to indicate insertions in the by-laws. It does however make for difficult reading and complicated interpretation.
- The second is the "Publish and Repeal" method whereby a new version of the by-laws, with all amendments are adopted and published and with it repeal the previous or existing version. This is the preferred method as such version will be clean and easy to read and use.

Details and motivation of the proposed amendments

In the attached Annexure A are the tabulated reasons for all the individual amendments proposed. Annexure B reflects the proposed amendments incorporated in the text.

PROCESS FOLLOWED

As per Council resolution 18/2018), on 27 March 2018 it was resolved that the draft bylaw amendments be advertised for public participation. This was done on **2 August 2019 in the Suidernuus, Trans Overberg and Provincial Gazette.**

Despite the notification of the proposed by-law, no representations were received.

Section 12(3) of the MSA determines that a by-law (amendments) may only be passed by a municipal council if all members of the council have been given reasonable notice and that the proposed by-law amendments have been published to allow for representations by the public. Council members have been given reasonable notice of the by-law amendments and as described in par. 5 of this report, the public was also afforded the opportunity to make representations. Section 12 of the MSA has thus been complied with.

It is therefore recommended that the Council passes the proposed bylaw amendment, attached as Annexure B.

PUBLICATION OF THE BY-LAW AND TAKING EFFECT THEREOF

When a municipal council passes a by-law, Section 13 of the MSA requires that -

- *It must be published promptly in the Provincial Gazette and when feasible also in the local newspaper or in any other way to bring the contents of the by-law to the attention of the local community; and*
- *That it takes effect when published or on a future date determined in or in terms of the by-law.*

Section 13(b) of the MSA provides "*that a by-law passed by a municipal council takes effect when published or on a future date determined in or in terms of the by-laws*".

Unlike with the initial adoption of the current by-laws, it taking effect is now not dependant on the implementation of LUPA in the municipality, as this has already been done.

To make provision for this, the final section in the by-laws provides that *"This By-law comes into operation on the date it is published in the Provincial Gazette."*

MANAGEMENT RECOMMENDATION

- (i) That in terms of section 156(2) of the Constitution read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the amendments to the by-law on municipal land use planning, attached as Annexure B, be approved.
- (ii) That in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the amended by-law on municipal land use planning, be published.

RESOLUTION 206/2019

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

11.15 **VERSLAG: FOUTIEWE TARIEF TEN OPSIGTE VAN EIENDOMSBELASTING - TARIEWE 2019/2020**

DOEL VAN VERSLAG

Om die foutiewe eiendomsbelastingtarief ten opsigte van "Multi Purpose Agricultural" soos verskyn in die begroting van 2019/20, reg te stel.

AGTERGROND

Tydens die 2019/20 begroting is die tarief vir "Multi Purpose Agricultural" per abuis foutief in die begroting aangebring.

Die foutiewe tarief van 0.007749 moet dus gewysig word na 0.001938. Die heffing geskied wel teen die regte tarief, dit moet net in die begroting gewysig word.

BESTUURSAANBEVELING

Dat die tarief soos aangedui in die begroting reggestel word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 207/2019

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

11.16 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2019 (DFS)**

PURPOSE OF REPORT

The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the Supply Chain Management Policy to the mayor.

The purpose is to report to the Mayor in terms of section 6(3) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the first quarter from **1 July 2019 - 30 September 2019**, in order to strengthen Council's oversight role.

Implementation of Supply Chain Management Policy

The Supply Chain Management Policy was revised and adopted by Council in March 2017 and reviewed during March 2018 to fully comply with the SCM Regulations. The SCM Policy has been reviewed by incorporating the legislative amendments and recommendations by the Auditor-General and Provincial Treasury to give effect to the compliance aspect.

This will enable the Supply Chain Management Unit (SCMU) to further streamline procedures and processes to promote more efficient and effective service delivery to all internal and external stakeholders.

Committees

The bid committees are established and are fully functioning fully according to Council's SCM Policy and the SCM Regulations. The committees are listed below:

- Bid Specification Committee (BSC)
- Bid Evaluation Committee (BEC)
- Bid Adjudication Committee (BAC)

For detailed information on the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 September 2019, see **page 109 to 149**.

MANAGEMENT RECOMMENDATION

That Council take note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 September 2019.

RESOLUTION 208/2019

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

11.17 **APPROVAL OF HUMAN RESOURCES POLICIES****PURPOSE OF REPORT**

To present to Council the following policies for approval:

1. Time and Attendance **(attached on page 150 - 152)**
2. Succession Planning **(attached on page 153 - 156)**
3. Fleet Management **(attached on page 157 - 171)**

BACKGROUND

As determined during the recent Municipal Risk Management exercise, the adoption and regular review of policies has been identified as a risk. The identification of new policy and policy amendments and review, has been brought about the outcome of certain disciplinary cases and legislative amendments.

To ensure that risks identified are mitigated and fully addressed also in order to avoid Auditor-General findings in the future, the amended policies below have been taken through an Internal Policy Review namely:

Human Resource Policies

1. Time & Attendance policy which is introduced due to the new Human Resource Information System and Biometric System.
2. Succession Planning which is identified as a risk by the FARMCO namely Business Continuity initiative

Employee Related Policies (Originated from SCM Finance)

Fleet Management Policy.

The abovementioned policies were distributed to all Directors, Managers, Unions, Portfolio Councillors and Councillors that serve on the LLF Committee on the 28 August 2019 and 17 October 2019 for discussion and input.

COUNCIL POLICY

1. Risk Management Policy.
2. Risk Register.

PERSONNEL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Unknown.

OTHER ROLE-PLAYERS/UNIONS/MANAGERS

Accepted at a LLF meeting on Thursday 10 October 2019.

MANAGEMENT RECOMMENDATION

That Council approves the following HR and Finance Policies:

1. Time and Attendance (*new*)
2. Succession Planning (*new*)
3. Fleet Management (*review*)

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 209/2019

That the Finance- and IT Services Committee recommendation be accepted as a resolution of Council.

11.18 REVIEWED AND AMENDED SCM POLICY**PURPOSE OF REPORT**

To obtain Council's approval in respect of the amended Supply Chain Management Policy.

BACKGROUND

In terms of the supply chain management regulation, regulation 3(1)(b), the supply chain management policy must be reviewed at least annually.

Due to ongoing changes in processes, procedures, risks legislation, gaps identified during the audit and the Provincial Treasury, as well as the NT Circulars related to SCM that impacted on the existing policy, it is suggested to amend the supply chain management policy with effect from date of approval hereof which is attached to this document on **page 172 to 175**.

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

MANAGEMENT RECOMMENDATION

Council consider approval of the amended Supply Chain Management Policy, effective from the approval date.

RESOLUTION 210/2019

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

11.19 **JAARBEPLANNER: 2020 (BAO)**

DOEL VAN DIE VERSLAG

Om die Raad se jaarbeplanner vir vergaderings vir 2020 te oorweeg.

AGTERGROND

Die jaarbeplanner van die Raad word jaarliks deur Komiteedienste opgestel om die beplanning van vergaderings te koördineer.

'n Voorlopige beplanner is na rolspelers gesirkuleer en nadat insette in berekening gebring is, word die volledige dokument aan die Raad voorgelê vir oorweging.

FINANSIËLE IMPLIKASIE

Geen.

ANDER ROLSPELERS GENADER

Alle Raadslede, Munisipale Bestuurder, Direkteure en Departementshoofde.

BESTUURSAANBEVELING

- (i) Dat die aangehegte skedule as beleidsraamwerk van die Raad aanvaar word.
- (ii) Dat die skedule op strategiese plekke binne die Raad se lokale vertoon en versprei sal word.

BESLUIT 211/2019

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

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

12.1 **L'AGULHAS ROLBALKLUB: ONDERSTEUNING TEN OPSIGTE VAN WATERVERBRUIK**

DOEL VAN VERSLAG

Om oorweging te skenk daaraan om die vergunning wat op 30 November 2019 tot 'n einde gekom het, te verleng aangesien die waterbeperkings en die gepaardgaande boetes nog nie opgehef is nie.

AGTERGROND

L'Agulhas Rolbalklub (Rek Nr: 200 013 8846) is die eienaar van erf 609 op L'Agulhas. Hulle het verlede jaar vergunning gevra dat die minimum water tarief van toepassing moet wees op verbruike meer as 50kl. Die Raad het die vergunning toegestaan vir 'n tydperk van een jaar. Hierdie vergunning het verstrekk op 30 November 2019.

'n Versoek, soos aangeheg op **bladsy** van die Rolbalklub is ontvang om verlenging van die vergunning vir nog 'n jaar.

FINANSIËLE IMPLIKASIE

Kan nie vooraf bereken word nie aangesien dit bepaal word deur die hoeveelheid water wat gebruik gaan word.

BESTUURSAANBEVELING

Vir oorweging deur die Raad.

BESLUIT 212/2019

Dat die vergunning ten opsigte van waterverbruik verleng word met ingang 1 Desember 2019 tot 30 November 2020.

12.2 **CAPE AGULHAS MUNICIPALITY DRAFT ANNUAL REPORT 2018/19****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER****PURPOSE OF REPORT**

To present the Draft Annual Report for the 2018/19 financial year to Council in terms of section 127 of the Municipal Finance Management Act, (Act 56 of 2003).

The Draft Annual Report for 2018/19 has the following Annexures:

- The final consolidated Annual Financial Statements for 2018/19 as signed-off by the Auditor-General.
- The final consolidated Audit Report from the Auditor-General.
- The Audit Committee report for 2018/19.
- The Performance Audit Committee report for 2018/19.

The most important documents of the Municipality are the Integrated Development Plan (IDP), Budget, and Annual Report. The IDP and Budget are planning documents that focus on the year ahead; the IDP identifies the objectives, strategies and projects that the Municipality will achieve and implement in the year as well as the key performance indicators against which its performance can be measured, while the budget sets out how these strategies and projects will be funded. The Annual Report is retrospective and focuses on the year's actual performance as measured against the key performance indicators set out in the IDP. The Annual Report also indicates the manner in which the IDP was implemented and how the budget was spent during the year under review.

LEGAL FRAMEWORK

The submission of the Annual Report is regulated by the Municipal Systems Act, Act 32 of 2000 and the Municipal Finance Management Act, Act 56 of 2003. The following table provides an overview of the main provisions:

MUNICIPAL SYSTEMS ACT NO. 32 OF 2000	
Section 46: Annual performance reports	<ol style="list-style-type: none"> 1) A municipality must prepare for each financial year a performance report reflecting - <ol style="list-style-type: none"> (a) the performance of the municipality and of each external service provider during that financial year; (b) a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and (c) measures taken to improve performance. 2) An annual performance report must form part of the municipality's annual report in terms of Chapter 12 of the Municipal Finance Management Act.
MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003	
Section 121: Preparation and adoption of annual reports	<ol style="list-style-type: none"> 1) Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129. 2) The purpose of an annual report is- <ol style="list-style-type: none"> (a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates; (b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and (c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity. 3) The annual report of a municipality must include- <ol style="list-style-type: none"> (a) the annual financial statements of the municipality, and in addition, if section 122 (2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126 (1); (b) the Auditor-General's audit report in terms of section 126 (3) on those financial statements; (c) the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act; (d) the Auditor-General's audit report in terms of section 45 (b) of the Municipal Systems Act; (e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges; (f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17 (3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year; (g) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d); (h) any explanations that may be necessary to clarify issues in connection with the financial statements; (i) any information as determined by the municipality; (j) any recommendations of the municipality's audit committee; and (k) any other information as may be prescribed.
Section 127: Submission and tabling of annual reports	<ol style="list-style-type: none"> 1) The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year to the municipal manager of the entity's parent municipality. 2) The Mayor must within seven months (by end January) of the financial year, table in the municipal council the annual report of the municipality. 3) If the mayor, for whatever reason, is unable to table in council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must: <ol style="list-style-type: none"> a) Promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and b) Submit to council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.

	<p>(4) <i>The Auditor-General may submit the financial statements and audit report -</i></p> <p>(a) <i>of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2) or (3); or</i></p> <p>(b) <i>of a municipal entity directly to the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (1).</i></p> <p>5) <i>Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must—</i></p> <p>(a) <i>in accordance with section 21A of the Municipal Systems Act—</i></p> <p>(i) <i>make public the annual report; and</i></p> <p>(ii) <i>invite the local community to submit representations in connection with the annual report; and</i></p> <p>(b) <i>submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the Province.</i></p>
Section 129: Oversight reports on annual reports	<p>1) <i>The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127 adopt an oversight report....</i></p>
Section 130 Council meetings open to the public and certain officials	<p>1) <i>The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed -</i></p> <p>a) <i>for the discussion of any written submissions received from the local community or organs of state on the annual report; and</i></p> <p>b) <i>for members of the local community or any organs of state to address the council.</i></p> <p>2) <i>Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).</i></p> <p>3) <i>This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).</i></p>

DISCUSSION

The 2018/19 Draft Annual Report will be made public and submitted to the relevant organs of state following its adoption. The report will also be referred to MPAC to perform the oversight process which shall include the consideration of any representations received from the public and organs of state and the compilation of the oversight report.

MANAGEMENT RECOMMENDATION

- (i) That Council adopts the 2018/19 Draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2018/19 Draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2018/19 Draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report.

RESOLUTION 187/2019

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

12.3 **PERFORMANCE REVIEWS 2018/19: MUNICIPAL MANAGER AND SENIOR MANAGERS**

REPORT BY THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To submit the performance reviews of the Municipal Manager and Senior Managers to Council.

LEGAL FRAMEWORK

The Municipal Manager and senior managers reporting directly to the Municipal Manager are required to conclude an annual performance agreement for each financial year in terms of Section 57 (1) (b) of the Local Government: Municipal Systems Act (see **page**).

Performance evaluations are done twice a year in terms of the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers (2006). Performance bonuses are payable in terms of Sub regulation 8 of the aforementioned regulations that state that:

“a performance bonus, based on affordability, may be paid to the employee, after -

- 1) *the annual report for the financial year under review has been tabled and adopted by the municipal council;*
- 2) *an evaluation of performance in accordance with the provisions of regulation 23; and*
- 3) *approval of such evaluation by the municipal council as a reward for outstanding performance.*

The bonus structure is as follows:

RATING	LEVEL	BONUS CALCULATION
0% - 64%	Poor performance	0% of Total package
65% - 69%	Average Performance	5% of Total package
70% - 74%	Fair Performance	8% of Total package
75% - 79%	Good Performance	11% of Total package
80% - 100%	Excellent Performance	14% of Total package

PERFORMANCE EVALUATION PROCESS

The performance reviews for the full 2018/19 financial year were done on 4 November 2019 and were done by a panel which was constituted in terms of legislation and the performance agreements of the respective managers.

The following managers were evaluated:

- Municipal Manager - Mr D O'Neill
- Director: Infrastructure Services - Mr A A Jacobs
- Director: Finance and IT Services - Mr H van Biljon

The officials were given an opportunity to make a presentation to the panel and scoring was done in terms of evidence provided. The following information was considered during the evaluation:

- The Performance Agreements;
- The presentation of the official, where applicable and
- The SDBIP reports.

The supporting evidence was audited in full by the Internal Auditor.

EVALUATION OUTCOMES

The evaluation outcomes following the assessment were as follows:

DESIGNATION	NAME	FINAL ASSESSMENT
Municipal Manager	Mr D O'Neill	79%
Director: Infrastructure Services	Mr A A Jacobs	72%
Director: Finance and IT Services	Mr H van Biljon	73%

These outcomes were communicated to the employees and signed off following the evaluation. No appeals were received.

BONUSES PAYABLE AND FINANCIAL IMPLICATIONS

Sufficient funds have been allocated in the current budget for the payment of these bonuses.

MANAGEMENT RECOMENDATION

For consideration by council.

RESOLUTION 213/2019

- (i) That Council takes note of the content of the 2018/19 performance reviews report.
- (ii) That Council approves the payment of performance bonuses to the affected employees as per the outcome of the performance reviews.

12.4 **AMENDMENT / EXTENTION OF CONTRACT: FIDELITY SECURITY SERVICES (SCM12/2016/17)**

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 2016 and section 116 (3) (a) of the Municipal Finance Management Act that the municipality intends to amend the existing contract with Fidelity Security Services.

BACKGROUND AND MOTIVATION

On 2 February 2017, the Cape Agulhas Municipality [CAM] concluded a formal agreement with Fidelity Security Services for the transportation of cash. This agreement ends on 31 January 2020.

We want to start a process to get all contracts in line with the financial year because it will make the management of the contract and the budgeting for the service much easier.

The Municipality now wishes to invoke the aforementioned contractual condition and amend the service level agreement effectively from the date of signatory.

The rationale for the above conclusion is that Fidelity Security Services:

1. Confirmed in writing its willingness to render the services at the same terms and conditions.
2. Rendered adequate services till date.
3. Has initially been appointed after an open bidding process in terms of the abovementioned services.
4. Can ensure continuous service delivery.

FINANCIAL IMPLICATIONS

1. The extended contract will be funded from 01/3020/150000 (Security Services).
2. The cost will be R107 500 (February to June - R21 500 x 5) - The cost is already included in the current budget.

MANAGEMENT RECOMMENDATION

That the proposed amendment / extension of the contract of Fidelity Security Services: 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, until 30 June 2020.

RESOLUTION 214/2019

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

12.5 STRUISBAAI SQUARE FEASIBILITY STUDY: FINAL DRAFT REPORT (15/5/R - MTRP) (WARD 5)**PURPOSE OF REPORT**

For Council to approve the Feasibility Study for the Struisbaai Square as prepared by Kayamandi Development Services (Pty) Ltd and Delta Built Environment Consultants (Pty) Ltd (Contact person: Russell Aird).

PURPOSE OF THE STUDY

The purpose of this study is to assist the Cape Agulhas Municipality with specialist and professional development economist services to investigate the possible feasible uses for the Struisbaai Square.

This report serves as the Struisbaai Square Feasibility report to determine viable uses for the Struisbaai Square (English translation of the Afrikaans word plein). The report comprises the following sections: introduction and background, an economic and socio-economics trends analysis, municipal socio-economic context, potential Square development opportunities, property market land use feasibility, proposed development of the square, concluding implementation recommendations and conclusion.

BACKGROUND

The Struisbaai Square is comprised of five erven located adjacent to Struisbaai's main commercial node, totalling 4 400 m². Struisbaai Square is located within the coastal town of Struisbaai in the Cape Agulhas Municipality in the Cape Overberg District of the Western Cape Province. The area of influence investigated at macro level entails the Cape Agulhas Municipality with a local level analysis focussed on the coastal towns of Struisbaai, L'Agulhas and Suidstrand, representing the area where most of the customers are expected to be drawn from.

ECONOMIC AND SOCIO-ECONOMIC TRENDS ANALYSIS

The 2018 GVA of the Cape Agulhas Municipality was approximately R3 075 million, which entails a contribution of approximately 15% to the district's economy. The economy of Struisbaai is relatively small and primarily focussed on the tourism sector. Many residents of Struisbaai commute daily to Bredasdorp for their work. There are very few local market area business and financial services sector enterprises. There are, however, numerous estate agents, which are actively involved in the marketing and sales of numerous vacant and developed properties in the area and the letting of holiday accommodation. Struisbaai also has a small-scale fishing industry, which is the livelihood for many fisher folk from this coastal community. The fisher folk are dependent on the harbour, which is used by the fishing fleet and other tourism operators. In terms of the wholesale, retail, trade and accommodation sector, the area has no wholesalers, a small retail component and plenty of accommodation. In terms of accommodation, the holiday accommodation and B&Bs are really the heart of the economy. A small industrial area serves the local building and renovating industry, and some local boat repairs and boat servicing activities also exist.

The tourism sector is, however, seen as the real engine of employment creation in the area. Wesgro indicated that the Cape Overberg District's attractions recorded a combined total of 272 959 visitors between January and December 2018. Attractions in the region welcomed most visitors in December and January to April 2018. Wesgro further revealed that tourism offices within the district during 2018 welcomed 58% international travellers and 42% domestic market visitors. The most common age profile of visitors to the Cape Overberg region: between 51 - 70 years (33.3%) and 36 - 50 years (32.8%). Approximately 70% of visitors stayed overnight, mostly for one night (54.9%), two nights (10.4%) and three nights (3.8%). Visitors spent, on average, R500-R1000 (38.11%) per day. The top three activities enjoyed include scenic drives, outdoor activities and cuisine. The tourism sector in Struisbaai is very important to the economy and helps to stimulate the tertiary sector by attracting visitors to the area.

According to MERO 2019, the estimated 2019 population of Cape Agulhas Local Municipality is 35 050 people. It is estimated that the coastal towns of Struisbaai, L'Agulhas, Struisbaai North, and Suiderstrand is estimated to have a total resident population of 4 744 people, 1 870 households and an average household size of 2.5 people per household. The Economic Active Population (EAP) account for 76% of the potentially EAP in Struisbaai North, 57% of the potentially EAP in Struisbaai, 44% of the potentially EAP in L'Agulhas and 67% of the potentially EAP in Suiderstrand. The majority of the EAP in all the areas are employed. However, slightly more than a quarter of the EAP (27%) in Struisbaai North are unemployed, one-fifth (20%) of the EAP in Suiderstrand are unemployed, whereas unemployed residents in Struisbaai and L'Agulhas only account for 5% and 7% of the EAP respectively. The majority of households fall within the middle-income classification, with very few households receiving an annual income classified as high. It should be noted that almost a quarter of the households in Struisbaai have no income.

STRUISBAAI SQUARE CONTEXTUAL ANALYSIS

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.

POTENTIAL SQUARE DEVELOPMENT OPPORTUNITIES

Stakeholder engagements revealed these proposed land-uses at the Square: parking, activities/entertainment, some form of retail for the development of the Square, although the predominant proposals related to the development of some form of market stalls. 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:

- A good variety of food, drinks and crafts
- Indoor and outdoor eating area and shade structures with seating
- Permanent and semi-permanent stalls
- Storage lockers for stalls
- Relaxed atmosphere
- Music and entertainment for whole family
- A children's play area
- An open air waterfront piazza
- Focus on pedestrians
- Dedicated market day
- Parking

PROPERTY MARKET LAND USE FEASIBILITY

An investigation of the property market in terms of current zoning and potential new developments in the area and an in-depth investigation of the property market trends and demand for these priority land use development options for the Square were conducted: residential, commercial/retail and, specifically, market stalls.

The feasibility revealed that there are currently many sales of commercial properties due to tough trading conditions and poor demand during off-peak visitor seasons. Furthermore, there is an oversupply of new residential developments and vast, better-located vacant land for future residential developments. The land use viability analysis reveals that neither residential nor retail/commercial spaces are suitable land uses for development at the Square. The most viable land use option with the greatest potential for demand is the development of market stalls.

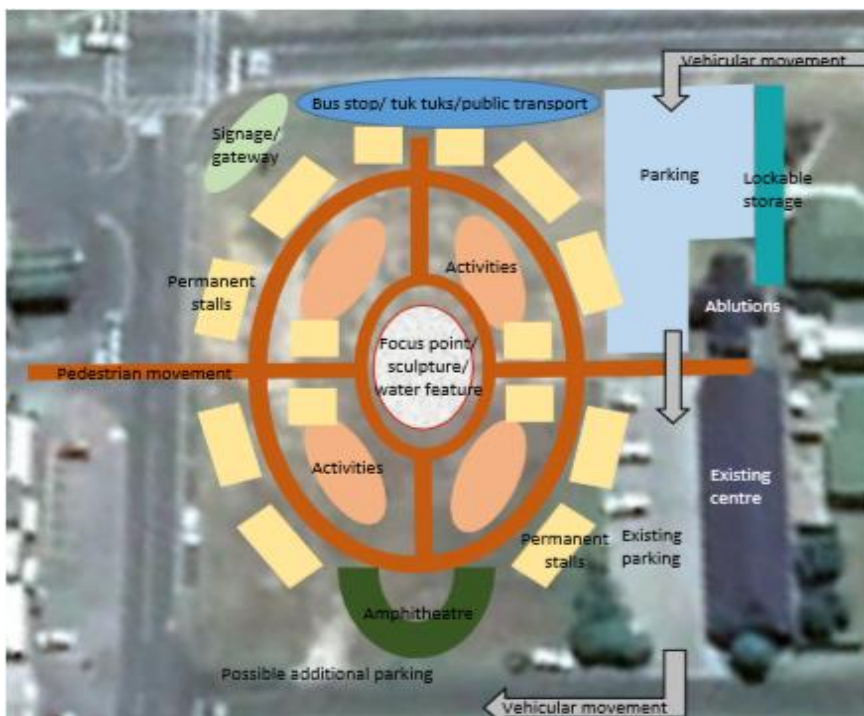
To determine the viability of market stalls, the Struisbaai market area is compared with other successful markets in the Western Cape that are outside the major towns. The analysis reveals that successful markets do not only rely on the levels of affordability of the town's residents, but also the larger surrounding area as well as tourists. As a proxy of the larger surrounding areas, the markets are compared with the municipal population and household levels of affordability. The analysis revealed Struisbaai is situated within an area that has approximately 1 700 higher income households in its larger surroundings, which compares favourably with successful markets such as Montagu village market, Prince Albert Farmers Market and the Riversdale old jail.

Furthermore, Struisbaai and L'Agulhas have the added advantage of being frequented by tourists and thus do not only need to rely on the levels of affordability of the town and the larger surrounding area's residents. Struisbaai and L'Agulhas have a constant stream of tourists throughout the year although winter months are lower. In the winter months, it is estimated that there are, at a minimum, 50 to 100 visitors a day and more than 5 000 visitors a day during peak season. The weekends also have higher volumes of visitors which would support the idea of weekend markets. Furthermore, the average number of attendees to market stalls situated within the Cape Overberg District, during non-seasonal low visitor periods, is approximately 800/1000 visitors to as much as 1 440 visitors during peak visitor months. It is concluded that market stalls in Struisbaai would be able to attract enough affordable town residents, larger surrounding areas residents and visitors (with the towns of Struisbaai and L'Agulhas attracting as much as up to 5 000 visitors a day) that would support the idea of weekend markets.

PROPOSED DEVELOPMENT OF THE SQUARE

In order for the proposed development at the Square to survive and grow, the development needs to offer something unique that provides visitors with a reason to stop and stay. The development needs to attract private sector investment to Struisbaai and attract increased visitors. The below figure provides a conceptual layout of the proposed development.

Conceptual layout of proposed development concept:



The proposed concept entails the development of a central open space with a focus point/sculpture/water feature surrounding by a ring of activities and permanent market stalls. The central open-air space in the middle of the development needs to create the idea of a central meeting place, i.e. a real openair square that is open year-round and offers entertainment in the form of a children's play area. A small amphitheatre for movie nights and music festivals is also proposed. To activate the place, an arrival point is also needed, signalling that one has arrived into Struisbaai instead of current practice where most visitors drive through Struisbaai on route to their destination in L'Agulhas.

Surrounding the open square, the proposed concept entails the creation of a family marketplace as the major attraction with the main purpose being to sell deli-style food and drinks directly to the public, offering both indoor and outdoor space housed in a combination of permanent structures for food stalls and temporary booths/tables/stands selling crafts and other goods, open year-round and offering entertainment. This will ensure the Square becomes a meeting place for locals and visitors alike, where locals and tourists can meet in a safe, secure and well-managed environment, fulfilling as a space that will function as a reason for visitors and tourists to walk to and through the Square.

Vehicular movement and parking needs to be catered for in a manner that creates both a pedestrian and tourism-friendly area. The development must cater for surface parking space as well as a dedicated bus-drop off area for tour buses. Parking could ideally be situated to the south, along Seewier Road as well as next to the ablution, with access to the parking from Main Road. To ease congestion and improve mobility in the area, improved public transport planning is also proposed in the form of tuc-tucs and e-cycling.

The proposed development space is to offer traditional cape fishing culture and a fishing village style theme that is authentic and rustic with soft sea sand under your feet in a very relaxed environment. Permanent buildings to be themed along the white-washed fishermen's houses at the entrance to the village – the Hotagterklip Cottages, quaint cottage buildings, best described as simple luxury. Simple and rustic, yet stylish.

Options for the permanent food stalls include offering something that is different or a variety of foods, gourmet meals and refreshments such as:

1. Local cuisine:
 - Off the grill
 - Bakery: vetkoek, breads, health, pitas, etc.
 - Fresh: seafood
 - Confectionary: cakes, fudges, waffles
2. International cuisine:
 - Indian
 - Thai
 - Mexican/Portuguese, etc.
3. Beverages:
 - Non-alcoholic drinks: vegetable juices, smoothies, yoghurts, milkshakes, etc.
 - Craft beer and cider on tap
 - Gin bar
 - Wine

Ancillary activities proposed include:

1. Weekly park runs and bootcamp classes.
2. A tourism and booking office with central reservations.
3. Entertainment and activities (covered area outdoors):
 - Live theatre, shows, movie nights, music over weekends
 - Kiddies play park, face painting, sand-art, etc.
 - Board games and/or large garden style chess/checkers
 - A train to take kids around the market.

Furthermore, the development of the Square is the ideal opportunity to form as a catalyst for redevelopment of the greater business core surrounding the Square. Key aspects to maximise interaction with the business core have been made, which mainly relate to parking and pedestrian movement. Based on the parking figures, there is more than sufficient parking available in the business core area, although not all of it at the exact place where shoppers would like to be within the precinct. It is therefore vital to encourage pedestrian movement throughout the precinct.

IMPLEMENTATION RECOMMENDATIONS

These key recommendations are made to ensure successful implementation:

- The properties are to remain in public domain.
- The municipal owned property needs to be leased out to a private consortium according to strict guidelines to be contained in a lease agreement.
- The lease is to be rent-free, with the private investor rather investing in the development and re-investment of profits into the maintenance and development of the Square.
- The Square is to be privately managed.
- A Public Management Committee should be established to oversee the management and maintenance of the square, and monitor and evaluate conformity to the lease agreement.
- Branding and marketing of the development is required. This requires a branding and marketing plan for external and internal communication, the name of the development, a digital awareness strategy (website, social media and smartphone application), marketed to private tour companies, high quality gateway signage, branding, a tourism reservation and information kiosk at the square, and events (regular weekend markets, outdoor movie nights, open-air music festivals, etc.)
- Local entrepreneur training and support should be given to ensure local tenants and high quality arts and crafts and souvenirs related to Struisbaai and Agulhas appeal to tourists.
- Discussions with adjoining property owners of Die Langhuis and property owners along Malvern Drive to ensure their interaction with the proposed development.
- Put proposed development out on tender to entice a private investor. Interested parties must submit a site plan, a concept sketch, proposed timeframes, etc. They must also make an informed decision ensuring that the proposal is awarded on the basis that it creates something unique and iconic, and is in line with the concept, theme and guidelines contained in this feasibility report.

MANAGEMENT RECOMMENDATION

- (i) That Council approve the Feasibility Study for the Struisbaai Square as prepared by Kayamandi Development Services (Pty) Ltd and Delta Built Environment Consultants (Pty) Ltd and the Implementation Recommendations as above.
- (ii) That the Management Forum make a recommendation to Council for nominees on the Public Management Committee to oversee the management and maintenance of the square and monitor and evaluate conformity to a possible lease agreement.

RESOLUTION 215/2019

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

12.6 **VERLENGING HUUROOREENKOMS: ABSOLUTE MARINE ADVENTURES - GEDEELTE ERF 854, STRUISBAAI (S854 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die verlenging van 'n huurkontrak van Absolute Marine Adventures op Gedeelte van Erf 854, Struisbaai om bedryf te word as restaurant.

AGTERGROND

Gedeelte van Erf 854 in Struisbaai word verhuur aan Absolute Marine Adventures vir 'n seekos restaurant bekend as "Sea Shack". Die kontrak was geldig vanaf 1 November 2018 tot 31 Oktober 2019 en die Raad is versoek om die kontrak te verleng vir 'n verdere termyn van 1 jaar tot 31 Oktober 2020. Die bestaande restaurant het 'n sleutel fokus area in Struisbaai geword en is 'n bekende baken in die kUSDorp.

Die huurgeld was aanvanklik R4 000,00 per maand.

Op 1 Oktober 2019 neem die Raad die volgende besluit (150/2019):

Dat die aangeleentheid terug verwys word totdat die grondgebruik aansoek afgehandel is, waarna 'n verslag weer aan die Raad voorgelê sal word.

Op 9 Desember 2019 neem die Tribunaal die volgende besluit:

"The following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved in terms of Section 60 of the Cape Agulhas Municipality By-Law on Municipal Land Use Planning, 2015:

Special consent on a portion of Erf 854 Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 for a Restaurant (Seashack)."

Onderhewig aan sekere voorwaardes.

FINANSIËLE IMPLIKASIE

Dat, indien die ooreenkoms verleng word, dit 'n addisionele inkomste aan die Raad verseker.

BESTUURSAANBEVELING

- (i) Dat die bestaande ooreenkoms vir 'n verdere termyn van 5 maande verleng word, vanaf 10 Desember 2019 tot 30 April 2020.
- (ii) Dat alle bestaande huurvoorwaardes steeds toegepas word.
- (iii) Dat Klousule 7 gewysig word om soos volg te lees: "*Die Huurder onderneem om die struktuur onmiddellik te verwyder en die terrein in dieselfde toestand te laat as wat dit ontvang is, binne drie dae na die verstryking van die ooreenkoms.*"
- (iv) Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.
- (v) Dat die voorgestelde huurbedrag na R6 000,00 per maand verander word met ingang van die nuwe ooreenkoms.

BESLUIT 216/2019

- (i) Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
- (ii) Dat die Raad kennis neem dat die huurder 'n wettige dranklisensie op erf 854, Struisbaai moet bekom.

12.7 **VERVREEMDING VAN MUNISIPALE EIENDOMME (15/5/R - BSSB) (WYKE 1, 4 EN 6)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die aanbiedinge ontvang vir munisipale eiendomme tydens die Openbare Veiling gehou op 21 November 2019.

AGTERGROND

Die volgende drie erwe is beskikbaar gestel vir vervreemding:

1. **Erf 560, Napier**

Op 13 Desember 2018 neem die Raad die volgende besluit (188/2018):

“Dat die aansoek nie oorweeg kan word nie, aangesien die genoemde erf na hersonering per publieke veiling vervreem sal word.”

Munisipale Waardasie: R590 000,00

2. **Erf 465, Waenhuiskrans**

Op 23 Julie 2019 neem die Raad die volgende besluit (105/2019):

“Dat die vervreemding van erf 465, Waenhuiskrans goedgekeur word om per openbare veiling aan plaaslike inwoners beskikbaar gestel te word, met die munisipale waardasie as reserweprys.”

Munisipale Waardasie: R12 000,00

3. **Gedeelte van Erf 2518, Bredasdorp**

Op 23 Julie 2019 neem die Raad die volgende besluit (111/2019):

- “(i) Dat goedkeuring verleen word vir die vervreemding van genoemde erwe per openbare veiling, met die munisipale waardasie (R3 000 000) as reserweprys.*
- (ii) Dat die Raad kennis neem van die Wykskomitee se insette.*
- (iii) Dat ontwikkelingsriglyne vir genoemde erwe ondersoek word.*
- (iv) Dat die omgewingsimpakstudie vir die koper se rekening sal wees.*
- (v) Dat die genoemde erf ingevolge artikel 14(2)(a) van die MFMA nie benodig word vir munisipale dienste nie.”*

OPENBARE VEILING

Op 21 November 2019 is 'n Openbare Veiling gehou te Welverdiend Biblioteek en is die volgende aanbiedinge ontvang:

ERF	AANBOD	PERSOON
560, Napier	R450 000,00	Johannes Christoffel Barry, Napier
465, Waenhuiskrans	R80 000,00	Peter John Manuel, Strandfontein
Gedeelte van 2518, Bredasdorp	R600 000,00	Ockert Jacobus Els, Bredasdorp

BESPREKING

Die volgende faktore wat wel inaggeneem moet word is die volgende:

1. **Erf 560, Napier**

- Aangesien die gebou leeg staan word dit baie verwaarloos deurdat daar ingebreek word, vandalisme vind plaas, alle elektriese drade en loodgieterwerk is alreeds weg en mense wat slaap op die terrein.
- Daar is alreeds kostes aangegaan vir die hersonering van die betrokke eiendom na Sake Sone, wat gaan verval indien dit nie ge-implimenteer word nie.

2. **Erf 465, Waenhuiskrans**

Die Raad se besluit was dat die eiendom aan plaaslike inwoners beskikbaar gestel moet word.

3. Gedeelte van Erf 2518, Bredasdorp

- In die lig van die hoeveelheid serwitute oor die betrokke eiendom, is slegs 8 306m² van die 1.8ha bruikbaar.
- Alle Stadsbeplanningskoste en Omgewingsprosesse sal vir die koper se rekening wees, alhoewel die Raad alreeds kostes aangegaan het om die betrokke gedeelte te sluit.

Serwitute:

Water, riool, elektrisiteit en stormwater serwitute kruis die betrokke eiendom.



Bruikbare area:



BESTUURSAANBEVELING

In die lig van die bespreking word aanbeveel -

- (i) Dat die Raad die volgende eiendomme vervreem soos per die bedrae wat ontvang is tydens die Publieke Veiling:
 - 1. Erf 560, Napier
 - 2. Gedeelte van Erf 2518, Bredasdorp
- (ii) Dat die Raad erf 465, Waenhuiskrans vervreem word aan die plaaslike inwoner met die hoogste aanbod (meer as R12 000,00).

BESLUIT 217/2019

- (i) Dat die Raad die vervreemding van erf 560, Napier goedkeur teen 'n bedrag van R450 000,00.
- (ii) Dat erf 2518, Bredasdorp nie vervreem word nie, maar weer per publieke tender aangebied word met die regte groottes en serwitute in plek.
- (iii) Dat erf 465, Waenhuiskrans vervreem word teen R80 000,00 aan die hoogste bieder - Die Raad neem kennis dat die voornemende koper nie 'n permanente inwoner van Waenhuiskrans is nie.
- (iv) Dat alle vorige Raadsbesluite ten opsigte van erf 465, Waenhuiskrans se vervreemding, herroep word (***Raadslid Europa nie teenwoordig tydens bespreking van die aangeleentheid met betrekking tot erf 465, Waenhuiskrans nie.***)

17. ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	<ul style="list-style-type: none"> (i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word. 	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	<p>Dat die randstene wel verwyder word, op voorwaarde dat -</p> <ul style="list-style-type: none"> (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningssooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word. 	<i>Eienaars was in gesprek met die MB ten opsigte van 'n vergunningssooreenkoms. Aangeleentheid na Martin Kruger verwys om te help met die vergunningssooreenkoms.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	<p>That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."</p>	<i>Aansoek gebring om MB te verplig om Raadsbesluit uit te voer. Saak weer voor Hooggeregshof. Verslag sal by volgende Raadsvergadering gedoen word.</i>	BSSB

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
201/2018	Elim: Uitstaande Belastingrekening	(i) Raad kennis neem van die uitstaande bedrag verskuldig. (ii) Volledige verslag met die volgende Raadsvergadering oorweeg word. (iii) Maandelikse vorderingsverslae aan die Raad voorgelê word ten opsigte van die vereffening van hierdie uitstaande gelde.	<i>Ooreenkoms met Opsienersraad is gefinaliseer en MOU is onderteken. Die uitstaande bedrag van die Morawiese Kerk is nog nie vereffen nie.</i>	DFD

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 218/2019

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

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

BEKRAGTIG op hierdie

dag van

2019

SPEAKER

DATUM: