KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DONDERDAG 13 DESEMBER 2018 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP

MINUTES OF A GENERAL COUNCIL MEETING HELD ON THURSDAY, 13 DECEMBER 2018 AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP

RAADSLEDE / COUNCILLORS

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	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 B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Mnr F du Toit	Boubeheer
Mnr O January	LED/Toerisme
Mnr G Prins	Kommunikasie
Me N Mhlati-Musewe	Divisional Head: HR Services & Organisational Development

1. **OPENING**

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

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

Mnr	Z Jacobs	Raadslid
Mnr	B Swart	Interne Ouditeur
Me	T Stone	Afdelingshoof: Strategiese Dienste

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

Geen.

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

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

30 Oktober 2018

BESLUIT 171/2018

Die Notule word as korrek en volledig bekragtig.

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

4.2.1 22 Oktober 2018
4.2.2 13 November 2018

BESLUIT 172/2018

Die Notules word as korrek en volledig bekragtig.

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

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

29 Oktober 2018

BESLUIT 173/2018

Die Raad neem kennis van bogenoemde UBK Notule.

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

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

- WYK 1 : 22 Oktober 2018
- WYK 2 : 22 Oktober 2018
- WYK 3 : 23 Oktober 2018
- WYK 4 : 22 Oktober 2018
- WYK 5 : 23 Oktober 2018
- WYK 6 : 1 November 2018

BESLUIT 174/2018

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

BESLUIT 175/2018

Dat die Direkteur: Finansies voortaan ‘n skedule aan die Raad voorlê wat alle uitstaande skuld deur Raadslede bevat.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER

8.1 BRIEWE VAN DANK

Aangeheg op ***bladsy 1 tot 7*** van die bylaes.

8.2 FUNKSIES VIR DIE MAAND

Geen.

8.3 AANWYS VAN AFGEVAARDIGDES

Geen.

8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

8.4.1 Spandering: Social Economic Development

INSTANSIE	BEDRAG
Suideroord: Jaareind Funksie (Wyk 4)	R2 905,48
Silver Solutions: Protem Funksie (Wyk 4)	R2 570,00
Clean It: Jaareind Funksie -Seep vir "foam party" (Wyk 4)	R1 260,00
TOTAAL	**R6 735,48**

BESLUIT 176/2018

Die Raad neem kennis van bogenoemde spandering.

9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Die Speaker gee terugvoer vanaf die Speakersforum vergadering wat verwys na die hantering van die "Pensioenfonds vir Raadsled".

10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

10.1 Die Burgemeester spreek sy dank uit teenoor alle Raadslede en amptenare vir hulle harde werk gedurende 2018.

10.2 Die Munisipale Bestuurder en amptenare word geluk gewens met die Raad se vyfde skoon oudit.

10.3 Die Burgemeester verwys na verskeie positiewe aangeleenthede wat gedurende 2018 gelys kan word en sluit in: skoon dorpe, dorpsmarkte en sertifikate vir opleiding.

11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

		Bladsy Notule	Bylaes
11.1	**STRATEGIESE BEPLANNING EN ADMINISTRASIE**		
11.1.1	CAM draft Annual Report: 2017/18	**5 - 7**	**Apart**
11.1.2	Dept Enviromental Affairs: RSEP and VPUU Programs	**7 - 9**	**-**
11.1.3	Jaarbeplanner: 2019	**9**	**Apart**
11.1.4	Vervreemding : Erf 2139, Bredasdorp	**10 - 11**	**8 - 13**
11.1.5	Wysiging Raadsbesluit : Erwe 4185 en 4186, Struisbaai	**11 - 12**	**14 - 15**
11.1.6	Vervreemding: Erf 3616, Bredasdorp	**12 - 14**	**16 - 18**
11.1.7	Vervreemding: Erf 3617, Bredasdorp	**14 - 15**	**19 - 21**

11.1.8	Vervreemding: Erf 3620, Bredasdorp	**16 - 17**	**22 - 24**
11.1.9	Vervreemding: Gedeelte Erf 1148, Bredasdorp	**17 - 19**	**25 - 32**
11.1.10	Vervreemding: Gedeelte Erf 1148, Bredasdorp	**20 - 21**	**33 - 42**
11.1.11	Vervreemding: Erf 560, Napier	**22 - 23**	**43 - 46**
11.1.12	Vervreemding: Erf 5476, Bredasdorp	**23 - 25**	**47 - 49**
11.1.13	Vervreemding: Erf 5585, Bredasdorp	**25 - 27**	**50 - 57**
11.1.14	Vervreemding: Erf 2441, Bredasdorp	**27 - 29**	**58 - 59**
11.1.15	Vervreemding: Erf 2718 en 2719, Struisbaai	**29 - 31**	**60 - 61**
11.1.16	Kansellasie Vervreemding: Erf 5221, Bredasdorp	**31**	**62 - 63**
11.1.17	Sluiting van Munispale Kantore	**31 - 32**	**-**
11.1.18	Raising of long term debt	**33 - 34**	**-**
11.1.19	Updated Long-term Financial Plan	**34 - 35**	**-**
11.1.20	L'Agulhas Rolbalklub: Ondersteuning	**36**	**64**
11.1.21	Huurooreenkoms: Meentgronde, Bredasdorp	**36 - 37**	**65 - 78**
11.1.22	Performance reviews: 2017/2018 MM and Senior Managers	**37 - 39**	**-**
11.1.23	Oorweging: Verordeninge rakende Drank Handelsure	**39 - 43**	**-**
11.1.24	Elim: Uitstaande Belastingrekening	**43**	**79**
11.1.25	Vervreemding: Erf 538, Napier	**44 - 45**	**80 - 81**
11.1.26	Vervreemding: Erf 2008, Struisbaai	**45 - 47**	**82 - 86**
11.1.27	Vervreemding: Gedeelte rondom erf 305, L'Agulhas	**47 - 48**	**87 - 90**
11.1.28	Vervreemding: Erf 3619 en 3625, Bredasdorp	**48 - 50**	**91 - 93**
11.1.29	Vervreemding: Ged erf 921, Struisbaai	**50 - 52**	**94 - 98**
11.1.30	Aanwending: Grobbelaarsaal Napier - Veeldoelige Gemeenskapsentrum	**52 - 53**	**-**
11.1.31	Goedkeuring: Toerisme Strategie	**53**	**99 - 106**

11.2 **BESTUURSDIENSTE / *MANAGEMENT SERVICES***

11.2.1	Approval: Draft By-Law - Keeping and Impountment of Animals	**53 - 54**	**107 - 123**

11.3 **INFRASTRUKTUURDIENSTE / *INFRASTRUCTURE SERVICES***

11.3.1	Amendments: Approved Capital Budget	**54**	**124**

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

12.1 Server Room UPS Failure
12.2 Recovering/Writing Off: Irregular Expenditure: 2017/18

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

13.1 Die Munisipale Bestuurder rapporteer aan die Raad dat 'n afwyking goedgekeur is deur die Uitvoerende Burgemeesterskomitee (artikel 29) vir die verskuiwing van R75 000,00 vir die dringende herstelwerk aan L'Agulhas getypoele. Die verskuiwing sal gedurende die aanvullende begroting reggestel word.

13.2 Die Munisipale Bestuurder rapporteer aan die Raad dat 'n afwyking goedgekeur is deur die Uitvoerende Burgemeesterskomitee (artikel 29) vir die verskuiwing van R30 000,00 vir die dringende herstelwerk aan die krieket blad by Bredasdorp Sportkompleks. Die verskuiwing sal gedurende die aanvullende begroting reggestel word.

BESLUIT 177/2018

(i) Ingevolge artikel 29 neem die Raad kennis van bogenoemde afwykings.
(ii) Dat 'n volledige verslag rakende die aangeleentheid aan die Finans portfolio Komitee voorgelê word.

14. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

15. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

16. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

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

Lys van onafgehandelde Raadsbesluite verskyn op ***bladsy***

18. **IN-KOMITEE VERSLAE**

Die In-Komitee items word vertroulik hanteer.

19. **SLUITING**

Die vergadering verdaag om 13:20

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11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

11.1 STRATEGIESE BEPLANNING EN ADMINISTRASIE

11.1.1 CAPE AGULHAS MUNICIPALITY DRAFT ANNUAL REPORT: 2017/2018

REPORT BY THE DIVISION HEAD STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To present the Draft Annual Report for the 2017/18 financial year in terms of section 127 of the Municipal Finance Management Act, (Act 56 of 2003).

The Draft Annual Report for 2017/18 has the following Annexures:

- The final consolidated Annual Financial Statements for 2017/18 as signed-off by the Auditor-General;
- The final consolidated Audit Report from the Auditor-General;
- The Audit Committee report for 2017/18;
- The Performance Audit Committee report for 2017/18.

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	*1) A municipality must prepare for each financial year a performance report reflecting -* *(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	*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-* *(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-* *(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	*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:*

	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.* *(4) The Auditor-General may submit the financial statements and audit report -* *(a) 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* *(b) 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).* *5) Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must—* *(a) in accordance with section 21A of the Municipal Systems Act—* *(i) make public the annual report; and* *(ii) invite the local community to submit representations in connection with the annual report; and* *(b) submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the Province.*
Section 129: Oversight reports on annual reports	*1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127 adopt an oversight report….*
Section 130 Council meetings open to the public and certain officials	*1) 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 -* *a) for the discussion of any written submissions received from the local community or organs of state on the annual report; and* *b) for members of the local community or any organs of state to address the council.* *2) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).* *3) 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).*

DISCUSSION

The 2017/18 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 the 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 the Council adopt the 2017/18 Draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
(ii) That the 2017/18 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 2017/18 Draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report.

RESOLUTION 178/2018

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

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

PURPOSE OF REPORT

For Council to amend the previous decision taken on 31 July 2018.

BACKGROUND

On 31 July 2018 Council took the following decision (108/2018):

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

(ii) That Council approve the Upgrading of existing Multipurpose sportsground with braai facilities and ablution facilities at the Anene Booysen Skills Centre and Nelson Mandela Hall within YEAR 2.

(iii) That Council approve the Paving and pedestrian access/bridge in Ou-Meule Street at the crossing with Long Street, Landscaping and street lighting in crime areas during YEAR 3."

On 25 September 2018 Council took the following decision (138/2018):

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

PROPOSALS

BUILDING

David Hanley from DEADP made the following proposal showing optimal pedestrian clusters and concept designs for Bredasdorp LED Units on Erf 1599, Bredasdorp (which could be used on Erf 3629, Bredasdorp, next to the Blue Shop.

BUILDING CONTROL OFFICER COMMENTS

Dis puik voorstel, ek hou daarvan, dit sal baie goeie indruk maak en nuwe node skep, ons moet net seker maak dat ons genoegsaam daarvoor begroot dat ons die projek kan voltooi en nie dan weer later wil aangaan nie.
Ek is reeds besig om te kyk na tender wat ander munisipaliteit vir containers gevra het.

CONTAINERS

The following are examples of possible containers to be placed:

DISCUSSION

On 14 September 2018 and 27 September 2018 Technical RSEP Committee meetings were held and the following recommendation was echoed:

"*That Erf 3629 Bredasdorp be used for the LED Units; seeing that it is already zoned for Business purposes and that most people cross this site on their way to the Bredasdorp CBD.*"

Council to consider whether a built structure or containers should be placed on the identified site.

MANAGEMENT RECOMMENDATION

(i) That Council amend subsection (i) of Council decision 108/2018 as follows:

That Council approve the LED Unit Stalls on Erf 3629, Bredasdorp with Landscaping and Streetlighting within Node 3 of Ou Meulestreet within YEAR 1, because of the following reasons:

1. Erf 3629 is already zoned for Business purposes.
2. The most people cross this site on their way to the Bredasdorp CBD.

(ii) Or as an Alternative B approve the LED Unit Stalls on Erf 1599, Bredasdorp with Landscaping and Streetlighting within Node 3 of Ou Meulestreet within YEAR 1.

(iii) That Council consider the type of structure to be erected.

RESOLUTION 179/2018

(i) That Council approves the LED Unit Stalls on erf 1599, Bredasdorp with Landscaping and Streetlighting within Node 3 of Ou Meulestreet within YEAR 1.
(ii) That Council approves the placement of containers on erf 1599, Bredasdorp.
(iii) That a draft layout be submitted to Council for consideration.

11.1.3 **JAARBEPLANNER 2019 (BAO)**

DOEL VAN DIE VERSLAG

Om die Raad se jaarbeplanner vir vergaderings vir 2019 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 (***sien apart aangeheg***).

FINANSIëLE IMPLIKASIE

Geen

ANDER ROLSPELERS GENADER

Alle raadslede, Munisipale Bestuurder, Direkteure, 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 sal word.

BESLUIT 180/2018

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

11.1.4 VERVREEMDING (HUUR): GEDEELTE VAN ERF 2139, BREDASDORP (BEKEND AS "ONS HUIS")

DOEL VAN VERSLAG

Om oorweging te skenk om 'n gedeelte van erf 2139, Bredasdorp aan Suideroord te verhuur vir die bedryf van "Ons Huis" as 'n plek van veiligheid vir kinders-/bejaardesorg, asook vir palliatiewe sorg vir terminale pasiënte.

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 2139
Erf Grootte	:	1300m²
Ligging	:	Sien bylaes aangeheg op ***bladsy 8 en 9***

AGTERGROND

Sedert 1 September 2002 huur die ACVV (later, met ingang van 10 September 2012 was die huurder SUIDEROORD) die genoemde eiendom by die Raad vir die bedryf van "Ons Huis" as 'n **Plek van Veiligheid vir Kinders-/bejaardesorg** asook vir **palliatiewe sorg vir terminale pasiënte** (met ingang van 1 September 2012).

Die vorige ooreenkoms word aangeheg op ***bladsy 10 tot 13***. Suideroord versoek dat die huurooreenkoms verleng word, asook vir 'n langer termyn, aangesien daar 'n voornemende privaat persoon is wat moontlik 'n gedeelte by "Ons Huis" wil laat aanbou.

FINANSIëLE IMPLIKASIES

Huurinkomste vir KAM - Huidige huur beloop R120 per jaar

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
Systems Act (public participation)	**Section 21A:** (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

Town Planning legislation	No application is required.

BESTUURSAANBEVELING

(i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van erf 2139, Bredasdorp aan SUIDEROORD vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng.

(ii) Dat die verhuring teen 'n minimale koers sal plaasvind, aangesien die diens wat deur die huurder gelewer word 'n geweldige bydrae maak tot versorging van verswaktes in die hele regsgebied.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

Raadsheer Jantjies nie teenwoordig tydens bespreking van die aangeleentheid nie.

BESLUIT 181/2018

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

(ii) Dat die huurbedrag van R120,00 per jaar van toepassing sal wees, aangesien die fasiliteit 'n geweldige leemte vul ten opsigte van versorging van inwoners.

11.1.5 **WYSIGING AAN RAADSBESLUIT: VERVREEMDING (HUUR) - ERWE 4185 EN 4186, STRUISBAAI**

DOEL VAN VERSLAG

Om oorweging te skenk om 'n bestaande Raadsbesluit te wysig ten opsigte van 'n goedkeuring vir die verhuring van twee persele in Struisbaai.

ALGEMENE ERF INLIGTING

Eienaar : KAM
Eiendom : **Erf 4185**
Erf Grootte : 1257m^2
Huidige Sonering : Onbepaald

Eienaar : KAM
Eiendom : **Erf 4186**
Erf Grootte : 1795m^2
Huidige Sonering : Onbepaal

AGTERGROND

Die Raad het goedkeuring gegee dat genoemde persele aan mnr G J Van Niekerk verhuur word vir 'n tydperk van 3 jaar met ingang 1 November 2018 (sien bylaag aangeheg op ***bladsy 14 en 15***.

Die huidige huurder het reeds betaal tot 28 Februarie 2019 en daarom word versoek dat mnr Van Niekerk die grond huur met ingang van 1 Maart 2019, op dieselfde voorwaarders soos goedgekeur met Raadsbesluit 128/2018.

MARKWAARDASIE

In afwagting.

FINANSIëLE IMPLIKASIES

Huurinkomste vir KAM.

WETLIKE IMPLIKASIES

Soos gemeld in bylaag.

BESTUURSAANBEVELING

(i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van erf 4185 en erf 4186, Struisbaai aan mnr Van Niekerk vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, met ingang van 1 Maart 2019.
(ii) Dat die verhuring teen 'n markverwante koers sal plaasvind.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

Raadsheer Jantjies nie teenwoordig tydens bespreking van die aangeleentheid nie.

BESLUIT 182/2018

(i) Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.
(ii) Dat, aangesien die markverwante koers nog nie ontvang is nie, die aangeleentheid verwys word na die UBK vir oorweging.

11.1.6 **VERVREEMDING (KOOP): ERF 3616, BREDASDORP (COLLAB: 266699) (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr J C Swartbooi ten einde erf 3616, Bredasdorp te koop (liggingsplan aangeheg op ***bladsy 16***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 3616, Bredasdorp
Ligging	:	Kalkoentjiesingel
Erf Grootte	:	673m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 17*** is van mnr Swartbooi ontvang om erf 3616, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (aangeheg op ***bladsy 18***) - Munisipale Waardasie: R34 000,00

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
Erven adjacent to Kalkoentjie Crescent should not be influenced by the proposed development of Ou Meule, only those adjacent to Ou Meule will be affected.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted

DIREKTEUR: FINANSIëLE DIENSTE
Noted

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
Normal connection fees apply for electricity

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
If the erf is availabe for residential purposes, it should be sold via public process as has been the case with similar applications

SENIOR SPESIALIS STADSBEPLANNER
Ou Meuelestraat Ontwikkelingsplan moet eers afgehandel word. Is daar dienste beskikbaar?

BESTUURDER: ADMINISTRATIEWE DIENSTE
Ek kan die aansoek ondersteun. Maak net seker daar was nie al ander aansoeke nie. Erf moet verkieslik met 'n tender vervreemd word.

BESTUURDER: WATER EN RIOOL
Water- en riooldienste is beskikbaar.

BESTUURDER: STRATE EN STORMWATER
Moet deur advertensie proses gaan**.**

SENIOR BOUBEHEERBEAMPTE
Aansoek word ondersteun.

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, 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.

BESLUIT 183/2018

(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.

11.1.7 **VERVREEMDING (KOOP): ERF 3617, BREDASDORP (COLLAB: 266701) (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me D Van Hansen ten einde erf 3617, Bredasdorp te koop (liggingsplan aangeheg op ***bladsy 19***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 3617, Bredasdorp
Ligging	:	Kalkoentjiesingel
Erf Grootte	:	643m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 20*** is van me Van Hansen ontvang om erf 3617, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (aangeheg op ***bladsy 21***) - Munisipale Waardasie: R32 000,00

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
I do not see the need for the Ou Meule development to be completed first in order to make decision here. There is already one house built in Kalkoentjie Crescent and all the other erven adjacent to it should remain residential. Only the ones adjacent to Ou Meule should be considered in this development.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted

DIREKTEUR: FINANSIëLE DIENSTE
Noted

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
Normal connection fees apply for electrical connection

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
If available, the property should be sold via public process.

SENIOR SPESIALIS STADSBEPLANNER
Is daar dienste? Ou Meuelestraat Ontwikklelingsplan moet eers afgehandel word.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Vervreemding kan ondersteun word. Erf moet verkieslik per tender vervreeemd word

BESTUURDER: STRATE EN STORMWATER
Moet deur normale advertensie prose gaan.

SENIOR BOUBEHEERBEAMPTE
Aansoek word ondersteun.

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 3617, 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.

BESLUIT 184/2018

(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.

11.1.8 **VERVREEMDING (KOOP): ERF 3620, BREDASDORP (COLLAB: 269072) (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr F C Williams ten einde erf 3620, Bredasdorp te koop (liggingsplan aangeheg op ***bladsy 22***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 3620, Bredasdorp
Ligging	:	Kalkoentjiesingel
Erf Grootte	:	673m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 23*** is van mnr Williams ontvang om erf 3620, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (aangeheg op ***bladsy 24***) - Munisipale Waardasie: R34 000,00

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
I am of the opinion that we should not be alienating un-serviced erven.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

DIREKTEUR: FINANSIëLE DIENSTE
Kennis word geneem.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
It is proposed that if available and suitable for residential purposes, the property be sold via public process.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
No electrical infrastructure installed there, was to be part of the whole Ou Meule upgrade project.

SENIOR SPESIALIS STADSBEPLANNER
Is hierdie dienste beskikbaar? Verder geen beswaar

BESTUURDER: ADMINISTRATIEWE DIENSTE
Aansoek word nie ondersteun nie, aangesien pad nog nie geformaliseer is nie. Dieselfde geld vir Daliasingel.

BESTUURDER: STRATE EN STORMWATER
Moet deur adverteing proses gaan.

BESTUURDER: WATER EN RIOOL
Water- en riooldienste is beskikbaar.

BESTUURDER: VERKEER EN WETSTOEPASSING
Erf is nie toeganklik nie. Ontwikkelingsplan moet eers geraad pleeg word alvorens 'n besluit gemaak kan word rondom hierdie erf.

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 3620, 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.

BESLUIT 185/2018

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

11.1.9 VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (COLLAB: 269074)

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr M Van Niekerk ten einde 'n gedeelte (1ha) van erf 1148, Bredasdorp te huur ten einde vir bye boerdery doeleindes aan te wend (liggingsplan aangeheg op ***bladsy 25***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148, Bredasdorp
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	1ha

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 26 tot 32*** is van mnr Van Niekerk ontvang om 'n gedeelte (1ha) van erf 1148, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R3 400,00 per maand

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
Only with the support and approval of Department of Agriculture

DIREKTEUR: FINANSIëLE DIENSTE
Noted.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
No electrical requirements.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
No objection if applicant has funding to commence project. If not application can be made to the Department of Agriculture for support. In this case, it is proposed that the lease agreement be concluded with a suspensive condition that confirmation of support be provided within 6 months of conclusion of the lease

BESTUURDER: ADMINISTRATIEWE DIENSTE
Aansoek kan 'n gevaar inhou vir die publiek. Bye is swerwers en daars baie mense wat in die omgewing stap en fietsry.

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar.

BESTUURDER: WATER EN RIOOL
Die byekorwe moet ver genoeg wees vanaf die munisipale boorgate.

BESTUURDER: STRATE EN STORMWATER
Voorsien geen wesenlike probleem.

BESTUURDER: VERKEER EN WETSTOEPASSING
No objection.

BESTUURSAANBEVELING

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 verhuring van gedeelte erf 1148, Bredasdorp (1ha) aan mnr M Van Niekerk vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

(i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
(ii) Dat die standaard terugvalklousule ook duidelik in die kontrak vervat word.
(iii) Dat die besetting van die grond nie gegee word nie tot tyd en wyl skriftelike bevestiging van die Departement van Landbou ontvang word dat die projek lewensvatbaar is.
(iv) Dit is 'n opskortende voorwaarde dat die voorafgaande bevestiging binne 6 maande ontvang moet word.
(v) Dat huur slegs gehef word vanaf die datum van okkupasie, en nie met die ondertekening van die huurooreenkoms nie.
(vi) Dat die omliggende bure in kennis gestel word van 'n moontlike veiligheidsrisiko en dat nodige waarskuwingsborde aangebring word.

KOMMENTAAR: WYKSKOMITEE

Dat die goedkeuring nie gegee word nie aangesien die aanhou van bye 'n gevaar inhou vir voetgangers en die Raad aanspreeklikheid sal moet aanvaar vir enige eise in dié verband.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 186/2018

(i) Dat die Finansies- en IT Dienste Komitee se aanbeveling nie as 'n besluit van die Raad aanvaar word nie.
(ii) Dat die voornemende huurder versoek word om alternatiewe grond buite residensiële areas te identifiseer.

11.1.10 **VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (COLLAB: 269073)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr D Anderson ten einde 'n gedeelte (1ha) van erf 1148, Bredasdorp te huur ten einde vir bye boerdery doeleindes aan te wend (liggingsplan aangeheg op ***bladsy 33***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148, Bredasdorp
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	1ha

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 34 tot 42*** is van mnr Anderson ontvang om 'n gedeelte (1ha) van erf 1148, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R3 400,00

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

If approval is granted it must be subject to the condition that occupation of the land can only commence once Department of Agriculture has assessed and approved the project.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

DIREKTEUR: FINANSIëLE DIENSTE
Neem kennis

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
No electrical requirement.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
No objection, if the applicant has the funding to execute the project. If not support can be solicited from the Department of Agriculture, in which case it is proposed that a lease be concluded with a suspensive condition to the effect that confirmation of support be provided within 6 months of conclusion of the lease.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Aansoek kan 'n gevaar inhou vir die publiek.. Bye is swerwers en daars baie mense wat in die omgewing stap en fietsry.

BESTUURDER: WATER EN RIOOL
Die byekorwe moet ver genoeg wees van die Munisipale boorgate af.

BESTUURDER: STRATE EN STORMWATER
Voorsien geen wesenlike probleem.

BESTUURDER: VERKEER EN WETSTOEPASSING
No objection.

BESTUURSAANBEVELING

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 verhuring van gedeelte erf 1148, Bredasdorp (1ha) aan mnr D Anderson vir ‘n termyn van 9 jaar en 11 maande met die opsie om die huur vir ‘n verdere tydperk te verleng, op voorwaarde dat:

(i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
(ii) Dat die standaard terugvalklousule ook duidelik in die kontrak vervat word.
(iii) Dat die besetting van die grond nie gegee word nie tot tyd en wyl skriftelike bevestiging van die Departement van Landbou ontvang word dat die projek lewensvatbaar is.
(iv) Dit is 'n opskortende voorwaarde dat die voorafgaande bevestiging binne 6 maande ontvang moet word.
(v) Dat huur slegs gehef word vanaf die datum van okkupasie, en nie met die ondertekening van die huurooreenkoms nie.
(vi) Dat die omliggende bure in kennis gestel word van ‘n moontlike veiligheidsrisiko en dat nodige waarskuwingsborde aangebring word.

KOMMENTAAR: WYKSKOMITEE

Dat die goedkeuring nie gegee word nie aangesien die aanhou van bye ‘n gevaar inhou vir voetgangers en die Raad aanspreeklikheid sal moet aanvaar vir enige eise in dié verband.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 187/2018

(i) Dat die Finansies- en IT Dienste Komitee se aanbeveling nie as ‘n besluit van die Raad aanvaar word nie.
(ii) Dat die voornemende huurder versoek word om alternatiewe grond buite residensiële areas te identifiseer.

11.1.11 **VERVREEMDING (HUUR): ERF 560, NAPIER (COLLAB: 274847) (WYK 1)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr J Mangiagalli en me J Rosekrantz ten einde erf 560, Napier te huur (liggingsplan aangeheg op ***bladsy 43***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 560, Napier
Ligging	:	Sarel Cillierstraat 10
Erf Grootte	:	579m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

Skriftelike versoeke, soos aangeheg op ***bladsy 44 en 45*** is van mnr Mangiagalli en me Rosekrantz ontvang om erf 560, Napier by die Raad te huur.

MARKWAARDASIE

R3 800,00 pm (aangeheg op ***bladsy 46***)

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
Systems Act (public participation)	**Section 21A:** (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
Did we not take a decision to rezone this erf so as to sell it by public auction. I Bertus already started with the process. If that is the case then we cannot bind ourselves now with a long-term lease. I know it still needs to be endorsed by a council decision but strategically do we really want to hang on to a property that does not have any potential of being sold as a residential property.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

ELEK
No impact on electrical infrastructure, tenant responsible for all electricity connection and consumption charges as applicable in the 2018/2019 tariff schedule.

STADSBEPLANNING
Donald/Abraham hoe ver is die hersonering? Stel voor dat dit verkoop word op veiling.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Termyn versoek blyk 'n problem te wees, asook moontlik die markverwante huur.

BESTUURDER: STRATE EN STORMWATER
In orde.

BOUBEHEER
Neem kennis.

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 188/2018

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

11.1.12 VERVREEMDING (HUUR): ERF 5476, BREDASDORP (COLLAB: 266694) (WYK 3)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr F Olivier ten einde erf 5476, Bredasdorp te huur (liggingsplan aangeheg op ***bladsy 47***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 5476, Bastiaan Straat, Bredasdorp
Erf Grootte	:	150m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 48*** is van mnr Olivier ontvang om erf 5476, Bredasdorp by die Raad te huur vir die oprigting van 'n nie permanente struktuur.

MARKWAARDASIE

In Afwagting.

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
The applicant does not make any mention as to the reason for his application. Does he want to rent it to live on and if so what is he going to put on the erf. You need to determine all this before actually sending it out for comment.

DIREKTEUR: GEMEENSKAPSDIENSTE
Geen beswaar.

ELEK
An essential electrical infrastructure stay wire is in the middle of the plot and it was left vacant during the design and construction phase for the essential infrastructure components.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
In keeping with previous decisions, it is recommended that if available the property should be sold through a public process.

STADSBEPLANNING
As ek reg onthou was hier al voorheen 'n aansoek en moet die "stay wire" geskuif word.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Voel die erf moet nie verhuur word nie, maar nadat die kragdraad verwyder is, die erf te koop aangebied word.

BESTUURDER: STRATE EN STORMWATER
In orde.

Water en riool
Volgens die diensteplanne van BKS bestaan die water- en rioolaansluiting reeds.

BOUBEHEER
Aansoek word ondersteun.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg kan word nie, aangesien die Raad ingevolge Artikel 14 die eiendom benodig vir basiese dienste.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 189/2018

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

11.1.13 VERVREEMDING (HUUR): GEDEELTE ERF 5585, BREDASDORP (COLLAB: 266595) (WYK 3)

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr J M Arends ten einde 'n gedeelte (10m x 6m) van erf 5585, Bredasdorp te huur ten einde vir die verbouing van groente aan te wend (liggingsplan aangeheg op ***bladsy 50***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 5585, Winnie Mandela Straat, Bredasdorp
Erf Grootte	:	2224m²
Voorgestelde Grootte	:	10m x 6m

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 51 tot 57*** is van mnr Arends ontvang om 'n gedeelte (10m x 6m) van erf 5585, Bredasdorp by die Raad te huur.

MARKWAARDASIE

R104,00 per maand

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
Follow due process

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

DIREKTEUR: FINANSIëLE DIENSTE
Neem kennis en gebaseer op die grote benodig weet nie of dit enigsins volhoubaar kan wees.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
Indicates no need for electricity in the application.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
No objection to short term rental. Needs to be determined if applicant is prepared to pay for water consumption to sustain it

BESTUURDER: ADMINISTRATIEWE DIENSTE
Aansoek word nie ondersteun nie. gaan aanleiding gee tot versnippering van meentgrond. Aanliggende erf sal later gebruik kan word.

BESTUURDER: VERKEER EN WETSTOEPASSING
Neem kennis van versoek mag nie afwyk van prosedures nie.

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar.

SENIOR BOUBEHEERBEAMPTE
Aansoek word ondersteun.

BESTUURDER: STRATE EN STORMWATER
Die betrokke gedeelte is by die stormwater sloot waar masjiene beweeg om skoon te maak.

BESTUURDER: WATER EN RIOOL
Water- en riooldienste word nie wesenlik beinvloed nie. Die maksimum waterverbruik is 20 kl per maand.

BESTUURSAANBEVELING

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 verhuring van gedeelte erf 5585, Bredasdorp (10m x 6m) aan mnr J M Arends vir ‘n termyn van 9 jaar en 11 maande met die opsie om die huur vir ‘n verdere tydperk te verleng, op voorwaarde dat:

(i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
(ii) Dat die standaard terugvalklousule ook duidelik in die kontrak vervat word.
(iii) Dat geen permanente strukture opgerig mag word nie.
(iv) Dat die omheining tot goedkeuring van die verhuurder sal wees.
(v) Dat die huurder die eiendom 12 maande gratis mag gebruik, waarna ‘n volledige evaluering sal plaasvind en terugrapportering na die Raad.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 190/2018

Dat die aangeleentheid na die Wykskomitee verwys word vir bespreking en aanbeveling aan die Raad.

11.1.14 VERVREEMDING (KOOP): GEDEELTE ERF 2441, BREDASDORP (COLLAB: 266597)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr J Snyders vir die vervreemding van gedeelte erf 2441, Bredasdorp ten einde dit te konsolideer met erf 4523 (liggingsplan aangeheg op ***bladsy 58***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 2441, Sonopstraat, Bredasdorp
Huidige Sonering	:	Straat
Voorgestelde Grootte	:	±124m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 59*** is van mnr Snyders ontvang om 'n gedeelte van erf 2441, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R31 000,00

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

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER
Waarom was hierdie gedeelte nooit deelgemaak van die erf nie. Infrastruktuurdienste moet net bevestig dat daar nie enige dienste loop nie.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted

DIREKTEUR: FINANSIES
Noted

ELEK
No impact on electrical services.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
No objection

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar. Onderverdeling en hersonering en sluiting vir aansoeker se kostes.

Senior Boubeheerbeampte
Aansoek word ondersteun.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Aansoek vir Vervreemding word ondersteun. Die vervreemding sal 'n minimale effek op die pad se oppervlakte hê

BESTUURDER: VERKEER EN WETSTOEPASSING
Noted

BESTUURDER: STRATE EN STORMWATER
Geen invloed op paaie en sigafstand.

BESTUURDER: WATER EN RIOOL
Water- en riooldienste word nie beinvloed nie.

BESTUURSAANBEVELING

(i) Dat, 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 2441, Bredasdorp ongeveer ±124m² in grootte aan mnr J Snyders vir R31 000,00.
(ii) Dat die hersonering, onderverdeling en sluiting van die erf, vir die aansoeker se koste sal wees.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 191/2018

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

11.1.15 VERVREEMDING (KOOP): GEDEELTE (SERWITUUT) TUSSEN ERF 2718 EN 2719, STRUISBAAI (66.2M²) (COLLAB: 266568) (WYK 5)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr WJ Bruwer ten einde die serwituut tussen erf 2718 en 2719, Struisbaai te koop (liggingsplan aangeheg op ***bladsy 60***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte tussen Erf 2718 en 2719, Struisbaai
Ligging	:	Elna Singel
Grootte	:	66.2m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 61*** is van mnr Bruwer ten einde die serwituut tussen erf 2718 en 2719, Struisbaai te koop.

MARKWAARDASIE

R34 430,00

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
You need to determine and express and opinion if the servitude is needed for the provision of basic services. If so then we cannot recommend the sale thereof as it would be illegal in terms of section 14 of the MFMA.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

DIREKTEUR: FINANSIëLE DIENSTE
Neem kennis solank dit geen invloed het op huidige / toekomstige dienslewering.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
The servitude is there for basic service delivery with respect to future demand requirements from SSE Substation supplying that area.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
It needs to be determined whether the servitude will be required in future. If so the sale thereof can not be supported.

SENIOR SPESIALIS STADSBEPLANNER
Word dit nie aangewend vir dienste nie. Onderverdeling en hersonering vir aansoeker se koste

BESTUURDER: ADMINISTRATIEWE DIENSTE
Ek dink nie dit sal wys wees indien die raad die grond vervreemd nie, aangesien dit met 'n spesifieke doel as "steeg" geoormerk is. Ander departemente se insette sal duidelikheid kan verskaf.

BESTUURDER: STRATE EN STORMWATER
Must go through the normal process.

SENIOR BOUBEHEERBEAMPTE
Aansoek word ondersteun.

BESTUURDER: WATER EN RIOOL
Water- en riooldienste word nie beïnvloed nie.

BESTUURSAANBEVELING

Dat die aansoek nie oorweeg kan word nie, aangesien die serwituut nodig is vir basiese dienste.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 192/2018

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

11.1.16 KANSELLASIE VAN VERVREEMDING: ERF 5221, BREDASDORP (BAO)

DOEL VAN VERSLAG

Om die Raad in te lig dat die voornemende koper van erf 5221, Bredasdorp die koop van genoemde eiendom kanselleer.

AGTERGROND

Erf 5221, Bredasdorp is deur die Raad goedgekeur om vervreemd te word aan ‘n koper. Die koper het die Raad in kennis gestel dat die koop gekanselleer kan word (sien aangehegte skrywe op ***bladsy 62 en 63***). Die verkoopstransaksie is deur die Ouditeur-Generaal uitgewys as onafgehandeld.

FINANSIëLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

(i) Dat die Raad kennis neem dat die voornemende kooptransaksie gekanselleer is.
(ii) Dat die vorige Raadsbesluit herroep word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 193/2018

(i) Dat die Finansies- en IT Dienste Komitee se aanbeveling as 'n besluit van die Raad aanvaar word.
(ii) Dat erf 5221, Bredasdorp aan die volgende tenderaar toegeken word.

11.1.17 **VERSOEK OM KAAP AGULHAS MUNISIPALE KANTORE OP SEKERE DAE BINNE KERSSEISOEN TE SLUIT (BMH)**

DOEL VAN VERSLAG

Om oorweging te skenk om Raadskantore op sekere dae binne die Kersseisoen te sluit.

AGTERGROND

Kaap Agulhas Munisipaliteit se kantore was die afgelope aantal jare slegs tot 13:00 op 24 en 31 Desember oop.

'n Versoek deur die Plaaslike Arbeidsforum word aan die Raad gerig om goedkeuring te verleen dat alle kantore binne Kaap Agulhas Munisipaliteit vanaf **Maandag, 24 Desember 2018 tot Dinsdag 1 Januarie 2019** gesluit word.

Alle bystand personeel sal steeds op diens wees, asook alle nood-funksies. Telefoniese navrae sal steeds deur die Bystandpersoneel hanteer word. Voorafkennisgewings en ander kommunikasie metodes (SMS, Facebook, Twitter, Webtuiste) sal gebruik word om die publiek dienooreenkomstig in te lig.

Daar is verskeie betaalpunte wat vir die publiek beskikbaar sal wees waar rekeninge betaal kan word, naamlik:

- Bredasdorp: (Checkers, Poskantoor, Spar en Hop In)
- Napier: (Poskantoor)
- Struisbaai: (Oord)
- L'Agulhas: (Oord)
- Waenhuiskrans: (Oord)
- Klipdale: (Poskantoor)
- Protem: (Poskantoor)
- Internet en Direkte Bank Inbetalings

FINANSIëLE IMPLIKASIE

Twee verlof dae
Permanente werkers: R545 171,49
Direkteure: R 32 888,02

BESTUURSAANBEVELING

(i) Dat alle kantore van Kaap Agulhas Munisipaliteit vanaf **Maandag, 24 Desember 2018** tot **Dinsdag 1 Januarie 2019** gesluit word (**4 werksdae**).
(ii) **Dat die Raad twee dae** as erkenning aan die personeel toestaan en dat die **personeel steeds verlof sal neem vir die ander twee dae**.
(iii) Dat alle kantore op **2 Januarie 2019** oop sal wees vir die publiek.
(iv) Dat vooraf kennisgewings en ander kommunikasie metodes (SMS, Facebook, Twitter, Webtuiste) gebruik sal word om die publiek dienooreenkomstig in te lig.
(v) Dat alle buitedienste sal voortgaan soos geskeduleer.
(vi) Dat telefoniese navrae steeds deur die bystandpersoneel hanteer sal word.
(vii) Dat die elektroniese verlofstelsel so spoedig moontlik opdateer word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die bestuursaanbeveling aanvaar word.

BESLUIT 194/2018

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

11.1.18 **RAISING OF LONG TERM DEBT FOR IDENTIFIED NEW / UPGRADE RELATED INFRASTUCTURE AND "WHEELY BIN" PROJECTS OVER THE MEDIUM REVENUE & EXPENDITURE FRAMEWORK**

The following item was submitted to Council on 30 October 2018:

PURPOSE OF REPORT

For Council to consider the raising of long term debt for asset financing and infrastructure services aligned with its medium term capital budget framework requirement and the approved Long Term Financial Plan strategy objective.

BACKGROUND

The main purpose of the proposed application to incur long-term debt is to provide the municipality with an additional funding model to finance its capital programme and by not only relying on capital investment primarily funded from the municipality's cash & reserves as stipulated in the municipality's approved Long Term Financial Plan (LTFP) strategy. Based on the LTFP strategy external borrowing forms an important part of the funding model of the municipality by not only provide the municipality with relatively inexpensive capital to fast-track service delivery and infrastructure backlogs, but it also ensures that the user of the infrastructure pay for the use over the lifetime of the asset.

Currently the municipality performing well below the National Treasury debt ceiling ratio of between 40% to 45%. Although this is an area that the municipality should definitely explore as a funding option suggested in terms of the municipality's LTFP strategy, it should be carefully prioritize with the focus on revenue generating services in order to recover the financial charges through the tariff model and also not exceeding the maximum level of external borrowing on 20% taking into account the municipality's current cash position based on the 2016/17 financial year outcome.

The main reason for the for the proposed long-term debt to the estimated value of not more than R17m over the approved 2018/19 medium term capital budget framework to be utilized for asset financing and infrastructure services investment. (To address the amended external borrowing requirement in terms of the approved medium term budget)

Following the detail of the long-term debt to be considered by council and the source of funding which will be used to repay the loan at an anticipated interest rate of 11%:

Purpose of Borrowing	Type of Instrument	Source of loan fund	Repayment period	Total amount	Estimated Borrowing Cost	Estimated Borrowing Cost P/A
Motor Vehicle Fleet	External Loan: Annuity Method	Term Loan: Asset Financing	5 Years	R2,880,000	R 940,831	R 764,166
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Term Loan: Infrastructure	5 Years	R4,120,000	R1,345,912	R1,093,182
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Term Loan: Infrastructure	10 Years	R10,000,000	R6,735,866	R1,673,587
Total Long-term Application:				**R17,000,000**	**R9,022,609**	**R3,530,935**

LEGAL IMPLICATION

In terms of section 46 of the MFMA a municipality may incur long-term debt only in accordance with and subject to any applicable provisions in the mentioned Act and only for the purpose of capital expenditure on property, plant or equipment to be used for the purpose of achieving the objects of local government stipulated in the Constitution.

Furthermore the municipality's long-term debt must be consist with its capital budget and may only spend money on a capital project if the sources of funding have been considered, are available and have not been committed for other purposes.

Therefore it is imperative before final approval of the long-term debt that council first considers the amount of debt to be raised through borrowing or other means, purposes for which the borrowing(Debt) is to be incurred, total estimated cost of borrowing over the repayment period, type of instrument and source of loan funds.

Non-compliance to prescribed legislation in terms of the above key considerations.

FINANCIAL IMPLICATION

The total estimated borrowing cost over the borrowing repayment period amounts to R9,02m whilst the total borrowing cost per annum amounts R3,53m.

On 30 October 2018 the Municipal Manager, in consultation with the Director: Finance, recommends as follows:

(i) Council takes note of the procedure for incurring long-term debt as prescribed in terms of section 46 of the MFMA.
(ii) In terms of the type and method of external loans, it is recommended that the long-term debt will be in the form of direct borrowing from a banking institution calculated on the annuity method.
(iii) Council approves the roll-out to obtain the long-term debt to the estimated amount of R17 million for final consideration / approval on condition that the external loan period will not exceed the useful life of the asset.

COUNCIL RESOLUTION 157/2018: 30 OCTOBER 2018

(i) That the management recommendation not be accepted as a resolution of Council.
(ii) That the matter be referred back to the Finance- and IT Services Committee for further discussion and recommendation to Council.

MANAGEMENT RECOMMENDATION

For discussion.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

(i) Council takes note of the procedure for incurring long-term debt as prescribed in terms of section 46 of the MFMA.
(ii) In terms of the type and method of external loans, it is recommended that the long-term debt will be in the form of direct borrowing from a banking institution calculated on the annuity method.
(iii) Council approves the roll-out to obtain the long-term debt to the estimated amount of R17 million for final consideration / approval on condition that the external loan period will not exceed the useful life of the asset.

RESOLUTION 195/2018

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

11.1.19 **UPDATED LONG-TERM FINANCIAL PLAN ASSESSMENT BASED ON THE 2017/18 PRE-AUDITED FINANCIAL RESULTS**

The following item was submitted to Council on 30 October 2018:

PURPOSE OF REPORT

For Council to take note of the updated long term financial plan assessment done by INCA Portfolio Managers in respect of the 2017/18 pre-audited financial statement results.

BACKGROUND

The long-term financial plan (LTFP) has been completed by INCA Portfolio Managers during May 2015 and in terms of the arrangement been updated on an annual basis to reflect any progress made with the implementation of the approved long term financial plan strategies.

The long term financial plan assessment completed only reflects on the period 1 July 2017 till 30 June 2018 whilst most of the targets reflected in the LTFP strategy focuses on the current and outer financial years to be achieved.

Despite the municipality's improved performance in comparison to the previous financial year in respect of the financial position, financial performance and cash flow, most of the initial recommendations made since 2015 still remains relevant and valid.

It is suggested to review and updated the long term financial plan strategy aligned with the key findings in the report for strategic decision making / policy formulation during the 2019/20 budget preparation process. A copy of the updated long term financial plan was already distributed for council's consideration.

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

Proposals to be review for updating the LTFP strategy and incorporation as part of the 2019/20 MTREF budget consideration aligned with the updated targets for implementation subject to availability of funding.

On 30 October 2018 the Municipal Manager, in consultation with the Director: Finance, recommends as follows:

(i) Council takes note of the updated long term financial plan submitted by INCA Portfolio Managers as ***Annexure***.
(ii) Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

COUNCIL RESOLUTION 158/2018: 30 OCTOBER 2018

(i) That the management recommendation not be accepted as a resolution of Council.
(ii) That the matter be referred back to the Finance- and IT Services Committee for further discussion and recommendation to Council.

MANAGEMENT RECOMMENDATION

For discussion.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

(i) Council takes note of the updated long term financial plan submitted by INCA Portfolio Managers.
(ii) Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

RESOLUTION 196/2018

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

11.1.20 L'AGULHAS ROLBALKLUB: ONDERSTEUNING TEN OPSIGTE VAN WATERVERBRUIK

DOEL VAN VERSLAG

Om oorweging te skenk daaraan om die L'Agulhas Rolbalklub te ondersteun met hulle waterverbruik.

AGTERGROND

L'Agulhas Rolbalklub (Rek. 2000138846) is die eienaar van erf 609 op L'Agulhas. Weens die feit dat hulle ledetal die afgelope twee jaar verminder het vanaf 72 tot 52 ondervind hulle finansiële druk op die klub se begroting. Die kostes aan waterverbruik, wat 'n vaste uitgawe vir die klub is, word 'n al groter wordende probleem.

Die klub se gemiddelde waterverbruik oor die laaste 13 maande was 200kl per maand teen 'n koste van R1 667,50. Indien die verbruik aangeslaan sou wees teen die minimum tarief sou die bedrag R1 566.00 beloop het. 'n Verskil van R101,50pm (R1 218,00pj).

Daar is 'n versoek, soos aangeheg op ***bladsy 64*** vanaf die klub se bestuur dat die Raad dit moet oorweeg om hulle waterverbruik teen die minimum tarief aan te slaan. Daar moet egter gewaak word teen die skep van 'n moontlike presedent ten einde die deur vir ander klubs oop te maak vir dieselfde versoek, veral in die lig gesien van die skaarsheid van gesuiwerde water.

FINANSIëLE IMPLIKASIE

'n Verlies van R1 218,00 per jaar aan inkomste.

BESTUURSAANBEVELING

Vir oorweging deur die Raad.

BESLUIT 197/2018

(i) Dat L'Agulhas Rolbalklub se waterverbruik vanaf 1 Desember 2018 teen die minimum tarief gehef word.
(ii) Dat die vergunning slegs geldig is vir 'n tydperk van een (1) jaar vanaf 1 Desember 2018.

11.1.21 **HUUROOREENKOMS: MEENTGRONDE - KAM vs AGRI MEGA BEPERK (MB)**

DOEL VAN VERSLAG

Om die Raad in te lig oor die huidige huurooreenkoms tussen KAM en Agri Mega Beperk.

AGTERGROND

Daar bestaan 'n huurooreenkoms, soos aangeheg op ***bladsy 65*** tussen Kaap Agulhas Munisipaliteit en AGRI MEGA BEPERK (reg no: 2003/012603/08) vir die huur van 'n gedeelte van erf 1148, Bredasdorp met 'n grootte van ongeveer 302Ha. Die grond bestaan uit kampe 12, kampe 14 - 17 en kampe 19 - 20. Die ooreenkoms is op 3 April 2017 deur alle partye onderteken vir 'n huurtermyn van 9 jaar en 11 maande, beginnende op 1 April 2015 tot 1 Maart 2025.

Die gronde is aanvanklik aan Agri Mega Beperk verhuur sodat "opkomende boere" die geleentheid gegun kon word om onder "beheerde" toesig geleentheid te kry om te boer en om verdere vaardighede in die boerderybedryf op te doen.

Tydens 'n ondersoek wat gedoen is, is heelwat teenstrydighede met die bestaande kontrakvoorwaardes waargeneem en bespreek. Van die voorwaardes wat nie nagekom word nie is onder andere klousule 10 ten opsigte van "Onderverhuring", Klousule 17 ten opsigte van "Grondgebruik en Boerdery praktyke" (wat insluit grondontledingsverslae en brandpaaie) en Klousule 19 wat verwys na die "Wysiging van Besigheidstrukture".

Ingevolge Klousule 18 is die huurder kennis gegee van die bestaande afwyking in die ooreenkoms en moet binne 30 dae regstellende stappe neem om die voorwaardes te herstel. Sou die huurder in gebreke bly om regstellende stappe te neem, kan die kontrak op 30 dae kennisgewing beëindig word.

Intussen het Agri Mega Beperk sy belange na Worcester verskuif.

FINANSIëLE IMPLIKASIE

Beperk. Indien die kontrak gekanseleer word, sal gronde weer per ooreenkoms verhuur kan word.

REGSIMPLIKASIE.

Die bepalings van die ooreenkoms is duidelik.

PERSONEEL IMPLIKASIE

Geen.

BESTUURSAANBEVELING

(i) Dat die Raad kennis neem van die ondersoek.
(ii) Dat die Raad kennis neem van die skrywe aan die HUURDER.
(iii) Dat die huurder ingelig word dat indien lande geplant gaan word voordat hierdie regstellings gedoen is, dit op die risiko vir die huurder sal wees.

BESLUIT 198/2018

(i) Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
(ii) Dat die huidige proses van verskil beslegtiging eers afgehandel word voordat die Raad enige ander verhuringsopsies gaan oorweeg.
(iii) Dat Change Agri dienooreenkomstig ingelig word.

11.1.22 **PERFORMANCE REVIEWS 2017/18: 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.

BACKGROUND

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.

PERFORMANCE EVALUATION PROCESS

The performance reviews for the full year 2017/18 were done on 11 October 2018 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: Management Services - Mr K Mrali
- Director: Financial Services - Mr H van Biljon (Finance and IT Services)

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, and
- The SDBIP reports.

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

EVALUATION OUTCOMES AND DISPUTES

The evaluation outcomes following the assessment were as follows:

Name	%
Mr D O'Neill	73%
Mr H van Biljon	72%
Mr K Mrali	62%

These outcomes were communicated to the employees and signed off following the evaluation. Mr K Mrali subsequently lodged a dispute against the performance outcomes which will was dealt with in terms of the Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager.

Sub regulation 33 (2) states that -

"any disputes about the outcome of the employee's performance evaluation must be mediated by:

b) In the case of managers directly accountable to the municipal manager, a member of the municipal council provided that such member was not part of the evaluation panel provided for in sub regulation (27)(4)(e)within 30 days of receipt of a dispute from the employee. Whose decision shall be final and binding on the parties"

Cllr Burger was appointed as mediator. He was not part of the panel that scored Mr Mrali's performance during the evaluation. The dispute was mediated on 5 December 2017 and Mr Mrali's final score was amended as follows.

Name	%
Mr K Mrali	64%

The amendment was based on the re-evaluation of the specific KPI's on which the appeal was based.

BONUSES PAYABLE

The evaluation was done in terms of the requirements stipulated in the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers (2006) and the performance contracts.

Sub regulation 8 states 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 Draft Annual Report for 2017/18 is tabled at the same council meeting as this report and its tabling is a pre-requisite to the payment of bonuses.

Bonuses are payable in terms of clause 11.3 of the performance agreements which stipulate that bonuses should be calculated as follows:

Employee	Operational % (80%)	Competencies % (20%)	Final Score (100%)	Bonus % of total package
Mr D O'Neill	55%	18%	73%	8%
Mr H van Biljon	54%	18%	72%	8%
Mr K Mrali	46%	16%	62%	0%

The full performance reviews report is attached as **Annexure**.

It should be noted that the bonuses payable in respect of the 2017/18 financial year are less than the previous financial years. This is primarily due to the bonus structure being amended in terms of legislation. The implication of this is that evaluees need to score much higher to achieve a full bonus and any score under 65% does not warrant a bonus.

2017/18 Bonus Structure:

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

FINANCIAL IMPLICATIONS

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

MANAGEMENT RECOMMENDATION

It is recommended that:

(i) Council takes note the content of the 2017/18 performance reviews report.
(ii) Council approves the payment of performance bonuses to the affected employees as per the outcome of the performance reviews.

RESOLUTION 199/2018

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

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

DOEL VAN VERSLAG

Oorweging om verordening insake drank handelsure te wysig.

AGTERGROND

Op 31 Julie 2018 neem die Raad die volgende besluit (104/2018):

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

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

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

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

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

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

Bylae 3(6) word bygevoeg:

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

(ii) *Dat die beswaarmakers dienooreenkomstig ingelig word.*
(iii) *Dat alle drank handelaars wat alkoholiese drank verkoop mag handel dryf op Sondae vanaf 09:00 tot 18:00.*
(iv) *Dat 'n volledige publieke bewusmakingsveldtog geloods word."*

ADVERTERING

Op 26 Oktober 2018 word die volgende advertensie in die plaaslike koerante ge-adverteer:

WYSIGINGSVERORDENING OP DRANKHANDELSURE, 2016

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

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

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

Bylae 3(7) word bygevoeg:

Dat alle drank handelaars wat alkoholiese drank verkoop mag handel dryf op Sondae vanaf 09:00 tot 18:00.

Besonderhede van die voorstel is gedurende kantoor ure by Me Doreen Oncke ter insae.

Skriftelik gemotiveerde kommentaar en/of besware ten opsigte van die voorstel ingevolge bogenoemde wetgewing moet voor of op Maandag, 26 November 2018 by die Munisipaliteit ingedien word. Neem asb kennis dat enige kommentaar ontvang na die sluitingsdatum nie in aggeneem gaan word nie.

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

BESWARE ONTVANG

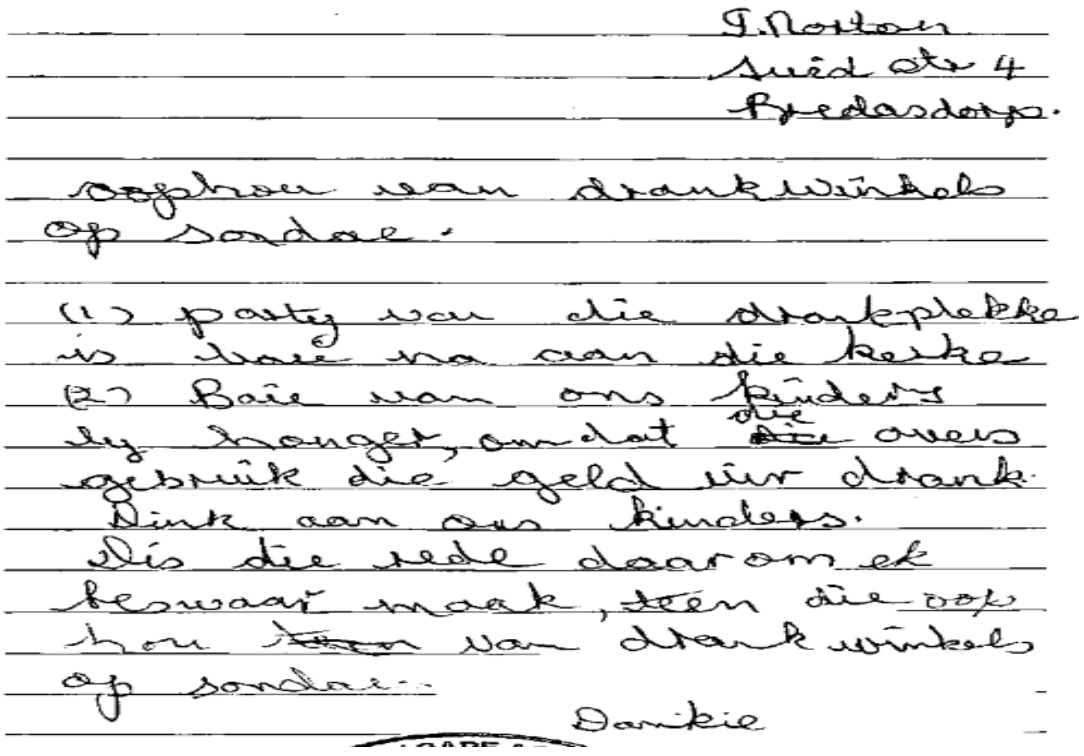
Hier volg 'n opsomming van die besware ontvang met die nodige stadsbeplanningskommentaar:

1. Suidpunt Environmental Alliance

BESWAAR	KOMMENTAAR
The Suidpunt Environmental Alliance (SEA) wishes to object in the strongest terms to the above amendment to liquor trading hours in the Cape Agulhas Municipal area. In a country and a province awash with alcohol it is absurd, amoral, and basically unintelligent to increase the liquor trading hours to open availability on Sundays between 09h00 and 18h00. Crimes such as the rape of women and children, violent assaults, family murders and abuse, and many other crimes and civil disobedience are largely fuelled by the abuse of alcohol. The horrific statistics of deaths on our roads due to drunk drivers alone should be enough NOT to increase liquor trading hours.	Die feit dat daar 'n sosiale impak op die misbruik van drank is is onbetwisbaar, maar die feit dat drankwinkels wat op Sondae oop kan wees – die rede is vir verkragting, moorde en molestering of dit kan vererger is 'n veralgemening. Dit kan wel bespreek word wat die impak van alreeds bestaande onwettige tavernes en drankwinkels op die gemeenskap het. Selfs onwettige verkope vanuit woonhuise vind ook plaas wat binne die wetlike grense is van aantal liters toelaatbaar om aan te hou. Wetstoepassing kan beter plaasvind en deurdat drank vanuit wettige drankwinkels gaan plaasvind.

Furthermore law enforcement would have to be significantly increased on a Sunday in order to deal with crimes committed through alcohol abuse – the cost of which would burden the CAM ratepayers even more than they are already. The rape and murder of Bredasdorp teenager, Anene Booysen, whilst returning from a tavern in 2013, should be reason enough to warn and remind us of the effects of alcohol abuse – especially the effect that it is having on our youth. One could suggest that CAM has no conscience as to how many more young women are raped and murdered in our wards. And that this amendment for the increase of alcohol trading hours should come during the ***16 Days* of Activism for No Violence Against *Women and Children*** campaign, is even more confusing. We repeat – the Suidpunt Environmental Alliance strongly objects to the new liquor trading opening hours on a Sunday. On the contrary, it would be in the best interests of the CAM community and all those visiting our area to actually decrease and not increase both liquor outlets AND liquor trading hours.	

2. I Norton



I. Norton
Suid str 4
Bredasdorp.

Oophou van drankwinkels op sondae.

(1) party van die drankplekke is baie na aan die kerke
(2) Baie van ons kinders sy honger, omdat die ouers gebruik die geld vir drank. Dink aan ons kinders.
Dis die rede daarom ek beswaar maak, teen die oop hou van drankwinkels op sondae.

Dankie

KOMMENTAAR

Weereens die sosiale impak kan nie net toegeskryf word aan die feit dat drankwinkels op Sondae oop kan wees nie, maar dit is 'n daaglikse impak op die gemeenskap. Gaan dit vererger deurdat instansies / kuierplakke alreeds op Sondae oop is wat drank verkoop?

Die feit dat drankwinkels wel naby aan kerke kan wees, kan net 'n positiewe invloed op gebruikers van drank hê.

3. Suid Afrikaanse Polisiediens – W/O JJ Fourie

LIQUOR TRADING HOURS AMENDMENT BY-LAW, 2016

1. **Your letter 1/2/1/18 dated 2018/10/26 has reference.**

- **I am the appointed Designated Liquor Officer for the Bredasdorp area and is responsible for the enforcement and compliance of the Western Cape Liquor Act 4/2008, therefore I would like to comment on the proposed amendment.**
- **Firstly I must mention that even though this is a Municipality initiative the DLO of SAPS Bredasdorp was not invited to give inserts on this proposed new amendments and at this stage as mentioned, the policing is my concern till day the municipality come on board with their law enforcement.**
- **With this said the original decisions was that only wine farms trading hours would have changed to accommodate for tourism, but due to pressure from all other Liquor Licence holders it is thus suggested that all liquor traders will operate on Sundays from 09:00 to 18:00 as per your e-mail.**

Comment :

- **As from my side – liquor are of the most common contributors to crime especially Assaults, Domestic Violence, Rapes and Murders in our policing area.**
- **There are illegal premises that sell liquor at any time of the day and it is usually on Saturdays that these illegal shebeens stock up on supplies for Sundays, now if open on Sundays it make it easier for these kind of premises to stock up by buying their liquor at legal off-sales.**
- **Nowhere it could indefinite be proven that if liquor stores are closed or open that it had an impact on crime decreasing or increasing on a Sunday, but this office feel that trading hours proposed on Sundays can be shortened from 09:00 to 14:00 and feel that it is more than educate time for people if needed to buy their liquor products.**

KOMMENTAAR

Die Suid-Afrikaanse Polisiediens is versoek om kommentaar te lewer op die veranderde drankhandelsure en die skrywe maak dit duidelik dat handelsure wat op ‘n Sondag oop kan wees, nie bewys genoeg is dat daar ‘n toename of afname in die misbruik van drank is nie.

FINANSIëLE IMPLIKASIE

R5 000,00 vir plasing in Afrikaans en Engels.

BESTUURSAANBEVELING

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

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

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

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

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

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

Bylae 3(6) word bygevoeg:

Handelsdae en -ure vir die verkoop van drank vir verbruik weg van en op gelisensieerde persele: 'n Lisensiehouer wat 'n toeristefasiliteit bedryf, kan drank vir verbruik weg van die gelisensieerde perseel op enige dag van die week van 09:00 tot 16:00 verkoop.

Bylae 3(7) word bygevoeg:

Dat alle drank handelaars wat alkoholiese drank verkoop mag handel dryf op Sondae vanaf 09:00 tot 16:00.

(ii) Dat die beswaarmakers dienooreenkomstig ingelig word.

BESLUIT 200/2018

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

11.1.24 **ELIM: UITSTAANDE BELASTINGREKENING**

DOEL VAN VERSLAG

'n Versoek is gerig deur die Finansiële Komitee dat inligting aan die Raad voorsien word ten opsigte van die uitstaande skulde van Elim ten einde die aangeleentheid te kan bespreek.

AGTERGROND

Die belastingrekeninge van Elim was al die jare deur die Opsienersraad betaal en die rekeninge was ten alle tye op datum. Gedurende Junie 2012 is die funksie oorgeneem deur die kerk en word die rekeninge sederdien gelewer aan hul Kaapse kantore. Dit was ook die laaste keer dat daar enige gelde aan KAM oorbetaal is.

Die agterstallige rekeninge is deurlopend aan die prokureurs vir invordering oorhandig, maar met geen sukses. Verskeie korrespondensie is verwissel asook gesprekke gevoer ten einde die aangeleentheid aan te spreek. Geen vordering is egter gemaak nie.

'n Opsomming van alle transaksies op al die betrokke rekeninge (lopende sowel as oorhandigde rekeninge) is gedoen vir die tydperk Junie 2015 tot en met Oktober 2018. Die bedrag verskuldig soos op 31 Oktober 2018 beloop R3 032 326,81 (sien opsomming aangeheg op ***bladsy 79***).

Die gemiddelde maandelikse heffing op die lopende rekeninge (rente ingesluit) beloop ongeveer R80 000,00.

FINANSIëLE IMPLIKASIE

Gelde verskuldig aan Raad - R3 032 326,81

BESTUURSAANBEVELING

Vir bespreking deur die Raad.

BESLUIT 201/2018

(i) Dat die Raad kennis neem van die uitstaande bedrag verskuldig.
(ii) Dat 'n volledige verslag met die volgende Raadsvergadering oorweeg word.
(iii) Dat maandelikse vorderingsverslae aan die Raad voorgelê word ten opsigte van die vereffening van hierdie uitstaande gelde.

11.1.25 **AANSOEK OM VERVREEMDING (HUUR): ERF 538, NAPIER (COLLAB: 266703) (WYK 1)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoeke van me J C Janse van Rensburg, Napier Amateur Drama Society asook Solution Base ten einde erf 538, Napier te huur (liggingsplan aangeheg op ***bladsy 80***).

ALGEMENE INLIGTING

Eienaar : KAM
Eiendom : Erf 538, Kragstraat, Napier
Huidige Sonering : Publiek en Sosiaal

AGTERGROND

Skriftelike versoeke is ontvang om erf 538, Napier by die Raad te huur.

Ou Kabouter Speelskool het die gebou gehuur, maar die huurtermyn het verstryk op 30 April 2016. Die huurbedrag het R500,00 per maand beloop.

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
Please follow due process.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
All electrical infrastructure costs for tenant.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE
No objection, but if property was previously utilised, it needs to be ascertained if there was a lease and said lease needs to be terminated in accordance with its provisions or ceded to new applicant.

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar. Grondgebruik is in ooreenstemming met sonering.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Vervreemding kan ondersteun word. Erf moet verkieslik per tender vervreeemd word.

BESTUURDER: STRATE EN STORMWATER
Voorsien geen wesenlike probleem.

BESTUURDER: WATER EN RIOOL
Dienste bestaan reeds.

SENIOR BOUBEHEERBEAMPTE
Aansoek word ondersteun.

BESTUURSAANBEVELING: 30 OKTOBER 2018

(i) 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 538, Napier.
(ii) Dat die genoemde erf op publieke veiling verkoop word.

RAADSBESLUIT 152/2018: 30 OKTOBER 2018

(i) Dat die Bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie.
(ii) Dat die aangeleentheid terugverwys word na die betrokke portfolio komitee vir verdere ondersoek en aanbeveling aan die Raad.

BESTUURSAANBEVELING

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 verhuur van erf 538, Napier.

BESLUIT 202/2018

(i) Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
(ii) Dat die ooreenkoms met me Janse van Rensburg vir 'n termyn van 3 jaar aangegaan sal word teen 'n koers van R500,00 per maand met 'n eskalasie van 5%, beginnende 1 Januarie 2019.

11.1.26 **VERVREEMDING (KOOP): ERF 2008, STRUISBAAI (WYK 5) (COLLAB: 280718)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr T Oberholster vir die vervreemding van erf 2008, Struisbaai (sien liggingsplan aangeheg op ***bladsy 82***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Erf 2008, Adelle Straat 205, Struisbaai
Huidige Sonering	:	Oop Ruimte
Voorgestelde Grootte	:	5836m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 83*** is van mnr Oberholster ontvang om erf 2008, Struisbaai of 'n gedeelte van die genoemde erf by die Raad te koop.

MARKWAARDASIE

In Afwagting.

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

DEPARTEMENTELE KOMMENTARE

DIREKTEUR: FINANSIëLE DIENSTE
Neem kennis.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
All upgrades to electrical infrastructure for owners account, only one connection per erf.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Die voornemende eienaar kan nie veel met die genoemde eiendom doen nie. Die landskap is byna van so aard dat geen permanente stukture op die grond aangebring kan word nie. Die publieke deelname proses sal gevolg moet word, aangesien dit 'n baie "bekende" baken tussen Struisbaai en L'Agulhas is

BESTUURSAANBEVELING

Dat, 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 Erf 2008, Struisbaai aan mnr T Oberholster, teen 'n markverwante prys.

BESLUIT 203/2018

Dat die aangeleentheid terugverwys word om die eienaarskap van genoemde grond te bepaal.

11.1.27 VERVREEMDING (KOOP): GEDEELTE RONDOM ERF 305, L'AGULHAS (COLLAB: 280722)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr A Bruwer vir die vervreemding van 'n gedeelte (±180m²) rondom erf 305, L'Agulhas, ten einde dit te konsolideer met erf 305 (sien liggingsplan aangeheg op ***bladsy 87***).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte rondom Erf 305 , Pandokstraat, L'Agulhas
Voorgestelde Grootte	:	±180m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 88*** is van mnr Bruwer ontvang om 'n gedeelte (±180m²) rondom erf 305, L'Agulhas by die Raad te koop.

MARKWAARDASIE

R112 000,00

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

DEPARTEMENTELE KOMMENTAAR

DIREKTEUR: FINANSIëLE DIENSTE
Take note.

DIREKTEUR: SIVIELE INGENEURSDIENSTE
Dependant variable: Roads Department needs to ascertain, whether the additional land is required for an access road.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
All electrical upgrades for owners account.

SENIOR SPESIALIS STADSBEPLANNER
Is nie duidelik watter gedeelte te koop is nie.

BESTUURSAANBEVELING

(i) Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van Gedeelte (±180m²) rondom erf 305, L'Agulhas aan mnr A Bruwer, teen 'n markverwante prys.
(ii) Dat die konsolidasie van die erf, vir die aansoeker se koste sal wees.

BESLUIT 204/2018

(i) Dat die aangeleentheid terug verwys word om die eienaarskap van genoemde grond te bepaal.
(ii) Dat 'n verdere waardasie vir die genoemde grond verkry word.

11.1.28 **VERVREEMDING (KOOP): ERF 3619 EN 3625, BREDASDORP (COLLAB: 274669) (WYK 2)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr H Hendricks ten einde erf 3619 en 3625, Bredasdorp te koop (liggingsplan aangeheg op ***bladsy 91***).

ALGEMENE INLIGTING

Eienaar	:	KAM
Eiendom	:	Erf 3619, Bredasdorp
Ligging	:	Kalkoentjiesingel
Erf Grootte	:	643m^2
Huidige Sonering	:	Enkel Residentieel

Eienaar	:	KAM
Eiendom	:	Erf 3625, Bredasdorp
Ligging	:	Kalkoentjiesingel
Erf Grootte	:	750m^2
Huidige Sonering	:	Enkel Residentieel

AGTERGROND

'n Skriftelike versoek, soos aangeheg op ***bladsy 92*** is van mnr Hendricks ontvang om erf 3619 en 3625, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (aangeheg op ***bladsy 93***) - R34 00000 (Munisipale Waardasie)

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

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER
I do not think that these erven, which has already been zoned as residential and some already being built on, should form part of the Ou Meule development.

My understanding was that is the business erven directly adjacent to the road that will form part of the development. I also agree with the applicant that some people buy the erven if we follow the tender process and speculate with it. I will be comfortable with recommending to council that the erf be sold to the applicant at the market value (which you still need to get) depending on services being available.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted.

DIREKTEUR: FINANSIëLE DIENSTE
In orde en wil net verneem welke die erwe ook ingesluit is by die beoogde erwe geidentfiseer vir vervreemding.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE
It is possible to connect erf 3625 to the existing network, but 3619 has no installed electrical infrastructure. I understood that the future of those plote would be decided in conjunction with the Ou Meule upgrade and that is why there have been no plans for infrastructure there yet.

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar. Is daar dienste?

BESTUURDER: ADMINISTRATIEWE DIENSTE
Die erwe is al verskeie kere aanbeveel om vervreemd te word. Die laaste geleentheid by die raad is besluit om nie die erwe in Kalkoenjie en Dalia te vervreemd nie, aangesien die "grond vir 'n winkelkompleks" beoog kan word. Maar uit 'n " Admin Ondersteuning" oogpunt, dink ek die erwe kan per tender/ veiling vervreemd word.

BESTUURDER: STRATE EN STORMWATER
Moet deur advertensie proses gaan**.**

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 3625, Bredasdorp.
(ii) Dat die genoemde erf op publieke tender verkoop word.
(iii) Dat erf 3619 nie vervreemd word nie aangesien die nodige dienste nog nie beskikbaar is nie.

BESLUIT 205/2018

(i) Dat bestuursaanbeveling (i) as 'n besluit van die Raad aanvaar word.
(ii) Dat erf 3625, Bredasdorp "uit die hand" verkoop word teen die markverwante prys, nadat die publieke deelname proses gevolg is.

11.1.29 **VERVREEMDING (KOOP): GEDEELTE ERF 921, STRUISBAAI (COLLAB: 274846) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van Alwill Development (Eiendoms) Beperk, eienaar van erf 1666, Struisbaai vir die vervreemding van Gedeelte erf 921, Struisbaai, ten einde dit te konsolideer met erf 1666.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 921, Struisbaai
Huidige Sonering	:	Parkering
Voorgestelde Grootte	:	± 148m² x ± 5.6m²

AGTERGROND

'n Skriftelike versoek soos aangeheg op ***bladsy 94 tot 98*** is van Alwill Development (Eiendoms) Beperk ontvang om 'n gedeelte van erf 921, Struisbaai by die Raad te koop.

Die prys is bepaal volgens die veilingprys wat die ontwikkelaar betaal het vir erf 1666, Struisbaai:

R4.4 miljoen ÷ 3205m² = R1 372.8 per m²

Gedeelte erf 921, Struisbaai : R1 372.8 per m² x 153.6m² = R210 862.00

MARKWAARDASIE

In Afwagting.

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

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER
I would advise that the property be sold to the developer at the same rate per square meter as what was paid for Erf 1666 at the auction. If the auction was done more that a year ago we can even add an increase linked to the current inflation rate. The application is well motivated and makes sense.

DIREKTEUR: GEMEENSKAPSDIENSTE
Noted

DIREKTEUR: FINANSIES
Neem kennis.

ELEK
No impact on electrical infrastructure.

SENIOR SPESIALIS STADSBEPLANNER
Geen beswaar. Alle stadsbeplanningskostes sal vir die aansoeker se rekening wees.

Senior Boubeheerbeampte
Aansoek word ondersteun.

BESTUURDER: ADMINISTRATIEWE DIENSTE
Geen probleem word voorsien.

BESTUURDER: VERKEER EN WETSTOEPASSING
Moet deur die proses gaan vir die verkoop van minisipale eiendom.

BESTUURDER: STRATE EN STORMWATER
Moet deur normale proses gaan.

BESTUURSAANBEVELING

Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte erf 921, Struisbaai aan mnr Alwil Development (Eiendoms) Beperk, teen R1 372.8 per m^{2} (R210 862,00).

BESLUIT 206/2018

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

11.1.30 **AANWENDING VAN GROBBELAARSAAL, NAPIER AS VEELDOELIGE GEMEENSKAPSENTRUM**

DOEL VAN VERSLAG

Om goedkeuring van die Raad te versoek om Grobbelaarsaal te Napier stelselmatig in ‘n veeldoelige gemeenskapsentrum te omskep deur -

1. Die vestiging van ‘n gemeenskapstuin op die perseel.
2. Die totstandbring van ‘n naalwerk-werkskeppingsprojek in ‘n gedeelte van die perseel.

AGTERGROND

Die behoefte aan ‘n perseel vir die vestiging van ‘n gemeenskapstuin is ‘n tyd gelede deur die komitee van die Napier Informele Nedersetting aan die Uitvoerende Burgemeester oorgedra. Die perseel wat aanvanklik voorgestel was, is geleë aangrensend aan die nedersetting. Die Raad het op ‘n vorige vergadering in beginsel besluit dat die aangewese grond vir hierdie doel aangewend mag word, onderhewig aan sekere voorwaardes. Na vele gesprekke tussen die relevante afdeling en die Napier Komitee, die betrokke wyksraadslid en ook met ander amptenare is die gevoel verkry dat die kwessie van die verskaffing van water ‘n bestrede kwessie sal bly en dat die projek geen meetbare vordering sal toon alvorens hierdie kwessie ten volle aangespreek is nie.

Opvolg gesprekke is met die gemeenskapskomitee en die wyksraadslid is dus gehou, waarop die voorstel gedien het dat ‘n gedeelte van die perseel waarop die Grobbelaarsaal geleë is op hierdie stadium die geskikste sal wees om so ‘n gemeenskapstuin te vestig. Die perseel word tans nie benut nie, en is omhein.

‘n Privaat instansie het onlangs aangebied om ‘n aantal naaimasjiene aan die munisipaliteit te skenk, asook om opleiding aan te bied in die bedryf van hierdie masjiene. Weereens is aanbeveel dat die genoemde saal die geskikste perseel sal wees om die opleiding in aan te bied, en ook ‘n aanverwante werkskeppingsprojek van stapel te stuur.

FINANSIëLE IMPLIKASIE

‘n Minimale maandelikse elektrisiteit- en waterrekening, wat eers bepaal kan word sodra meer gestalte aan die projek gegee gaan word.

BESTUURSAANBEVELING

Dat die versoek om die Grobbelaarsaal te Napier stelselmatig in ‘n veeldoelige sentrum om te skep goedgekeur word deur die vestiging van ‘n gemeenskapstuin op ‘n gedeelte van die erf, en dat goedkeuring verleen word om ‘n werkskeppingsprojek/te binne in ‘n gedeelte van die perseel bedryf mag word.

BESLUIT 207/2018

Dat, in beginsel-goedkeuring gegee word om die Grobbelaarsaal te Napier stelselmatig in ‘n veeldoelige sentrum te omskep deur die vestiging van ‘n gemeenskapstuin op ‘n gedeelte van die erf en dat goedkeuring verleen word om ‘n werkskeppingsprojek/te binne in ‘n gedeelte van die perseel te mag bedryf.

11.1.31 **GOEDKEURING: TOERISME STRATEGIE**

DOEL VAN VERSLAG

Om oorweging te skenk aan die aanvaarding van die aangehegte toerisme strategie vir Kaap Agulhas, soos aangeheg op ***bladsy 99 tot 106***.

AGTERGROND

Daar word deur die SDBIP vereis dat 'n toerisme-strategie deur die Raad goedgekeur word. Die strategie sal jaarliks hersien word.

BESTUURSAANBEVELING

Dat die aangehegte strategie deur die Raad aanvaar word en dat enige addisionele bydraes in 'n volgende strategiese dokument opgeneem sal word.

BESLUIT 208/2018

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

11.2 BESTUURSDIENSTE / MANAGEMENT *SERVICES*

11.2.1 APPROVAL: DRAFT BY-LAW FOR THE KEEPING AND IMPOUNDMENT OF ANIMALS

REPORT BY THE MANAGER PROTECTION SERVICES

PURPOSE OF REPORT

To present the Draft By-Law for the keeping and impoundment of animals to Council for approval (attached on ***page 107 to 123***).

BACKGROUND

To promote a safe and healthy environment for the benefit of residents within the area of jurisdiction of the Cape Agulhas Municipality; with consideration of personal rights as prescribed in the Constitution of the Republic of South Africa and the Promotion of Administrative Justice Act, Act 3 of 2000.

To provide for the care, control and management of animals and the procedures, methods and practices to regulate the impoundment of stray or dangerous animals or animals that constitutes a nuisance.

LEGAL FRAMEWORK

The Constitution of the Republic of South Africa and the Promotion of Administrative Justice Act, Act 3 of 2000.

DISCUSSION

The draft By-Law for the keeping and impoundment of animals is attached as Annexure. This By-Law is amended to fit the need of the municipality for the improved care, control and management of animals be within its jurisdictional area.

MANAGEMENT RECOMMENDATION

(i) That the Draft By-Law for the keeping and impoundment of animals be approved.
(ii) That all statutory processes be followed.

RESOLUTION 209/2018

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

11.3 INFRASTRUKTUURDIENSTE / INFRASTRUCTURE *SERVICES*

11.3.1 AMENDMENTS TO THE APPROVED CAPITAL BUDGET IN RESPECT OF BREDASDORP STORM WATER AREA F PROJECT (DIS) (WARD 2)

PURPOSE OF REPORT

For Council to amend the 2018/19 capital budget in order to provide funding for the Bredasdorp Storm Water Area F Project.

BACKGROUND

The construction of an external storm water channel for Area F was approved by Council on 27 February 2017, Resolution 15/2017.

This project was a multi-year project earmarked for the 2017/18 and 2018/19 financial years as budgeted for. The project was funded by MIG to the amount of R14 285 291,17 and funds from Cape Agulhas Municipality to be budgeted for amounts to R1 236 512,86 as referenced in the Memorandum of Agreement, attached on ***page 124*** entered into by CAM and ASLA Construction dated 21 June 2018 (Section 2). As per an oversight in budgeting, the own funding contribution was not provided in the 2018/19 financial budget and therefore requires an amendment.

Construction of the project has been completed and the final payment to ASLA Construction is now due.

The completion of the storm water project was a requirement for the Area F Housing Project to commence.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

R1 236 512,86 (Funds committed in MOA - own funding) - The shortfall will be funded from savings.

MANAGEMENT RECOMMENDATION

That Council approve the amendment to the 2018/2019 capital budget with R1 236 512,86 for the Storm Water Area F Project.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the Management recommendation be accepted.

RESOLUTION 210/2018

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

12. AANVULLENDE ITEMS / *ADDITIONAL ITEMS*

12.1 SERVER ROOM UPS FAILURE

PURPOSE OF REPORT

To inform management of the failure of the UPS in the main Data Centre of Cape Agulhas Municipality.

BACKGROUND

The purpose of this report is to inform management, recommend and get approval to procure a new 40 KVA UPS for Cape Agulhas Municipality by implementing Section 29 of the MFMA, due to the failure of the main UPS of the Municipality.

Hereby an extract of Section 29 of the MFMA:

"*Unforeseen and unavoidable expenditure*

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

The UPS serving the mains Data Centre failed with ESKOM load shedding. This is a critical component of the Municipalities data integrity and business continuity.

Therefore, we recommend invoking section 29 of the MFMA as this unforeseen event has occurred.

In 2013 the Municipality acquired a new UPS for the Municipality after the previous one failed. In 2014, this UPS were moved to the newly established server room in the Main Building in order to ensure the Server environment can still function during power failures. Since then ESKOM had a lot of load shedding that added strain on the UPS that ensured the uptime of servers and systems in order to ensure data integrity, which may occur during unexpected power failures.

Keeping systems online and ensuring proper shutdown of system is fundamental to the availability of any ICT system and the lack of a UPS system is of high importance.

In addition to the server room, the UPS also service the rest of the main buildings computers, printers and other devices, that can also have a huge financial implication should they unexpectedly shut down

FINANCIAL IMPLICATIONS

R154 790,00

LEGISLATIVE REQUIREMENTS

Municipal Finance Management Act, Act No. 56 of 2003.

MANAGEMENT RECOMMENDATION

That Council consider the approval of the move of funds from the Electrical department to the ICT Department to mitigate the above mentioned risk.

RESOLUTION 211/2018

(i) That Council approves the moving of funds from the Electrical department to the ICT Department to mitigate the above mentioned risk.
(ii) That funds be made available in the adjustment budget for 2018/19.

12.2 **RECOVERING OF AND / OR WRITING OFF IRREGULAR EXPENDITURE FOR 2017/18 FINANCIAL YEAR**

PURPOSE OF REPORT

To investigate the irregular expenditure identified by the Auditor-General during the 2017/18 financial year audit for approval and / or to be written off.

BACKGROUND INFORMATION

In terms of section 32(1) of the MFMA any political office-bearer or official of a municipality is liable for unauthorized expenditure if -

- An office-bearer knowingly or after having been advised by the accounting officer that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;
- The accounting officer deliberately or negligently incurred unauthorized expenditure, subject to subsection (3) whereby the accounting officer has informed the Council in writing that the expenditure is likely to be unauthorized , irregular or fruitless and wasteful expenditure;
- Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
- Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

Furthermore section 32(2) of the MFMA prescribes that a municipality must recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure -

(a) in the case of unauthorized expenditure, is-
  (i) authorized in an adjustment budget; or
  (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and

(b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Irregular expenditure to the value of R250,780 was identified by the Auditor General in respect of deviations per SCM regulations 36(1) for additional work done by the supplier as well as for the contravention of SCM Regulation 29 (4). Unauthorised expenditure to the total value of R2.873 million was also detected mainly as a result of non-cash item – provision for debt impairment.. Attached as ***Annexure A*** the amended register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period July 2017 to June 2018 for Council's investigation and / or verification if so required.

LEGAL IMPLICATION

Non-compliance if not adhere to the prescripts as stipulated per above mentioned legislation.

FINANCIAL IMPLICATION

In terms of the prescribed legislation a Council must recover any unauthorized, irregular or fruitless and wasteful expenditure deliberately or negligently incurred by a political office-bearer or official of the municipality for which he / she will be held liable after a thorough investigation been completed.

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

MANAGEMENT RECOMMENDATION

(i) Council considers the irregular expenditure identified by the Auditor General to the value of R250,708 as well as the unauthorized expenditure identified to the value of R2.783,761 (Amended register - ***Annexure "A"***) for recovery or certification as irrecoverable and written off.

(ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

RESOLUTION 212/2018

(i) That Council refers the irregular and fruitless expenditure identified by the Auditor General to the value of R250,708 to MPAC for further investigation.

(ii) That Council approves the unauthorized expenditure identified to the value of R2 873 761,00 and that it be authorised in the adjustment budget.

(iii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

17. ONAFGEHANDELDE RAADSBESLUITE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprys) afgeskryf word.	***In proses van afhandeling.***	DFD
237/2016	Parkering: Erf 264, Struisbaai	Dat die randstene wel verwyder word, op voorwaarde dat - (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningsooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.	***Eienaar reageer nie op skrywe van prokureur nie.***	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."	***In proses.***	BSSB

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 213/2018

(i) Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
(ii) Dat, Raadsbesluit 90/2016 punte (iv) tot (vi): Erf 938, Napier afgehandel is en 'n tender toegestaan is vir die verkoop van die erf.
(iii) Die Komitee aangewys vir die hantering van die Vishuis te Waenhuiskrans moet weer dringend vergader ten einde die proses te bespreek.

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

BEKRAGTIG op hierdie dag van **2019**

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SPEAKER **DATUM:**