



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

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

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

RAADSLEDE / COUNCILLORS

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	C J JACOBS	
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 D Wasserman	nms.
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr H Krohn	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Me N Mhlati-Musewe	Divisional Head: HR Services & Organisational Development
Me T Stone	Afdelingshoof: Strategiese Dienste

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Swart open die vergadering met gebed.

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

Mnr A Jacobs Direkteur: Infrastruktuurdienste

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

Mnr Maurice Kannemeyer, Direkteur: UCS wat tans die Raad behulpsaam is met kredietbeheer en skuldinvordering assessering.

Mnr Kannemeyer gee terugvoer aan die Raad insake UCS se bevindings tydens hul ondersoek insake kredietbeheer en skuldinvordering. 'n Volledige verslag sal aan die Raad voorgelê word.

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

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

28 Mei 2019

BESLUIT 96/2019

Die Notule word as korrek en volledig bekragtig.

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

18 Junie 2019

BESLUIT 97/2019

Die Notule word as korrek en volledig bekragtig.

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

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

18 Junie 2019

BESLUIT 98/2019

Die Raad neem kennis van bogenoemde UBK Notule.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

7.1 **BRIEWE VAN DANK**

Aangeheg op **bladsy 1 tot 4** van die bylae.

7.2 **FUNKSIES VIR DIE MAAND**

Die Minister van Behuising het nuwe huise oorhandig aan inwoners van Area F (Raadslid Europa spreek sy teleurstelling uit oor die swak kommunikasie ten opsigte van die oorhandiging seremonie).

Raadsheer Jantjies spreek sy misnoeë uit, aangesien KAM geen program gehad het vir die afgelope Mandela Dag vierings nie.

7.3 AANWYS VAN AFGEVAARDIGDES

Geen.

7.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

Geen.

8. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Geen.

9. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

- (i) Die Burgemeester verwelkom die nuwe Direkteur: Bestuursdienste, mnr Hendrik Krohn.
- (ii) Die Burgemeester spoor Raadslede en bestuur aan om besigheidsplanne vir die nuwe finansiële boekjaar so spoedig as moontlik in plek te stel. Hy verwys na 'n memorandum van verstandhouding wat met "Solution Base" aangegaan is.
- (iii) Die Burgemeester hou eersdaags 'n vergadering met die Morawiese Kerk ten opsigte van Elim se uitstaande gelde.
- (iv) Die Raadslede en personeel word bedank vir hul insette tydens die oorhandiging van huise in Area F.
- (v) Wyksraadslede word ingelig dat hul voortaan R5 000,00 per wyk sal ontvang vir wyks-aangeleenthede.
- (vi) Wykskomitees word versoek om insette aan die "Event Management" Komitee te verskaf ten opsigte van programme vir 12 openbare vakansiedae.

10.	<u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u>	<u>Notule</u>	<u>Bladsy</u>	
				<u>Bylaes</u>
10.1	Municipal Planning Tribunal: Appointment of new member	5 - 7		-
10.2	Lockout of public from Agulhas public viewing area and WWII Radar	7 - 16		-
10.3	Infrastructure for Marketing, Storerooms and Freezer, Sbaai and Arniston	16 - 20		-
10.4	Vervreemding (koop): Erf 3626, 3627, 3628 en 3629, Bredasdorp	20 - 21		-
10.5	Vervreemding (koop): Erf 4445 of 4453, Bredasdorp	22 - 23		-
10.6	Vervreemding (koop): Erf 5543, Bredasdorp	23 - 24		-
10.7	Vervreemding (koop): Erf 465, Waenhuiskrans	24 - 25		-
10.8	Vervreemding (koop): Ged erf 663 en ged erf 579, L'Agulhas	25 - 27		-
10.9	Verlenging van Huurooreenkoms: Ged erf 186, Bdorp (Saame-Saal)	27 - 28		-
10.10	Verlenging van Huurooreenkoms: Suidpunt Diepsee Hengelklub	28 - 29		-
10.11	Verlenging van Huurooreenkoms: Funpark, Struisbaai (erf 857)	29		-
10.12	Vervreemding (koop): Ged rondom erf 305, L'Agulhas	30 - 38		-
10.13	Development: Portion erf 2518, Bredasdorp	38 - 43		-
10.14	Heroorweging: Waardasie erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338, Napier	43 - 47		-
10.15	Proposal: LED Complex Site	47 - 48		-
10.16	Oordrag van erwe: Napier	48 - 50		-
10.17	Erf 26, Klipdale: Future Management	50 - 52		-
10.18	Proposal: Protection of strategic green and open spaces, Napier	53 - 55		-
10.19	Konstitusie: Skulpiesbaai, Struisbaai	55 - 56		-
10.20	Progress Report: Extended Bredasdorp Industrial Area	56 - 60		-

		<u>Bladsy</u>	
		<u>Notule</u>	<u>Bylaes</u>
10.21	Request for use of erven: 390 and 608, L'Agulhas	61 - 67	-
10.22	Suiderstrand Boat Launch Site Management Plan	67 - 75	-
10.23	Wysiging Raadsbesluit Ged erf 856, Struisbaai	75 - 77	-
10.24	Oordrag: Erf 3084, Bredasdorp	77 - 78	5 - 15
10.25	Regstelling: Geregistreerde eiendom - Erf 3657 en 1986, Bredasdorp	78 - 79	16 - 24
10.26	MOU: Qhubeka Charity NPC/CAM – Scholar bicycle programme	79 - 80	25 - 31
10.27	Asset Management Unit - Write-Off of Absolute assets: May - July 2019	80 - 82	32 - 35
10.28	2017/18 OPCAR: Maandelikse Vordering - Junie 2019	82 - 83	36 - 45
10.29	Kwartaalverslag: Ouditkomitee se werksaamhede: 31 Maart 2019	83	46 - 49
10.30	Approval: Cape Agulhas Youth Council Constitution	84	50 - 54
10.31	External Health and Safety Audit Report: Comments by Management	84 - 85	Separately
10.32	Strategic Risk Analysis: 2019/20	85 - 86	-
10.33	2019/20 Risk Management Policy, -Strategy and FARMCO Charter	87 - 88	55 - 102
10.34	Time Schedule Key Deadlines: 2020/21, 2021/22 and 2022/23 Budget and 2020/21 IDP Review	88 - 97	103 - 136
10.35	Quarterly Performance Report for the quarter: 1 April to 30 June 2019	97 - 98	137 - 162

11. AANVULLENDE ITEMS DEUR DIE RAAD HANTEER

11.1	Verlenging: Huurooreenkoms (Toerisme Kantoor)	98 - 99
11.2	Voorwaardes en Beginsels: Verhuur van LED-Besigheidseenhede	99 - 101
11.3	Oudit- en Prestasiebestuurs-Ouditkomitee: Vulling van vakante pos	102
11.4	NERSA: Goedkeuring Elektrisiteitstariewe - 2019/20 Boekjaar	103

12. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER

Geen.

13. OORWEGING VAN KENNISGEWING VAN MOSIES

Geen.

14. OORWEGING VAN KENNISGEWING VAN VRAE

Geen.

15. OORWEGING VAN DRINGENDE MOSIES

Geen.

16. VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE

Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 104**.

17. IN-KOMITEE VERSLAE

In Komitee items word vertroulik hanteer.

18. SLUITING

Die vergadering verdaag om 13:40

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

10.1 MUNICIPAL PLANNING TRIBUNAL: APPOINTMENT OF NEW MEMBER (7/R - MTRP) (ALL WARDS)

PURPOSE OF REPORT

For Council to consider the appointment of mr Hendrik Krohn (Director Management Services) as internal member of the Municipal Planning Tribunal and to change the secundi for the Director: Civil Engineering Services to the Manager: Streets and Stormwater.

BACKGROUND

A municipality must in terms of section 35 of SPLUMA in order to determine land use and land development applications within its municipal area, establish a Municipal Planning Tribunal for its municipal area.

A municipality may authorize that certain land use and land development applications may be considered and determined by the Municipal Planning Tribunal. Council already determined the categorization of applications.

The composition of the Municipal Planning Tribunal in terms of section 36 and 37 of SPLUMA will consist of 5 members.

On 30 June 2015 Council took the following decision (155/2015):

1. Council takes note of the anticipated implementation date of SPLUMA, being 1 July 2015.
2. Council takes note of the contents of the SPLUMA Regulations published on 23 March 2015.
3. Council takes cognisance of the preparatory work that has to be undertaken between April 2015 and 1 July 2015.
4. Council takes note of the municipal capacity assessment that has been undertaken and approves of the establishment of a Single Municipal Planning Tribunal for its municipal area.
5. That the MPT shall comprise of 5 members of which 3 shall be internal officials and 2 shall be external members.
6. That the following Municipal officials be nominated to serve on the MPT: Director: Technical Services, Director: Corporate Services, Director: Community Services.
7. The minimum requirements for appointment of external members to the MPT shall be to have knowledge and experience in spatial planning, land use management or the law relating thereto (It is a SPLUMA regulations requirement that the municipality must identify any additional criteria for external members, an example which we have suggested in the proposed By-laws is that "The members of the Tribunal must be representative of a broad range of appropriate experience and expertise).
8. The terms and conditions of service for MPT members shall be determined by Schedule 1 of the SPLUMA regulations.
9. The term of office of all MPT members shall be 5 years.
10. No remuneration needed for external MPT members.
11. That an invitation be extended to other spheres of government, organs of state, enterprise and organisations to serve on the MPT as external members.
12. Council approves of the proposed Categorisation of Applications.
13. The Municipal Manager be authorised to take the necessary steps to refine such categorising of land development applications, from time to time, for the approval by Council and to approve of the review the delegations of powers accordingly.
14. Council approves the principle of using an authorised official, to consider and determine certain land use applications, as per the Categorisation of Applications, attached as Annexure A.
15. The Authorised Official for the municipality will be: Director Corporate Services.

16. *That the necessary steps be taken to align the Municipality's proposed draft by-laws with the content of the final SPLUMA Regulations.*
17. *In respect of the appeal authority in terms of Section 51(2) of SPLUMA, it is confirmed that the Executive Authority, is the Executive Mayor.*
18. *The official responsible for land use inspections for enforcement shall be a Law Enforcement Officer.*
19. *The official responsible for screening of land use/development applications shall be the Manager: Town and Regional Planning.*
20. *Cape Agulhas Municipal venue shall be made available for these MPT meetings at the Council Chambers at no cost to the MPT.*
21. *The Municipality will supply Secretariat services to the MPT.*
22. *The secretariat to assist with the administration of the tribunal and appeal consideration will be the Manager: Administration.*
23. *R200 000 be made available for the operational cost of the MPT for the 2015/16 financial year.*
24. *The MPT will be required to meet 4 times per year depending on the number of matters to consider.*
25. *The draft advert calling for nominations for external MPT members is not needed;*
26. *The evaluation panel must consider the potential external MPT members in terms of the following criteria and report back with recommendations to council, for its approval:*
 - (i) *Criteria 1: Candidate to have knowledge in spatial planning, land use management or the law relating thereto;*
 - (ii) *Criteria 2: Candidate to represent a broad range of appropriate experience and expertise;*
 - (iii) *Criteria 3: Candidate to have a high degree of competence, be experienced, and skilled in matters relating to spatial planning, land use management and the law relating thereto.*
27. *The Council approves the following officials to serve on the evaluation panel: Building Control Officer, Manager: Water and Sewer and Senior Town Planner.*

On 29 September 2015 Council took the following decision (239/2015):

- (i) *That mr Francois Kotze (Overberg District Municipality) and mr Willie Hattingh (Swellendam Municipality) be excepted as external members to the Municipal Planning Tribunal.*
- (ii) *That the SOP be negotiated with the members.*
- (iii) *That the Director: Corporate Services, Director: Community Services and the Director: Civil Engineering Services be appointed as full time employees to serve as internal members of the Municipal Planning Tribunal (as per Council decision 155/2015).*
- (iv) *That the Director: Corporate Services be designated to act as chairperson of the Municipal Planning Tribunal and the Director: Community Services as the deputy chairperson.*
- (v) *That, upon the first appointment of members to the Municipal Planning Tribunal and when Council is satisfied that the tribunal is in position to commence its operations, the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act.*

On 30 May 2017 Council took the following decision (104/2017):

"That Council decision 239/15 taken on 29 September 2015 be amended as follows:

- (i) *Mr Jeremy Benjamin (Department of Environmental Affairs and Development Planning) be accepted as external member to the Municipal Planning Tribunal, in Mr Hattingh's position.*
- (ii) *The Manager: Water and Sewage be appointed as secundi for the Director: Civil Engineering Services as internal member of the Municipal Planning Tribunal.*
- (iii) *Secundi's be Ron Brunings from Swellendam Municipality for any of the external members and Tracey Stone for any of the other internal members.*
- (iv) *Upon the first appointment of the above members to the Municipal Planning Tribunal the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act."*

On 31 July 2018 Council took the following the decision (105/2018):

That Council decision 104/2017 taken on 30 May 2017 be amended as follows:

- (i) Mr Abdul Aziz Jacobs (Director: Infrastructure Services) be appointed as internal member of the Municipal Planning Tribunal and Deon Wasserman (Manager: Water and Sewage) be appointed as secundi for the Director.
- (ii) Upon the first appointment of the above members to the Municipal Planning Tribunal the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act.

MANAGEMENT RECOMMENDATION

- (i) That Council appoint mr Hendrik Krohn (Director Management Services) as internal member of the Municipal Planning Tribunal.
- (ii) That Council amend decision (105/2018) partially taken in 31 July 2018 to read as follow:
- (iii) Mr Deon Wasserman (Manager: Streets and Stormwater) be appointed as secundi for the Director of Infrastructure Services.
- (iv) That upon the first appointment of the above member to the Municipal Planning Tribunal the Municipal Manager must publish a notice to that effect in the Provincial Gazette, in terms of the act.
- (v) That the SOP's of all members be negotiated and updated.
- (vi) That Council take note of the compilation of the Tribunal:

Chairman:	Mr Dean O'Neill
Internal Members:	Mr Abdul Aziz Jacobs Mr Hendrik Krohn
Secundii:	Mr Deon Wasserman Ms Tracey Stone
External Members:	Mr Francois Kotze (Overberg District Municipality) Mr Jeremy Benjamin (DEADP)
Secundi:	Mr Ron Brunings (Swellendam Municipality)

RESOLUTION 99/2019

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

10.2 **LOCKOUT OF PUBLIC FROM AGULHAS PUBLIC VIEWING AREA AND WWII RADAR MEMORABILITY (MTRP - 15/5/R) (WARD 5)**

PURPOSE OF REPORT

For Council to take a decision regarding the public road in L'Agulhas to the public viewing area.

BACKGROUND

Mr DSA Henning sent the following electronic mail to the Municipal Manager on 17 May 2019 regarding the "Lockout of Public from the Agulhas Public Viewing Area and WWII Radar Memorability":

The public viewing area at Agulhas (see Photos 1, 2 & 3) has been freely accessible to the public for many years. It is a well-known landmark and is regularly visited by Cape Agulhas Municipality (CAM) residents, local and international tourists and holiday makers.



Photo 1



Photo 2



Photo 3

The viewing area just South of the road and parking area, is on municipal land (erf 601 – see Photo 3) and is maintained (refuse removal) (see Photos 4 & 5) and advertised as amenity by the CAM (see Photos 6 & 7).



Photo 4



Photo 5



Photo 6



Photo 7

This amenity elevates the quality of living of the people who use it, promotes tourism and increases the property values of properties in the CAM.

The road which gives access to the viewing area runs over private land and is the only accessible route to the municipal viewing area on Erf 601 and the WWII radar memorability. The road has been used for decades (see Figure 1 for 1989 aerial photo of Agulhas) and fits the definition of a public road.

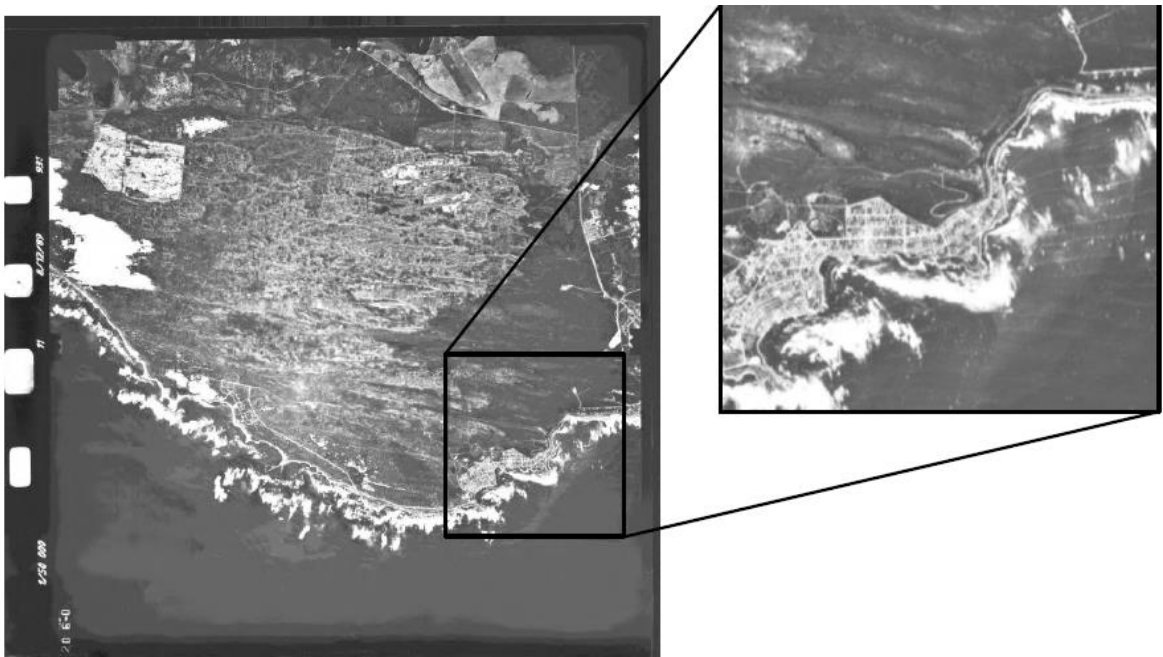


Figure 1: 1989 Aerial photo of Agulhas with enlarged area

THE PROBLEM

The problem is that the public is being locked out from accessing the Agulhas public viewing area as well as the WWII memorability by one property owner in the CAM.

Initially the owner of the De Punt Estate closed the access road by means of a gate with no information or notice provided (see Photo 8).



Photo 8

Only after enquiries by the public was it communicated that the access road has been closed due to the fact that the property has become a construction site and had to be managed accordingly. The mandatory construction signs were established after public request. Since then the owner has also put up a Private Property sign and a threat that Trespassers Will Be Prosecuted. (See Photo 9).



Photo 9

A recent petition indicates that close to a thousand people object to the road closure (a list of 943 petitioners) and would like to continue using the road as in the past.

Following public inquiries it has been suggested that every individual who wants to use the access road should contact the owner to ask permission for using the road. Given the number and variety of people who use the road, this is not only impractical but also irregular because it cannot be allowed that a property owner blocks or restricts the public's access to a public place. Even if it could somehow be justified that the public should ask permission to use the road and even if the owner grants permission to all of public; there is no guarantee that the current or future owners will continue to allow unobstructed access.

PROPOSED SOLUTION

It is proposed that the existing access road is reserved as municipal servitude to allow unobstructed access to the Agulhas Public Viewing Area and WWII Radar memorability, now and into the future. The process for establishing road reserves is well known and often used by municipal authorities in situations like these.

Above proposed solution will not only eliminate the confirmed fears that the public can be locked out by present or future owners, but will also benefit the De Punt Estate Owner and Municipality:

- A municipal road will increase CAM property values which will benefit the CAM in the form of more rates and taxes which will be collectable.
- Secured access to the Agulhas Public Viewing Area and WWII Radar memorability will support the Cape Agulhas Spatial Development Framework Plan to continue serving as tourism and visitor amenity.
- Unobstructed access will make it easier to provide services such as refuse removal if the road is a municipal road.
- Any accident which may happen on the road will not be the De Punt Estate owner's responsibility.
- The municipality will have the mandate to regulate traffic and enforce the traffic laws if the road is a municipal road.
- The road maintenance will not be the responsibility of the De Punt Estate owner.
- A municipal road will better support the De Punt Estate owner's applications for other commercial endeavours such as a farm shop/stall, restaurant, guest accommodation, tourist facilities etc.
- Keeping the road accessible to all other CAM residents and the public will complement the CAM's vision which is "To render continuous, sustainable effective services to all inhabitants and visitors in the area in order to create a healthy and safer environment for happy communities"

REQUEST

Since it now has become evident that the public does not want to forfeit their right of access to the Agulhas Public Viewing Area and WWII radar memorability by means of the long used and only existing accessible road, the Cape Agulhas Municipal Council is hereby requested to consider the above facts, arguments and proposal, and pursue decisions and actions which will ensure continued public access to both the viewing area and WWII memorability, now and in the future.

CONCLUSION

It can be concluded that the access road to the Agulhas Public Viewing Area and WWII radar memorability is of great significance to a large group of people. It can also be concluded that the only inclusive and sustainable way to ensure that other CAM residents and members of the public will always be able to use the access road to the Agulhas Public Viewing Area and WWII radar memorability is to reserve the road as municipal servitude.

I trust that the CAM Council will be reasonable in considering the rights of the public so that an inclusive, sustainable solution is implemented which will ensure that the public is not deprived of their right of access and which will allow everyone to continue to fully enjoy our heritage and the beauty which Agulhas has to offer.

LEGAL OPINION

On 22 May 2019 the Municipal Manager requested that a legal opinion has to be obtained from our legal advisors. The following were received from Messrs Kruger and Blignaut Attorneys on 28 June 2019.

PUBLIC VIEW POINT: L'AGULHAS

We herewith confirm that we have been instructed to provide you with an opinion on the legal position of the access road and viewing point on L'Agulhas

DOCUMENTS

We have been provided with the following information / documents:

1. E-mail from Mr DSA Henning, with photos and petition.
2. Exchanged correspondence.
3. Google maps of area.
4. Deeds search of the properties.
5. Consultations with Messrs Hayward, Truter and Wasserman

BACKGROUND

It appears from the correspondence, that Mr Henning addressed a letter to the Municipal Manager on the 17th ultimo, wherein he alleges that a public viewing area is situated on erf 601 L'Agulhas (sic), which is only accessible by a road traversing property that is privately owned. The road services the public viewing point and also a site that has WWII radar memorabilia and buildings. Mr Henning suggests that the road is now closed to the general public by the owner of the private for construction purposes, whom will only grant access to the viewing point, by prior arrangement.

Mr Henning suggests that the Municipality registers a public servitude for a right of way over the private property, in order to secure unhindered access to both points for use by the general public.

After consultation with Mr Hayward of your offices, it appears that the properties in question are the following:

- The road leaves the L'Agulhas township area and traverses the remainder of Portion 55 of the Farm Paapekuil Fontein number 281, owned by Tigragraph (Pty) Ltd. The company took transfer of the property the 18th of April 2017. It appears as if the company name changed to De Punt Estate, of which Messrs W Meyer and NF Coetzee are the appointed Directors.
- The road then forks, with the left branch to give access to Erf 2265, which hosts the WWII radar site. Writer did not conduct an inspection *in loco*, but understand from Mr Truter that the WWII site is off limits to the general public and has some safety risks, in that the property hosts rusted fencing, gates and dilapidated structures. It also contained a notice of that access was prohibited, that has since disappeared. The registered owner of the property is The Republic of South Africa, thus state owned.
- The right-hand fork in the road then continues until it crosses onto Erf 1032, on which the lookout point is located. The registered owner of this property is L'Agulhas Natuurreservaat Huiseienaarsvereniging, an Association and likely to be a privately owned nature reserve.

According to Mr Hayward, the road is not situated within the urban edge of the L'Agulhas township area. In terms of the information gathered from Mr Truter, the road is not proclaimed and should any consideration of a servitude be considered, considering its location, such responsibility will vest in the Provincial Government.

Mr Wasserman indicated that the first 500m of the road is badly tarred. The Municipality does refuse removal at the lookout point, but does not maintain the road. The Municipal Officials use the road to gain access to the reservoir, albeit that another access point can be created. We also understand that MTN, Vodacom and the South African Police use the road for maintenance to transmission towers.

LEGAL POSITION

From the content of the letter submitted by Mr Henning, he alleges that the road has been in existence "for decades" and submits an aerial photograph from 1989 to substantiate the claim.

He therefore clearly relies on an acquisition of use by the public, through prescription, as envisioned by Section 6 of the Prescription Act 68 of 1969, that reads as follows:

"a person shall acquire a servitude by prescription if he has openly and as though he were entitled to do so, exercised the rights and powers which a person who has a right to such servitude is entitled to exercise, for an uninterrupted period of thirty years or, in the case of a praedial servitude, for a period which, together with any periods for which such rights and powers were so exercised by his predecessors in title, constitutes an uninterrupted period of thirty years."

From the aforesaid, one must therefore distinguish between a personal servitude and a praedial servitude. A praedial servitude is a servitude over one property, serving another property. *In casu*, the road is not a praedial servitude to serve a particular property, but could rather be viewed as a personal servitude, in favour of the general public.

In the Appeal Court decision of *Pezula Private Estate (Pty) Ltd v Neil Metelerkamp and Another* the learned Judge Theron specified such a servitude as follows:

"In terms of the Prescription Act 18 of 1943, the use of the property must have been nec vi nec clam nec precario for the period of thirty years. Nec precario, the absence of a grant on request, has been subsumed into sections 1 and 6 of the current Prescription Act by the requirement that the potential acquirer of the servitude must act as though he or she was entitled to exercise the servitudinal right. It follows that either express or tacit consent would mean that the alleged acquirer did not act as if he or she was entitled to exercise the servitudinal right. The notion of a precarium is based upon the application by one party for a concession which is granted by the other party; that other party reserving at all times the right to revoke that concession as against the grantee in terms of the particular conditions to which the grant is subject. Put differently, a precarium is a legal relationship which exists between parties when one party has the use of the property belonging to the other on sufferance, by leave and licence of the other."

He also refers to the obiter dictum by the learned Judge J Colman found in the matter of *Morkels Transport (Pty) Ltd v Melrose Foods (Pty) Ltd* where the learned judge explained:

'Without myself attempting a full definition (which is not necessary for the purposes of this case), I go so far as to say that no use, occupation or possession is adverse, for the purposes of the law of acquisitive prescription, unless the owner has a legal right to prevent it. The proposition, so stated, covers part (although not the whole) of the ambit of the maxim contra non valentem agere nulla currit praescriptio.'

See also *Gouritz Boot en Hengel Assosiasie v Silverspot Investments & ander* (Saak no 12997/2012), and *The Langebaan Ratepayers and Residents Association v Dormell Properties 391 (Pty) Ltd and Others* (Saak no 11859/2011)

It follows from the aforesaid that, should the general public have used the road in question with sufferance of the other party (i.e. by express or tacit consent), that was not prevented for a period of 30 years, one could well argue in favour of a public right of way that was established by acquisitive prescription, bearing in mind that the road traversed two privately owned properties and would thus run over both properties.

The registration of such servitude will however be the responsibility of the Western Cape Provincial Government, unless the Municipality registers such servitude to access its reservoir, reserving right of access for the general public.

RISKS

It stands to reason that the registration of a servitude in favour of the Municipality, with public access, would entail maintenance, road markings, safety railings and control. Any factor that falls within this *genre* that contributes to loss or damage to property or person, may render the Municipality liable.

MANAGEMENT RECOMMENDATION

- (i) That the Provincial Government be approached by the Director: Infrastructure Services to intervene and liaise with the petitioners, cell phone contractors and the SAPD.
- (ii) That, should the road be established, Province must maintain the road, which may also be used by the Municipality for access to the reservoir.
- (iii) That should the aforesaid be unsuccessful, consideration be given to establish a different road to the reservoir.

RESOLUTION 100/2019

- (i) That the management recommendation not be accepted as a resolution of Council.
- (ii) That the matter be referred to the ward committee for noting.

10.3 **CONSTRUCTION OF INFRASTRUCTURE FOR MARKETING, STOREROOMS AND FREEZER FACILITIES IN STRUISBAAI AND ARNISTON (MTRP - 15/5/R) (WARDS 5 AND 6)**

PURPOSE OF REPORT

For Council to take note of the current situation regarding the placement of the infrastructure for marketing, storerooms and freezer facilities in Struisbaai and Arniston.

BACKGROUND

On 28 June 2016, the Council considered a report in respect of the conclusion of a memorandum of understanding with the Department of Rural Development and Land Reform (DRDLR) for the co-implementation of the following CRDP projects:

1. Upgrading of the roads and storm water system in Kassiesbaai.
2. Construction of infrastructure for marketing, storerooms and freezer facilities in Struisbaai and Arniston.

The conclusion of the MOU was approved in terms of resolution 151/2016 and signed by the Municipality on 16 July 2017. The parties' obligations in terms of the MOU were as follows:

Department of Rural Development

- Capital expenditure (R10 000 000,00 - R5 000 000,00 per project).
- Supply chain processes.

Municipality

- Funding and resources to design, plan and oversight of the project.
- Maintenance and management of the projects on completion.

The MOU primarily regulated the funding and obligations of the parties with no details on project implementation.

The land identified for the placement of the infrastructure was as follows:

- Struisbaai: A portion of the parking area adjacent to the harbour which is owned by the Municipality.
- Arniston: A portion of land in Kassiesbaai owned by the Fishermen's Union.

The infrastructure to be erected comprised of refrigeration containers which were housed within an attractive open structure that had the appearance of a building. It would also accommodate fish cleaning facilities.

There was a possibility that the Struisbaai facility might become a farmer support production unit – and a business plan was already being compiled for this by the Department of Rural Development, although there was no confirmation of funding. The areas would have been fenced with a powder coated palisade fence.

The advantages for the Municipality over and above the obvious benefit to the local fishermen were that the Struisbaai project included the paving of the whole parking area and it would also address the complaint that fishermen use roads and private property to clean fish.

The Director: Technical Services took the initiative of applying for the funding for this project and managed it exclusively in co-operation with the Department of Rural Development and Land Reform.

The Municipality had already paid a consulting engineer R29 600,00 for the planning and design of the infrastructure. This also included the compilation of bills of quantities for the tender documents.

The Department of Rural Development advertised the tender and one tender was received. The tender was apparently suitable in all respects except that the price exceeds the budget. The tender was higher than the budget but DRDLR was negotiating the contract price. DRDLR was ready to implement pending the cost reduction which they were relatively sure that they would resolve. The project was set for completion by the end of that year.

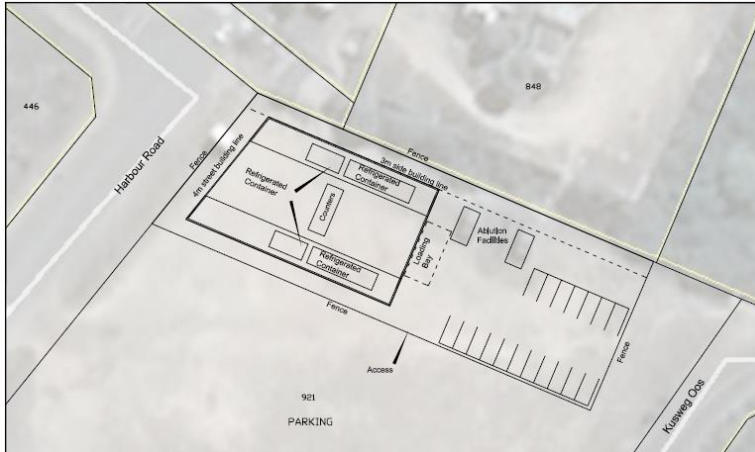
There were a number of impediments relating to the project, mainly associated with the land:

STRUISBAAI

- The placement of the containers was never discussed internally or referred to Council for approval, and this needed to be resolved before the project could have been commenced.
- The zoning of the site did not permit the uses proposed.
- The site might have required an EIA.
- The community were sensitive to any form of development.
- Ideally this site should have had been planned holistically in relation to surrounding private and municipal land first.
- There were no arrangements in place to oversee the project and we lacked the internal capacity to do so.
- There were no arrangements in place for the management of the facility once erected and handed over to the Municipality.

The possibility of relocating the project to another site within the industrial area was discussed but was rejected because:

- Consultations with the fishermen already took place and there was an expectation that the infrastructure would be placed there and a likelihood of it not being used if placed too far away from the harbour.
- The planning, designs and bill of quantities was site specific and could not just be carried over to another site.



ARNISTON

- The zoning of the site did not permit the uses proposed.
- The sites might require an EIA.
- The Kassiesbaai site might require a Heritage Assessment.
- The community were sensitive to any form of development.
- The land did not belong to the Municipality and hence the placement of the containers would have been agreed to by the land owners. We were uncertain at that stage to what extent they were consulted with.
- There were no arrangements in place to oversee the project and we lacked the internal capacity to do so.
- There were no arrangements in place for the management of the facility once erected and handed over to the Municipality.



These impediments were discussed at a meeting with DRDLR, where it transpired that they were never informed of any of these impediments and dealt with the Municipality in good faith that we were project ready. We were given an ultimatum to commit to the resolution of these impediments by 31 March 2017 or the project would be cancelled and the project taken elsewhere and there was no guarantee that we would have gotten it in an ensuing year. Obviously insofar as the processes were concerned we would not be able to complete them by this date but at least commit to commence them. The possibility of using the funds for other projects was also put forward but DRDLR were not open to this.

The circumstances surrounding this project had put the Municipality in a very difficult position. The sites, especially the Struisbaai one were not ideal and fraught with legalities but we needed to weigh this up against a R10 000 000,00 investment in our people. The reputational loss would also be significant if it transpires that we failed to implement a R10 000 000,00 project that was really needed by the local community.

Insofar as the overseeing of the project was concerned, this could possibly resolved through the extension of the contract of the contractor who was overseeing the Kassiesbaai Roads project. This could be accommodated in the Technical Services budget for professional fees.

- The management could possibly be resolved through the establishment of community structures to manage the facilities. In Kassiesbaai this should be quite easy as the site was already on the Fishermen's Union land. A suitable structure had to be established for Struisbaai. The only challenge with this was whether they would be able to pay the consumption costs of water and electricity.
- We were still trying to ascertain the need for an EIA, and were awaiting a response from the Department of Environmental Affairs and Development Planning.

COUNCIL DECISION: 31 MARCH 2017 (38/2017):

- (i) That DRDLR be advised that the Council wishes to continue with the project and that it commits to undertake and expedite all legal and planning processes associated therewith.
- (ii) That Council approve in principle the placement of infrastructure for marketing, storerooms and freezer facilities in Struisbaai as per the attached sketch plan.
- (iii) That the necessary rezoning and street closure of the Struisbaai site be commenced with.
- (iv) That the necessary rezoning and street closure of the Arniston site be commenced at the Municipality's cost subject to the conclusion of an agreement with the land owners in this regard.
- (v) That a consulting Engineer be appointed to oversee the project in fulfilment of the Municipality's obligations in terms of the MOU and that the costs associated therewith be allocated to the professional fees budget of the Technical Services Directorate.
- (vi) That management models be investigated for the sites whilst the planning processes are underway.
- (vii) That the investigation includes possible alternative sites.

TRIBUNAL DECISIONS

During July 2017 the Tribunal took the following two decisions regarding the freezing facilities in Struisbaai and Waenhuiskrans / Arniston:

STRUISBAAI

The following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved: *Rezoning of a portion of parking area south of Erf 848, Struisbaai in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Street Zone to Special Zone for freezing facilities within containers.*

Conditions for approval were also imposed into section 66 of the Land Use Planning By-law (2015).

WAENHUISKRANS / ARNISTON

The following application made in terms of Section 15 of the Cape Agulhas Municipal Land Use Planning By-law (2015) be approved: *Rezoning of a portion of Erf 120, Waenhuiskrans / Arniston in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 from Street Zone to Special Zone for freezing facilities within containers.*

Conditions for the approval were imposed into section 66 of the Land Use Planning By-law (2015):

DISCUSSION

Discussions took place where it was decided that the areas were not suitable and that the best option would be for Department of Public Works to avail some land within the harbours.

It was discussed with them but no formal response was received and at this stage funding for project was reallocated. However, council had also resolved, with specific reference to the Struisbaai site, that a portion of the erf could be utilised for overflow parking for the future development of Erf 848, after the decision on the container facilities.

Then there is also the fact that we have not had any further indication from DRDLR regarding this project since May/June 2107. Hence an informed assumption could be made that they do not have any further funding for the project. Even if they should indicate that funding will become available again for such a project in Struisbaai and Arniston, the possibility of getting all the required land-use and environmental approvals, are slim on the erven as identified.

MANAGEMENT RECOMMENDATION

- (i) That Council take note of the current situation regarding the placement of the infrastructure for marketing, storerooms and freezer facilities in Struisbaai and Arniston.
- (ii) That Council rescind the decisions 38/2017 taken at the council meeting held on 31 March 2017.

RESOLUTION 101/2019

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

10.4 **VERVREEMDING (KOOP): ERF 3626, 3627, 3628 EN 3629, BREDASDORP (COLLAB: 295331)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr D Engel ten einde erf 3626, 3627, 3628 en 3629, Bredasdorp te koop.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 3626, Bredasdorp
Ligging	:	Ou Meulestraat
Huidige sonering	:	Besigheid
Erf Grootte	:	1 375m ²
Eienaars	:	KAM
Eiendom	:	Erf 3627, Bredasdorp
Ligging	:	Ou Meulestraat
Huidige sonering	:	Besigheid
Erf Grootte	:	1 540m ²
Eienaars	:	KAM
Eiendom	:	Erf 3628, Bredasdorp
Ligging	:	Ou Meulestraat
Huidige sonering	:	Besigheid
Erf Grootte	:	1 540m ²
Eienaars	:	KAM
Eiendom	:	Erf 3629, Bredasdorp
Ligging	:	Ou Meulestraat
Huidige sonering	:	Besigheid
Erf Grootte	:	2 555m ²

AGTERGROND

'n Skriftelike versoek is van mnr D Engel ontvang om erf 3626, 3627, 3628 en 3629, Bredasdorp by die Raad te koop.

MARKWAARDASIE

Munisipale waardasies is:	Erf 3629	:	R153 000
	Erf 3628	:	R 92 000
	Erf 3627	:	R 92 000
	Erf 3626	:	R 83 000

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

These erven are not situated in Kalkoentjie Singel but in Ou Meule. Erven should be disposed of by public auction.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No objection to proposed alienation of said erven. Due process should be followed and most probably should be open to public open market purchase after valuation of erven established. Services are in close proximity to the erven.

DIREKTEUR: FINANSIËLE DIENSTE

Supported in line with council's strategic vision and to allow for public open market purchase to provide everybody the opportunity to tender.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ontwikkeling word ondersteun. Ek voel die Raad behoort op Tender te kan uitgaan, of 'n publieke veiling te hou. Ontwikkelingsvoorstelle behoort vooraf ingedien te word, sodat beplande ontwikkeling inskakel by die raad se visie vir Ou-Meulstraat.

BESTUURSAANBEVELING

Dat die Raad die vervreemding van erwe 3626, 3627, 3628 en 3629 oorweeg.

RAADSBESLUIT 59/2019: 30 APRIL 2019

Dat die aansoek terugverwys word na die Finansies- en IT Dienste Komitee, RSEP program en Wykskomitee vir insette.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van genoemde erwe per openbare veiling, Met die munisipale waardasie as reserweprys.
- (ii) Dat insette ook vanaf die Wykskomitee gein word.
- (iii) Dat ontwikkelingsriglyne vir genoemde erwe ondersoek word.

BESLUIT 102/2019

- (i) Dat die vervreemding van erwe 3626, 3627, 3628 en 3629, Bredasdorp goedgekeur word om per openbare veiling aan plaaslike inwoners beskikbaar gestel te word, met die munisipale waardasie as reserweprys.
- (ii) Dat die Raad kennis neem van die Wykskomitee se insette.
- (iii) Dat ontwikkelingsriglyne vir genoemde erwe in lyn sal wees met dié van RSEP program en die Raad se goedgekeurde ROR.

10.5 **VERVREEMDING (KOOP): ERF 4445 OF 4453, BREDASDORP (COLLAB: 287287)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van me J C Williams ten einde erf 4445 of 4453, Bredasdorp te koop.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 4445, Bredasdorp
Huidige sonering	:	Enkel Residensieel
Erf Grootte	:	209m ²
Eienaars	:	KAM
Eiendom	:	Erf 4453, Bredasdorp
Huidige sonering	:	Enkel Residensieel
Erf Grootte	:	209m ²

AGTERGROND

'n Skriftelike versoek is van me J C Williams ontvang om erf 4445 of 4453, Bredasdorp by die Raad te koop.

MARKWAARDASIE

Geen munisipale waardasie bestaan vir die 2 erwe nie (nie op SAMRAS of Vesta nie).

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Sell by public tender.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No objection. services are located close by. Due process should be followed.

DIREKTEUR: FINANSIËLE DIENSTE

Clarify whether the person wants to purchase and / or requesting a piece of land to be accommodated as according to me no mention of purchase as assumed.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Vervreemding word ondersteun. Ek voel die Raad behoort op tender te kan uitgaan, of 'n publieke veiling te hou.

BESTUURSAANBEVELING: 30 APRIL 2019

- (i) Dat finaliteit gekry word of die erwe (en ander in Tolbosstraat) in die Aktekantoor geregistreer is en dat 'n waardasie geïm word.
- (ii) Dat die aangeleentheid oorstaan.

RAADSBESLUIT 60/2019: 30 APRIL 2019

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

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van genoemde erwe per openbare veiling, met die munisipale waardasie as reserweprys.
- (ii) Dat insette ook vanaf die Wykskomitee gein word.

BESLUIT 103/2019

Dat erwe 445 en 4453, Bredasdorp nie vervreem word nie.

10.6 **VERVREEMDING (KOOP): ERF 5543, BREDASDORP (COLLAB: 295117)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van me A Ahrendse ten einde erf 5543, Bredasdorp te koop.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 5543, Bredasdorp
Ligging	:	Albertina Sisulu Straat
Huidige sonering	:	Besigheid
Erf Grootte	:	1243m ²

AGTERGROND

'n Skriftelike versoek is van me A Ahrendse ontvang om erf 5543, Bredasdorp by die Raad te koop.

MARKWAARDASIE

Munisipale waardasie : R62 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Sell by public auction.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No objection. services are located close by. Due process should be followed.

DIREKTEUR: FINANSIËLE DIENSTE

Vervreemding word ondersteun in lyn met die Ou Meulestr ontwikkeling in terme van die voorgeskrewe prosesse.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ontwikkeling word ondersteun. Ek voel die Raad behoort op Tender te kan uitgaan, of 'n publieke veiling te hou. Ontwikkelingsvoorstelle behoort vooraf ingedien te word, sodat beplande ontwikkeling inskakel by die raad se visie vir Ou-Meulstraat.

BESTUURSAANBEVELING: 30 APRIL 2019

Dat die Raad dit oorweeg om Erf 5543, Bredasdorp per tender te vervreem.

RAADSBESLUIT 61/2019: 30 APRIL 2019

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

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van genoemde erwe per openbare veiling, met die munisipale waardasie as reserweprys.
- (ii) Dat insette ook vanaf die Wykskomitee gein word.

BESLUIT 104/2019

Dat erf 5543, Bredasdorp nie vervreem word nie.

10.7 **VERVREEMDING (KOOP): ERF 465, WAENHUISKRANS (COLLAB: 287165) (WYK 6)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr D J Crouch ten einde erf 465, Waenhuiskrans te koop.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 465, Waenhuiskrans
Ligging	:	Kampstraat 30
Huidige sonering	:	Enkel Residencieel
Erf Grootte	:	213m ²

AGTERGROND

'n Skriftelike versoek is van mnr D J Crouch ontvang om erf 465, Waenhuiskrans by die Raad te koop.

MARKWAARDASIE

Munisipale waardasie : R12 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Geen beswaar vanaf my kant nie.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

DIREKTEUR: FINANSIËLE DIENSTE

Geen beswaar en word ondersteun i.t.v LTFP strategie.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection - erf should be sold via a public process.

ELEK

Eskom supply area.

SENIOR SPESIALIS STADSBEPLANNER

Vir watter doeleindes? Geen beswaar teen vervreemding van eiendom vir Residensieel doeleindes.

SENIOR BOUBEHEERBEAMPTE

Take note.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die grond nie.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste is beskikbaar.

BESTUURSAANBEVELING: 30 APRIL 2019

Dat erf 465, Waenhuiskrans per tender te koop aangebied word met 'n reserwe prys van R12 000,00.

RAADSBESLUIT 62/2019: 30 APRIL 2019

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

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van genoemde erwe per openbare veiling, met die munisipale waardasie as reserweprys.
- (ii) Dat insette ook vanaf die Wykskomitee geïm word.

BESLUIT 105/2019

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

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

DOEL VAN VERSLAG

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

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek is van me L Geldenhuys ontvang om 'n gedeelte ($\pm 132\text{m}^2$) van erf 663 en gedeelte ($\pm 36\text{m}^2$) van erf 579, L'Agulhas by die Raad te koop.

MARKWAARDASIE

Moet nog bepaal word.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

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

DIREKTEUR: FINANSIËLE DIENSTE

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

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

Will not affect electrical services.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die 2 gedeeltes nie.

SENIOR SPESIALIS STADSBEPLANNER

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

SENIOR BOUBEHEERBEAMPTE

Take note.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste word nie beïnvloed nie.

BESTUURSAANBEVELING: 30 APRIL 2019

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

RAADSBESLUIT 63/2019: 30 APRIL 2019

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

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

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

BESLUIT 106/2019

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

10.9 **VERLENGING VAN HUUROOREENKOMS: GEDEELTE ERF 186, BREDASDORP (SAAME-SAAL)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van L'Agulhas 245 Round Table om die SAAME Saal vir 'n verdere termyn te huur.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 186, Bredasdorp
Ligging	:	Meent

AGTERGROND

'n Skriftelike versoek is van L'Agulhas 245 Round Table ontvang om die SAAME Saal vir 'n verdere termyn van 9 jaar en 11 maande by die Raad te huur. Die Round Table huur die gebou reeds sedert 1 Oktober 2015 en het die afgelope 3 jaar bykans R115 000,00 aan die gebou gespandeer.

Die bestaande ooreenkoms het op 30 September 2018 verval.

MARKWAARDASIE

Huurinkomste van R3 184,20 per jaar (BTW uitgesluit)

FINANSIËLE IMPLIKASIES

Huurinkomste van R3 184,20 per jaar.

BESTUURSAANBEVELING: 30 APRIL 2019

- (i) Dat die Raad die bestaande huurooreenkoms met L'Agulhas 245 Round Table vir 'n termyn van 9 jaar en 11 maande onder dieselfde voorwaardes verleng.
- (ii) Die huurbedrag sal R265,35 per maand beloop met 'n 10% eskalاسie per jaar.
- (i) Dat 'n geskrewe ooreenkoms deur die Munisipale Bestuurder aangegaan word.

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

RAADSBESLUIT 65/2019: 30 APRIL 2019

Dat die versoek na die Finans- en IT Dienste Komitee verwys word vir die inwin van verdere inligting.

BESTUURSAANBEVELING

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die Raad die bestaande huurooreenkoms met L'Agulhas 245 Round Table vir 'n termyn van 9 jaar en 11 maande onder dieselfde voorwaardes verleng.
- (ii) Die huurbedrag sal R265,35 per maand beloop met 'n 10% eskalاسie per jaar.
- (iii) Dat 'n geskrewe ooreenkoms deur die Munisipale Bestuurder aangegaan word.
- (i) Dat die terugvalklousule in genoemde ooreenkoms vervat word.

BESLUIT 107/2019

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

10.10 **VERLENGING VAN HUUROOREENKOMS: SUIDPUNT DIEPSEE HENGELKLUB - ERF 857, STRUISBAAI**

DOEL VAN VERSLAG

Om oorweging te skenk aan die verlenging van 'n huurkontrak van Suidpunt Diepsee Hengelklub vir die bedryf van 'n hengelklub en sportgeriewe, asook versamelplek vir verskeie gemeenskapsprojekte.

AGTERGROND

Die Suidpunt Diepsee Hengelklub het 'n huurooreenkoms met die raad vir die termyn van 3 jaar wat reeds op 31 Desember 2016 verval het, en jaarliks hernu word op 'n jaar-tot-jaar-basis.

Die Huurder het 'n versoek aan die Raad gerig waarin hulle versoek om die bestaande ooreenkoms te verleng vir 'n periode van vyf (5) jaar, met die opsie om te verleng en wel om die volgende redes soos vervat in die genoemde skrywe.

Die Raad het die erf waarop die fasaliteite geleë is, aan 'n ontwikkelaar beskikbaar gestel vir vervreemding. Die proses is nog nie afgehandel nie.

BESTUURSAANBEVELING

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 3 jaar verleng word, vanaf 1 Julie 2019 tot 30 Junie 2022.
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R2 000,00 sal beloop met 'n eskalاسie van 6% per jaar, vooruitbetaalbaar.
- (iv) Dat, indien die Raad die eiendom benodig vir vervreemding of enige ander munisipale doeleindes, 'n opsegging van hierdie kontrak binne 60 dae sal plaasvind.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 1 jaar verleng word, vanaf 1 Julie 2019 tot 30 Junie 2020, met die opsie om te verleng (Munisipale Bestuurder se delegasie).
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R2 000,00 sal beloop met 'n eskalاسie van 6% per jaar, vooruitbetaalbaar.
- (iv) Dat, indien die Raad die eiendom benodig vir vervreemding of enige ander munisipale doeleindes, 'n opsegging van hierdie kontrak binne 90 dae sal plaasvind.

BESLUIT 108/2019

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

10.11 **VERLENGING VAN HUUROORENKOMS: FUNPARK STRUISBAAI - ERF 857, STRUISBAAI****DOEL VAN VERSLAG**

Om oorweging te skenk aan die verlenging van 'n huurkontrak van die mnr G P Eyles vir die bedryf van Struisbaai Funpark.

AGTERGROND

Die huurder van Struisbaai Funpark het 'n bestaande huuroorenkoms met die Raad vir die termyn van 3 jaar, beginnende 1 Oktober 2016 tot 30 September 2019 teen R5 000,00 per jaar op 'n gedeelte van erf 857, Struisbaai.

Die huurder versoek die Raad om die bestaande ooreenkoms op dieselfde voorwaardes te verleng vir 'n tydperk van 3 - 5 jaar. Die bestaande ooreenkoms maak voorsiening in paragraaf 3 vir 'n oorweging vir verlenging van die ooreenkoms.

Die Raad het die erf waarop die fasiliteite geleë is aan 'n ontwikkelaar beskikbaar gestel vir vervreemding. Die proses is nog nie afgehandel nie.

BESTUURSAANBEVELING

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 3 jaar verleng word, vanaf 1 Oktober 2019 tot 30 September 2022.
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R6 500,00 sal beloop, vooruitbetaalbaar.
- (iv) Dat, indien die Raad die eiendom benodig vir vervreemding of enige ander munisipale doeleindes, 'n opsegging van hierdie kontrak binne 60 dae sal plaasvind.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die bestaande kontrak vir 'n termyn van 1 jaar verleng word, vanaf 1 Oktober 2019 tot 30 September 2020, met die opsie om te verleng (Munisipale Bestuurder se delegasie).
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R6 500,00 sal beloop met 'n eskalاسie van 6% per jaar, vooruitbetaalbaar.
- (iv) Dat, indien die Raad die eiendom benodig vir vervreemding of enige ander munisipale doeleindes, 'n opsegging van hierdie kontrak binne 90 dae sal plaasvind.

BESLUIT 109/2019

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

10.12 **VERVREEMDING (KOOP): GEDEELTE RONDON ERF 305, L'AGULHAS (BSSB - L305) (COLLAB: 280722)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr A Bruwer vir die vervreemding van 'n gedeelte grond ($\pm 137\text{m}^2$) rondom Erf 305, L'Agulhas, ten einde dit te konsolideer met Erf 305 L'Agulhas.

Liggingskaart:



ALGEMENE INLIGTING

Eienaar	:	KAM
Ligging	:	Gedeelte grond rondom Erf 305, Pandokstraat, L'Agulhas
Voorgestelde Grootte	:	$\pm 137\text{m}^2$
Aanvanklike grootte	:	$\pm 180\text{m}^2$

AGTERGROND

'n Skriftelike versoek is aanvanklik van mnr Bruwer ontvang om 'n gedeelte ($\pm 180\text{m}^2$) rondom erf 305, L'Agulhas by die Raad te koop.

MARKWAARDASIE

1. R112 000,00 (Siyakhula Property Valuers)
2. Nuwe waardasie ontvang op 25 Februarie 2019: R158 000,00 (Siyakhula Property Valuers):

Markwaarde bereken teen die aanliggende erf se koopprys (4 Oktober 2017):
 $\text{R}5\,952,38 \text{ per m}^2 = \text{R}1\,071\,428$

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

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.

BESTUURSAANBEVELING: 13 DESEMBER 2018

- (i) Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van Gedeelte ($\pm 180\text{m}^2$) 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.

RAADSBESLUIT 204/2018: 13 DESEMBER 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.

RAADSBESLUIT 22/2019: 26 FEBRUARIE 2019

Op 26 Februarie 2019 neem die Raad die volgende besluit nadat Raadslid Jacobs sy teenstem aangeteken het met betrekking tot: Die prosesse gevolg; die dorpsgrens ("urban edge") asook die afstand vanaf die hoogwatermerk.

Dat die volgende Bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie:

- (i) Dat, aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van Gedeelte ($\pm 180\text{m}^2$) rondom erf 305, L'Agulhas aan mnr A Bruwer, teen 'n bedrag van R1 071 428,00 (BTW uitg.).
- (ii) Dat die konsolidasie van die erf, vir die aansoeker se koste sal wees.

AANSOEKER SE KOMMENTAAR OP RAADSBESLUIT

Op 18 Maart 2019 ontvang die Raad die volgende skrywe vanaf Mnr Anton Bruwer (eenaar van Erf 305 L'Agulhas):

"Ek verwys na ons telefoon gesprek verlede week rakende die aankoop van $\pm 200\text{m}^2$ om my erf 305 in Agulhas meer prakties te maak vir die oprigting van n enkelverdieping huis, sien aangeheg foto met die area in "black grid".

Dit is aan my verduidelik dat my aansoek moet vergesel word deur meer as 1 waardasie wat die waarde van grond van die toepaslike area en omliggend bevestig.

Die waardasie was as volg:

Munisipaliteit waardasie 1	$\pm R111\ 000$
Munisipaliteit waardasie 2	$\pm R150\ 000$
My eie waardasie	$R132\ 000$

Hierdie erf was die laaste van sy soort in die area en ek het n groot premie betaal om die erf te bekom, en my erf is uiteindelik gebruik om die waarde te bepaal en nie die 3 waardasies nie. My gevoel is dat die waardasies baie meer realisties is agv die premie wat ek op die seefront erf betaal het, die nuwe aankoop bedrag vir die 200m^2 is nou $\pm R\ 1\ 230\ 000$ (let wel dat hierdie aansoek goedgekeur is) Ek kan nie laasgenoemde bedrag bekostig nie maar ek behoort by die waarde van die waardasies uit te kom

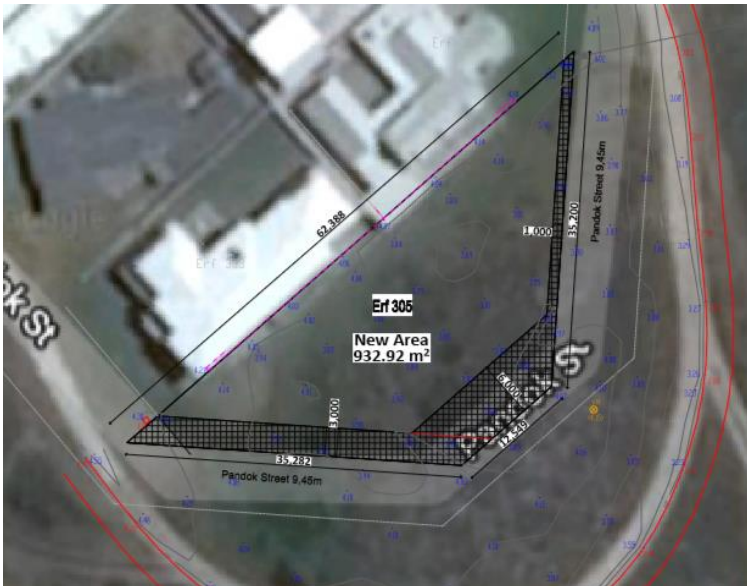
Die rede hoekom ek graag die grond wil bykoop is omdat dit n baie lang en smal erf is wat met baie min diepte. Die bou van n enkel verdieping huis gaan baie moeilik en onprakties wees, n motorhuis, draai plek op die erf, stop plek vir gaste ens gaan nie moontlik wees nie.

Ek wil juis nie n dubbelverdieping huis bou nie omdat ek my 2 bure in ag neem, n dubbelverdieping huis sal baie van hul uitsig en natuurskoon versteur. Verder glo ek dat my huis sal n aanwinst vir die area wees en ook n beter inkomste aan die munisipaliteit bied. Daar is nie nog erwe voor my nie aangesien hierdie die laaste seefront erf in die area is so enige verdere inkomste wat die munisipaliteit hier kan verdien sal goed wees vir hulle.

My versoek is dat ons nie my erf waarde gebruik nie maar wel 1 van die waardasies wat gedoen is, ek wil baie graag voortgaan met my projek en wil nie die huis indruk agv van die fisiese ligging van die erf nie. Daar is baie onbenutte spasie rondom die erf en ek voel dat my versoek baie billik is teenoor die munisipaliteit, ons kan ook n kleiner area oorweeg dat ek ten minste n paar meter vorentoe kan gaan om meer diepte te kry wat spasie agte skep vir n motor huis, stop plek, draai plek ens.

Ek is meer as bereid om n afspaark te maak met die munisipaliteit om die saak te bespreek, n "site visit" kan ook goed wees dat julle die praktiese kant van my versoek kan sien. Jul verstandigheid teenoor die saak sal opreg waardeur word.

Daar is ook aan my verduidelik dat ek die grond moontlik kan huur op langtermyn by die munisipaliteit vir die oprigting van moontlik n stoep en die plant van gras, kan julle asb verduidelik wat die prosedure is hier en hoe dit in die praktyk sal werk. Ek wil nie komplikasies skep vir die toekoms nie.



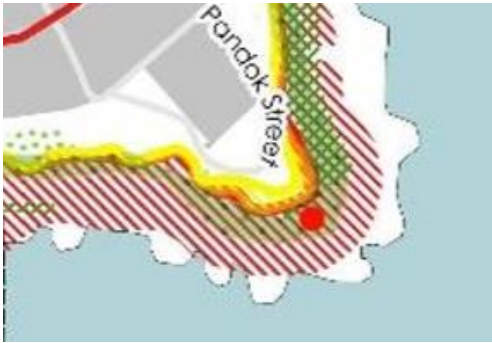
Net om aan jou te verduidelik hoekom ek so angstig is, ek wil baie graag nog vanjaar die huis bou om Desember vakansie daar te kan wees met die familie, so die hele aangeleentheid om n stukkie ekstra grond rondom die erf te kan bekom of dan nie gaan bepaal of ek vanjaar sal kan klaar bou. Rede is dat my akte moet gewysig word voor ek bouplanne kan finaliseer en indien en dit kan maklik nog n maande of 2 duur, plus dan nog munisipale goedkeuring as die aktes gewysig is ?? Ek bevestig net weer dat alle ander aansoekke goedgekeur is ! Kan dit dalk die proses bespoedig as ek in persoon met die betrokke partye kom gesels en verduidelik ?"

STADSBEPANNING SE KOMMENTAAR

In terme van die Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk is die volgende geïdentifiseer as Beskermdes Aksies:

- Maintain a tight urban edge around the existing footprint of the settlement.
- Resist development within the coastal setback and risk areas

Die ±137m² rondom Erf 305 L'Agulhas val binne die stedelike grens.



Die voorgestelde uitbreiding van Erf 305 L'Agulhas val buite die Hoogwatermerk en die drie stedelike risiko sones (*sien plan hieronder*). Selfs die Kritiese Biodiversiteitsarea word nie ge-afekteer nie.



Die Direkoraat Ontwikkelingsbestuur het die volgende kommentaar gestuur op 11 Maart 2019 ten opsigte van die omgewingsimpak:

REQUEST TO ADOPT AN AD HOC SETBACK LINE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A NEW HOUSE AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 305, L'AGULHAS

1. The checklist for the adoption of an *ad hoc* setback line dated 12 December 2018, as received by this Department on 19 December 2018, the Department's correspondence dated 20 December 2018, the additional information dated 6 February 2019, received by the Department on 15 February 2019, and the Department's acknowledgement thereof, dated 22 February 2019, refer.
2. Based on the information submitted to this Department, it is hereby confirmed that the following listed activity in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), applies to your proposed project:

Activity 19A of Listing Notice 1:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) *the seashore*

- (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or
- (iii) the sea; —

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (a) will occur behind a development setback;
 - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
 - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
 - (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
 - (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
3. The following public participation process ("PPP") was conducted with respect to the request for the competent authority to adopt an *ad hoc* setback line on Erf no. 305, L' Agulhas, which complies with the minimum legal requirements for public participation:

3.1. Notification letters were distributed to the local municipality, neighbouring property owners and this Department's Directorate: Biodiversity and Coastal Management, informing them of the request for an *ad hoc* setback line adoption on 5 December 2018.

4. In terms of the NEMA EIA Regulations, 2014 (as amended) a "development setback" is defined as "a setback line defined or adopted by the competent authority". An activity is not listed when it is behind (landward of) an adopted setback line. In this regard, the competent authority hereby adopts the development setback line on Erf no. 305, L'Agulhas. The development setback line is depicted in Appendix A (herewith attached). The co-ordinates for the development setback line that are depicted in Appendix A are given in Table 1 below:

Table 1:

POINT (P)	NEW SETBACK LINE					
	CO-ORDINATES					
	Latitude (S)			Longitude (E)		
P1	34°	49'	23.39"	20°	1'	35.14"
P2	34°	49'	24.95"	20°	1'	35.54"
P3	34°	49'	25.87"	20°	1'	34.96"
P4	34°	49'	25.98"	20°	1'	33.64"
P5	34°	49'	25.07"	20°	1'	32.64"

5. The decision by the competent authority to adopt the development setback line is based on the following factors:

- The proposed development is located on a coastal property within the existing built-up residential area of L'Agulhas.
 - The proposed residential dwelling will be situated approximately 24m from the high-water mark of the sea and between 5m and 10m above sea level. A total development footprint of 396m² is proposed and will result in the movement of more than 5m³ of material within 100m of the high water mark of the sea, during construction activities.
 - The shore in the immediate vicinity, as well as the surrounds, is a rocky shoreline containing coastal vegetation. The property is covered in remnants of Overberg Dune Strandveld which is an ecosystem categorised as Least Threatened in terms of section 52 of the National Environmental Management: Biodiversity Act (NEMBA), 2004.
6. With regards to this development setback line, please note that:
- 6.1. the development setback line is adopted in terms of the NEMA EIA Regulations 2014 (as amended) and only relates to the listed activity mentioned above and to the determination of whether or not environmental authorisation in terms of NEMA is required before undertaking the listed activity;
 - 6.2. the development setback line is not adopted in terms of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA"), National Water Act, 1998 (Act No. 36 of 1998) or any other legislation. Notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
 - 6.3. the development setback line does not imply that the area inland of the line will not be exposed to impacts of dynamic processes, including accretion, erosion and flooding; and
 - 6.4. the fact that development will be undertaken behind (inland of) the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting the "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.)
7. Considering that the listed activity will be undertaken behind the abovementioned development setback line, environmental authorisation will not be required in terms of NEMA.
8. It is, however, reiterated that the development setback line only relates to the listed activity mentioned above (Activity 19A of Listing Notice 1). If any other listed activities are triggered, then environmental authorisation will have to be obtained in terms of NEMA. If the development proposal is in any way amended, then the listed activity might become applicable. It remains the responsibility of the proponent to determine if listed activities are triggered and to ensure that the necessary environmental authorisation is obtained.
9. Please be advised that the proposed development and the construction and operation related activities should neither obstruct nor restrict public access to the coast at all times.
10. This Department will not be held liable for any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the Department.
11. **Please note that interested and affected parties involved in the Public Participation Process must be informed of the adoption of the development setback line. They may request reasons for this adoption, and have the right to appeal, in terms of Section 5 of the Promotion of Administrative Justice Act 2000 (Act 3 of 2000).**
12. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

RAADSBESLUIT: 30 APRIL 2019

Op 30 April 2019 neem die Raad die volgende besluit (56/2019):

- (i) That Council, in principle, approves the proposed extension of Erf 305 L'Agulhas as requested by the owner of Erf 305 L'Agulhas.
- (ii) That the applicant be informed that all Town Planning and Land Surveying processes are to be submitted to Council for public notice and consideration by the Tribunal at the cost of Mr Bruwer.
- (iii) That an environmental assessment be for the applicant's account, if necessary.
- (iv) That a portion of land (Pondok Street) in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of a portion of Pondok Street, L'Agulhas ($\pm 180\text{m}^2$) by development proposal to Mr Bruwer (OUT OF HAND SALE – for specific purpose) at an amount of R1 071 428,00 (VAT excl.) in terms of Section 11(a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

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

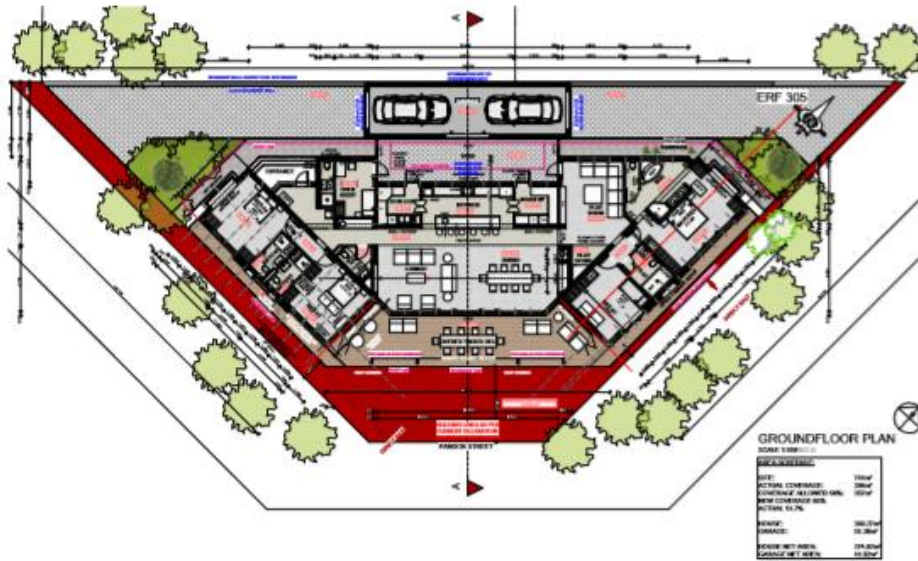
- (i) That all legal requirements are met for disposal of land.

VERDERE VERSOEK

Op 24 Mei 2019 ontvang die Raad die volgende elektroniese skrywe vanaf Mnr Anton Bruwer:

“Na my besoek saam met mnr Swart op my erf in Agulhas wil ek graag vir die Munisipaliteit n aanbod maak rakende onderstaande versoek.

Aangeheg is n nuwe voorstelling van die “extension” soos voorheen bespreek, let wel dat die area nou kleiner gemaak is na 137.03m². My aanbod aan die munisipaliteit vir die 137.03m² is R300 000. Ek beklemtoon die feit dat die stukkie grond nie as n erf beskou moet word nie aangesien daar geen verdere uitbreidings potensiaal is nie en dat die grond geen verdere waarde vir die munisipaliteit inhou nie, behalwe as ek dit wil bykoop, dit is bloot n versoek om my bouprojek meer sinvol en realities te maak. Ek hoop ons kan mekaar tegemoet kom in my versoek dat ek met my bou projek kan begin.”



BESPREKING

Die versoek vanaf die aansoeker vir die drasties verminderde bedrag word onder die aandag van die raad gebring vir besluitname.

MANAGEMENT RECOMMENDATION

- (i) That Council resolution 56/2019 be amended to read as follow:
- (i) Council, in principle, approves the proposed extension of Erf 305 L'Agulhas as requested by the owner of Erf 305 L'Agulhas.
 - (ii) The applicant be informed that all Town Planning and Land Surveying processes are to be submitted to Council for public notice and consideration by the Tribunal at the cost of Mr Bruwer.
 - (iii) An environmental assessment be for the applicant's account, if necessary.
 - (iv) A portion of land (Pondok Street) in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
 - (v) Council grants in-principle approval for the transfer of a portion of Pondok Street, L'Agulhas ($\pm 137\text{m}^2$) by development proposal to Mr Bruwer (OUT OF HAND SALE – for specific purpose) at an amount of **R300 000,00 [and not R1 071 428,00]** (VAT excl.) in terms of Section 11(a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

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

- (ii) That all legal requirements are met for disposal of land.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 110/2019

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

Die volgende persone teken hul teenstem aan:

1. *Rdl Jacobs: 'n Oop, regverdige, deursigtige proses, soos bepaal in die MFMA is nie nagekom nie. Die prys deur die Raad bepaal is aansienlik minder as die munisipale waardasie.*
2. *Rdd Marthinus, Rdl Baker en Rdl Europa: Die Voorsieningskanaalbestuursbeleid is nie gevolg tydens vervreemding nie en die verkoopsprys is aansienlik minder as die markwaarde.*
3. *Rdh Jantjies: Die verkoopsprys is nie voldoende nie en die genoemde area moet per publieke veiling verkoop word.*

10.13 **PROPOSED DEVELOPMENT: PORTION OF ERF 2518, BREDASDORP (RESIDENTIAL DEVELOPMENT) (B2518 - STRP) (WARD 4)**

PURPOSE OF REPORT

For Council to consider the proposed development on a Portion of Erf 2518, Bredasdorp.

BACKGROUND

On 27 February 2017 Council took the following decision (21/2017) after the Suideroord Old Age Home submitted a request to Council to obtain a portion of Erf 2518 Bredasdorp:

"Dat die onderverdeling van erf 2518 eers plaasvind voordat bogenoemde prosesse in werking tree (sodat die speelparkie gedeelte uitgesluit is)."

TENDERS

Tenders were requested by the Supply Chain and Town Planning Departments for the following:

PROPOSED SUBDIVISION, CLOSURE AND REZONING OF ERF 2518 BREDASDORP

Messrs Town and Country Creative Land Solutions was appointed to proceed with the following process:

1. Subdivision of a portion of Erf 2518 Bredasdorp in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 into Portion A = ±1.812Ha and Remainder.
2. Rezoning to Subdivisional Area and Portion A of Erf 2518 Bredasdorp for Undetermined Zone purposes in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015.
3. Closure of Public Place of a Portion of Erf 2518 Bredasdorp in terms of Section 15 of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015.

INTERESTED DEVELOPER

Messrs Bontidox Pty Ltd had discussions with the Town Planning and Building Control Departments in order to develop a portion of Erf 2518 Bredasdorp (proposed subdivisional plan below):



The applicant provided the following valuations for the proposed area of ±1.8Ha:

VALUER	VALUE / M ²	AMOUNT
MATTHYS HEYNS	R94	R1 700 000,00
CHAS EVERITT	R90	R1 629 000,00
JAN RICHTER	R90	R1 620 000,00

CAM SPATIAL DEVELOPMENT FRAMEWORK

In relation to spatial priorities, CAM is required to focus on three broad types of actions as outlined in the Spatial Development Framework of May 2017:

1. Protective actions – things to be protected and maintained to achieve the vision and spatial concept.
2. Change actions – things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept.
3. New development actions – new development or initiatives to be undertaken to achieve the vision and spatial concept.

In terms of the Cape Agulhas Spatial Development Framework Plan, May 2017 the following are outlined:

As indicated in the analytic section of the SDF, Bredasdorp is the primary settlement in CAM, seat of government, and regional services centre. Bredasdorp should be reinforced as the primary settlement in CAM. It is here where most can benefit from investment in higher order facilities and infrastructure. This is specifically important as it is unlikely that CAM will ever enjoy the benefit of a comprehensive government supported public transport system – including specialised routes, vehicles and systems – to enable inter-settlement people movement. User numbers are simply too low and distances between settlements substantial. Thus, significant new settlement growth and development should be focused in the place of greatest opportunity to minimize inter-settlement movement.

While CAM has done well to promote affordable housing in proximity to existing commercial opportunity and public facilities through infill development, housing planning for Bredasdorp, in terms of current land demand estimates, does not meet demand. Further infill development sites would need to be sought to meet the demand, or alternatively, one of the larger housing projects identified for Erf 1148 (Site F1 extended eastwards or Site F2) could be prioritised for implementation for the next five-year period. By incorporating one or both sites, Bredasdorp could meet its projected land demand and have sufficient land “banked” for future development phases as the need arises.

A key proposal for Bredasdorp is to declare Ou Meule Street a “restructuring”, “integration” or “business promotion” zone and provide incentives to assist emergent or previously disadvantaged entrepreneurs to establish businesses which will add to the convenience of adjacent residents and serve to integrate parts of the town.



The proposed site falls partially outside the urban edge, therefore Council has to consider the amendment of the Urban Edge within the Spatial Development Framework Plan.



FINANCIAL IMPLICATIONS

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

COUNCIL DECISION

Mnr Ockie Els: Erf 2518, Bredasdorp

Mnr Els en Paul Boshoff van Bontidox spreek die Raad toe op 26 Februarie 2019 oor 'n moontlike ontwikkeling op erf 2518, Bredasdorp. Hy verwys die Raad na 'n moontlike residensiële ontwikkeling op 1.8 hektaar van die genoemde grond met 'n geskatte waardasie van R1 700 000,00.

On 26 February 2019 Council took the following decision (29/2019):

"That the matter be referred back to the Finance- and IT Services Committee for further investigation, including: a proper market value, finalization of the urban edge and inputs from the ward committee."

COMMENTS FROM WARD COMMITTEE AND SUIDEROORD

Suideroord originally applied for the portion of Erf 2518 Bredasdorp, whereafter Bontidox submitted also a proposal.

BONTIDOX - PROPOSAL

The following comments were received from the Ward Committee regarding the proposal from Messrs Bontidox:

Rosemarie	Indien die grond vir net R 800 000 verkoop word is ek nie ten gunste daarvan nie. R5 000 000 klink na 'n meer realistiese prys en is ek dan ten gunste hiervan. 1) Is daar 'n impak studie gedoen? 2) Wat se tipe ontwikkeling gaan dit wees?
Johan Neethling	Jammer vir die wag. Soos jy weet stel Suideroord ook belang in die grond en kan dit eers 16 April om 17H00 voor die raad plaas. Onthou ook sommer dan dat ek nie teenwoordig kan wees nie a.g.v hierdie vergadering.
Walters Joubert	Het geen probleem met die ontwikkeling nie.
Michelle Hattings	Sien geen problem mits omliggende huisbewoners / eienaars ingelig is, kan net tot voordeel vd gemeenskap wees. Reg met my.

SUIDEROORD

Ald. Johan Nieuwoudt (Speaker) gave the following comment: *"Daar was 'n hele tyd gelede 'n versoek van hulle om die grond te koop, maar ek dink hulle wou dit direk koop by KAM en nie per tender nie. Sal kyk waar die skrywes is. Hulle vra ook n afspraak met die Mayco, maar dit sal eers na die verkiesing kan realiseer."*

On 21 May 2019 the following e-mail was sent to Mr Johan Neethling:

"Kan u asseblief skriftelik bevestig of u (namens Suideroord) wil voortgaan met die aankoop van die eiendom met die nodige Stadsbeplanningsprosesse en / of u 'n voorstel gaan doen aan die Burgemeesterskomitee?"

The following response was received on 22 May 2019:

*"Soos jyself weet was daar talle gesprekke tussen Suideroord(SO) en KAM. Vanwee Suideroord se NPO status is daar oor jare **hieroor onderhandel op 'n basis van toekening** vanuit die Ruimtelike Ontwikkelingsplan. SO kan sleg op hierdie basis werk soos bewys in die verlede met hulle leefreg eenhede. Histories het SO grond terug gegee wat toegeken was vir hierdie doel . Die vewagting is nog steeds daar om genoemde erf op dieselfde basis te verkry vir toekomstige uibreiding.*

Groete, Johan Neethling, SO Beheerraad"

VALUATION

VALUATION CERTIFICATE Property description: Erf 2158 Bredasdorp

I, Philip Eloff, hereby certify that I have inspected the subject property herein described, that I have no pecuniary interests in the property and that I have verified particulars contained herein, that I have valued the subject property to the best of my ability and knowledge and have found the market value of the subject property AS IS as at 23 May 2019 to be:

R3 000 000 plus VAT (THREE MILLION RAND plus VAT)

PHILIP ELOFF Professional Associated Valuer National Diploma - Prop Valuation, UNISA
Signed at Napier on 23 May 2019

MANAGEMENT RECOMMENDATION

- (i) That Council, in principle, approves the proposed development as presented by Messrs Bontidox Pty Ltd.
- (ii) That the applicant be informed that all Town Planning, Land Surveying and amendment of the Urban Edge processes are to be submitted to Council for public notice and consideration by the Tribunal at the cost of Messrs Bontidox Pty Ltd.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That a portion of Erf 2518 Bredasdorp in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of a portion of Erf 2518 Bredasdorp, by development proposal to Bontidox Pty Ltd (OUT OF HAND SALE – for specific purpose) for the amount of R3 000 000,00 (excluding VAT) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

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

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die vervreemding van genoemde erwe per openbare veiling, met die munisipale waardasie (R3 000 000) as reserweprys.
- (ii) Dat insette ook vanaf die Wykskomitee gein word.
- (iii) Dat ontwikkelingsriglyne vir genoemde erwe ondersoek word.
- (iv) Dat die omgewingsimpakstudie vir die koper se rekening sal wees.
- (v) Dat die genoemde erf ingevolge artikel 14(2)(a) van die MFMA nie benodig word vir munisipale dienste nie.

BESLUIT 111/2019

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

10.14 **HEROORWEGING: WAARDASIE VAN ERWE 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 EN 1338, NAPIER (15/5/R - BSSB) (WYK 1)**

DOEL VAN VERSLAG

Om die waardasies van erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338 Napier te heroorweeg.

ALGEMENE INLIGTING

Eienaar : KAM
 Eiendom : Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338, Napier
 Erf Groottes :

Erf Nr	Grootte in m ²
1111	18 351
1112	16 458
1113	16 431
1114	16 365
1115	16 257
1330	17 011
1331	18 377
1332	16 205
1333	16 604
1334	17 275
1335	18 403
1336	23 506
1337	21 773
1338	14 420

Huidige Sonering : Kleinhoewes

AGTERGROND

Op 22 Oktober 2018 neem die Raad die volgende besluit (145/2018):

- (i) *Aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338 Napier.*
- (ii) *Dat die genoemde erwe op publieke veiling verkoop word.*
- (iii) *Dat die genoemde erwe vir kleinhoewe doeleindes aangewend word.*
- (iv) *Dat waardasiepryse as insetpryse tydens die veiling van toepassing sal wees.*
- (v) *Dat die veiling op die Raad se facebook blad en webtuiste geadverteer word.*

MARKWAARDASIE: PHILIP ELOFF

Mnr Philip Eloff se waardasie wat deur die Raad oorweeg was op 22 Oktober 2018 was as volg:

Property description: Erven 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337, 1338 Napier

I, Philip Eloff, hereby certify that I have inspected the subject properties herein described, that I have no pecuniary interests in the properties and that I have verified particulars contained herein, that I have valued the subject properties to the best of my ability and knowledge and have found the market value of the subject properties AS IS as at 27 September 2018 to be as given in the Table below.

The following values are therefore suggested:

Erf number	Size in m ²	Value at R60/m ²	Rounded value	Remarks
1111	18 351	R1 101 060	R1 100 000	Servitude and low lying
		Value at R70/m ²		
1112	16 458	R1 152 060	R1 150 000	Servitude
1113	16 431	R1 150 170	R1 150 000	Servitude
1114	16 365	R1 145 550	R1 146 000	Servitude
1115	16 257	R1 137 990	R1 138 000	Servitude
		Value at R80/m ²		
1330	17 011	R1 360 880	R1 360 000	
1331	18 377	R1 470 460	R1 470 000	
1332	16 205	R1 296 400	R1 300 000	
1333	16 604	R1 328 320	R1 330 000	
1334	17 275	R1 382 000	R1 380 000	
1335	18 403	R1 472 240	R1 470 000	
1336	23 506	R1 880 480	R1 880 000	
1337	21 773	1 741 840	R1 740 000	
1338	14 420	R1 153 600	R1 150 000	Servitude fringes property

BESPREKING

Die veiling op 24 Oktober 2018 het die volgende aanbiedinge gekry:

LOT	ERF	SIZE IN m ²	RESERVE PRICES FOR AUCTION	6 METER SERVITUDE POWERLINE	BIDDERS	BID PRICE
1	1111	18 351	R1 020 000	X	2	R275 000
2	1112	16 458	R1 065 000	X	10	R100 000
3	1113	16 431	R1 065 000	X	7	R100 000
4	1114	16 365	R1 060 000	X	7	R150 000
5	1115	16 257	R1 055 000	X	10	R100 000
6	1330	17 011	R1 260 000		11	R175 000
7	1331	18 377	R1 360 000		18	R200 000
8	1332	16 205	R1 205 000		18	R225 000
9	1333	16 604	R1 230 000		5	R175 000
10	1334	17 275	R1 280 000		4	R175 000
11	1335	18 403	R1 360 000		4	R190 000
12	1336	23 506	R1 740 000		18	R200 000
13	1337	21 773	R1 610 000		18	R210 000
14	1338	14 420	R1 065 000	X	14	R220 000

In die lig van bogenoemde aanbiedinge is Mnr Eloff versoek om die markwaarde van Erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338 Napier te hersien en om die volgende faktore in ag te neem:

- (i) Huidige ekonomiese tendense het 'n impak op die waarde van eiendomme, volgens die begrotingstoespraak van die Minister van Finansies op 24 Oktober 2018.
- (ii) Erwe oorweeg vir die waardasie is slegs 500m² groot en kan nie beskou word as goeie vergelykende verkope nie. Hulle is ook gesoneer vir Enkel Woonsone doeleindes; terwyl die erwe op veiling gesoneer is vir Kleinhoewe doeleindes.
- (iii) Die erwe is huidiglik nie ontwikkel nie, maar kan gediens word.
- (iv) Toegang word verkry van die bestaande Monsanto pad en is geleë op 'n skuins helling.
- (v) Die eiendomme is nie omhein nie en grens aan Landbougrond.

Die totaal van die aanbiedinge was R2 495 000,00 en die hersiende waardasie in totaal is R2 372 000,00.

HERSIENDE WAARDASIE

Property description: Erven 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337, 1338 Napier

I, Philip Eloff, hereby certify that I have inspected the subject properties herein described, that I have no pecuniary interests in the properties and that I have verified particulars contained herein, that I have valued the subject properties to the best of my ability and knowledge and have found the market value of the subject properties AS IS as at 28 October 2018 to be as given in the Table below, with a total suggested floor value of R2 370 000,00.

ERF	RESERVE PRICES FOR AUCTION	BID PRICE	HERSIENDE WAARDASIE
1111	R1 020 000	R275 000	R147 000
1112	R1 065 000	R100 000	R148 000
1113	R1 065 000	R100 000	R148 000
1114	R1 060 000	R150 000	R147 000
1115	R1 055 000	R100 000	R146 000
1330	R1 260 000	R175 000	R170 000
1331	R1 360 000	R200 000	R184 000
1332	R1 205 000	R225 000	R162 000
1333	R1 230 000	R175 000	R166 000
1334	R1 280 000	R175 000	R173 000
1335	R1 360 000	R190 000	R184 000
1336	R1 740 000	R200 000	R235 000
1337	R1 610 000	R210 000	R218 000
1338	R1 065 000	R220 000	R144 000

RAADSBESLUIT: 30 OKTOBER 2018

Die Raad neem die volgende besluit (162/2018) op 30 Oktober 2018:

- (i) Dat die Bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie:

Dat Besluit 145/2018 Voorwaarde (iv): *"Dat waardasiepryse as insetpryse tydens die veiling van toepassing sal wees."* geneem op 22 Oktober 2018 as volg gewysig word:

"Dat die hersiende waardasie van 28 Oktober 2018 ge-ag sal wees as die markwaarde vir vervreemding en dat die erwe dan dienooreenkomstig vervreem word, aangesien die totale inkomste R2 495 000,00 is."

- (ii) Dat die genoemde eiendomme nie nou vervreemd word nie.

WAARDASIE: DDP VALUATION AND ADVISORY SERVICES (PTY) LTD

Die volgende uit die waardasie verslag van Mnre DDP Valuation and Advisory Services (Pty) Ltd gedateer 23 Mei 2019:

LOCAL AUTHORITY VALUATION

The property appears in the current valuation roll as follows:

Erf 1113 : R 920 000.00
 Erf 1112 : R 820 000.00
 Erf 1113 : R 820 000.00
 Erf 1114 : R 820 000.00

Erf 1115	: R	810 000.00
Erf 1330	: R	850 000.00
Erf 1331	: R	920 000.00
Erf 1332	: R	810 000.00
Erf 1333	: R	830 000.00
Erf 1334	: R	860 000.00
Erf 1335	: R	920 000.00
Erf 1336	: R	1 180 000.00
Erf 1337	: R	1 090 000.00
Erf 1338	: R	720 000.00

Total : R12 370 000.00

Date of Valuation : 01 Julie 2017

VALUATION OF THE DIFFERENT LAND COMPONENTS:

Land component	Extent in Hectare	Guideline per hectare	Market Value per hectare	Total Market Value
Vacant land with 14 smallholdings erven	24.7446ha	R 450 000 to R900 000		R 14 039 480
Erf 1111	1.8351ha		R600 000/ha	R 1 101 060
Erf 1112	1.6458ha		R550 000/ha	R 905 190
Erf 1113	1.6441ha		R550 000/ha	R 904 255
Erf 1114	1.6365ha		R550 000/ha	R...900 075
Erf 1115	1.6257ha		R550 000/ha	R 894 135
Erf 1330	1.7011ha		R550 000/ha	R...935 605
Erf 1331	1.8377ha		R600 000/ha	R 1 102 620
Erf 1332	1.6205ha		R550 000/ha	R 891 275
Erf 1333	1.6604ha		R550 000/ha	R 913 220
Erf 1334	1.7275ha		R550 000/ha	R 950 125
Erf 1335	1.8403ha		R600 000/ha	R 1 104 180
Erf 1336	2.3506ha		R600 000/ha	R 1 410 360
Erf 1337	2.1773ha		R600 000/ha	R 1 306 380
Erf 1338	1.4420ha		R500 000/ha	R 721 000

In view of the information presented in this report, a valuation of R14 000 000.00 (Fourteen Million Rand Only) is considered to be a realistic reflection of the subject property's market value (excluding any movable items (implements), game and livestock) as at the respective date of valuation. No allowance has been made for Value Added Tax (VAT) or transfer fees nor for duties which may be payable in the event of the sale of the subject property.

DECLARATION

Having inspected the above-mentioned property and after taking due consideration of all the relevant factors, I, Carla Beyers, in my capacity as Valuer, consider the above valuation to be a true and fair assessment of its current market value. Carla Beyers Candidate Valuer (South Africa) (Reg. No: 7897/7)

BESTUURSAANBEVELING

- (i) Aangesien die eiendomme, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338 Napier.
- (ii) Dat die genoemde erwe op publieke veiling verkoop word.
- (iii) Dat die genoemde erwe vir kleinhoewe doeleindes aangewend word.
- (iv) Dat waardasiepryse as insetpryse tydens die veiling van toepassing sal wees.
- (v) Dat die veiling op die Raad se facebook blad en webtuiste geadverteer word.

(vi) Dat die Raad die volgende reserwe pryse bepaal:

ERF	SIZE IN m ²	RESERVE PRICES FOR AUCTION	FOR	6 METER SERVITUDE POWERLINE
1111	18 351	R1 020 000		X
1112	16 458	R1 065 000		X
1113	16 431	R1 065 000		X
1114	16 365	R1 060 000		X
1115	16 257	R1 055 000		X
1330	17 011	R1 260 000		
1331	18 377	R1 360 000		
1332	16 205	R1 205 000		
1333	16 604	R1 230 000		
1334	17 275	R1 280 000		
1335	18 403	R1 360 000		
1336	23 506	R1 740 000		
1337	21 773	R1 610 000		
1338	14 420	R1 065 000		X

BESLUIT 112/2019

Dat erwe 1111, 1112, 1113, 1114, 1115, 1330, 1331, 1332, 1334, 1335, 1336, 1337 en 1338, Napier nie vervreem word nie.

10.15 **PROPOSAL FOR LOCAL ECONOMIC DEVELOPMENT COMPLEX SITE (15/5/4 - MTRP) (WARD 3)**

PURPOSE OR REPORT

For Council to consider the request from Phethisa.

BACKGROUND

Phethisa made a presentation to Council on 30 April 2019 to introduce a local economic development complex that exists out of nine containers with a play park for children. They explain processes that will be followed, i.e. entrepreneurial workshops, recruitment agencies, leadership skills and financial management workshops. They need a budget of R205 000,00.

The following decision (45/2019) was taken:

- (i) *That the LED complex may be incorporated in the "RSEP Programme".*
- (ii) *That follow-up meetings be held between members of Phetisa and Ms Tracey Stone.*

On 13 May 2019 Ms Tracey Stone and Mr Bertus Hayward met with Messrs Refilwe Ntsapo and Ludumo Diniso to discuss the potential project and possible incorporation thereof with the RSEP Programme.

PRESENTATION

PHETHISA BACKGROUND

- *Phethisa(NGO) is a community base initiative established in 2017 by young people egad to uplift and develop our community through programs that will tackle the direct challenges our community are faced with.*

- One of our main objectives is to develop our local economy. As one of our major challenges is a high rate of unemployment especially amongst youth at the same time the entrepreneurship market is untapped.
- This unemployment is inflicting maximum damage to our youth as there is no platform to engage in positive activities that really make impact in their lives that is one of the reason they turn to gangsterism, drug, alcohol and other criminal activities

BUDGET

1. 12 meter container x 9 = R 14 500.00 EACH
2. 3 TOILETS FOR MALES, FEMALES AND DISABILITY = R 11 200.00
3. PAYIVING = R 16 750.02
4. KIDIES PLAY GROUND = R 19 865.00
5. FENCING = R 22 000.00
6. GRAFITI = R 5 000.00

TOTAL: R205 315.02

This investment will be paid in full within the period of 24 months and after this period Cape Agulhas Municipality will receive R108 000.00 annually. Resource's Requested: Operational space identified an office at Anene Booysen centre After the site completion then the we will operate from the complex

DISCUSSION

The following has to be discussed:

1. Potential site for Phethisa
2. Financial contribution of ±R206 000 by Council

MANAGEMENT RECOMMENDATION

For recommendation by the Finance- and IT Committee.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die genoemde perseel nie vervreem word nie.
- (ii) Dat kennis geneem word dat die Raad nie in die 2019/2020 begroting voorsiening gemaak het vir 'n bydrae soos versoek nie.
- (i) Dat 'n ondersoek gedoen word om vas te stel of hierdie projek nie ingesluit kan word by die RSEP-program nie.

BESLUIT 113/2019

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

10.16 **OORDRAG VAN ERWE: NAPIER (N1089 - BSSB) (WYK 1)**


DOEL VAN ERSLAG

Vir die Raad om die versoek van mnre Barry en Keyter te oorweeg.

AANSOEK

Op 13 Maart 2019 ontvang die Raad die volgende skrywe van mnre J C Barry en R Keyter:

"Hiermee versoek ek die KAM om die volgende twee erwe oortedra na munisipale eiendom. Napier Erf 1089 en Napier Erf 1279. U goed gunstige oorweging sal wardeer word."

LIGGINGSKAART: ERF 1089, NAPIER


Land Parcel	
Erf	Erf 1089 of Napier
Address	NEPGENSTRAAT NAPIE 8
SG Number	C01100050000108900000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Napier
Suburb: Financials	Napier (0005)
Extent	649sqm
Title Deed	T18700/1996
Owners	Keyter Ryno (6604185073080)
Registered	14 Mar 1996
Price	20,000.00
Municipal Value	10,000.00
Latest Valuation	10,000.00
Valuation Category	RES1
H Area	Unknown

ERF 1279, NAPIER


Land Parcel	
Erf	Erf 1279 of Napier
Address	NEPGENSTRAAT NAPIE 8
SG Number	C01100050000127900000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Napier
Suburb: Financials	Napier (0005)
Extent	443sqm
Title Deed	T52634/1999
Owners	Keyter Ryno (6604185073080)
Registered	6 Jul 1999
Price	0.00
Municipal Value	1,000.00
Latest Valuation	65,000.00
Valuation Category	RES1
H Area	Unknown

KOMMENTAAR**BESTUURDER: EIENDOMSADMINISTRASIE**

ek weet nie of daar 'n "body corporate" is nie, maar ek twyfel. Sodra ons die straatjies gaan oorneem, sal ons dit ook instand moet hou, wat ek nie dink reg is nie.

Daars geen voordeel wat die raad kan kry om genoemde gedeeltes oor te neem nie.

BESTUURDER: STRATE EN STORMWATER

Daar is twee teerstraatjies gebou vir toegang na die huise op die betrokke erwe.
As ons oordrag neem van die erwe, beteken dit dat ons die onderhoud van die infrastruktuur oorneem?
As dit die geval is, steun ek nie die versoek nie.

BOUBEHEERBEAMPTE

Wat moet ons daarmee doen.

STRATEGIESE BESTUURDER

no problem from my side then

BESTUURSAANBEVELING

Dat die Raad nie erwe 1089 en 1279, Napier oorneem nie, aangesien onderhoud van die strate vir die Raad se kostes sal wees en die strate deel vorm van 'n privaat ontwikkeling wat toegang gee na 'n groepsbehuisingsontwikkeling.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 114/2019

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

10.17 **ERF 26, KLIPDALE: FUTURE MANAGEMENT (K26 - MTRP) (WARD 2)****PURPOSE OF REPORT**

That Council consider the signing of a formal agreement with the ORCT/Conservation Agency in order to ensure long term protection of the Renosterveld remnant on Erf 26 Klipdale.

BACKGROUND

Erf 26, Klipdale is a commonage which form part of the Klipdale community and is registered in the name of the Overberg District Municipality's Council. The property is not utilised by the Overberg District Municipality for basic municipal services and it was therefore decided by the ODM Council on 22 February 2016 to transfer the property the Cape Agulhas Municipality in accordance with the Municipal Assets Transfer Regulations. The abovementioned property is currently in the process of being transferred from ODM to CAM.

ERF 26, KLIPDALE: CONSERVATION STATUS

The erf is situated within a critically endangered ecosystem namely Central Rûens Renosterveld. This veld type is listed and protected under the National Environmental Management: Biodiversity Act of 2004 (Act no. 10 of 2004). It is an unique ecosystem filled with diversity and endemic to South Africa. There is less than 5% of this ecosystem remaining, making this fragments of Renosterveld highly irreplaceable, to maintain ecosystem services in the Rûens landscape. The plant diversity at the Klipdale commonage is very impressive and therefore the conservation of the commonage should be promoted to ensure the protection of this natural heritage.



MANAGEMENT PROPOSAL

A meeting was held on 3 December 2018 between Overberg Renosterveld Conservation Trust (ORCT) and officials from both CAM and ODM to discuss proposals for the future management of the abovementioned erf. This discussion emanates from an incident where a portion of the erf was ploughed in 2018 without the required Environmental Authorisation.

The matter was reported to the Western Cape Government Department of Environmental Affairs and Development Planning: Environmental Law Enforcement Unit. At the meeting it was proposed that areas with high conservation value within the Klipdale commonage be identified and be protected by means of an agreement between CAM and ORCT in order to formalise the conservation status thereof.

It was requested that CAM consider a formal conservation agreement for the long term management of Renosterveld on the commonage of both Klipdale, Napier and potential remnants in the Bredasdorp area. Such an agreement can be in the form of a Stewardship agreement with Cape Nature or an Easement with ORCT. In both cases ORCT will take responsibility to source funding for the management of identified areas.

As part of a community awareness campaign for the conservation of Renosterveld the ODM and ORCT designed signage and pamphlets. The signs were erected on the commonage and the pamphlets distributed to the community via the ward councillor in order to inform the community of the value and importance of this veld type. The process followed to date together with the recommendations that are made is in order to prevent a repetition of the negative impact on critical biodiversity in the Cape Agulhas jurisdictional area, the strengthening of partnerships with non-governmental organisations and awareness raising regarding Renosterveld.

COUNCIL DECISION: 26 FEBRUARY 2019

On 26 February 2019 Council took the following decision (27/2019) after Dr Odette Curtis from the Overberg Renosterveld Conservation Trust did a presentation to Council:

- (i) *That the management recommendation be accepted as a resolution of Council.*
- (ii) *That Cape Agulhas Municipality acknowledge the responsibility to protect areas with conservation value in Klipdale.*
- (iii) *That a formal agreement be entered into between CAM and the ORCT/Conservation Agency in order to ensure long term protection of all identified Renosterveld remnants within the jurisdictional area of the Municipality.*
- (iv) *That a proper public participation process be followed with all the residents of Klipdale before entering into the proposed agreement with ORCT.*

PUBLIC PARTICIPATION MEETINGS

Dr Odette Curtis-Scott from the Overberg Renosterveld Conservation Trust did two presentations at the IDP meetings:

E-mail received on 11 April 2019:

"The meeting at Napier (IDP meeting) went well, I believe (luckily the power came back on long enough for me to do my presentation), and I will be at Klipdale for the Public Participation for the Klipdale reserve tonight."

E-mail received on 16 April 2019:

"Thanks once again for supporting my presentation to the Klipdale community. The turn-out, unfortunately, was rather poor to have been considered sufficient for Public Participation to be ticked off our list, so Marjorie asked that I make myself available for another day to see if we can address the wider community and give them an opportunity to ask questions. Marjorie, I have the following dates available: 24, 25, 26th April (not sure what time you had in mind?). Please let me know soonest, as I need to plan other activities around this meeting."

AGREEMENTS AND WAY FORWARD

The following e-mail was received on 10 May 2019:

“As promised, I am sending you the blank agreements that we sign with landowners, as follows:

- (i) *A blank Conservation Servitude agreement (what we refer to as ‘Conservation Easements’) – this is the main legal document and will include Napier and Klipdale, once the Klipdale property is transferred from ODM to CAM.*
- (ii) *A Power of Attorney - if required, the municipality can sign this in order to indicate which single signatory will sign the Conservation Servitude Agreement on behalf of CAM.*
- (iii) *Third is the ‘Resolution’, which we see as a ‘Letter of Intent’, which we need to sign separately: i.e. one for Klipdale (with ODM and CAM signing) and one for Napier (CAM signing).*

So, to summarise the way forward:

- (i) *ODM and CAM to scrutinise the Conservation Servitude agreement and come back to us (or our lawyer, Dirk Uys, if needed) with any questions / concerns.*
- (ii) *Once the municipalities are happy with the agreement in principle, we will draw up the Letters of Intent for signing: i.e. one for Klipdale (with ODM and CAM signing) and one for Napier (CAM signing) to sign ASAP.*
- (iii) *In parallel with this process, we (ORCT) will draft the Klipdale Management Plan (one piece of veld).*
- (iv) *We can then instruct our lawyer to prepare the legal document for the Conservation Servitude.*
- (v) *We can also then add the Napier Management Plan (4 pieces of veld) to the Klipdale plan – it will be best if they are tied into a single management plan, as they will be tied by a single Conservation Servitude agreement (to save legal costs, as discussed) and the same principles will apply to all.*

If you (all copied in here) are happy with these in principle, we will start adjusting these documents to be relevant for the municipalities (and will seek assistance from our legal advisor on this too), as they are currently set up for farmers or Trusts. Just to make the Conservation Servitude clear: this is a servitude agreement signed over the whole property – but only the portions that are mapped (as per the rough map indicating where these areas are) are connected to the Management Plan – and the Management Plan is what the whole agreement is about. We work on this together, until all parties are satisfied.”

MANAGEMENT RECOMMENDATION

- (i) That Cape Agulhas Municipality acknowledge the responsibility to protect areas with conservation value in Klipdale.
- (ii) That a formal agreement be entered into between CAM and the ORCT/Conservation Agency in order to ensure long term protection of all identified Renosterveld remnants within the jurisdictional area of the Municipality.

RECOMMENDATION: FINANCE- EN IT SERVICES COMMITTEE

That management recommendation be accepted.

RESOLUTION 115/2019

- (i) That Cape Agulhas Municipality acknowledge the transfer of responsibility to ORCT/ Conservation Agency to protect areas with conservation value in Klipdale.
- (ii) That a formal agreement be entered into between CAM and the ORCT/Conservation Agency in order to ensure long term protection of all identified Renosterveld remnants within the jurisdictional area of the Municipality.

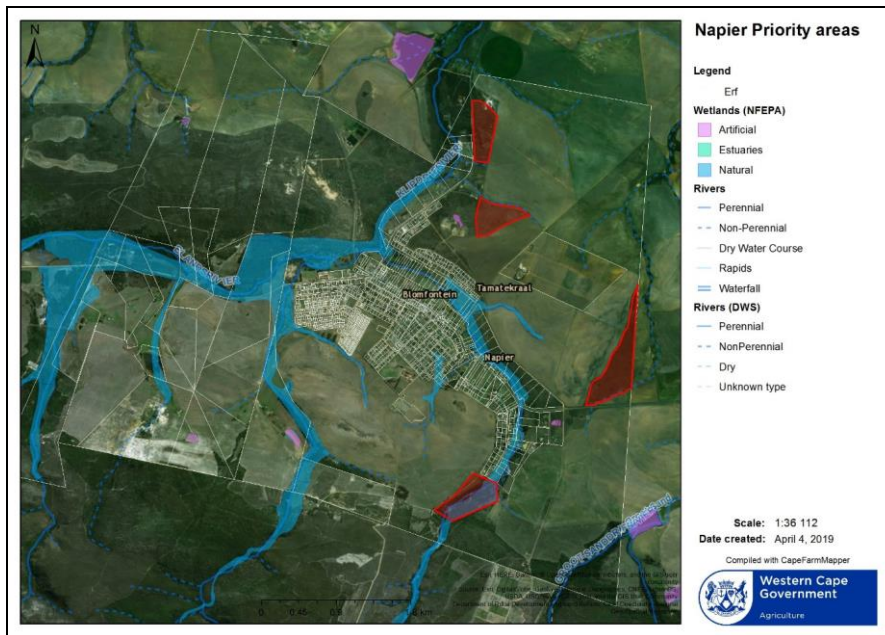
10.18 **PROPOSAL FOR THE PROTECTION OF STRATEGIC GREEN AND OPEN SPACES ON NAPIER COMMONAGE (15/5/R - MTRP) (WARD 1)**

PURPOSE OF REPORT

That Council consider the signing of a formal agreement with the ORCT/Conservation Agency in order to ensure long term protection of the Renosterveld remnant in Napier.

BACKGROUND

Areas within the urban edge of Napier have been identified as strategic conservation areas that requires active management to ensure long term protection of these vital ecosystems to the benefit of the community.



1) **Threatened Terrestrial Ecosystems**

Threatened ecosystems are listed in terms of Section 52 of the National Environmental Management: Biodiversity Act of 2004 (Act 10 of 2004). There are three ecosystems listed as Critically Endangered within the urban edge of Napier, namely: (1) Central Rûens Shale Renosterveld; (2) Elim Ferricrete Fynbos; and (3) Overberg Sandstone Fynbos.

Four areas of significant conservation value have been identified on Napier commonage that will promote the conservation of Central Rûens Shale Renosterveld and Elim Ferricrete Fynbos. (These areas are highlighted in red on the Napier Priority Areas Map). The sites have a high plant diversity with several species endemic to the area. This provides for an ecotourism opportunity whereby visitors could come to look at these rare flowers. Historically these sites were conserved by members of the local community and the Overberg Renosterveld Conservation Trust (ORCT) would like to continue this effort by means of a formal conservation agreement with the Cape Agulhas Municipality for the long term management of these sites.

Benefits in conserving these areas:

- (i) Conservation of critically endangered vegetation for current and future generations;
- (ii) Tourism development
- (iii) Job creation (e.g. alien vegetation clearing and tour guides)
- (iv) Research opportunities

2) **National Freshwater Priority Areas**

There are several freshwater systems within the urban edge of Napier (These areas are highlighted in blue on the Napier Priority Areas Map). The two most important systems is the Klipdrifsrivier and Elandsrivier. Both these rivers are classified as National Freshwater Priority Areas.

Giving the current drought conditions and future water security challenges the management of water courses must be prioritised. The main threat is alien invasive vegetation.

Section 73(2) of the National Environmental Management: Biodiversity Act of 2004 (Act 10 of 2004) the municipality is obligated to take steps to control and eradicate any listed invasive species occurring on its property.

It should be noted that the control of alien invasive vegetation should be considered as a long term project to be implemented in a strategic manner to ensure effectiveness.

Successful implementation of an alien vegetation clearing programme can be done by means of partnerships which include the National Department of Environmental Affairs (EPIP Programme), local NGOs (ORCT) and the local community who already initiated hacking groups for the purpose of clearing alien vegetation.

The benefits for clearing alien vegetation:

- (i) Reduced fire risk – Alien vegetation increase the intensity and frequency of wild fires, which pose a threat to life and property;
- (ii) Promote water quality and quantity – Alien vegetation has a higher water consumption rate than indigenous vegetation, which cause streams and wetlands to dry up;
- (iii) Promote indigenous vegetation conservation;
- (iv) Limit flooding and erosion; and
- (v) Promote job creation

PUBLIC PARTICIPATION MEETINGS

Dr Odette Curtis-Scott from the Overberg Renosterveld Conservation Trust did two presentations at IDP meetings.

AGREEMENTS AND WAY FORWARD

The following e-mail was received on 10 May 2019:

“As promised, I am sending you the blank agreements that we sign with landowners, as follows:

- (i) *A blank Conservation Servitude agreement (what we refer to as ‘Conservation Easements’) – this is the main legal document and will include Napier and Klipdale, once the Klipdale property is transferred from ODM to CAM.*
- (ii) *A Power of Attorney – if required, the municipality can sign this in order to indicate which single signatory will sign the Conservation Servitude Agreement on behalf of CAM.*
- (iii) *Third is the ‘Resolution’, which we see as a ‘Letter of Intent’, which we need to sign separately: i.e. one for Klipdale (with ODM and CAM signing) and one for Napier (CAM signing).*

So, to summarise the way forward:

- (i) *ODM and CAM to scrutinise the Conservation Servitude agreement and come back to us (or our lawyer, Dirk Uys, if needed) with any questions / concerns.*
- (ii) *Once the municipalities are happy with the agreement in principle, we will draw up the Letters of Intent for signing: i.e. one for Klipdale (with ODM and CAM signing) and one for Napier (CAM signing) to sign ASAP.*
- (iii) *In parallel with this process, we (ORCT) will draft the Klipdale Management Plan (one piece of veld).*
- (iv) *We can then instruct our lawyer to prepare the legal document for the Conservation Servitude.*

- (v) *We can also then add the Napier Management Plan (4 pieces of veld) to the Klipdale plan – it will be best if they are tied into a single management plan, as they will be tied by a single Conservation Servitude agreement (to save legal costs, as discussed) and the same principles will apply to all.*

If you (all copied in here) are happy with these in principle, we will start adjusting these documents to be relevant for the municipalities (and will seek assistance from our legal advisor on this too), as they are currently set up for farmers or Trusts.

Just to make the Conservation Servitude clear: this is a servitude agreement signed over the whole property – but only the portions that are mapped (as per the rough map indicating where these areas are) are connected to the Management Plan – and the Management Plan is what the whole agreement is about. We work on this together, until all parties are satisfied.

MANAGEMENT RECOMMENDATION

- (i) That Cape Agulhas Municipality acknowledge the responsibility to protect areas with conservation value in Napier.
- (ii) That a formal agreement be entered into between CAM and the ORCT/Conservation Agency in order to ensure long term protection of all identified Renosterveld remnants within the jurisdictional area of the Municipality.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION 116/2019

- (i) That Cape Agulhas Municipality acknowledge the transfer of responsibility to ORCT/Conservation Agency to protect areas with conservation value in Napier
- (ii) That a formal agreement be entered into between CAM and the ORCT/Conservation Agency in order to ensure long term protection of all identified Renosterveld remnants within the jurisdictional area of the Municipality.

10.19 **KONSTITUSIE: SKULPIESBAAI STRUISBAAI (15/4/6/1 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Die opgedateerde Konstitusie van die huiseienaarsvereniging vir Skulpiesbaai Struisbaai word aan die Raad voorgelê vir oorweging.

LIGGING

Skulpiesbaai grens aan twee publieke strate, naamlik Freesiastraat en Oceanview Laan en het een interne privaatstraat, Leervis Singel.



AGTERGROND

Op 8 April 2019 ontvang die Stadsbeplanningsafdeling die volgende skrywe:

“Ons verwys na bostaande en heg hierby aan die bestaande Konstitusie asook die goedgekeurde wysigings tot die Konstitusie (met die wysiging tussen die twee Konstitusies in geel gemerk). Ons heg ook hierby aan die Notule rakende die wysiging vir u aandag. Ons dien dus graag die gewysigde Konstitusie in vir registrasie.”

Die opgedateerde Konstitusie van die Huiseienaarsvereniging is aanvaar deur die meerderheid van die lede van die Skulpiesbaai Huiseienaarsvereniging op 27 Desember 2018:

Besluit:

Die eienaars neem kennis van die versoek vanaf Rianna Willemse-Solms Prokureurs vir die formele skriftelike goedkeuring van die nuwe konstitusie vir die Skulpiesbaai Huiseienaarsvereniging.

Genoemde konstitusie is reeds gedurende Maart 2018 per e-posse goedgekeur deur die eienaars, maar gegewe die versoek gerig word die nuwe konstitusie hiermee weer aanvaar deur die eienaars teenwoordig deur ondertekening van die notule.

BESPREKING

Die opgedateerde/gewysigde gedeelte van die Konstitusie van die Huiseienaarsvereniging, is soos volg:

1. POWERS AND DUTIES

1.1.1 *The appointment of an auditor or a person qualified to act as financial officer of a Close Corporation to do an annual audit of the Association's financial records.*

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring verleen vir die gewysigde Konstitusie van die Skulpiesbaai Huiseienaarsvereniging.
- (ii) Dat die eenaar / aansoeker dienooreenkomstig ingelig word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 117/2019

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

10.20 PROGRESS REPORT: EXTENDED BREDASDORP INDUSTRIAL AREA (B1148 - MTRP)(WARD 4)**PURPOSE OF REPORT**

To inform Council on the progress of the Extended Bredasdorp Industrial Area.

LOCALITY PLAN

Erf 1148 is a large property that surrounds the town of Bredasdorp. The portion that the municipality would like to subdivide is situated in the industrial area of Bredasdorp between Swellendam Road and Ou Meule Street along the south-western banks of the Droë River. The area is surrounded by several industrial services or activities, including but not limited to agri-industries, aluminium and glass industries, a fuel depot as well other commercial shops predominantly selling agricultural products.



BACKGROUND

Council took the following decision on 29 September 2015:

HERSONERING, ONDERVERDELING: ERF 1148, BREDASDORP

Die Raad het gedurende 'n Raadsvergadering gehou op Dinsdag, 29 September 2015 as volg besluit:

Dat die Raad die volgende aansoek goedkeur:

1. Onderverdeling van erf 1148, Bredasdorp in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 in twee gedeeltes (Gedeelte A = ± 2.5 Ha en Restant = ± 1832 Ha).
2. Hersonerings van gedeelte A van erf 1148, Bredasdorp in terme van Artikel 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 van Onbepaalde Sone na Onderverdelingsgebied.
3. Onderverdeling van gedeelte A van erf 1148, Bredasdorp in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 in 14 Industriële Sone erwe en een Straat Sone.

Bogenoemde goedkeuring is onderhewig aan die voorwaardes (soos uiteengesit onder Bestuurder: Stadsbeplanner se kommentaar), neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985).

With inter alia the following condition:


4. Die aansoeker / eienaar / ontwikkelaar kennis neem dat die onderverdelingsgoedkeuring binne vyf jaar van die datum van hierdie skrywe verval, indien daar versuim word om die voorgestelde gedeelte te registreer by die Registrateur van Aktes.

LAYOUT: Below is a Subdivisional plan indicating the fourteen erven



ENVIRONMENTAL IMPACT ASSESSMENT

The following progress report was received from Messrs CES on 7 May 2019:

 <p>ENVIRONMENTAL AND SOCIAL ADVISORY SERVICES</p> <p>The Point, Suite 408, 4th Floor, 76 Regent Road, Sea Point, Cape Town, 8005 Tel: +27 (21) 045 0900 Email: info@cesnet.co.za; www.cesnet.co.za</p>	PROJECT STATUS REPORT	
	CLIENT	Cape Agulhas Municipality
	DATE	07 May 2019
	REPORT BY	Zweli Nkosi
CAPE AGULHAS MUNICIPALITY EIA		
ITEM	ACTION	
1. COMPLETED TASKS		
<p>Site Visit and Public Participation Process (PPP)-</p> <p>Site Visit:</p> <ul style="list-style-type: none"> • Conducted by CES and Ecological Impact Assessment Specialist to: <ul style="list-style-type: none"> ○ Assess baseline environment for proposed activity and identify sensitive environments that may be impacted • Erected Site Notice and dropped off Background Information Documents 		23 November 2018

<p>PPP:</p> <ul style="list-style-type: none"> • Prepared BID and Inception notification letters • Prepare and print site notice <p>• Compiled IAP list</p> <ul style="list-style-type: none"> • Send out inception letters and BID to IAP list, general members of the public and key stakeholders identified early on in the BA process <p>Specialist Studies-</p> <ul style="list-style-type: none"> • Submission: Heritage Screener and NID for review by client • Submission: Ecological Impact Assessment Report for review by client <p>Draft Application Form-</p> <ul style="list-style-type: none"> • Submit application Form for review by Client <p>Draft BAR & EMPr-</p> <ul style="list-style-type: none"> • Submission: Draft BAR for client review • Corrections to Draft BAR <p>Final Application form-</p> <ul style="list-style-type: none"> • Submit application to DEA&DP <p>Reviewed Draft BAR-</p> <ul style="list-style-type: none"> • Release: Draft BAR (Notify Public, Review Raised and Responses provided) 	<p>November 2018</p> <p>February 2019</p> <p>February & March 2019</p> <p>March 2019</p> <p>April 2019</p> <p>26 April 2019-28 May 2019</p>
2. SCHEDULED TASKS	
<p>Finalised BAR-</p> <ul style="list-style-type: none"> • Submission: finalised BAR and EMPr to DEA&DP 	<p>June 2019</p>
3. INVOICING	
<p>Pre-Application Phase- (Fees Paid)</p> <ul style="list-style-type: none"> • Invoiced and Paid: R 25 603.32 (VAT exclusive) <ul style="list-style-type: none"> ○ Mobilisation ○ Project Management ○ Inception Report / Project Plan ○ Initial PPP and Application form 	<p>14 December 2018</p>
<ul style="list-style-type: none"> • Invoiced and Paid: R 50, 567.33 (VAT exclusive) <ul style="list-style-type: none"> ○ Initial Site Visit and Draft Ecological Assessment Field Work ○ Heritage Specialist Screener and NID Submission to HWC • Invoiced and Paid: R 55 247.33 (VAT exclusive) <ul style="list-style-type: none"> ○ Draft BAR and EMPr ○ Final Ecological Assessment Field Work 	<p>26 March 2019</p> <p>26 March 2019</p>
<p>Post-Application Phase- (Fees still to be paid)</p> <ul style="list-style-type: none"> • To Invoice (Request Purchase Order): R 57 526.66 (VAT exclusive) <ul style="list-style-type: none"> ○ Submission of finalised Draft BA Application form ○ Release of Draft BAR (Notify Public, Review Raised and Responses provided) • To invoice (Request Purchase Order): R 22 273.33 (VAT exclusive) <ul style="list-style-type: none"> ○ Submission of finalised BAR to DEA&DP ○ Final EMPr 	<p>May 2019</p> <p>June 2019</p>

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

A letter dated 27 May 2019 from DEADP received by the Town Planning Department via e-mail on 3 June 2019 reads as follow:

COMMENT ON THE IN-PROCESS BASIC ASSESSMENT REPORT ("BAR") FOR THE PROPOSED EXPANSION OF AN INDUSTRIAL AREA ON ERF NO. 1148, BREDASDORP

1. The electronic correspondence dated 26 April 2019 and the draft BAR, as received by the Department on the same day and the Departmental letter issued on 5 May 2019, refer.
2. The following is the Department's comment on the in-process BAR:
 - 2.1. It is noted that the proposed development will not encroach onto the watercourse, and therefore Activity 19 of Listing Notice 1 will not be applicable to the proposed development. Activity 4 of Listing Notice 3 will also not be applicable, since the development will take place within an urban area.
 - 2.2. Page 7 of the report states that only one Species of Conservation Concern was recorded and that this species will require a permit for its removal. You are required to confirm who the competent authority is for the issuing of the permit and obtain comment from them. You are required to give an indication where the species is located within the development footprint. Note that if permits will be refused for the removal, another alternative will need to be considered and assessed as part of the proposed development.
 - 2.3. All comments obtained from Interested and Affected Parties and the relevant authorities must be included in the final BAR.
 - 2.4. All the aforementioned comments must be addressed in the Comments and Response Report, to be included as part of the final BAR.
 - 2.5. Since electricity services will be supplied by the Municipality, you are requested to provide this office with confirmation that the relevant authority has sufficient capacity to provide the necessary services (water supply, solid waste removal and effluent discharge) to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the final BAR. You are also requested to provide a services plan for the erven illustrating where the services will be connected.
 - 2.6. All original signed declarations (applicant, environmental assessment practitioner and specialists) are to be included in the final BAR. Please note that the Department **does not** accept copies or certified copies of the abovementioned documents.
 - 2.7. The EMPr page 8 does not include information with regards to the permit for the removal of the Species of Conservation Concern that needs to be undertaken.
 - 2.8. The recommendations and mitigation measures made by the Specialist Studies must be incorporated into the final BAR, layout plan and EMPr, where appropriate.
 - 2.9. The final BAR and EMPr must contain all information requirements outlined in Appendices 1 and 4 respectively of EIA Regulations 2014 (as amended). Omission of any required information may result in the application for Environmental Authorisation being refused by the Competent Authority.

DISCUSSION

The rezoning will lapse if one of the erven is not registered within the Deeds Office before 29 September 2020. Possible date for ROD (Record of Decision) will be discussed with DEADP on 5 June 2019.

MANAGEMENT RECOMMENDATION

- (i) That Council to take note of the progress made on the proposed Extended Bredasdorp Industrial Area.
- (ii) That one of the erven be registered in the Deeds Office before 29 September 2019.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management recommendation be accepted.

RESOLUTION 118/2019

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

10.21 **REQUEST FOR USE OF ERVEN 390 AND 608, L'AGULHAS (TRP - 15/5/5) (WARD 5)**

PURPOSE OF REPORT

For Council to consider the request from Zoetendal Academy.



BACKGROUND

Owner : Cape Agulhas Municipality
 Zoning - Erf 608 : Open Space
 Zoning - Erf 390 : Civic and Social

ERF 608

Land Parcel	
Erf	Erf 608 of Agulhas
Address	HOFFMANSTRAAT
SG Number	C01100010000060800000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Agulhas
Suburb: Financials	L'agulhas (0001)
Extent	1.2848Ha
Title Deed	T14608/1992
Owners	Mun L'agulhas
Registered	11 Mar 1992
Price	100,000.00
Municipal Value	1,280,000.00
Latest Valuation	850,000.00
Valuation Category	MUN
H Area	Unknown

ERF 390

Land Parcel	
Erf	390 of Agulhas
Address	WESSELSSTRAAT 74
SG Number	C01100010000039000000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Agulhas
Suburb: Financials	L'Agulhas (0001)
Extent	2.5635Ha
Title Deed	T45251/1986
Owners	Mun L'Agulhas
Registered	17 Nov 1986
Price	0.00
Municipal Value	2,560,000.00
Latest Valuation	1,200,000.00
Valuation Category	MUN
H Area	Unknown

CAPE AGULHAS INTEGRATED ZONING SCHEME

Erf 608 L'Agulhas is zoned for Open Space purposes in terms of the Cape Agulhas Integrated Zoning Scheme.

Purpose of the zone

The purpose of this zone is to provide for active and passive open space and public spaces in urban areas. This may include spaces that are intensively landscaped (green) and which are used for recreational purposes, and which add to the amenity of an area, or spaces that may be used for a variety of community and commercial uses on a non-permanent basis such as informal trading, periodical markets, concerts or public meetings.

Land use within zone

The following uses are allowed in this zone:

Primary uses	Consent uses
<ul style="list-style-type: none"> • Public open space • Private open space • Urban agriculture • Rooftop base station 	<ul style="list-style-type: none"> • Cemetery • Place of worship • Place of assembly • Crematorium • Informal trading • Institutional building • Place of instruction • Restaurant • Boat launching facility • Transmission tower

Development rules

The Municipality may determine development rules in accordance with the purpose of this zone.

ERF 390 L'AGULHAS IS ZONED FOR CIVIC AND SOCIAL PURPOSES IN TERMS OF THE CAPE AGULHAS INTEGRATED ZONING SCHEME

Purpose of the zone

The purpose of this zone is to provide for uses directed at serving community needs related to education, religion, health, social interaction, and recreation. Some of these uses require only consent in zones such as business and service business. However, where it is considered that such uses may potentially have a significant impact on surrounding uses, in residential areas for instance, rezoning will be required.

Land use within zone

The following uses are allowed in this zone:

Primary uses	Consent uses
<ul style="list-style-type: none"> • Place of instruction • Place of worship • Institutional building • Public open space • Urban agriculture 	<ul style="list-style-type: none"> • Conference facility • Cemetery • Dwelling house • Place of assembly • Rooftop base station • Transmission tower

Development rules

The following development rules apply to buildings in this zone:

Type of building	Floor factor	Maximum coverage	Maximum height	Street building line	Lateral and rear building lines
Place of instruction	1.0	60%	8,0m	10m	4,5m
Place of worship	1.0	60%	8,0m, provided that tower features designed to signify the significance of the building, may be higher with the consent of the Municipality.	10m	4,5m
Institutional building	1.5	60%	8,0m	10m	4,5m

Where the Municipality grants its consent for a dwelling house of a religious leader, the development rules for the Single Residential Zone shall apply.

Environmental management plan






The Municipality may require an environmental management plan as a condition of rezoning to the Civic or Social Zone or of its consent for any of the uses indicated above.

CAPE AGULHAS SPATIAL DEVELOPMENT FRAMEWORK PLAN

In terms of the Cape Agulhas Spatial Development Framework Plan the focus for L'Agulhas remains to enhance tourism and visitor amenity at the Lighthouse precinct and accommodating an Eco Estate sensitive to the general environment of the settlement.



CHANGE ACTIONS

-  ENHANCED COMMERCIAL OR INDUSTRIAL ACCOMMODATION
-  AREAS FOR PERI-URBAN AGRICULTURE
-  HOUSING DENSIFICATION AND INFILL
-  TREE PLANTING ROUTES AND IMPROVED LANDSCAPING
-  INFORMAL SETTLEMENTS AND AFFORDABLE HOUSING AREAS

Erven 390 and 608, L'Agulhas falls within the Urban Edge.

Change Actions:

Change actions	Areas or places to be upgraded	Informal settlements/ affordable housing areas	-
	Area for enhanced economic opportunity	Integration areas between informal areas/ affordable housing areas and centres of commercial activity	-
		Enhanced commercial or industrial accommodation for user convenience, entrepreneurship development, and work opportunity.	• Integrate commercial and non-residential development as far as possible abutting Main Road west of the caravan park.
		Focus area for public markets	-
		Areas for peri-urban agriculture	-
	Areas for densification and infill	Residential infill and densification	• Allow sensitive densification of residential fabric in L'Agulhas subject to the general height and character of surrounding development.
	Areas for efficient/ improved access to public services	Places for clustering public facilities	-
Improved landscaping	Streets or places where landscaping and tree planting should be focused	• Focus landscaping initiatives on a continuous NMT route linking Struisbaai North – and focal public places in between – to the Lighthouse precinct in L'Agulhas.	
Improved public amenity	Public amenity (e.g. ablution facilities) and easy access	• Maintain and upgrade beach-side parking areas, pedestrian routes, ablution facilities, and stairs/ steps (without creating large tarmacked areas).	

Implementation Framework Strategy as per the Spatial Development Framework Plan:

CAM will *inter alia*:

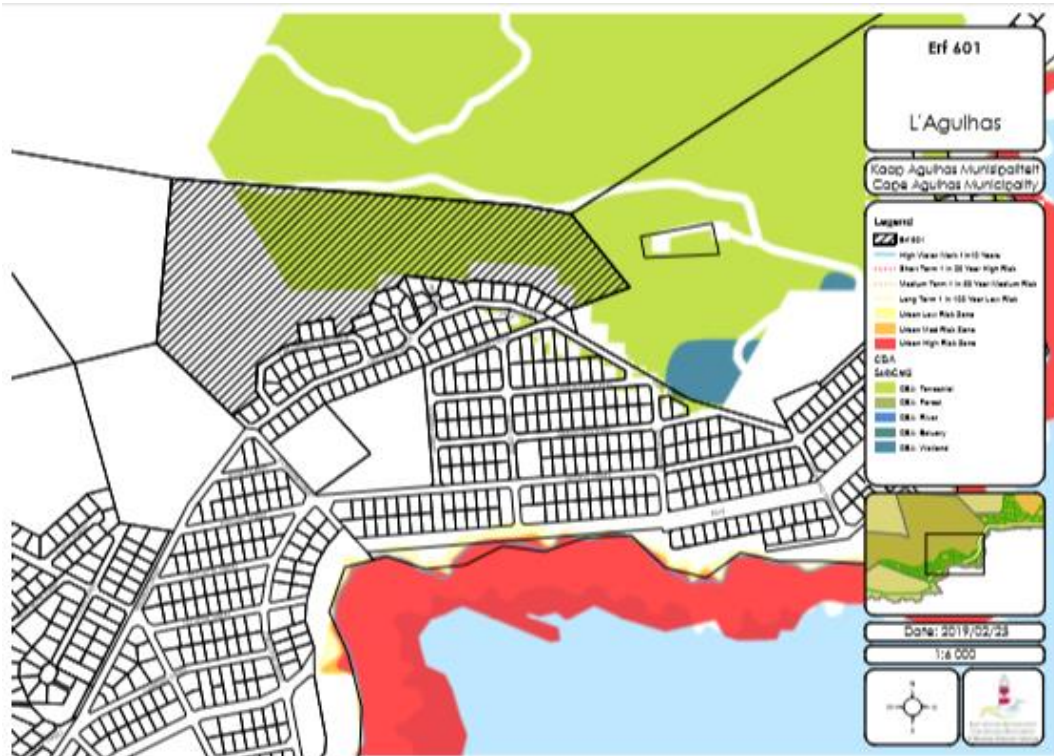
- Utilise Provincial biodiversity mapping to inform land use decision-making supportive of ecological integrity and natural resource protection.
- Assist in CapeNature's protected area expansion strategy and stewardship programme by highlighting priority areas outside the protected area network that are critical for the achievement of the Province's conservation targets (and by managing land use in these areas in a manner supportive of conservation goals).
- Delineate and manage urban edges, coastal and estuarine, and watercourse setbacks in a manner which diverts urban growth pressures away from ecologically important areas.
- Preserve significant and high-potential agricultural land within the municipality.

SPLUMA

In step with the SPLUMA principles, the following should be considered with the different options:

PRINCIPLE	SUMMARY
Spatial justice	<ul style="list-style-type: none"> • Past spatial and other development imbalances must be redressed through improved access to and use of land. • SDFs (and associated policies) must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, and areas characterised by widespread poverty and deprivation. • Spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons. • Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas and informal settlements. • Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas. • In considering an application, a Municipal Planning Tribunal may not be impeded or restricted in the exercise of its discretion solely because the value of land or property is affected by the outcome of the application.
Spatial sustainability	<p>Promote land development that is within the fiscal, institutional and administrative means of government.</p> <ul style="list-style-type: none"> • Give special consideration to the protection of prime and unique agricultural land. • Uphold consistency of land use measures in accordance with environmental management instruments. • Promote and stimulate the effective and equitable functioning of land markets. • Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments. • Promote land development in locations that are sustainable, limit urban sprawl, and result in communities that are viable.
Efficiency	<ul style="list-style-type: none"> • Land development must optimise the use of existing resources and infrastructure. • Decision-making procedures must be designed to minimise negative financial, social, economic or environmental impacts. • Development application procedures must be efficient, streamlined, and timeframes adhered to by all parties.
Spatial resilience	<p>Spatial plans, policies and land use management systems must be flexible to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.</p>
Good administration	<ul style="list-style-type: none"> • All spheres of government must ensure an integrated approach to land use and land development. • All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of SDFs. • The requirements of any law relating to land development and land use must be met timeously. • The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, must include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them. • Policies, legislation and procedures must be clearly set out in a manner which informs and empowers the public

Land uses within CBAs and ESAs must be carefully reviewed for suitability; development within a CBA would require strong motivation and is likely to be subject to an environmental authorisation and EIA. As seen on the map below the affected portion of Erven 390 and 608 L'Agulhas falls outside the CBA.



ZOETENDAL ACADEMY

Messrs Eloise Krige submitted the following request on behalf of the Zoetendal Technical Committee:

5 Maart 2019

Insake: Grond vir die uitbreiding en ontwikkeling van Zoetendal Akademie, te L'Agulhas. Opmerkings vanaf Kaap Agulhas Besigheids Assosiasie.

Die Kaap Agulhas Besigheids Assosiasie ondersteun die versoek vanaf Zoetendal Akademie om erf 390 met aangrensende erf 608, en dan ook erf 601, vanaf KAM te huur vir 'n tydperk van 9 jaar en 11 maande, met die opsie om te verleng. Hier gaan dit oor volhoubaarheid en die integrasie van gemeenskappe om samewerking en samehorigheid aan te wakker. Hier het ons die geleentheid om 'n omgewing te skep wat stadig maar seker ontwikkel. Ons stem saam met die skool dat die sportveld wat hulle beoog op erwe 390 en 608 'n reuse bydrae sal lewer in die bereik van hierdie doelwitte! Die gebou wat op erf 601 is, kan met groot sukses benut word vir nog klaskamers vir hierdie groeiende skooltjie.

Punte om in gedagte te hou:

- 1) Zoetendal Akademie is nie 'n privaat skool nie maar 'n onafhanklike skool en word befonds deur die ouers en WKOD.
- 2) Die leerlinge kom uit Suiderstrand, Agulhas, Struisbaai en Struisbaai Noord.
- 3) Leerlingstal tans 64 waarvan 25% leerlinge van kleur is.
- 4) Dit is 'n tweetalige skool, Afrikaans en Engels as voertale en vanaf 2019, word Khoza ook aangebied.
- 5) Ons het 'n vinnig groeiende gemeenskap wat bystand nodig het van KAM
- 6) Daar is reeds navorsing gedoen wat getoon het dat daar geen bedreigde spesies op hierdie erwe is wat in gedrang sal kom tydens ontwikkeling nie. Die klem lê hier ook op die bewaring van ons natuur wat op die voorstelling aangetoon is.
- 7) Paul Boshoff wat goed bekend is by KAM het kosteloos 'n voorstelling opgestel wat by hierdie versoek aangeheg is.
- 8) Buiten die huur van die gebou op erf 601 en die daarstel van 'n sportveld op erwe 390 en 608 wat ook beskikbaar sal wees vir die gemeenskap om te gebruik, het die skool ook die volgende in gedagte:

- Bankies onder die bome vir piekniek
- Speelareas vir kleuters en kinders
- Opelug gym vir ouer kinders en volwassenes wat saam met die sportveld benut kan word
- 'n Klein ablusieblok
- Sluitbare elektriese punte vir funksies

Die Kaap Agulhas Besigheids Assosiasie vra saam met die skool dat u hierdie versoek gunstig sal oorweeg.

Groete,

Eloise Krige
Voorsitter
Kaap Agulhas Besigheids Assosiasie (KABA)

DISCUSSION

In order to utilise Erven 390 and 608 L'Agulhas as requested by Zoetendal Academy, the following has to be considered: (1) Zoning; (2) Amendment of SDF; (3) Availability of Services.

MANAGEMENT RECOMMENDATION

For discussion at the Finance- and IT Services Committee meeting.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Die Komitee ondersteun die verhuring van erwe 390 en 608, L'Agulhas aan Zoetendal Akademie.
- (ii) Dat 'n sub-komitee, bestaande uit: Raadslid Burger, Raadsheer Jantjies, Raadslid Jacobs, Raadsdame Marthinus, Munisipale Bestuurder en mnr Hayward 'n terrein inspeksie uitvoer.
- (i) Dat insette ook vanaf die Wykskomitee gein word.

BESLUIT 119/2019

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

10.22 **SUIDERSTRAND BOAT LAUNCH SITE MANAGEMENT PLAN (MTP - 15/5/R)(WARD 5)**

PURPOSE OF REPORT

For Council to consider the Operational Plan for the Public Boat Launch Site in Suiderstrand.

LEGISLATIVE BACKGROUND

1. The 'Management of Public Launch Sites in the Coastal Zone regulations, hereafter referred to as the 'regulations', was promulgated in terms of section 83(1)(d)(i) & (o) of the *National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)*, as amended.
2. The regulations were published in Government Gazette No. 37761, appearing as Government Notice No. R.497, on 27 June 2014; and it provides the legal framework for the management of public launch sites in coastal public property in the following manner:
 - It describes who the role-players are;
 - It assigns obligations and duties to the role-players to manage the PLS;
 - It provides for management powers to be exercised when required;
 - It stipulates offences and specifies penalties for any transgression;
 - It clarifies any conflict of other legislation, regulations, by-laws in relation to the PLS regulations.

3. PLS Regulation 3(3) specifically obligates the Management Body, i.e. the Municipality, to manage a PLS in terms of an Operational Plan; which is considered by the MEC on matters outlined in regulation 2(2), he may wish to determine, impose or regulate on.
4. The Operational Plan can therefore make certain determinations, impose prohibitions or conditions and regulate on any matter pertaining to the management and use of the PLS; which if transgressed.
5. This document will serve as the Operational Plan; which will be managed by the Municipality; and which was jointly developed by the MEC and the Municipality.

SUIDERSTRAND SLIPWAY

OPERATIONAL PLAN FOR THE MANAGEMENT/ OPERATION OF PUBLIC BOAT LAUNCH SITES LISTED IN TERMS OF SECTION 2(2) OF THE MANAGEMENT OF PUBLIC LAUNCH SITES IN THE COASTAL ZONE (REGULATIONS GN. NO. R.497. 26 JUNE 2014)

SUIDERSTRAND PUBLIC LAUNCH SITE: OPERATIONAL PLAN

BACKGROUND

History and background to the Suiderstrand Slipway:

Suiderstrand is a small settlement located around a bay approximately 7 km to the west of Cape Agulhas. There is a beach access point for vehicles to the east side of the bay. Boats have been launched off this beach by recreational users from Suiderstrand and surrounding areas for the past 30 years. The ORV Regulations (Off-road Vehicle Regulations in terms of Section 44 of the National Environmental Management Act, 1998) provide for a general prohibition on the use of vehicles in the coastal zone except where the use is listed as a permissible use under regulation 4 of the ORV Regulations or where a permit has been granted under regulation 6.

Permissible uses, listed under regulation 4, applicable to the launching of boats in the coastal zone include the use of vehicles:

- at a boat launch site which has been licensed in terms of regulation 7;
- on a private slipway which has been leased in terms of the Sea-shore Act;
- within any part of a proclaimed harbour that has already been physically modified to the extent that it is no longer in a natural or semi-natural state; and
- by the National Sea Rescue Institute (NSRI) or Lifesaving South Africa in the public interest.

Any person may submit an application for the licensing of a boat launching site in terms of Regulation 7. Applicants are required to comply with Environmental Impact Assessment (EIA) requirements in terms of section 24(4) of NEMA, demonstrate that the use of the boat launching site will cause no significant harm to the coastal zone, and submit an Environmental Management Plan. A record of decision was issued by the Department of Environmental Affairs and Development Planning to license the Suiderstrand boat launch site in February 2007. This license expired in February 2010 and was not renewed.

The Suiderstrand Boat Club is submitting an application to have this boat launch site licenced. Anchor Environmental Consultants have been appointed by Resource Management Services to evaluate the boat launch site with a view to identifying and assessing the suitability of the site from an environmental perspective, the significance of potential impact associated with the use of the site, and to provide recommendations on any mitigation and or management measures to be put in place to minimise identified impacts. A site visit was conducted on the 4th of October.

This report focuses on the marine and coastal ecology of this area, but also considers the wider marine and coastal biogeographical context. Information contained in this report is based on a review of the relevant scientific literature, World Wide Web sources and the consultant's own experience and knowledge of marine and coastal ecology.

SITE LOCATION

Geographical Information					
Location Description					
District			Town		
Cape Agulhas			Suiderstrand		
GPS Co-ordinates					
Latitude		34°25'.19.5"S	Longitude		20°51'21"E

LEGAL STATUS OF THIS SITE AS A PLS

The Suiderstrand Slipway was listed by MEC: Local Government, Environmental Affairs and Development Planning, Anton Bredell, as an official Public Launch Site and Cape Agulhas Municipality identified as the responsible Management Body, in Provincial Gazette 7410, Provincial Notice 193/2015, on 26 June 2015.

PARKING AND CONTROL AREA

Extent of control area of launch site (see image: 1)

The extent of the controlled area, includes the parking area in Seeman Road, which abuts the sea shore as indicated in image 1.

Image: 1: Suiderstrand PLS Layout



Demarcated parking areas

To minimise the time that boats will be occupying the slipway, in the interest of bathers and other skippers alike, angled parking within the Seeman Road Parking is reserved for sea-going boat trailers and towing vehicles only). The area reserved is close to the slipway to reduce delays in fetching trailers after boats return from sea. No-one else may park or obstruct vehicles in parking there during seasonal holiday periods. The rest of the common is available for parking of other vehicles provided that access to the area reserved for parking of sea-going rigs is not obstructed.

Environmental Considerations

1. The users of this site must comply with the provisions of the general duty of care principle and the remediation stipulated in terms of section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the provisions of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) as well as all other relevant legislation.

2. No washing of vessels, trailers or vehicles, scaling and cleaning of fish, disposal of bait may take place on the site.
3. Everyone using the site and the beach areas shall collect their litter, including cigarette butts, and dispose of these in the refuse bins provided.

Management Agent

The Cape Agulhas municipality has contracted Suiderstrand Boat Club to manage this public launch site on its behalf in terms of an existing Service Level Agreement (SLA).

MARINE IMPACT ASSESSMENT REPORT

The following is the Marine Impact Assessment Report for the Suiderstrand Boat Launch Site as prepared by Resource Management Services during October 2011.

INTRODUCTION

Suiderstrand is a small settlement located around a bay approximately 7 km to the west of Cape Agulhas. There is a beach access point for vehicles to the east side of the bay. Boats have been launched off this beach by recreational users from Suiderstrand and surrounding areas for the past 30 years. The ORV Regulations (Off-road Vehicle Regulations in terms of Section 44 of the National Environmental Management Act, 1998) provide for a general prohibition on the use of vehicles in the coastal zone except where the use is listed as a permissible use under regulation 4 of the ORV Regulations or where a permit has been granted under regulation 6.

Permissible uses, listed under regulation 4, applicable to the launching of boats in the coastal zone include the use of vehicles:

- at a boat launch site which has been licensed in terms of regulation 7;
- on a private slipway which has been leased in terms of the Sea-shore Act;
- within any part of a proclaimed harbour that has already been physically modified to the extent that it is no longer in a natural or semi-natural state; and
- by the National Sea Rescue Institute (NSRI) or Lifesaving South Africa in the public interest.

Any person may submit an application for the licensing of a boat launching site in terms of Regulation 7. Applicants are required to comply with Environmental Impact Assessment (EIA) requirements in terms of section 24(4) of NEMA, demonstrate that the use of the boat launching site will cause no significant harm to the coastal zone, and submit an Environmental Management Plan. A record of decision was issued by the Department of Environmental Affairs and Development Planning to license the Suiderstrand boat launch site in February 2007. This license expired in February 2010 and was not renewed.

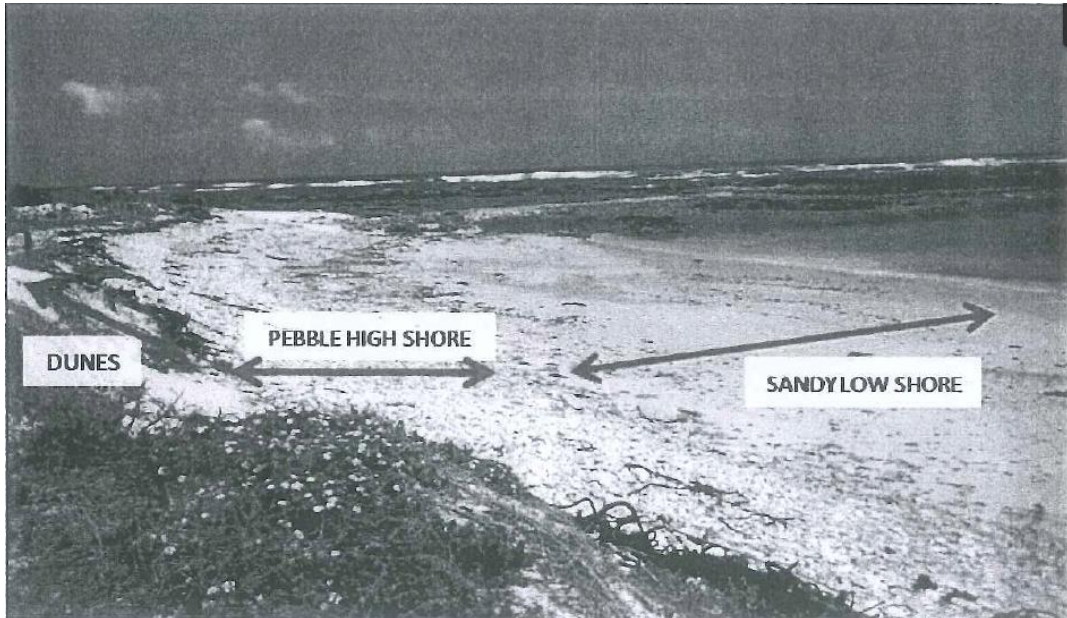
The Suiderstrand Boat Club is submitting an application to have this boat launch site licenced. Anchor Environmental Consultants have been appointed by Resource Management Services to evaluate the boat launch site with a view to identifying and assessing the suitability of the site from an environmental perspective, the significance of potential impact associated with the use of the site, and to provide recommendations on any mitigation and or management measures to be put in place to minimise identified impacts. A site visit was conducted on the 4th of October.

This report focuses on the marine and coastal ecology of this area, but also considers the wider marine and coastal biogeographical context. Information contained in this report is based on a review of the relevant scientific literature, World Wide Web sources and the consultant's own experience and knowledge of marine and coastal ecology.

DESCRIPTION OF THE AFFECTED ENVIRONMENT

The beach area used for the launching of boats at Suidestrand is situated on the east side of the bay adjacent to a rocky outcrop known as "Vlei se Bank". The beach is accessed via a sand track which extends through coastal dunes for 50 m. The sand track is accessed via Vlei street, a tarred road which ends in a cul de sac.

Beaches typically comprise three functional zones, namely the surf zone, the beach (intertidal and backshore zones) and the dunes. The surf zone and the low shore at Suiderstrand comprise sand while much of the remainder of the beach area (mid to high shore) is pebble beach. The area considered in this report includes the coastal dunes through which the track extends and the intertidal zone, which comprises sandy beach on the low shore and pebble beach on the high shore.



COASTAL HABITATS IN THE VICINITY OF THE BEACH ACCESS POINT AT SUIDERSTRAND, SOUTH AFRICA

Coastal dunes

Much of South Africa's coastline is backed by dunes, many of which are subject to severe human use pressures and encroachment by development (Rickard et al. 1994). Dunes function as important barriers absorbing storm energy and protecting coastal ecosystems and developments (van der Merwe 1988, Rickard et al. 1994). In addition, well established, vegetated dunes intercept salt spray and windblown sand thereby preventing deposition on the back dune areas (Priskin 2003). Dunes also provide nesting sites for many species of birds (Watson 1994).

Different dune communities have different tolerance levels to the impacts of ORV's. Plants on the foredune and primary dune are more vulnerable to damage but are better adapted for recovery as they regenerate relatively fast and are able to withstand sand burial (Priskin 2003).

Those communities which are least tolerant of changing environmental conditions, or physical stress, are damaged most (Rickard et al. 1994).

The recuperative ability of vegetation on stabilised secondary and climax dunes, particularly trees and shrubs, is poorer due to death by root exposure and damage, while the establishment and germination of seedlings of the slower growing dune shrub vegetation can be easily suppressed by ORV activities (Priskin 2003). Therefore the dunes at higher successional stages are very sensitive to ORVs and they also take the longest time to recover (Rickard et al. 1994).

The dunes around Suiderstrand are low profile, vegetated, stable coastal dunes. The vegetation type is Overberg Dune Strandveld belonging to the Fynbos biome (SANBI 2006). This vegetation type is classified as "Least Threatened" and is considered well protected (SANBI 2006).

Drift-lines are important sites for new dune development on open sand as they often contain large quantities of organic matter, including fragments and seeds of dune plants. Disturbance by ORVs can break up concentrated organic deposit and destroy embryo dunes, seedlings, rhizomes and regenerated plants above and below the sand surface (Priskin 2003). The drift-line at Suiderstrand comprises pebbles and is highly unlikely to support new dune development.

Intertidal habitat

The mid to high shore along the intertidal zone at Suiderstrand is a pebble beach. Biodiversity associated with pebble beaches is generally low because physical disturbance by mobile pebbles is high, thus only a handful of opportunistic species are generally supported in these habitats (McClintock et al 2007). Pebble beaches are, however, very rare in South Africa, constituting less than 1% of the coastline (Field and Griffiths 1991).

The low shore and surf zone at Suiderstrand is a sandy beach. Sandy beaches are very dynamic environments. They are continually changing; strong waves scour and erode beaches while gentle waves deposit sand. Sand is typically deposited with offshore winds, and eroded with onshore winds. Relatively few species occur on sandy beaches due to their unstable and harsh nature, but those that do occur are hardy, and well adapted to life in these environments (Branch 1981).

The faunal community composition is largely dependent on the interaction of wave energy, beach slope and sand particle size (beach morphodynamics). Three morphodynamic beach types are described: dissipative, reflective and intermediate beaches (Mclachlan et al. 1993). Dissipative beaches are wide and flat with fine sands and high wave energy. Waves start to break far from the shore in a series of spilling breakers that 'dissipate' their energy along a broad surf zone. These beaches usually harbour the richest intertidal faunal communities. Reflective beaches have low wave energy, and are coarse grained (>500 µm sand) with have narrow and steep intertidal beach faces. The relative absence of a surf-zone causes the waves to break directly on the shore causing a high turnover of sand. The result is depauperate faunal communities. Intermediate beach conditions exist between these extremes and have a very variable species composition (Mclachlan et al. 1993). The beach at Suiderstrand is an intermediate beach type and is expected to support a low to moderate level of faunal diversity and abundance in its surf zone and along the low shore. However the remainder of the intertidal zone is expected to support a depauperate faunal community given the unstable nature of the pebbles and the high level of disturbance caused by abrasive action.

Sandy beaches have no hard substratum onto which animals and plants can attach, and organisms living here rely on seaweeds deposited sporadically on the beach and organic rich froth, or spume, which provides a more steady source of nutrients (Branch 1981). Five groups of organisms are typically found on sandy beaches: aquatic scavengers, aquatic particle feeders, air breathing scavengers meiofauna (smaller than 1 mm in size), and higher predators (Branch 1981). The main inputs of food to the sandy beaches in this region are upwelling-related coastal phytoplankton and kelp detritus (Bally 1987; Stenton-Dozey and Griffiths 1983).

Surf zone habitats, particularly medium to low energy beaches, are widely recognised as important nursery areas for fish, and is even thought to rival that of estuaries in some areas (Clark et al. 1996, Lenanton et al. 1982, Bennett 1989, Potter et al. 1990). Sandy beaches are also important for the filtering and decomposition of organic matter in sea water.

As water percolates down through the sand the organic particles are trapped and decomposed by bacteria, which in turn release nitrates and phosphates that are returned to the sea. Continual flow of water through the sand maintains oxygen levels and aids bacterial decomposition, and thus sandy beaches act as water purifiers (Branch 1981).

Damara Terns (*Sterna balaenarum*), Africa Black Oystercatchers (*Haemotopus moquini*) and Whitefronted Plovers (*Charadrius marginatus*) are the three species of birds that nest in the dunes backing the beaches and in some cases along the beaches of South Africa (Watson 1992).

The White-fronted Plover is a common resident along the coast of South Africa (Branch et al. 2010). This species shows a preference for sandy seashores and coastal dunes, but is often found on rocky shores, coastal and inland mudflats, salt-pans, estuaries, saline and brackish lagoons, and offshore islands (Birdlife International 2011). They nest landward of the high water mark on dunes, sandbars, and occasionally in quarries or on roadside gravel, and seem to prefer areas where there is vegetation, often laying eggs next to it (Watson 1992). The nest comprises a shallow scrape in the sand and the eggs are laid directly on the sand, and may be buried (Birdlife International 2011).

Chicks are led to the beach to feed after hatching and often shelter in vehicle tracks where they are under the threat of being crushed by ORVs (Watson 1992). The nests have been found year round, although their peak breeding season is November to March (Birdlife International 2011). During the last national coastal bird count an average density of 7 white-fronted plovers per km of coast was counted. This is a moderate value, with high values of 48 birds per km along other sections of coast. Therefore this beach is not of particular importance for white-fronted plovers.

The African Black Oystercatcher is endemic to southern Africa and is listed as near threatened on the IUCN Red list (Birdlife International 2011). Their range extends from the coastal areas of Namibia to the Transkei (Watson 1992). This species forages exclusively in the intertidal zone and they can be found on both rocky and sandy shores throughout the year (Birdlife International 2011). Breeding occurs from September to April, with a peak from November to February. The favoured breeding habitats are offshore islands and sandy beaches; however they do occasionally breed on mainland rocky shores (Birdlife International 2011). Oystercatcher nests are simple scrapes in the sand where possible, but on rocky substrata shells are built up to form a lip or eggs are laid on bare rock. The birds build their nests just above the high water mark (usually within 30 m) and sometimes even below it. Besides being susceptible to high storm or spring tides the nests are situated in the path of vehicles travelling on or just above the HWM (Branch et al. 2010). During the last national coastal bird count an average density of 7 oystercatchers per km of coast was counted. This is a low value, with values in excess of 50 birds per km along other sections of coast. Therefore this beach is not of particular importance for oystercatchers.

Damara terns are migrants that only breed along the west and south coasts of South Africa. This species is predominantly a coastal species and is listed as near threatened on the IUCN Red list (Birdlife International 2011). The birds migrate up the west coast of Africa in April and return to the breeding grounds in September and October (Watson 1992). They nest on flat, unvegetated areas (stony plains, salt pans and dunes), usually further than 100 m from the HWM (Watson 1992). The nests comprise a non-descript scrape in the sand which will sometimes be lined with shell chips or small stones. The clutch-size is usually one, rarely two, and the incubation period is 18-22 days (Birdlife International 2011). While nesting the eggs are probably only vulnerable to natural predators. However, when the juveniles move to the beach a couple of days after hatching, they are in danger of being crushed by ORVs (Branch et al. 2010). No Damara terns were recorded at Suiderstrand during the last national coastal bird count.

The beach at Suiderstrand is thus not of particular importance for sandy beach associated faunal communities or birds which are dependent on beaches. However, the pebble beach found along the mid and high shore at Suiderstrand is a very rare habitat type along the South African coast.

IMPACT IDENTIFICATION AND ASSESSMENT

Disturbance to dunes

Several authors have highlighted the fact that that much of the damage caused by the use of ORV's in the coastal zone occurs above the high water mark where drivers traverse dunes and other sensitive coastal habitats to reach to beach (van der Merwe 1988, Rickard et al. 1994).

Vehicular traffic on dunes leads to the displacement of sand downslope, the compaction of the soil and the reduction of organic matter. Driving up a slope can cause substantial erosion as the tyres force sand downhill (Priskin 2003). This leads to the lowering of the dunes, which reduces the capacity of dunes to withstand the onslaught of storms.

The amount of sand transported by vehicle use is affected by the type of vehicle, the slope of the track, vegetation, moisture content of the soil, depositional history of the sand, existence of salt-crust and the history of previous vehicular disturbance (Priskin 2003). In addition the shearing effects of sharply turned vehicles can cause excessive damage (Rickard et al. 1994). Authors have thus advised that roads and walkways in both fore- and climax-dune areas should be straight and avoid steep gradients and sharp turns to prevent users from seeking alternative easier routes which would increase the extent of impacted area (Van Der Merwe 1988, Rickard et al. 1994).

Vegetation plays an important role in the formation and stabilisation of coastal dunes. The mechanical action of a vehicle passing over vegetation results in the death of all or part of the plant by breakage, crushing or abrasion (Rickard et al. 1994). This leads to the reduction of total vegetation cover and the height of the vegetation (Rickard et al. 1994). In addition, research has shown that ORV passage generally reduces the number of species present (Rickard et al. 1994). Once vegetation has been removed and bare sand is exposed, the dunes become susceptible to erosion blowouts and destabilisation. This problem is exacerbated on stable dunes since, if blowouts occur, dunes can migrate rapidly and few species in this previously stable area are adapted for growth in large volumes of moving sand (Rickard et al. 1994). The dune crest may be lowered by intense ORV use and in some cases may split thereby significantly altering the topography (van der Merwe 1988). Vegetation removal from the foredunes can cause the natural foredune profile to steepen, reduce wave energy dissipation and increase dune erosion during storms (van der Merwe 1988).

A number of physical properties are altered by the removal of vegetation such as, wind speed, evaporation, atmospheric salinity, soil pH, soil and air temperatures (van der Merwe 1988, Rickard et al. 1994). These factors combined with the increased bulk density and altered moisture content of soil (caused by the direct impact of vehicles) creates a harsher environment for surviving plants and inhibits the abilities of seedlings to germinate (van der Merwe 1988, Rickard et al. 1994). Continual heavy impacts over time can lead to a widening of the track and the prevention of vegetative recovery. This could cause erosion problems, especially if the track is orientated along prevailing winds.

The dunes around Suiderstrand are low profile, vegetated, stable coastal dunes. The vegetation type is Overberg Dune Strandveld belonging to the Fynbos biome (SANBI 2006). This vegetation type is classified as "Least Threatened" and is considered well protected (SANBI 2006). The route through the dunes is well defined and in a fair state of repair. The impacts of the continued use of this route are likely to be of a low significance provided the carrying capacity is not exceeded, drivers do not deviate from the route and the route is maintained.

MANAGEMENT REQUIREMENTS

The impacts arising out of the use of this boat launch site are likely to be of low significance provided the applicant and users comply with the following management requirements as applicable:

- Access must be controlled by a locked chain across the access route.
- A sign board must be posted at the access point with contact details of who to contact to gain access and to inform the users of the boat launch site that such area is restricted to users that comply with all the requirements of the Marine Living Resources Act 1998 (Act 18 of 1998) and regulations, and South African Maritime Safety Authorities (SAMSA) legislation, as well as all other relevant legislation.
- A responsible person must be available to manage access to the launch site, to keep a record of all launches whenever the site is in use, and to ensure the specified daily maximum number of launches is not exceeded. The launch register must contain at least the following: vehicle and trailer registration numbers, SAMSA Vessel registration number, Number of crew on the vessel, Name of boat, Time and date of entry, Purpose for entry and name of skipper.
- Boats and vehicles must be checked to ensure no hydrocarbon leaks exist prior to permitting access to the beach.
- The beach launching area must be clearly demarcated using illustrations on a signboard at the start of the access point and two clearly visible poles at either extent of the launch site, to be erected whenever the site is in use. Users must be instructed to remain within the boundaries of the demarcated boat launch area and within the limits of the existing track.
- The area used for launching should not exceed 50 m north and 20 m south from the point at which the access route reaches the high water mark.
- No vehicles or trailers may remain parked on the beach or in the dune area. A suitable area must be designated for parking of vehicles and trailers used for launching of boats.
- A maximum of 15 boat launches per day should be permitted at this site.
- Permission for one disabled member of the Suiderstrand Boat Club to leave his vehicle and trailer in the launching zone granted in the original ROD for the launch site should be retained, provided that the vehicle and trailer are parked within the demarcated launching area.

MANAGEMENT RECOMMENDATION

- (i) That Council contract Suiderstrand Boat Club to manage the Suiderstrand public launch site on its behalf in terms of an existing Service Level Agreement (SLA).
- (ii) That Council approve the Operational Environmental Management Plan.
- (iii) That the Provincial Department be informed of Council's decision.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management recommendation be accepted.

RESOLUTION 120/2019

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

10.23 **WYSIGING VAN RAADSBESLUIT: GEDEELTE VAN ERF 856, STRUISBAAI (BSSB - 7/R) (WYK 5)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die wysiging van die Raadsbesluit 55/2019 geneem op 30 April 2019.

ALGEMENE INLIGTING

Bestaande sonering	:	Onbepaald
Bestaande grondbesluit	:	Vakant
Bestaande oppervlakte	:	228.0319Ha
Voorgestelde grondbesluit	:	Skool
Voorgestelde grootte	:	±56405m ²

**AGTERGROND**

Op **30 April 2019** neem die Raad die volgende besluit (55/2019):

Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van 'n gedeelte van Erf 856 Struisbaai vir die gebruik daarvan vir skool doeleindes, op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding, stadsbeplanning en boubeheer nagekom word.
2. Die aansoek na afhandeling van die stadsbeplanning en boubeheer prosesse weer na die Raad verwys word vir finale oorweging.
3. Oordrag sal plaasvind sodra alle wetlike prosesse afgehandel is.
4. Onderhandelings met Departement Openbare Werke in aanvang neem vir die ruiling van Erf 913 en 1253, Struisbaai vir die betrokke aansoek eiendom.

Op **29 September 2016** neem die Raad die volgende besluit (202/2016) ten opsigte van toekomstige ontwikkeling van die Polisiestasie in Struisbaai:

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

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

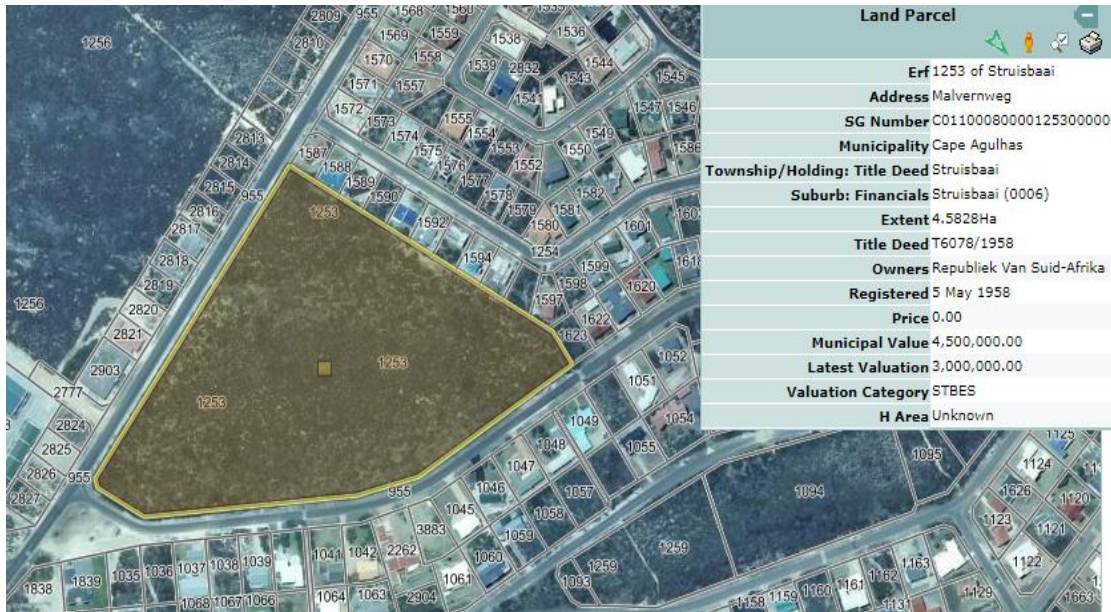
WYSIGING EN BESPREKING

Erf 913, Struisbaai (bestaande skoolperseel) behoort aan die Provincial Government-Western Cape en is 1.5 Ha groot.



Land Parcel	
Erf	Erf 913 of Struisbaai
Address	32 Vyfde Laan
SG Number	C01100080000091300000
Municipality	Cape Agulhas
Township/Holding: Title Deed	Struisbaai
Suburb: Financials	Struisbaai (0006)
Extent	1.4967Ha
Title Deed	T5524/1968
Owners	Provincial Government-Western Cape
Registered	18 Mar 1968
Price	0.00
Municipal Value	1,790,000.00
Latest Valuation	1,025,000.00
Valuation Category	STBES
H Area	Unknown

Erf 1253, Struisbaai (toekomstige skoolperseel) behoort aan die Republiek Van Suid-Afrika en is 4.6Ha groot.



Ten einde te voldoen aan Voorwaarde 4 hierbo gaan die proses van oordrag en vervreemding baie lank neem, aangesien die twee erwe aan twee verskillende staatsinstansies behoort, en aangesien die Raad 2016 inter alia die volgende besluit het:

Die onderhandelings met Departement Openbare Werke in aanvang neem vir die ruiling van erf 1253, Struisbaai.

BESTUURSAANBEVELING

- (i) Dat Raadsbesluit 55/2019 geneem op 30 April 2019 (voorwaarde 4) gedeeltelik as volg gewysig word:

Onderhandelings met Wes-Kaap Regering in aanvang neem vir die ruiling van erf 913, Struisbaai vir die betrokke aansoekieendom.

- (ii) Dat voortgegaan word met die onderhandelings met Departement Openbare Werke (Republiek van Suid-Afrika) vir die ruiling van erf 1253, Struisbaai met die gedeelte van Erf 857, Struisbaai.

BESLUIT 121/2019

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

10.24 **OORDRAG: ERF 3084, BREDASDORP (KAM NA OERSEN)**

DOEL VAN VERSLAG

Om oorweging te skenk om die eiendom op erf 3084, Bredasdorp vanaf oorspronklike koper direk oor te dra na 'n nuwe koper.

ALGEMENE INLIGTING

Eienaar : KAM
 Eiendom : Erf 3084, Bredasdorp
 Erf Grootte : 313 m²
 Tipe huis : Selfbou

AGTERGROND

Die skemahuis wat gebou is op erf 3084, Bredasdorp (Baatjiesstraat 23) was aan mnr Farmer toegeken en is deur hom gekoop. Mnr Hans Oersen het die betaling vir die huis gedoen en die volle bedrag betaal. Mnr Oersen betaal ook die volle diensterekening sedert 1997. Mnr Oersen het reeds die koopkontrak op 22 September 1995 onderteken (sien aangehegte skrywe vanaf LBF Prokureurs en die koopkontrak op **blasy 5 tot 15**).

Mnr Oersen versoek die Raad nou om die huis in sy (Oersen) naam oor te dra, aangesien hy alles betaal het. Indien die Raad toestemming gee, kan die oordrag drie-sydig gedoen word vanaf KAM na Boedel Farmer na H en L E Oersen.

MARKWAARDASIE

Nie van toepassing - Koopprijs op die koopkontrak was R23 849,98 en die volle bedrag is betaal.

FINANSIËLE IMPLIKASIES

Dat die oordrag vir die Raad se rekening sal wees, aangesien die Raad die eerste oordrag ook sou moes betaal.

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring gee dat erf 3084 direk van KAM na H en L Oersen oorgedra kan word.
- (ii) Dat die koste van die oordrag vir die Raad se rekening sal wees.

BESLUIT 122/2019

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

10.25 REGSTELLING VAN GEREESTREERDE EIENDOM: ERF 3657 EN 1986, BREDASDORP**DOEL VAN VERSLAG**

Om oorweging te skenk om die eiendomsregistrasie van erf 3657 en erf 1986, Bredasdorp reg te stel waarop die kerk foutiewelik gebou is.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 1986 en 1987(restant), Bredasdorp
Erf Grootte	:	2156m ² en 2831m ²
Eienaars	:	Betanie Pinkster Sending Gemeente – Bredasdorp
Eiendom	:	Erf 3657, Bredasdorp
Erf Grootte	:	2121m ²

AGTERGROND

Erf 1986 en 1987 is geleë op die hoek van Acacia-, Asterlaan en Magnoliaweg in Bredasdorp (sien aanliggende planne/fotos op **bladsy 16 tot 19**).

Die Raad word versoek om 'n gedeelte van erf 1987 te vervreem vir die oprigting van 'n kerk. Die Raad onderverdeel erf 1987 in die jaar 2000 en die nuwe gedeelte staan bekend as erf 3657, Bredasdorp (sien aangehegte LG kaart 5385/2000 op **bladsy 20**).

Die Raad van Bredasdorp Munisipaliteit besluit met Raadsbesluit 636/1995 om “gedeelte van erf 1987” (die nuwe erf 3657) aan die Betanie Pinkster Sendingkerk te verkoop vir die bedrag van R6 393,00 wat wel betaal is. Sodanige erf (3657) word aan Betanie Pinkster Sendinggemeente op 25 Januarie 2000 oorgedra (sien aangehegte akte nasook op **bladsy 21 tot 23**).

Die bouplan van die kerk word in 1997 goedgekeur. Die kerk word opgerig, MAAR OP DIE VERKEERDE ERF, NAAMLIK ERF 1986, WAAR DIT VANDAG NOG STAAN (sien aangehegte lugfoto op **bladsy 24**).

Opsomming: Die Betanie Pinkster Sendinggemeente is die geregistreerde eienaars van erf 3657, maar hul kerk is opgerig op erf 1986, Bredasdorp.

Regstelling: Om 'n ruiltransaksie met Betanie Pinkster Sendinggemeente aan te gaan om erf 3657 aan die Raad terug te transporteer in ruil vir erf 1986 waarop die gemeente se kerk tans gebou is.

MARKWAARDASIE

Nie van toepassing.

FINANSIËLE IMPLIKASIES

Dat die regstellingsoordrag vir die Raad se rekening sal wees.

WETLIKE IMPLIKASIES

Dat die nodige regstelling so spoedig moontlik gedoen word.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die nodige regstelling.
- (ii) Dat goedkeuring gegee word om erf 1986, Bredasdorp te ruil vir erf 3657, Bredasdorp om die geregistreerde eienaarskap te finaliseer.
- (iii) Dat geen kompensasie aan Betanie Pinkster Sendinggemeente betaal sal word nie.
- (iv) Dat die koste van die regstelling vir die Raad se rekening sal wees.
- (v) Dat die Raad se prokureur opdrag sal kry om die nodige regstelling in die akte kantoor te doen.

BESLUIT 123/2019

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

10.26 **MEMORANDUM OF UNDERSTANDING (MOU): QHUBEKA CHARITY NPC / CAPE AGULHAS MUNICIPALITY (CAM): SCHOLAR BICYCLE PROGRAMME**

PURPOSE OF REPORT

To present the MOU between Qhubeka Charity NPC and CAM to Council for cognisance (***attached on page 25 to 31***).

BACKGROUND

Qhubeka helps people move forward and progress by providing them with bicycles in return for work done, which changes their lives by increasing the distance people can travel, what they can carry, and helping them to reach their destination faster.

PURPOSE OF PROJECT

The parties have agreed to cooperate on the implementation of an initial 80 bicycles for an SBP at Cape Agulhas Municipality to achieve the following Project goals and strategic objectives:

- (i) Empower CAM with bicycles to improve scholar mobility.
- (ii) Enable scholars to access a structured learning institution by using bicycles to travel to and from school and/or from home and bus/taxi collection points.
- (iii) Give scholars an opportunity for improved educational outcomes and higher pass rates through increased school attendance and punctuality in using bicycles to travel.

Some of the learners who stays on farms walk between 3 and 5 kilometres to the pick-up points of the bus/taxi.

FINANCIAL AND PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council take note of the MOU between Qhubeka Charity NPC and Cape Agulhas Municipality.
- (ii) That the Municipal Manager be authorised to sign the MOU.

RESOLUTION 124/2019

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

10.27 ASSET MANAGEMENT UNIT: WRITE-OFF OF OBSOLETE ASSETS: MAY - JULY 2019**PURPOSE OR REPORT**

1. To obtain approval for obsolete assets that are not needed to provide the minimum level of basic municipal services and requirements to be disposed.
2. To table to Council the list of assets redundant or obsolete for write-off.
3. To ensure that all assets identified as obsolete which does not meet the minimum level of requirements for basic service delivery are disposed of with the necessary approval based on council judgement.

Obsolete assets that are no longer functional, not fit for purpose and beyond repair must be disposed of to avoid maintenance and hazard problems.

LEGISLATIVE BACKGROUND

Under Law 56 of 2003 of the MFMA, section 14

DISPOSAL OF CAPITAL ASSETS

- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
- (2) *A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public-*
 - *(a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
 - *(b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*

- (3) *A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
- (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*
- (5) *Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.*
- (6) *This section does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.*

ASSET MANAGEMENT POLICY

Cape Agulhas Municipality Asset management Policy (Page 10-11 : Disposal of Assets):

“Every manager shall report in writing to the Chief Financial Officer on 30 April of each financial year on all assets controlled or used by the department concerned which such manager wishes to alienate by public auction or public tender.

The Chief Financial Officer shall thereafter consolidate the requests received from the various departments, and shall promptly report such consolidated information to the Council or the Municipal Manager of the municipality, as the case may be, recommending the process of alienation to be adopted.

Once assets are alienated, the Chief Financial Officer shall in terms of GRAP adjust the asset register for the current year and shall, for the ensuing year, delete the asset from the accounting records and the asset register.

If the proceeds of the alienation are less than the carrying value recorded in the fixed asset register, such difference shall be recognised as a loss in the Statement of Financial Performance of the department or vote concerned.

If the proceeds of the alienation, on the other hand, are more than the carrying value of the fixed asset concerned, the difference shall be recognised as a gain in the Statement of Financial Performance of the department or vote concerned.

All assets earmarked for write-off must be sold on a public auction or tender once the following steps have been followed:

- *a notice was published in the local press of the municipality’s intention to sell the asset;*
- *in the case of computer equipment the provincial department of education is first approached to determine within 30 days if any of the local schools are interested in the equipment;*
- *in the case where no such schools are interested in the computer equipment it must be donated to non-profit organisations who will have to motivate why the equipment must be donated to them and / or demolished in the presence of the internal auditor;*
- *In the case of an public auction an independent auctioneer was appointed to hold the auction; and*
- *In the case of a public tender the prescribed tender procedures were followed.”*

Management response

The relevant line managers responsible for the assets was consulted in the process of determining whether the below assets should be tabled for write-off. It was concluded that the assets is redundant and can no longer be use in the provision of services as required by administration and council.

MANAGEMENT RECOMMENDATION

- (i) That Council resolves that the following item as per section 6 be written-off and removed from the municipal Asset Register:

Extra Description	ISUZU N4000D 4T Tipper
GFS (vote)	Electricity
Municipal (vote)	Electricity
Asset Category	Other assests
Asset Type Description	Vehicles
Reg No	CS4267
Commissioning Date	30 June 2004
Carrying Value - 30 June 2018	R7 118,83

- (ii) That Council resolves that the following items as per section 6 be written-off and removed from the municipal Asset Register:

1. Obsolete assests worth R119 179,00
Schedule A (**attached on page 32 to 34**):
2. Items that could not be found during the asset verification process. Items is worth R3 066,62.
Schedule B (**attached on page 35**):

- (iii) Council also resolves that the items be place on public auction or sold as per SCM recommended processes.

RESOLUTION 125/2019

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

10.28 **ODUIT AKSIEPLAN 2017/18 (OPCAR): MAANDELIKSE VORDERING - JUNIE 2019****DOEL VAN VERSLAG**

Oorweging van die vordering met en afhandeling van die goedgekeurde 2017/18 Oudit Bevindinge Aksieplan (OPCAR) soos op 30 Junie 2019.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2017/18 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die aangehegte Oudit Bevindinge Aksieplan op **bladsy 36 tot 45** opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieoudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaalike grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die Raad die vordering met die 2017/18 Ouditeur-Generaal Aksieplan soos op 30 Junie 2019 oorweeg en aanvaar.

BESLUIT 126/2019

Die Raad neem kennis en aanvaar die vordering met die 2017/18 Ouditeur-Generaal Aksieplan soos op 30 Junie 2019.

10.29 **KWARTAALVERSLAG OOR DIE OUDITKOMITEE SE WERKSAAMHEDE VIR DIE KWARTALE GEËINDIG 31 MAART 2019**

DOEL VAN VERSLAG

Verslagdoening aan die Raad oor die Ouditkomitee se werksaamhede, die uitvoering van sy pligte en aanbevelings gemaak vir die kwartaal geëindig 31 Maart 2019.

AGTERGROND

In terme van Nasionale Tesourie se Omsendskrywe 65 van 2003 moet die Komitee op 'n kwartaallikse basis verslag aan die Raad doen oor die uitvoering van hulle funksies en werksaamhede asook werksaamhede van die interne oudit aktiwiteit. Hierdie omsendskrywe is in 2012 aangepas om by die jongste verwikkelinge en verwagtinge rondom die komitee, interne oudit en risiko bestuur aan te pas.

Op grond van hierdie skrywe het die Komitee sy kwartaal verslag, soos aangeheg op **bladsy 46 tot 49** opgestel vir bogemelde kwartaal en wat nou aan die Raad voorgelê word vir bespreking en oorweging.

Die Raad se aandag word graag op die volgende pertinente punte in die verslag gevestig:

- Par. 5(a): Areas waarmee die Komitee hulle tevredenheid uitspreek.
- Par 5(b): Areas van bekommernisse.
- Par 5(c): Ouditverslae wat deur die Komitee oorweeg is.
- Par 6: Aanbevelings deur die Komitee gemaak.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Voldoening aan die Munisipale Beplannings- en Prestasie-Bestuursregulasies, 2001 en Tesourie Omsendskrywe 65 van 2003.

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

Dat die Raad die inhoud van die Komitee se kwartaalverslag vir die kwartaal geëindig 31 Maart 2019 oorweeg en aanvaar.

BESLUIT 127/2019

Die Raad neem kennis en aanvaar die inhoud van die Komitee se kwartaalverslag vir die kwartaal geëindig 31 Maart 2019.

10.30 APPROVAL OF THE CAPE AGULHAS YOUTH COUNCIL CONSTITUTION**PURPOSE OF REPORT**

For Council to approve and adopt the Constitution of the Cape Agulhas Youth Council, attached on *page 50 to 54*.

BACKGROUND

The Cape Agulhas Youth Council was established on 24 March this year during the youth summit and represents youth from all the towns within our municipal boundaries. The adoption and approval of the Cape Agulhas Youth Council constitution will give the elected members the mandate to serve the Cape Agulhas youth. The document will also guide them how to govern the structure effectively.

FINANCIAL IMPLICATIONS

The Social Development budget will be utilized for projects implemented by the Cape Agulhas Youth Council.

STAFF IMPLICATION

There is only one staff member assigned to the human development department.

LEGAL FRAMEWORK

1. The Constitution of the Republic of South Africa, 1996
2. National Youth Commission Act, No 19 of 2006
3. Municipal Financial Management Act

MANAGEMENT RECOMMENDATION

That Council approves and adopts the Youth Council Constitution.

RESOLUTION 128/2019

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

10.31 EXTERNAL HEALTH AND SAFETY AUDIT REPORT: COMMENTS MADE BY MANAGEMENT**PURPOSE OF REPORT**

To give Council feedback on external health and safety audit report conducted by SafeNet Africa on the owners of the risk (*see document supplied separately*).

BACKGROUND

SafeNet Africa conducted an external health and safety audit report Bredasdorp, Arniston, Struisbaai and Napier areas of Cape Agulhas Municipality in the month of April 2019.

The workshop will be organised to discuss the report with the responsible managers and the health and safety committee.

LEGAL IMPLICATIONS

1. Health and Safety Act of 1993
2. Council Health and Safety policy

PERSONAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

R29 988,00

MANAGEMENT RECOMMENDATION

That Council take note of the external health and safety audit report for April 2019.

RESOLUTION 129/2019

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

10.32 **STRATEGIC RISK ANALYSIS FOR 2019/20****REPORTS FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATION****PURPOSE OF REPORT**

To review and approve Council's Strategic Risks for the 2019/20 Financial Year.

LEGAL FRAMEWORK

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

DISCUSSION

The Council is required to annually review its strategic risks. The Risk Management Unit undertook an extensive risk assessment of every department during February 2019. This was followed by a risk action formulation process during May 2019 which was aimed at developing actions to mitigate each of the risks.

The risk register for 2019/20 which comprises 66 risks was then developed and workshopped with the FARMCO on 12 June 2019.

The risk register comprises 66 risks which are divided into operational and strategic risks. FARMCO recommended the operational risk register for approval by the Municipal Manager and the strategic risk register for approval by Council. The risk actions are included in the report for noting and may change over the year. Detailed reports on progress made will be submitted to the Portfolio Committees on a quarterly basis.

The 2019/20 strategic risk register is substantially the same as the 2018/19 risk register. The 2018/19 risks relating to MSCOA and the Eskom maximum demand capacity restraints in the Cape Agulhas Municipal area were removed. The strategic risks for 2019/20 are therefore as follows:

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK	RESIDUAL RISK EXPOSURE	RISK ACTIONS
R 432	Restrictive Permit Conditions (Landfill Sites)	High	48	1. Submission of a report to council on the most feasible option for new landfill site

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK	RESIDUAL RISK EXPOSURE	RISK ACTIONS
R 479	Protest action / Civil unrest	High	47.25	1. Report to Portfolio committee on outcomes of Overberg Safety Forum meetings 2. MOU between municipalities in district to assist one another
R 478	Illegal Erection of Informal Structures and Land invasions	High	47.25	1. Monitor activities and incident reporting of squatter control (law enforcement). 2. Present an proposed action plan to Portfolio committee on dealing with possible future influxes of people 3. Review Housing and Squatter control Policies
R 439	Financial viability of the municipality	High	47.25	1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods) 1.1(b) Cleansing and classification of debtors 1.2 (b) Cleansing and updating of indigents 1.3 (b) Cleansing and updating of informal settlements 2. Monthly report to finance portfolio committee of long term financial plan and revenue enhancement framework
R 433	Provision of long term bulk water supply - source	Medium	22.5	1. Drafting of water services development plan. (Budgeting and Procurement) 2. Complete the equipping of new pump and electricity for boreholes in Suiderstrand and Napier (2 year roll-over budget) 3. Verification and licensing of all ground water sources and drafting of a groundwater management plan

MANAGEMENT RECOMMENDATION

- (i) That Council approve and accept the following strategic risks for 2019/20:

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK
R432	Restrictive Permit Conditions (Landfill Sites)	High
R479	Protest action / Civil unrest	High
R487	Illegal Erection of Informal Structures and Land invasions	High
R439	Financial viability of the municipality	High
R433	Provision of long term bulk water supply - source	Medium

- (ii) That reports on progress made with the actions be submitted to the Portfolio Committees on a quarterly basis.

RESOLUTION 130/2019

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

10.33 **2019/20 RISK MANAGEMENT POLICY, RISK MANAGEMENT STRATEGY AND FARMCO CHARTER REVIEW**

PURPOSE OF REPORT

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

LEGAL IMPLICATIONS

• **Municipal Finance Management Act (MFMA)**

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

• **National Treasury Risk Management Framework**

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

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

DISCUSSION

The Council last approved the revision of the Risk Management Policy and Risk Management Strategy and FARMCO Charter in September 2018. These documents are reviewed on an annual basis by the FARMCO. The revised documents were submitted to (FARMCO) on 12 July 2019 who approved minor amendments.

The minor amendments that were made are as follows:

- Alignment of the definitions between the policy, strategy, charter and the NT Framework
- Insertion of a distinction between the assessment of operational and strategic risks in paragraph 6.4 of the policy as required by the Internal Audit report on the Municipality's risk management processes with the NT Risk management framework in the policy
- Amendment of paragraph 4 of the Charter to include the Manager Protection services as a member.

The following documents are attached as Annexures:

Annexure A (<i>page 55 - 76</i>)	:	Cape Agulhas Risk Management Policy
Annexure B (<i>page 77 - 92</i>)	:	Cape Agulhas Risk Management Strategy
Annexure C (<i>page 93 - 102</i>)	:	Fraud and Risk Management Committee (FARMCO) Charter

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That the 2019/20 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2019/20 revision of the Cape Agulhas Municipality FARMCO Charter be approved.

RESOLUTION 131/2019

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

10.34 **TIME SCHEDULE OF KEY DEADLINES: 2020/21, 2021/22 AND 2022/23 BUDGET AND 2020/21 INTEGRATED DEVELOPMENT PLAN (IDP) REVIEW**

REPORT BY THE MANAGER STRATEGIC SERVICES**PURPOSE OF REPORT**

To present a Time Schedule of Key Deadlines for the 2020/21, 2021/22 and 2022/23 Budget and the 2020/21 IDP review for approval in terms of Sections 21(1) (b) and 53(1) (b) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).

LEGAL FRAMEWORK

Integrated development planning is regulated by Chapter 5 of the Local Government Municipal Systems Act. Act 32 of 2000.

Section 28 requires:

- 1) *“Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.*
- 2) *The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.*
- 3) *A municipality must give notice to the local community of particulars of the process it intends to follow.”*

Section 34 requires:

The Municipal Council to annually review its IDP in accordance with an assessment of its performance and to the extent that changing circumstances require.

The Municipal Finance Management Act, (MFMA) Act 56 of 2003 regulates the Budget preparation process -

“21. (1) *The mayor of a municipality must:*

- a) *co-ordinate the processes for preparing the annual budget and for reviewing the municipality’s integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible;*
- (b) *at least 10 months before the start of the budget year, table in the municipal council a **time schedule** outlining key deadlines for:*
 - (i) *the preparation, tabling and approval of the annual budget;*
 - (ii) *the annual review of:*
 - (aa) *the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - (bb) *the budget-related policies;*

- (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and
- (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii)

Section 53(1)(b) provides that -

The mayor of a municipality must co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.

DISCUSSION

The Council adopted a process plan for the development and review of the new five year IDP on 30 August 2016 per resolution 176/2016.

The Process Plan contained a detailed written process and a time schedule of key deadlines. Essentially the process stays the same for the duration of the IDP Cycle, but the time schedule is re-developed for each year.

The proposed Time Schedule for Deadlines for the 2020/21 IDP review and 2020/21, 2021/22 and 2022/23 is as follows:

ACTIVITY	Date	Legal Reference
JULY 2019		
Approval of Time schedule Council to approve Time Schedule for 2020/21 IDP Review	23 July	MFMA Section 21 <i>The mayor of a municipality must—</i> (a) co-ordinate the processes for preparing the annual budget and for reviewing the municipality’s integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible; (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for— (i) the preparation, tabling and approval of the annual budget; (ii) the annual review of— (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and (bb) the budget-related policies; (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).
AUGUST 2019		
- Publicise Time Schedule and submit to relevant Organs of State - Mass communication e.g. press articles, Facebook, newflashes.	2 August (and ongoing throughout process)	MSA Section 29(1)(b): <i>The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for-</i> i. the local community to be consulted on its development needs and priorities; ii. the local community to participate in the drafting of the integrated development plan; and iii. organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan.
AFS and Annual Performance Report	30 Aug	MFMA Section 126(1)(a): <i>The accounting officer of a municipality must prepare the</i>

ACTIVITY	Date	Legal Reference
Submit annual financial statements and annual performance report to the Auditor-General for auditing (within two months after the end of the financial year)		<i>annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing</i> MSA Section 46 (1): <i>A municipality must prepare for each financial year a performance report reflecting the performance of the municipality and of each external service provider during that financial year; a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and measures taken to improve performance</i>
SEPTEMBER 2019		
Public participation <ul style="list-style-type: none"> - Review of municipal needs as well as needs falling within functional mandate of other organs of state for submission to them: - Public Meetings* <ul style="list-style-type: none"> o Ward 1 – Napier o Ward 1 – Elim o Ward 2- Bredasdorp o Ward 2- Klipdale o Ward 3- Bredasdorp o Ward 4- Bredasdorp o Ward 4- Proteem o Ward 5- Struisbaai o Ward 6- Arniston o Ward 6- Bredasdorp - Ward Committee meetings in each ward to review and prioritise ward needs - CAMAF Meeting / newly established Municipal Wide Forum to review and prioritise Municipal Area needs (CAMAF will include representatives from organs of state) <p>* Public meetings for review process will be incorporated with quarterly feedback meetings of Councillors.</p>	02-19 Sept	MSA Section 34 <i>A municipal council—</i> <i>(a) must review its integrated development plan—</i> <i>(i) annually in accordance with an assessment of its performance measurements in terms of section 4 and</i> <i>(ii) to the extent that changing circumstances so demand</i>
OCTOBER 2019		
Analysis <ul style="list-style-type: none"> - Internal Analysis <ul style="list-style-type: none"> ▪ Critical issues / challenges with respect to every service ▪ Minimum service levels ▪ Institutional ▪ Financial ▪ Performance - External analysis Data collation and analysis (StatsSA data etc.) 	1-31 Oct	
NOVEMBER 2019		
Senior Management Discussion <ul style="list-style-type: none"> - Review sector plans, financial position, community needs and other relevant data to identify critical institutional priorities for discussion at Council Strategy Workshop. (Municipal Manager and Directors) 	By 8 Nov	

ACTIVITY	Date	Legal Reference
- Review community needs for inclusion in the budget		
Council Strategy Workshop Review institutional and community priorities, past performance and changing circumstances with due cognisance of a financial assessment, strategic risks, community needs and other relevant information. (Councillors, Municipal Manager, Directors)	11-22 Nov	
Directorate Strategy Workshops - Innovate and suggest solutions that contribute to the Strategic Goal(s) applicable to each Directorate - Prepare departmental operational plans and identify KPI's aligned to strategic goals with due cognisance of inputs from other stakeholders including government and bulk service providers (and NER). (Directors, Managers and other key staff designated by the Director)	By 29 Nov	
Adjustment budget for current year BTO Office to send out current year adjustment budget preparation documents to Directorates for completion	By 15 Nov	MFMA Section 28 (1) <i>A municipality may revise an approved annual budget through an adjustments budget.</i>
New Budget preparation BTO office to send out MSCOA compliant budget preparation documents to Directorates for completion (MTREF) o Capital o Operational o Policies o Tariffs	By 29 Nov	MFMA Section 21 (1): <i>The mayor of a municipality must— (a) co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible</i>
Audit Report Receive audit report on annual financial statements from the Auditor-General	By 29 Nov	MFMA Section 126(3): <i>The Auditor-General must- (a) audit those financial statements; and (b) submit an audit report on those statements to the accounting officer of the municipality or entity within three months of receipt of the statements.</i>
Long term financial plan Review the Long-term Financial Plan	By 29 Nov	MSA Section 26(h): <i>An integrated development plan must reflect a financial plan, which must include a budget projection for at least the next three years.</i>
DECEMBER 2019		
Management budget workshop Consider budgetary guidelines, circulars and internal parameters (Directors and Managers)	Week 1	
Annual report Submit draft of annual report to Council -incorporating financial and non-financial information on performance, audit reports and annual financial statements	By 13 Dec	MFMA 121 (1) <i>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</i>

ACTIVITY	Date	Legal Reference
Adjustment budget Directorates to submit completed current year adjustment budget documents to BTO	20 Dec	MFMA 28 (1) A municipality may revise an approved annual budget through an adjustments budget.
JANUARY 2020		
New Budget preparation Directorates to submit completed MTREF MSCOA compliant budget documents to BTO	20 Jan	
SDBIP amendments Directorates to submit proposed current year SDBIP amendments to Strategic Services	31 Jan	
Management budget workshop Consider budgetary guidelines, circulars and internal parameters (Directors and Managers to attend)	By 20 Jan	
Mid-year budget and performance assessment - Submit mid- year budget and performance assessment to the Mayor, Provincial and National Treasury - Submit mid- year budget and performance assessment to the Council	31 Jan 31 Jan	MFMA Section 72 <i>(1) The accounting officer of a municipality must by 25 January of each year— (a) assess the performance of the municipality during the first half of the financial year, taking into account— (i) the monthly statements referred to in section 71 for the first half of the financial year; (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan; (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and (b) submit a report on such assessment to— (i) the mayor of the municipality; (ii) the National Treasury; and (iii) the relevant provincial treasury.</i>
Adjustment budget Submit adjustment budget to Council	31 Jan	MFMA Section 28. <i>(1)A municipality may revise an approved annual budget through an adjustments budget.</i>
SDBIP amendments Submit SDBIP amendments to Council	31 Jan	MFMA Section 54. <i>(1) On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must— (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;</i>
FEBRUARY 2020		
Budget Steering Committee 1: Consider budgetary guidelines, circulars and internal parameters	By 8 Feb	
Oversight report Submit the Oversight Report to Council (within 2 months of tabling of the draft Annual Report)	By 13 Feb	MFMA Section 129. <i>(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 containing the council's comments on the annual report, which must include a</i>

ACTIVITY	Date	Legal Reference
		<i>statement whether the council— (a) has approved the annual report with or without reservations; (b) has rejected the annual report; or (c) has referred the annual report back for revision of those components that can be revised.</i>
New Budget Departmental work sessions BTO to convene work sessions with individual Departments	3-14 eb	
New Budget BTO to Finalise first draft of the capital and operating budget and budget related policies	Before 28 Feb	
Transfers Receive notification of any transfers that will be made to the municipality from other municipalities in each of the next three fin years (by no later than 120 days before the start of its budget year)	Before 28 Feb	MFMA Section 37(2): <i>In order to enable municipalities to include allocations from other municipalities in their budgets and to plan effectively for the spending of such allocations, the accounting officer of a municipality responsible for the transfer of any allocation to another municipality must, by no later than 120 days before the start of its budget year, notify the receiving municipality of the projected amount of any allocation proposed to be transferred to that municipality during each of the next 3 financial years.</i>
MARCH 2020		
Council Budget workshop Directorates to present their operational plans and associated budgets to Council for input	Week1	
Budget Steering Committee 2: Submit draft Budget and IDP Review to Budget Steering Committee	Week 2/3	
Table Draft IDP review and Budget (Including Top Layer SDBIP) Table draft IDP Review and budget (including SDBIP) to Council	31 Mar	MFMA Section 16: <i>(1) The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year. (2) In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.</i>
APRIL 2018		
Publicise draft Budget including SDBIP Make public the draft budget (including Top Layer SDBIP) and invite the community to submit representations.	3 Apr	MFMA Section 22: <i>Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must (a) in accordance with Chapter 4 of the Municipal Systems Act - (i) Make public the annual budget and the documents referred to in Section 17(3); and (ii) invite the local community to submit representations in connection with the budget; (b) submit the annual budget - (i) in both printed and electronic formats to the National Treasury and the relevant provincial treasury; and (ii) in either formats to any prescribed national or provincial organs of state and to other municipalities affected by the budget.</i>
Publicise IDP Review Make public the draft IDP review and invite the community to submit representations.	3 Apr	MPPM Regulation 3(4)(b): <i>No amendment to a municipality's integrated development plan may be adopted by the municipal council unless the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment.</i>

ACTIVITY	Date	Legal Reference
Submissions Submit the draft budget (including SDBIP), IDP Review to the Local Government, Provincial Treasury, National Treasury and other affected organs of state	By 3 April	MFMA Section 22: <i>Immediately after an annual budget is tabled in a municipal council, the accounting officer of the municipality must</i> (a) <i>in accordance with Chapter 4 of the Municipal Systems Act -</i> (i) <i>Make public the annual budget and the documents referred to in Section 17(3); and</i> (ii) <i>invite the local community to submit representations in connection with the budget;</i> (b) <i>submit the annual budget -</i> (i) <i>in both printed and electronic formats to the National Treasury and the relevant provincial treasury; and</i> (ii) <i>in either formats to any prescribed national or provincial organs of state and to other municipalities affected by the budget.</i>
Submissions Submit the draft IDP Review to the District Municipality	By 3 April	MSA Section 29(3)(b): <i>A local municipality must draft its integrated development plan, taking into account the integrated development processes of, and proposals submitted to it by the district municipality.</i> MPPM Regulation 3(6): <i>A local municipality that considers an amendment to its integrated development plan must-</i> (a) <i>consult the district municipality in whose area it falls on the proposed amendment; and</i> (b) <i>take all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.</i>
Public participation - Ward based budget meetings (6) - Ward Committee meetings	13-23 April	MFMA Section 23(1): <i>When the annual budget has been tabled, the municipal council must consider any views of –</i> (a) <i>the local community; and</i> (b) <i>the National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities which made submissions on the budget.</i>
MAY 2020		
Closing date for submissions Public input on draft budget (including SDBIP), IDP Review closes	4 May	
Budget Steering Committee 3 Consideration of public inputs on draft budget (including SDBIP), IDP [Review]	By 15 May	MFMA Section 23(2): <i>After considering all budget submissions, the council must give the mayor an opportunity-</i> (a) <i>to respond to the submissions; and</i> (b) <i>if necessary, to revise the budget and table amendments for consideration by the council.</i>
Finalisation of new budget Completion of Annual Budget amendments / refinements	By 22 May	
Final approval of new budget/IDP Review Table final budget (including SDBIP), IDP Review to Council (at least 30 days before the start of the budget year)	26 May	MFMA Section 24(1): <i>The Council must at least 30 days before the start of the budget year consider the approval of the annual budget.</i> MPPM Regulation 3(3): <i>An amendment to a municipality's integrated development plan is adopted by a decision taken by a municipal council in accordance with the rules and orders of the council.</i>
Place the IDP Review, annual budget, SDBIP all budget-related documents and all budget-related policies on the website (within 5 days)	By 31 May	MFMA Section 75(1): <i>The accounting officer of a municipality must place on the website the following documents of the municipality:</i> (a) <i>the annual and adjustments budgets and all budget-related documents and</i> (b) <i>all budget-related policies</i>

ACTIVITY	Date	Legal Reference
		<p>MSA Section 21A(1)(b): 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 by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21B.</p> <p>MFMA Section 75(2): A document referred to above must be placed on the website not later than five days after its tabling in the council or on the date on which it must be made public, whichever occurs first.</p>
JUNE 2020/ JULY 2020		
Submit a copy of the revised IDP Review to the MEC for local government as well as Provincial Treasury (within 10 days of the adoption of the plan)	By 5 Jun	<p>MSA Section 32(1)(a): The municipal manager of a municipality must submit a copy of the integrated development plan as adopted by the council of the municipality, and any subsequent amendment to the plan, to the MEC for local government in the province within 10 days of the adoption or amendment of the plan.</p>
Give notice to the public of the adoption of the IDP Review	By 5 Jun	<p>MSA Section 25(4)(a): A municipality must, within 14 days of the adoption of its integrated development plan in terms of subsection (1) or (3) give notice to the public-</p> <ul style="list-style-type: none"> (i) of the adoption of the plan; and (ii) that copies of or extracts from the plan are available for public inspection at specified places; <p>MSA Section 21A(1)(a) and (c): All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community -</p> <ul style="list-style-type: none"> (a) by displaying the documents at the municipality's head and satellite offices and libraries; (c) by notifying the local community, in accordance with section 21, of the place, including the website address, where detailed particulars concerning the documents can be obtained.
Make public the approved annual budget and supporting documentation (including tariffs) (within 10 working days after approval of the budget)	By 5 Jun	<p>Budget & Reporting Regulations 2009, Reg 18:</p> <ul style="list-style-type: none"> (1) Within ten working days after the municipal council has approved the annual budget of a municipality, the municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved annual budget and supporting documentation and the resolutions referred to in section 24(2)(c) of the Act. (2) The municipal manager must also make public any other information that the municipal council considers appropriate to facilitate public awareness of the annual budget, including- <ul style="list-style-type: none"> (a) summaries of the annual budget and supporting documentation in alternate languages predominant in the community; and (b) information relevant to each ward in the municipality. (3) All information contemplated in sub regulation (2) must cover: <ul style="list-style-type: none"> (a) the relevant financial and service delivery implications of the annual budget; and (b) at least the previous year's actual outcome, the current year's forecast outcome, the budget year and the following two years.
Submit approved budget to the Provincial Treasury and National Treasury (within 10 working days after approval of the budget)	By 5 Jun	<p>MFMA Section 24(3): The accounting officer of a municipality must submit the approved annual budget to the National Treasury and the relevant provincial treasury.</p>

ACTIVITY	Date	Legal Reference
		Budget & Reporting Regulations 2009, Reg 20: <i>The municipal manager must comply with section 24(3) of the Act within ten working days after the municipal council has approved the annual budget.</i>
Submit the draft Top Layer SDBIP to the Executive Mayor with the draft annual performance agreements for the next year (within 14 days after approval of the budget)	5 Jun	MFMA Section 69(3): (a) <i>The accounting officer must no later than 14 days after the approval of an annual budget submit to the mayor a draft service delivery and budget implementation plan for the budget year.</i> (b) <i>The accounting officer must no later than 14 days after the approval of an annual budget submit to the mayor drafts of the annual performance agreements as required in terms of section 57(1)(b) of the Municipal Systems Act for the municipal manager and all senior managers.</i>
Executive Mayor takes all reasonable steps to ensure that the SDBIP is approved (within 28 days after approval of the budget)	23 Jun	MFMA Section 53(1)(c)(ii): <i>The mayor of a municipality must take all reasonable steps to ensure that the municipality's service delivery and budget implementation plan is approved by the mayor within 28 days after approval of the budget.</i>
Place the performance agreements and all service delivery agreements on the website	19 Jun	MFMA Section 75(1): <i>The accounting officer of a municipality must place on the website the following documents of the municipality:</i> (d) <i>performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act; and</i> (e) <i>all service delivery agreements</i> Budget & Reporting Regulations 2009, Reg 19: <i>The accounting officer must place on the website all performance agreements required in terms of section 57(1)(b) of the Municipal Systems Act.</i>
Submit copies of the performance agreements to Council and the MEC for local government as well as the national minister responsible for local government (within 14 days after conclusion thereof).	3 Jul	MFMA Section 53(3)(b): <i>Copies of such performance agreements must be submitted to the council and the MEC for local government in the province.</i> PERF Regs 2006 Reg(5): <i>The employment contract and performance agreement must be submitted to the MEC responsible for local government in the relevant province as well as the national minister responsible for local government within fourteen (14) days after concluding the employment contract and performance agreement</i>
Submit the SDBIP to National and Provincial Treasury (within 10 working days approval of the plan)	3 Jul	Budget & Reporting Regulations 2009, Reg 20(2)(B): <i>The municipal manager must submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form the approved service delivery and budget implementation plan within ten working days after the mayor has approved the plan.</i>
Make public the projections, targets and indicators as set out in the SDBIP (within 10 working days after the approval of the SDBIP)	3 Jul	MFMA Section 53(3)(a): <i>The mayor must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan.</i> Budget & Reporting Regulations 2009, Reg 19: <i>The municipal manager must in accordance with section 21A of the Municipal Systems Act make public the approved service delivery and budget implementation plan within ten working days after the mayor has approved the plan in terms of section 53(1)(c)(ii) of the Act.</i>
Make public the performance agreements of Municipal Manager and senior managers (no later than 14 days)	7 Jul	MFMA Section 53(3)(b): <i>The mayor must ensure that the performance agreements of municipal manager, senior managers and any other</i>

ACTIVITY	Date	Legal Reference
after the approval of the SDBIP)		<i>categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan.</i>

MANAGEMENT RECOMMENDATION

- (i) That the Time Schedule for the 2020/21, 2021/22 and 2022/23 Budget and 2020/21 IDP review be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003). (MFMA) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000).
- (ii) That the Time Schedule be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

RESOLUTION 132/2019

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

10.35 **QUARTERLY PERFORMANCE REPORT FOR THE QUARTER: 1 APRIL 2019 - 30 JUNE 2019**

PURPOSE OF REPORT

To present the quarterly performance report of the Municipality for the fourth quarter of the financial year (1 April 2019 - 30 June 2019). The report is attached as annexure on **page 137 to 162**.

LEGISLATIVE FRAMEWORK

This Performance Report is submitted in compliance with MFMA Circular 13 which requires the Municipality to report quarterly on its Service Delivery Budget Implementation Plan (SDBIP).

This report must be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, which requires the Mayor to within 30 days of the end of each quarter; submit a report to Council on the implementation of the budget and the financial state of affairs of the Municipality.

PERFORMANCE FRAMEWORK AND MONITORING

The Executive Mayor approved the Top Layer SDBIP for 2018/19 on 25 June 2018. The SDBIP is a layered plan comprising a Top Layer SDBIP and Departmental SDBIPs.

Performance reporting on the top layer SDBIP is done to the Mayoral Committee and Council on a quarterly, half yearly (Mid-year Budget and Performance Assessment Report) and annual basis (Annual Report).

Any amendments to the Top Layer SDBIP must be approved by Council following the submission of the Mid-year Budget and Performance Assessment Report and the approval of the adjustment budget. Adjustments to the SDBIP were approved on 31 January 2019 (Resolution 2/2019).

Please note that all figures contained in this report are provisional, unaudited and may change pending the finalisation of the Annual Financial Statements. Revisions arising from this will be contained in the final performance report for the year which will be available on 31 August 2019.

MANAGEMENT RECOMMENDATION

- (i) That the quarterly performance report for the quarter (1 April 2019 to 30 June 2019) be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.

- (iii) That it be noted that the actuals that are contained in this report are provisional, unaudited and may change pending the finalisation of the Annual Financial Statements. Revisions arising from this will be contained in the final performance report for the year which will be available on 31 August 2019.

RESOLUTION 133/2019

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

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

11.1 **VERLENGING: HUUROOREENKOMS (TOERISME KANTOOR) - BLOCH PROPERTIES, ERF 3599, BREDASDORP**

DOEL VAN VERSLAG

Om oorweging te skenk aan die verlenging van 'n huurooreenkoms tussen KAM en BLOCH PROPERTIES (PTY) LTD.

AGTERGROND

Die onderstaande punt het op die Raadsvergadering van 28 Maart 2019 vir oorweging gedien, met die gepaardgaande besluit:

“KAM huur “kantore” by Bloch Properties (Pty) Ltd vir die gebruik as Toerisme kantoor en kantore vir personeel. Die gebou is geleë op erf 3599, Langstraat, Bredasdorp (op die hoek van Langstraat en Firlaan). Die oppervlakte van die kantoor beslaan nagenoeg 250 m².

*Die ooreenkoms het op 28 Februarie 2019 verval en onderhandelings het met die verhuurder plaasgevind. Daar is ooreengekom dat 'n “addendum”, soos aangeheg op **bladsy 3** tot die bestaande ooreenkoms, aangeheg op **bladsy 4 tot 10**, gevoeg word wat die Raad in staat stel om die gebou te huur vir die termyn 1 Maart 2019 tot 30 Junie 2019, waarna die nuwe ooreenkoms in werking kan tree.*

Daar is voorlopig op die volgende voorwaardes ooreengekom:

1. ***Huurtermyn (5 jaar):***

- i. 1 Maart 2019 tot 30 Junie 2019*
- ii. 1 Julie 2019 tot 30 Junie 2024*
- iii. Met 'n opsie om te verleng vir 'n verdere 5 jaar*

2. ***Huurbedrag (per maand):***

<i>a.</i>	<i>1 Maart 2019 tot</i>	<i>30 Junie 2019</i>	<i>:</i>	<i>R 6 655,00</i>
<i>b.</i>	<i>1 Julie 2019 tot</i>	<i>30 Junie 2020</i>	<i>:</i>	<i>R11 672,50</i>
<i>c.</i>	<i>1 Julie 2020 tot</i>	<i>30 Junie 2021</i>	<i>:</i>	<i>R12 500,00</i>
<i>d.</i>	<i>1 Julie 2021 tot</i>	<i>30 Junie 2022</i>	<i>:</i>	<i>R13 250,00</i>
<i>e.</i>	<i>1 Julie 2022 tot</i>	<i>30 Junie 2023</i>	<i>:</i>	<i>R14 045,00</i>
<i>f.</i>	<i>1 Julie 2023 tot</i>	<i>30 Junie 2024</i>	<i>:</i>	<i>R14 887,70</i>

WETLIKE IMPLIKASIE

Dat 'n huurooreenkoms in plek moet wees.

FINANSIËLE IMPLIKASIE

Voorsiening: 2019/20 Begroting (posnr 01/25/24/304 000 - “Rental Buildings”)

BESTUURSAANBEVELING

- (i) *Dat die Raad goedkeuring gee vir die "Addendum" tot die bestaande ooreenkoms (1 Maart 2019 tot 30 Junie 2019).*
- (ii) *Dat die Raad goedkeuring gee vir die aangaan van 'n huurooreenkoms met Bloch Properties vir 'n termyn van 5 jaar, met die opsie om te verleng, vanaf 1 Julie 2019 tot 30 Junie 2024.*
- (iii) *Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.*

RAADSBESLUIT 43/2019: 28 MAART 2019

- (i) *Dat die Raad goedkeuring gee vir die "Addendum" tot die bestaande ooreenkoms (1 Maart 2019 tot 30 Junie 2019).*
- (ii) *Dat daar in gesprek getree word met die betrokke eiendomsagent rakende veranderings aan die uitleg van die gebou voordat 'n verdere huurooreenkoms beding word.*
- (iii) *Dat die Munisipale Bestuurder gemagtig word om die addendum namens die Raad te onderteken."*

Daar is intussen met die eiendomsagent kontak gemaak, en is dit deur die agent te kenne gegee dat hulle geen probleem sal hê met veranderings aan die gebou nie, mits die Raad die kostes vir enige veranderings sal dra.

Intussen is daar ook met ander tersaaklike departemente binne KAM beraadslaag, en is tot die slotsom gekom dat tydelike veranderings gedoen sal kan word, wat onder meer twee ekstra kantore asook 'n ekstra ontvangslokaal voorsiening sal kan maak. Dit behoort die Raad meer waarde vir die maandelikse huurgeld te verskaf.

FINANSIËLE IMPLIKASIES

Die kostes word voorlopig op R70 000, 00 beraam, wat uit verskuiwings of deur die hersiende begroting befonds sal kan word.

BESTUURSAANBEVELING

- (i) *Dat die Raad goedkeuring gee vir die aangaan van 'n huurooreenkoms met Bloch Properties vir 'n termyn van 5 jaar, met die opsie om te verleng, vanaf 1 Julie 2019 tot 30 Junie 2024.*
- (ii) *Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.*

BESLUIT 134/2019

- (i) *Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.*
- (ii) *Dat ondersoek ingestel word na 'n alternatiewe fasiliteit.*

11.2 VOORWAARDES EN BEGINSELS VIR DIE VERHUUR VAN LED-BESIGHEIDSEENHEDE**DOEL VAN VERSLAG**

Om oorweging te skenk aan die aanvaarding van die onderstaande beginsels wat bepaal op watter voorwaardes LED-eenhede aan die publiek verhuur sal mag word, met inagneming van die insette wat deur die RSEP-komitee gelewer was.

AGTERGROND

Daar is tydens 'n vorige raadsvergadering besin oor die voorwaardes en beginsels vir die verhuur van LED-besigheidseenhede aan die publiek, waartydens die Raad besluit het dat die insette aan die RSEP-komitee verkry moet word.

Die agenda item was as volg met die gepaardgaande besluit :

"Prosesse is tans aan die gang om LED-eenhede vir besigheidsdoeleindes langsaan Ou Meulestraat in Bredasdorp op te rig. Die eerste fase van hierdie projek behoort in Junie afgehandel te wees. Sodra die eenhede opgerig is sal ons huurders daar moet plaas wat aan aanvaarde voorwaardes voldoen het.

VOORGESTELDE KRITERIA

The following principles or criteria will be applied to regulate the leasing of the LED- units in order to obtain maximum benefit in realizing the LED objective of supporting SMMEs in our jurisdiction. These principles must be applied for all LED-unit projects in the Cape Municipal area:

- *Only upcoming entrepreneurs need to apply*
- *The final selected applicants must reflect the community of the relevant town as advertised;*
- *Proof of experience and capital available as well as business plan;*
- *Preference to vulnerable groups such as women and people with disabilities.*

The LED-units will be an asset of Council, therefore the need exist to carefully look at the costs of maintenance and insurance in finalizing a proposed lease amount. In addition lease agreements must include the following:

- *Lease period to be 3 years.*
- *No illegal activities - Contract to be terminated summarily.*
- *7 day notice, if in arrears for three months, to repossess.*
- *The lessee is liable for the payment all services.*

It is recommended further that the subject unit be leased with the provision of Section 14 of the MFMA in mind and be advertised by means of a public tender process.

CONDITIONS (TO BE CONTAINED IN TENDER DOCUMENT FOR LED-UNITS)

1. *One of the goals of this initiative is to promote Local Economic Development through affording opportunities to disadvantaged individuals or businesses with preferences to women.*
2. *Only proposals from applicants from the town, as reserved in the tender, will be considered.*
3. *Only one unit shall be awarded to successful applicants per abovementioned areas and the term of the lease contract is for **3 (three) years** as from the date of signing.*
4. *Applicants must submit prove of experience, available capital and a business plan.*
5. *No application will be considered unless a written business plan with a clear indication of your intention is handed in with this document.*
6. *If the business unit is closed for more than **30 (thirty) days** or if the lessee is busy trading with any **illegal activity**, the municipality is entitled to cancel the contract.*
7. *The lessee is responsible for the security of the business unit.*
8. *If in arrears for **3 (three) months**, 7 (seven) days notice will be given pertaining to the repossession of Council property.*

BESTUURSAANBEVELING

Dat die voorwaardes deur die Raad goedgekeur word en dat dit ook sal geld vir die verhuring van enige ander LED-eenhede wat in die toekoms gebou sal word.

RAADSBESLUIT 66/2019: 30 APRIL 2019

Dat die Raad in-beginsel die gelysde voorwaardes aanvaar en sodanige voorwaardes aan die "RSEP Komitee" voorgelê word vir insette."

Die insette wat intussen deur die RSEP-komitee gelewer was is as volg :

The following principles or criteria should be applied to regulate the leasing of the LED-units in order to obtain maximum benefit in realizing the LED objective of supporting SMME's in our jurisdiction. These principles must be applied for all LED-unit projects in the Cape Municipal area:

- Only upcoming entrepreneurs and first time entrants need to apply.
- Applicants should not own any other business.
- The final selected applicants must reflect the community in the following order starting from 1) ward based 2) residents of the relevant town as advertised, and 3) residents of the broader Cape Agulhas-area.
- Preference to vulnerable groups such as youth (between ages of 18-35 yrs), women and people with disabilities.
- Preference should be given to the establishment of the following enterprises cafeteria, hair-dressing, community phones/internet café.
- Proof of experience and capital available, as well as the submission of a business plan.

The LED-units will be an asset of Council, therefore the need exist to carefully look at the costs of maintenance and insurance in finalizing a proposed lease amount. In addition lease agreements must include the following:

- Lease period to be 1 years, with the option of extension
- No illegal activities - Contract to be terminated summarily.
- 7 day notice, if in arrears for three months, to repossess.

The units should be managed by a committee consisting out of the lessees, and reporting to the LED-division. Maintenance of contracts to be done by the Administration Unit of the municipality.

It is recommended that the subject unit be leased with the provision of Section 14 of the MFMA in mind and be advertised by means of a public tender process, and that the rental amount per month be as follows :

Cost Items	Amount
Management and Administration	R 50,00
Unit, Shelter and Storage	R 55,00
Water	R100,00
Sanitation	R 66,00
Cleaning	R195,00
Security and Protection	R362,00
Repairs and Maintenance	R 31,00
Rates	R 73,00
Total rental per month	R932, 00

It is further recommended that the lessees, after paying a deposit and one month's rent in advance, be exempted from paying rent for the first three months, to afford them the opportunity to be become sustainable.

BESTUURSAANBEVELING

Dat die Raad die voorwaardes en beginsels vir die verhuur van LED-eenhede aan lede van die publiek aanvaar soos dit hier bo deur die RSEP-komitee neergelê word.

BESLUIT 135/2019

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

11.3 ODUIT- EN PRESTASIEBESTUURS-ODUITKOMITEE: VULLING VAN VAKANTE KOMITEE POS**DOEL VAN VERSLAG**

Om die Raad in te lig oor die advertering, onderhoude en resultaat ten opsigte van die vakante pos wat tans by die Oudit- en Prestasiebestuurs-Ouditkomitee bestaan.

AGTERGROND

Weens groot veranderings in die werksomgewing van een van die komiteelede, mev B Salo, het die betrokke lid haar bedanking as lid by die Voorsitter ingedien met effek vanaf 4 April 2019. Die Komitee het die Raad ook dienooreenkomstig ingelig met hulle kwartaallikse verslag aan die Raad gedateer 18 April 2019 (kwartaalverslag aan die Raad vir die kwartaal geëindig 31 Maart 2019).

In terme van die Ouditkomitee se handves is die pos geadverteer en aansoeke is vanaf die volgende kandidate ontvang:

Audrey Johnson
Carla Wilkenson
Denver Miller
Leone Ahrendse
Robert Bates

Na oorweging van die kandidate se Curriculum Vitae's (CV's) is die volgende kandidate genooi vir 'n onderhoud op 20 Junie 2019:

Leone Ahrendse
Denver Miller

Die kandidate is op die kortlys geplaas weens hulle bewese ervaring en huidige diening op munisipale ouditkomitees.

Na die onderhoude het Mnr Denver Miller as die beste kandidaat na vore getree. Mnr Miller is 'n kleurling man met finansiële agtergrond en verskeie jare se diening op munisipale ouditkomitees in die Weskus. Hy het dus ook bewese ervaring van die munisipale omgewing. Die Komitee beveel dus eenparig aan dat mnr Miller as lid van die Komitee aangestel word.

PERSONEEL IMPLIKASIES

Vulling van 'n kritiese vakante pos in die Komitee.

FINANSIËLE IMPLIKASIE

Geen - Daar is reeds daarvoor begroot.

WETLIKE IMPLIKASIE

Voldoening aan artikel 166 van die Munisipale Wet op Finansiële Bestuur ("MFMA") en Nasionale Tersourie se omsendskrywe 65 van 2003.

AANBEVELING: OUDIT- EN PRESTASIEBESTUURS-ODUITKOMITEE

Dat goedkeuring verleen word dat mnr Denver Miller aangestel word in die vakante Komitee pos, soos deur die Ouditkomitee aanbeveel.

BESLUIT 136/2019

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

11.4 **NERSA: GOEDKEURING VAN ELEKTRISITEITSTARIEWE INSAKE DIE 2019/20 BOEKJAAR**

DOEL VAN VERSLAG

Om NERSA se goedgekeurde tariewe vir die lewering van elektrisiteitsdienste in die Kaap Agulhas Munisipale gebied, met betrekking tot die 2019/20 boekjaar te oorweeg vir goedkeuring in terme van Nasionale Tesourie se riglyne met omsendskrywe 93 & 94 asook ander toepaslike wetgewing in dié verband.

AGTERGROND

Die voorlopige elektrisiteitstariewe vir die periode 1 Julie 2019 tot Junie 2020 was deur die Raad goedgekeur op 28 Maart 2019 en aan NERSA voorgelê vir finale goedkeuring.

Op 28 Junie 2019 het die munisipaliteit terugvoer ontvang vanaf NERSA insake die voorgestelde finale goedgekeurde elektrisiteitstariewe vir implementering 1 Julie 2019. Derhalwe is dit noodsaaklik dat enige afwyking in terme van die reeds goedgekeurde elektrisiteitstariewe deur die Raad op 28 Mei 2019 aangepas en in lyn gebring moet word met die elektrisiteitstariewe soos vasgestel deur NERSA per skrywe gedateer 28 Junie 2019. 'n Afskrif van die raad se goedgekeurde tariewe vir elektrisiteit *versus* die van NERSA is aangeheg op **bladsy** vir oorweging en wysiging.

Die finansiële implikasie met betrekking tot die gewysigde tarief het basies geen impak op die goedgekeurde begroting vir elektrisiteit ten opsigte van die 2019/20 boekjaar.

Die Munisipale Bestuurder, in konsultasie met die Direkteur Finansies, beveel soos volg aan:

BESTUURSAANBEVELING

- (i) Dat die Raad die goedgekeurde elektrisiteitstariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2019 tot Junie 2020.
- (ii) Dat die Raad verder goedkeuring verleen dat Bylaag "A (1)" - Elektrisiteitsdienste Tariewe (2019/20), paragraaf 4 gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

BESLUIT 137/2019

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

16. ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	<ul style="list-style-type: none"> (i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 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 verkoopprijs) afgeskryf word. 	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	<p>Dat die randstene wel verwyder word, op voorwaarde dat -</p> <ul style="list-style-type: none"> (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningssooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word. 	<i>Eienaar reageer nie op skrywe van prokureur nie.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	<p>That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."</p>	<p><i>Aansoek gebring om MB te verplig om Raadsbesluit uit te voer. Saak weer voor Hooggeregshof. Verslag sal by volgende Raadsvergadering gedoen word.</i></p> <p><i>'n Vergadering met rolspelers het intussen plaasgevind, nl. Vissersunie, -trust en die aangewese Komitee. Tydens die vergadering is die Vissersunie versoek om insette aan KAM te voorsien - Geen insette nog ontvang nie.</i></p>	BSSB

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
201/2018	Elim: Uitstaande Belastingrekening	(i) Raad kennis neem van die uitstaande bedrag verskuldig. (ii) Volledige verslag met die volgende Raadsvergadering oorweeg word. (iii) Maandelikse vorderingsverslae aan die Raad voorgelê word ten opsigte van die vereffening van hierdie uitstaande gelde.	<i>Opvolg vergadering is met rolspelers gehou. Burgemeester vergader eersdaags weer met die Morawiese Kerk (uitstaande belasting beloop tans R3.3 miljoen).</i>	DFD

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 138/2019

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

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

BEKRAGTIG op hierdie

dag van

2019

SPEAKER

DATUM: