



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DONDERDAG
29 SEPTEMBER 2016 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON MONDAY, 29 SEPTEMBER 2016
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 H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Me N Mhlati-Musewe	wnd Direkteur: Korporatiewe Dienste
Mnr S Cooper	nms Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur
Mnr F du Toit	Bestuurder: Boubeheer
Mnr O January	Bestuurder: Kliëntediens
Me A Jonker	Komiteedienste
Me T Stone	Bestuurder: Strategiese Dienste

1. **OPENING**

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

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

Geen.

3. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

3.1 Mnre Martin Kruger en Dirk Hattingh

'n Versoek was gerig dat daar weer 'n voorlegging aan die nuut verkose Raad gedoen word aangaande die beplande aftreeoord ontwikkeling.

Mnr Hattingh van Dirk Hattingh & Associates doen 'n voorlegging aan die Raad wat die volgende insluit:

- Development, planning and project approach.
- Principles of earth charter.
- Project base development approach.
- Sustainable development.
- Overarching goal.
- Values and principles.
- Record of success.
- Engineering infrastructure.

(Hierdie aangeleentheid word verder bespreek onder item 9.3.2.)

3.2 Mnr Pieter Strauss van PricewaterhouseCoopers: Inkomste Strategie

PricewaterhouseCoopers is genader om 'n "Revenue Enhancement Strategy" vir KAM op te stel. Mnr Strauss gee terugvoer oor hul bevindinge en plan van aksie.

Hy meld dat ontleding van die data onder andere die volgende ingesluit het: Maandelikse debiteure en die manier waarop dit teboek gestel word; Armlastige registers; Waardasierolle en die GIS.

Hy meld verder dat hulle die kwessies geprioritiseer het en die volgende intervensies aanbeveel om die inkomste binne die munisipaliteit te maksimaliseer en om sekere administratiewe gapings toe te maak:

1. Die munisipaliteit moet eerstens hulle data regmaak.
2. Daar moet 'n werkwinkel gehou word om hierdie kwessies te prioritiseer.
3. Oor 'n termyn moet daar iemand wees wat net na inkomste kyk.
4. Dat daar 'n werkskomitee saamgestel word wat bestaan uit die tegniese afdeling, finansies en boubeheer wat maandeliks bymekaarkom wat die kwessies monitor en maandeliks terugvoer gee aan die bestuur en kwartaalliks aan die Raad.

(Hierdie aangeleentheid word verder bespreek onder item 11.2)

4. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING

4.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:

30 Augustus 2016

BESLUIT 191/2016

Die Notule word as korrek en volledig bekragtig, na die volgende wysiging:

"Verkiesing van Komitees van die Raad (Besluit 179/2016)" - Punt C: Dat die "Nasionale Parkeraad" geskrap word.

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

5.1 **NOTULES VAN UBK VERGADERINGS:**

Geen.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

7.1 **BRIEWE VAN DANK / VIR KENNISNAME**

Geen.

7.2 **FUNKSIES VIR DIE MAAND**

Die Munisipale Bestuurder versoek dat Raadslede kennis neem van die 11 publieke G.O.P. vergaderings wat gedurende Oktober sal plaasvind. Die eerste vergadering vind plaas op 10 Oktober 2016 in Napier.

7.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

7.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Geen.

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

8.1 Die Burgemeester lig die Raad in aangaande die Govan Mbeki toekenning ontvang vir "Struisbaai Housing Project for being runners up in the category Best Integrated Residential Development Programme".

Die Speaker bedank die vorige Behuisingskomitee en in besonder die Voorsitter, Raadsheer Jantjies.

8.2 Die Burgemeester wens Raadslede en amptenare geluk wat gedurende September en Oktober verjaar.

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

Bladsy: Agenda

9.1 **MUNISIPALE BESTUURDER / MUNICIPAL MANAGER**

9.1.1 Oudit- en Prestasieoudit Komitee: Notules van 24 Jun en 29 Aug 2016

5 - 6

9.1.2 Half-Jaarlikse Verslag: Prestasie-meting Stelsel - 30 Jun 2016

6 - 7

9.2 **GEMEENSKAPSDIENSTE / COMMUNITY SERVICES**

9.2.1 Hersiening: KAM Burgemeestersbeursbeleid / Eksterne Beursbeleid

7

9.2.2 Herallokering van Fondse vir Kapitale Projek

8

Bladsy: Agenda

- 9.3 **KORPORATIEWE DIENSTE / CORPORATE SERVICES**
- | | | |
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| 9.3.1 | Rekordsoudit: KAM 2016 | 9 - 10 |
| 9.3.2 | Proposed Development: Remainder erf 1148, Bdorp | 10 - 12 |
| 9.3.3 | Further Directions: Vishuis, Kassiesbaai, Arniston | 12 - 19 |
| 9.3.4 | Wysiging - Besluit: Oprigting van Opleidingsfasiliteit (CETA) | 19 - 22 |
- 9.4 **FINANSIËLE DIENSTE / FINANCIAL SERVICES**
- | | | |
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| 9.4.1 | Oudit Aksieplan 2014/15: Maandelikse Vordering - Augustus 2016 | 22 |
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10. **ITEMS DEUR DIE UITVOERENDE BURGEMEESTERSKOMITEE NA DIE RAAD VERWYS VIR OORWEGING**
- | | | |
|------|--|---------|
| 10.1 | Proposed Fisherman's Cottages: Erven 1400 and 1401, Struisbaai | 23 - 29 |
| 10.2 | Vervreemding (reservering): Ged erf 857, Struisbaai | 29 - 31 |
11. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**
- | | | |
|------|---|---------|
| 11.1 | Onderverdeling, Hersonering, Afwyking: Restant erf 1148, Bredasdorp | 31 - 39 |
| 11.2 | Submission of Revenue Enhancement Strategy | 39 - 41 |
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 42**.
17. **SLUITING**
- Die vergadering verdaag om 13:05
-

9. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

9.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

9.1.1 ODUIT- EN PRESTASIEODUIT KOMITEE: NOTULES VAN DIE KOMITEE OOR DIE VERGADERING VAN 24 JUNIE 2016 EN 29 AUGUSTUS 2016 (IO)

DOEL VAN VERSLAG

Verslagdoening aan die Raad oor die Oudit- en Prestasieudit Komitee se vergaderings, besluite en aanbevelings van 24 Junie 2016 en 29 Augustus 2016.

AGTERGROND

Die Komitee het op 24 Junie 2016 en 29 Augustus 2016 vergader waarvan die goedgekeurde notules aangeheg word op bladsy 20 tot 26.

Pertinente aandag word op die volgende items gevestig:

a) Notule van 24 Junie 2016

Item 13:

“After discussions the following is decided or recommended:

- *HR is the custodian of staff appraisals and has a big role to play in the success of the appraisals and its outcomes. This responsibility must be accepted by the department as only they can drive the process and ensure success thereof.*
- *There is a concern over the inconsistent use and application of the system. This is, again, a monitoring and control issue that must be driven by the HR department and serious intervention is required in this regard.*
- *Consideration should be given to a top-down evaluation approach i.e. if a manager/director fails in certain areas this must cascade down to the lower levels.*
- *HR must develop a detailed SOP on the staff appraisal process and requirements.*
- *This SOP must be worked shopped with all staff in detail to ensure understanding and acknowledgement of the process. This should include union representatives.*
- *After each staff appraisal period HR should do a test audit on the results and process followed to highlight any problems or non-compliance so that the necessary corrective measures can be implemented.*
- *The current KPI's on staff appraisals should be reconsidered as it currently only measures whether appraisals was conducted without measuring the correctness of effectiveness of the process. This could possibly be linked to the appraisals being measured against the SOP contents.”*

Item 17:

“The Committee expressed their concern over the fact that the investigation committee was never established as required by the municipality's approved policy as well as the fact that there were no controls and monitoring in place to ensure that all drivers are in possession of valid driver's and PDP's.

The Committee requests that the investigation committee be established as a matter of urgency.”

b) **Notule van 29 Augustus 2016****Item 5: "Resolution 1-2016/17***The Committee is satisfied with the draft statements"***Item 6: "Resolution 2-2016/17***The Committee approves the internal audit plan for 2015/16"***PERSONEEL IMPLIKASIES**

Geen.

FINANSIËLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

Dat die Komitee se notules van hul vergaderings van 24 Junie 2016 en 29 Augustus 2016 bespreek en aanvaar word.

BESLUIT 192/2016

- (i) Dat die Komitee se notules van hul vergaderings van 24 Junie 2016 en 29 Augustus 2016 aanvaar word.
- (ii) Dat die Oudit- en Prestasieoudit Komitee se verslae aan die Raad ook Direkteure wat nie teen die spêrdatum alle evaluerings gedoen het nie, sal insluit.

9.1.2 **HALF-JAARLIKSE VERSLAG OOR DIE PRESTASIEMETING STELSEL VIR DIE TYDPERK GEËNDIG 30 JUNIE 2016****DOEL VAN VERSLAG**

Om die Raad in te lig oor die Oudit- en Prestasieoudit Komitee se half-jaarlikse verslag oor bogemelde tydperk oor hulle evaluering van die prestasiekeningstelsel en die bestuur daarvan en vir die Raad om die verslag te oorweeg. Gedurende die Raadsvergadering van 30 Augustus 2016 was die verkeerde verslag aangeheg en die korrekte verslag, soos aangeheg op bladsy 27 tot 29 word nou voorgelê vir oorweging.

AGTERGROND

In terme van artikel 14(4)(a)(iii) van die Plaaslike Regering: Munisipale Beplanning en Prestasiebestuursregulasies, 2001 (Regulasie 796), moet die Komitee twee maal per jaar die munisipaliteit se prestasiekeningstelsel (SDBIP stelsel) en die bestuur daarvan evalueer en daarvoor aan die Raad verslag doen.

Die Komitee het dan ook sodanige evaluering gedoen vir die tydperk 1 Januarie 2016 tot 30 Junie 2016 en die vereiste verslag opgestel. Die Komitee is oor die algemeen baie tevrede met die stelsel en die bestuur daarvan, maar lig die volgende bekommernis uit:

Daar is nog steeds gevalle waar die Direkteure nie in alle gevalle die maandelikse voltooiing van die SDBIP moniteer vir akkuraatheid en volledigheid nie.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

Dat die Komitee se half-jaarlikse verslag vir die half-jaar geëindig 30 Junie 2016 oor die munisipaliteit se prestasiebestuurstelsel en die bestuur daarvan, oorweeg en aanvaar word.

BESLUIT 193/2016

Dat die Komitee se half-jaarlikse verslag vir die half-jaar geëindig 30 Junie 2016 oor die munisipaliteit se prestasiebestuurstelsel en die bestuur daarvan, aanvaar word.

9.2 **GEMEENSKAPSDIENSTE / COMMUNITY SERVICES**9.2.1 **HERSIENING: KAAP AGULHAS BURGEMEESTERS-BEURSBELEID / EKSTERNE BEURSBELEID (BMO)****DOEL VAN VERSLAG**

Dat die Raad goedkeuring verleen vir die hersiening van die Kaap Agulhas Munisipaliteit se Burgemeesters-Beursbeleid / Eksterne Beursbeleid.

AGTERGROND

Die Kaap Agulhas Munisipaliteit se Burgemeesters-Beursbeleid bied finansiële ondersteuning aan studente wie voldoen aan die voorgeskrewe kriteria soos gestipuleer in die aangehegte dokument op bladsy 30 tot 35.

Die Beursbeleid is onderhewig aan jaarlikse hersiening en geen addisionele toevoegings was aangebring nie.

FINANSIËLE IMPLIKASIES

Die samestelling van die jaarlikse begroting vir eksterne beurse.

PERSONEEL IMPLIKASIE

Geen.

BESTUURSAANBEVELING

Dat die Raad goedkeuring verleen vir die hersiening van die Kaap Agulhas Munisipaliteit se Burgemeesters-Beursbeleid / Eksterne Beursbeleid.

AANBEVELING: GEMEENSKAPSDIENSTE KOMITEE

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat 'n nuwe Beurskomitee saamgestel word.

BESLUIT 194/2016

Dat die politieke partye elk 'n persoon sal aanwys wat op die Beurskomitee kan dien, waarna die Komitee die Beleid bespreek vir die doel van hersiening en weer aan die Raad voorlê.

9.2.2 HERALLOKERING VAN FONDSE VIR KAPITALE PROJEEK (DGD)

DOEL VAN VERSLAG

Dat die Raad oorweging verleen om fondse te herallokkeer om 'n sekere kapitale projek uit te voer.

AGTERGROND

A. VERVANGING VAN MOTORFIETS TOETSTOERUSTING: BESKERMINGSDIENSTE

Onvoorsiene uitgawes moet dringend aangegaan word vir die vervanging van die motorfiets K53 toetstoerusting. Hierdie elektroniese toetstoerusting is verouderd en onherstelbaar. Die verskaffer het aanbeveel dat die toerusting vervang word weens geleidelike agteruitgang van die elektronika bord.

Die huidige begroting vir lugversorgers by die Toetsstasie gebou was aangevra vir die voorgestelde uitbreiding van die Beskermingsdienste gebou. Die vergroting van die gebou was na 'n buite jaar verskruif en as gevolg hiervan is die kapitale begroting vir die lugversorgings nie nou nodig nie. Die uitpassering van motorfietstoetse vind wekeliks plaas en is ons genoodsaak om die toetse te doen omdat ons 'n Graad A Toetsstasie vir K53 Bestuurderslisensie toetse is.

Die begrote bedrag in die nuwe kapitale begroting vir die lugversorging is R30 000,00 (Posnommer: 5/15/16/4/0520/00/11).

B. VERVANGINGSKOSTES NIE VOOR GEGROOT NIE (BEGROTING: 2016/2017)

Motorfiets Elektronies Toerusting : R27 800,00 (kwotasie aangeheg op bladsy 36)

FINANSIËLE IMPLIKASIES

Die totale finansiële implikasie vir die kapitale uitgawe beloop R27 800,00 en is daar nie vir die kostes begroot nie.

Die Raad het begroot vir die aanbring van lugversorgers by die Toetsstasie gebou met 'n bedrag van R30 000,00.

Daar word dus versoek dat kapitale begroting pos 5/15/16/4/0520/00/11 (lugversorgers) gherallokkeer word om die onvoorsiene uitgawes soos versoek te dek.

KOMMENTAAR - DIREKTEUR: GEMEENSKAPSDIENSTE

Dit word so aanbeveel vir die aankoop van toerusting soos benodig by die Toetsstasie.

BESTUURSAANBEVELING

- (i) Dat die bedrag van R27 800,00 befonds word uit die kapitale begroting van R30 000,00 vir die lugversorgers.
- (ii) Dat daar onmiddellik voortgegaan word met die spandering van die fondse vir die nuwe projek.

BESLUIT 195/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

9.3 **KORPORATIEWE DIENSTE / CORPORATE SERVICES**

9.3.1 **REKORDSOUDIT : KAM 2016 (2/6/3 - DKD)**

DOEL VAN VERSLAG

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

AGTERGROND

Jaarliks, ingevolge die Argiefwet 3/2005 vind 'n ouditering van argiefdienste binne Plaaslike Owerhede deur Provinsie plaas. Tydens so 'n inspeksie kom amptenare vanaf die Wes-Kaapse Argief- en Rekordsdienste 'n volledige oudit doen van alle rekords en infrastruktuur sover dit argiefdienste aangaan. Hierdie oudit het op 5 Julie 2016 in Kaap Agulhas Munisipaliteit plaasgevind. Aangeheg op bladsy 38 tot 45 vind u die volledige ouditverslag.

Sedert 2013 het KAM 'n spesiale fokus geplaas om aan die genoemde Wet te voldoen en vanjaar is GEEN noemenswaardige items uitgewys wat aandag kort nie. KAM voldoen aan die genoemde Wet.

Graag word die volgende uit die verslag uitgewys:

- Beleid moet gereeld hersien word - Dit sal tydens die volgende beleidshersiening proses gedurende April/Mei 2017 aangespreek word.
- Al vyf (5) personeellede is deeglik opgelei.
- Volledige “magtigings” is verkry vir die “vernietiging van lêers”.
- Leemtes soos vorige jare uitgewys, is volledig aangespreek - Soos die installing van brandstelsels.
- Reëlins moet met die Departement getref word ten opsigte van die “oorplasing van uitgediende rekords”.
- 'n Rampbestuursplan is geïmplimenteer en daarom word berging op verskillende terreine gedoen.
- Die oorplasing van “Agenda- en Notuleboeke” (1966-1990) sal met Provinsie gefinaliseer word.

Aan die einde van die verslag spreek die Departement hul dank uit aan die personeel vir hul goeie samewerking.

FINANSIËLE IMPLIKASIE

Geen.

PERSONEEL IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Nasionale Argiefwet (Wet 3 van 2005)

BESTUURSAANBEVELING

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

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 196/2016

Dat die aanbeveling van die Korporatiewe Dienste Komitee as besluit van die Raad aanvaar word.

9.3.2 **PROPOSED DEVELOPMENT: REMAINDER OF ERF 1148, BREDASDORP (RETIREMENT VILLAGE) (B1148 - STRP) (WARD 4)**

PURPOSE OF REPORT

For Council to consider the valuations obtained from independent valuers.

This report consists of the following:

- Proposed sale agreement
- Location of the property
- Proposed Layout
- Architectural guidelines
- Valuation Certificate

BACKGROUND

On 26 April 2016, Council took the following decision (65/2016):

- “(i) *That Council, in principle, approves the development.*
(ii) *That a formal request (including lay-out and architecture) be submitted to Council for consideration.*”

On 17 June 2016, Council received the relevant documents (***Annexure A was already distributed***) and on 28 June 2016 Council took the following decision (149/2016):

- (i) *“That Council approves the proposed development layout and all relevant documents.*
(ii) *That two independent valuers be appointed to obtain a fair market value of the land.*
(iii) *That the new market values be reported to Council for further consideration.”*

MARKET VALUE

The following valuations were obtained:

C.D.V. Property Valuers Pty Ltd (Cape Data Valuers) - see Annexure B on page 46 to 54.
R1 540 000,00

De Kock Lloyd Eiendomswaardeerders - see Annexure C on page 55 to 59.
R1 495 000,00

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

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

Council policy	Alienation of land
MFMA	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
MATR	1. Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> a) <i>R50 million;</i> b) <i>One percent of the total value of the capital assets of the municipality....</i> c) <i>An amount determined by resolution of the council of the municipality which is less than (a) or (b).</i> 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

MANAGEMENT RECOMMENDATION

- (i) That Council consider the new valuations from Messrs C.D.V. Property Valuers Pty Ltd (Cape Data Valuers) and De Kock Lloyd Eiendomswaarders.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account.
- (iv) That a portion of Erf 1148, 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 1148, Bredasdorp, by development proposal to Annison 35 (Pty) Ltd (OUT OF HAND SALE – for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

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

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

- (a) the way in which the capital asset is to be sold or disposed of;
- (b) a floor price or minimum compensation for the capital asset;
- (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That Council determine a reserve price of R1 540 000,00 (excluding VAT) to determine.
- (vii) That all legal requirements are met for disposal of land.

RECOMMENDATION: CORPORATE SERVICES COMMITTEE

- (i) That the management recommendation not be accepted.
- (ii) That the developer make a further presentation to the new elected Council before final approval.

Na 'n koukus, word die volgende besluit geneem:

RESOLUTION 197/2016

That the management recommendation be accepted as resolution of Council.

(Die volgende Raadslede/-here teken hulle teenstem aan: Jantjies, Jacobs, Marthinus, Baker en Europa.)

9.3.3 **COUNCIL'S FURTHER DIRECTIONS: REZONING, SUBDIVISION CONSOLIDATION AND LETTING OF PROPERTY IN RESPECT OF THE VISHUIS HERITAGE CENTRE IN KASSIESBAAI, ARNISTON (W416 - MTRP) (WARD 5)**

PURPOSE OF REPORT

In order to seek Council's further directions and support for the Municipal Manager to implement and advance Council's decision dated 23 February 2016.

BACKGROUND

On 23 February 2016 Council took the following resolution (19/2016):

"Council resolved to APPROVE the following:

1. Any resolution of the Council inconsistent with the following approvals is rescinded.
2. The subdivision of Erf 416 into the Remainder Erf 416, Arniston and Portion A: $\pm 44m^2$ (with proposed new erf number Erf 768, Arniston) is approved.
3. The subdivision of the Remainder of Farm 260 Arniston Downs Bredasdorp RD into the Remainder of the Remainder of Farm 260 Arniston Downs Bredasdorp RD and Portion B $\pm 339m^2$ (with proposed new erf number Erf 767, Arniston) is approved.
4. After subdivision, the consolidation of Portion A and Portion B to form a new erf of $\pm 383m^2$ (with proposed new erf number Erf 769 Arniston) is approved.
5. The provision of alternative parking for the heritage centre in accordance with either parking Alternative A or Alternative B described in the supplementary parking report ARN/1210 by Town and Country is approved.
6. The above subdivisions and rezoning are approved subject to the conditions set out in Annexure R.
7. The annexed Special Zone Site Development Plan in respect of erf 769 is approved.
8. It is determined that Portion B be regarded as a 'non-viable parcel of land' in terms of Part 10.1.8 of the Land Disposal Policy dated 23 February 2012.
9. In-principle approval is given to grant the Union the right to use erf 769 in accordance with the annexed lease which must be signed on behalf of CAM and the Union.
10. It is recorded that the above approvals do not remove the need for the Union and / or CAM to obtain all other approvals required by law before commencing with the contemplated uses and activities.

(Raadsheer Marthinus nie teenwoordig tydens bespreking van die aangeleentheid nie.)"

OBJECTIONS TO COUNCIL'S DECISION

On 22 March 2016, after taking the above decision, Council received the following letter of objection from Messrs Frances, Thompson and Aspden, attorneys acting on the instructions of Mr Robert Haarbarger and others:

ATTENTION: MR. BERTUS HAYWARD

**CAPE AGULHAS MUNICIPALITY
PO BOX 51
BREDASDORP 7280**

Fax: 028 425 1019

Email: info@capeagulhas.gov.za; info@capeagulhas.com; BertusH@capeagulhas.gov.za; ElsabeZ@capeagulhas.com; DeanO@capeagulhas.gov.za

Dear Sir / Madam

**RE: PROPOSED COMMUNITY DEVELOPMENT CENTRE: WAENHUISKRANS / ARNISTON
(DIE VISHUIS)**

1. The minute of the meeting of 23 February 2016 [Besluit 19/2016], at which certain decisions pertaining to the Vishuis were taken, refers.

2. Our clients, the Arniston Hotel Property (Pty) Ltd, Arniston Seaside Cottages (Pty) Ltd, the Haarburger Trust and Robert Ivan Haarburger, who are all ratepayers based in Arniston/Waenhuiskrans, are aggrieved by the decisions which were taken which they intend to challenge by way of High Court proceedings in which an order shall be sought reviewing and setting aside certain of the decisions contained in the said minute.
3. It will take our clients some time to prepare their papers for the aforesaid High Court application, and we have been instructed to request you to desist from taking any further steps to implement the said decisions until such time as the litigation which our clients intend to institute has been finally determined.
4. The decisions which were taken on 23 February 2016 and which will form the subject matter of the High Court application are briefly but not exhaustively dealt with hereunder:
 - 4.1. Portion B cannot be regarded as a 'non-viable parcel of land' for the purposes of Part 10.1.8 of the Land Disposal Policy dated 23 February 2012. In this regard we point out that the said Portion B has an area of approximately $\pm 339\text{m}^2$ and is situated in close proximity to the sea. As long ago as 25 April 2013 Portion B was valued at R 1,5 million. This document served before your committee and was attached to the Report as Annexure "K" (page 151). With respect, CAM could not have had regard to this valuation at the time when it took the decisions contained in the minute of the meeting. This was a highly relevant fact which ought to have been taken into account but which was ignored alternatively accorded insufficient weight. The effect of the decision is to deprive the local authority of this valuable piece of land, without any compensation having been paid to it. This is an extravagant step taken by a local authority which is teetering on the verge of insolvency. The said property could be sold for R 1,5M. The writer's clients, who are the major ratepayers situated in Arniston, are prepared to pay the aforesaid sum for the said property, which they hereby offer to do.
 - 4.2. The transaction is nothing but a disguised sale. True, it is dressed in sheep's clothing because the primary document purports to be an agreement of lease. The term of the lease is, however, extraordinarily long, namely 20 years with an option to renew for a further 20; furthermore, the lease contains a right of pre-emption. This is clearly no sheep, but a wolf. CAM did not take the true nature of the transaction into account, which is a further reason for reviewing and setting the decision aside.
 - 4.3. The compensation CAM shall receive for the lease will be insufficient to cover the expenditure to which it will be put, and which our clients, as the ratepayers, will have to subsidise. You will recall in this regard that the rental CAM will be receiving will amount to R 1.00 per month. The obligations which CAM proposes to undertake include maintaining the outside of the building, and replacing the roof if and when necessary. This will certainly happen during the next 40 years, and the rental would not even cover the cost of the petrol for the contractor required to paint the outside of the building. CAM has, in reality, donated the use of the land to the lessee.
 - 4.4. It should be noted in this regard that the Waenhuiskrans/Arniston Community Development Trust ("the Trust") has been afforded the right of pre-emption, and it is as clear as mud that the intention is for the Trust to take over the running of the "heritage centre" and the eventual ownership thereof. This is simply unacceptable, and does not accord with section 14 (2) of the Local Government: Municipal Finance Management Act 56 of 2003.
 - 4.5. The zoning which is contemplated is wholly inappropriate, and discordant with the provisions of CAM's integrated zoning scheme. The objective of a special zone *is to provide for circumstances where special or unique factors justify the creation of specific development rules for a specific site or sites without justifying the creation of a new zone in these Regulations. In addition it provides an opportunity to introduce collaboration between the Municipality and the owner/developer in the development process. It allows for unforeseen or special circumstances where it is not possible to*

accommodate the use or activity in an existing use zone, and it allows for innovative design, architectural styles, building forms and site layout. These considerations are simply not applicable to the Vishuis which is ostensibly going to be used as a Heritage Centre, but it is an open secret that the intention is in fact to establish a restaurant there. This is an abuse of the legislation. There is no reason why the heritage centre should not be accommodated in the zoning applicable to museums (Civil and Social), if the intention is in fact to establish a heritage centre. Our client intends to challenge the intended zoning.

- 4.6. It should be noted that the environmental authorisation/permission was sought on an entirely different basis, and no mention was made of a restaurant at that time.
- 4.7. Furthermore, Kassiesbaai is a SAHRA Grade 1 heritage site and it falls within the jurisdiction of SAHRA and not Heritage Western Cape. The renewal of the permit attached to the Report as Annexure "E" is accordingly inadequate as it has been issued by the incorrect instance.
5. It should be noted that CAM is in effect deciding to subsidise a restaurant situated in a prime location, which will deprive the existing restaurants conducted in Kassiesbaai of their custom. The subsidised rental and maintenance will provide the new Vishuis restaurant with a significant competitive advantage over the other restaurants in the area – to the detriment of the ratepayers who are endeavouring to conduct businesses there and who will not be provided with similar advantages. This is a fundamentally unfair and discriminatory allocation of public resources for the purposes of benefiting those persons who will ultimately be in control of the Vishuis namely the Trust which has been given the pre-emptive right.
6. What is most disappointing is the fact that the lease has not been put out to tender, and no attempt has been made to ensure that the municipality secures a market related return for the property which it owns. Indeed, no consideration appears to have been given to the fact that the property in question is urgently required for the provision of essential municipal services, such as a fire brigade and a police station. There is a spate of crime in Arniston, and the police have to travel from Bredasdorp for the purposes of conducting patrols. There is an urgent need for visible policing, and a police station ought to be built in the position where the well-heeled and rich inhabitants of Arniston intend to establish their subsidised restaurant.
7. We accordingly request you to provide us with an undertaking that you will not take any steps in order to implement the decisions which have been taken without having first provided our client with written notice of your intention to do so, without having first afforded our client an opportunity to obtain an interim interdict pending the finalisation of the proposed review proceedings.
8. We accordingly require the undertaking referred to above within 14 days of receipt of this letter i.e. the 13th of April 2016.

COUNCIL'S ATTEMPT TO AVOID POSSIBLE LITIGATION AND MEDIATE THE DISPUTE

On the advice of Council's attorneys, attempts were made to avoid the threat of litigation by the objectors, which implied both expenses and delays. These included a proposal to mediate the issues in dispute that could be mediated (not all the issues raised by the objectors were suitable for resolution through mediation). The hope was that if certain key issues could be settled by compromise agreement, for example the fear of business completion raised by the objectors, that would be sufficient to avoid litigation about the remainder.

However it was clear that mediation could only succeed if it enjoyed the genuine support of all relevant parties including Council itself, the objectors, the Waenhuiskrans Visserunie and the Waenhuiskrans/Arniston Community Development Trust. For that reason Council's attorneys approached all interested parties to measure the support for the proposal to mediate and received positive indications from the objectors.

On the same basis the attorneys prepared the following letter on Council's behalf to The Chairman, Waenhuiskrantz Fishermans' Union and The Chairman, Waenhuiskrans/Arniston Community Development Trust:

"Dear Sirs,

VISHUIS HERITAGE CENTRE

- 1. We represent the Cape Agulhas Municipality in connection with the Vishuis Heritage Centre project in Kassiesbaai, Arniston.*
- 2. We hope you will agree that our client's interests are aligned with yours to ensure the completion, implementation and success of this important project. You are all project partners with the same interests and your on-going support, participation and cooperation is indispensable.*
- 3. However, you are evidently aware of the relentless objections and complaints about the project from Mr Haarburger and certain other interest groups and, regardless of the merits, our client feels compelled to respond to them meaningfully in the interests of safeguarding the project and protecting it from prejudice.*
- 4. For your information we include a letter from Mr Haarburger's attorneys, Messrs. Francis Thompson & Aspden dated 22 March 2016. The letter contains a summary of his objections and complaints and includes a threat to approach the court to review and set aside our client's decision of 23 February 2016, in terms of which it approved the actions necessary to proceed with and implement the Vishuis project. In that event, even though the merits may favour our client, the project will be significantly delayed and prejudiced, and that may be all that its detractors, unfortunately, aim to achieve.*
- 5. Whilst the opportunity exists, our client prefers to avoid litigation with Mr Haarburger's interest group for the reason outlined above, and with that in mind supports the proposal that the issues in dispute be submitted to mediation as far as may be practically possible.*
- 6. Mr Haarburger seems to agree with this idea too, but no purpose will be served unless all interested parties, not least yourselves, are willing to engage in mediation in good faith, and in that respect we invite and request your full participation in the proposed mediation.*
- 7. We hope you will appreciate that this approach is intended to serve your interests as much as our client because it is intended to preserve and further the progress of the Vishuis project to completion and success.*
- 8. We request no more from you at this time than to agree in principle to participate in the mediation, in which event we will consult and appraise you or your legal advisors fully of the details in order that you may prepare properly to engage.*
- 9. Please acknowledge receipt of this letter and treat its contents as confidential.*

*Sincerely,
BBP LAW INC
per David Polovin"*

VISSERSUNIE AND TRUST'S RESPONSE

On 13 September 2016 Council's attorneys and Council received the following reply:

"Dear Mr Polovin

Vishuis: Proposed mediation

We write on behalf of the Waenhuiskrans/Arniston Community Development Trust and the Wagenhuiskrans Visserunie. We have consulted with various stakeholders regarding the proposed mediation, as well as our lawyers.

First, we confirm all stakeholders wish to assist the Cape Agulhas Municipality to ensure the completion and success of Vishuis. We agree with your assessment that Mr Haarburger is really only interested in protecting his business against the threat of business competition, which he thinks Vishuis represents. His threatened litigation will delay implementation of the project and we agree with you that this, unfortunately, may be all that he aims to achieve.

Project objective and viability

Amongst others, Vishuis is intended to be a visitor's centre for the town and a heritage centre to archive the archaeology and ongoing history of a community and a settlement that is in important respects iconic in South Africa. An important function of Vishuis would be to promote economic activity in the historic fishing village and we have a fairly comprehensive plan to ensure that it achieves this objective. Vishuis is located in the buffer zone, which previously separated the two built environments and communities in Arniston. Only about 10% of visitors to the Waenhuiskrans Nature Reserve and the Cave visit the historic fishing village. Vishuis will play an important role in reversing this trend and will serve as a bridge between formerly segregated communities.

From a financial viability perspective, we note for interest that visitor and heritage centres are typically financially supported by local government. However, in this project the intention is for Vishuis to be self-sustaining. It will be more viable as a project and will fulfil its function to promote economic activity in the community better if light meals and refreshments are served.

Council approval and mediation

The Cape Agulhas municipal council approved the actions necessary to implement the Vishuis project on 23 February 2016. This included approval of a facility on the site where light snacks and drinks can be offered to the public. Council made this decision after considering Mr Haarburger's objections. These are the same objections he still raises today.

As we understand it, the municipal manager is statutorily responsible and accountable for carrying out the decisions of council.

In this regard, aside from the land use planning approvals which must be implemented, council gave in-principle approval to "grant the Union the right to use erf 769 in accordance with the annexed lease which must be signed on behalf of CAM and the Union". This constitutes an approval subject to conditions as contemplated by regulation 40 of the MFMA Asset Transfer Regulations. Thus, the terms of the lease which served before council (including provisions on rental, duration, use etc) constitute the council-approved conditions upon which the approval was granted. We note that these very lease provisions are the proposed subject matter of the mediation process. These conditions cannot be reviewed or set-aside in a mediation process as the effect would be to change the council decision. The mediator lacks the power to do so.

In the circumstances, we regret that we see no purpose in the proposed mediation and are not willing to participate. Proceeding to mediation in these circumstances would be fruitless and a waste of our and the municipality's time, money and resources. Mr Haarbuerger had the opportunity to raise all his objections and complaints to the project in the public participation process. This he has done. Council, an elected deliberative body, has duly considered these objections and complaints and has approved the project nonetheless. Council's decision cannot now be second-guessed, nor can Mr Haarbuerger be afforded greater rights than other members of the public to air his grievances and attempt to dictate the scope of the project, merely because he has threatened to go to court.

It is the municipal manager's duty to implement council's decisions. This includes implementing all land use planning approvals and signing the lease. The project was approved in February and it is now September. This is, with respect, an unreasonable delay and prejudices our, the stakeholders' and the community's rights and expectations with regard to the project. We expect the municipal manager to act expeditiously in implementing the council decision, failing which we will, reluctantly, have no choice but to approach the High Court to enforce our rights.

We welcome the opportunity to meet with you and your client as soon as possible to discuss these matters and to progress the project without further delay.

*Kind regards,
André Marthinus and Hannes van Zyl
On behalf of the Vissersunie and the Trust"*

GUIDANCE IN WAY FORWARD RE VISSERSUNIE AND TRUST

On 13 September 2016, Council's attorneys, BBP Law Inc sent the following e-mail to Advocate Ron Paschke:

"We have had a reply to our letter to the Trust & the Union. They decline to participate in the proposed mediation and their reasons include a stated intention to rely on the rights accrued in terms of CAM's 23 Feb 2016 decision, with an added dimension and threat to enforce such rights if need be.

I believe we have correctly and in our client's best interests explored the prospects of compromise and settlement but not succeeded, and now we ought to advise them to implement the above decision and inform the objector that we are doing so.

I look forward to your further comments and advice."

Mr Dean O'Neill responded as follows on the same day:

"At this juncture I have no choice but to take the matter back to council and receive my instructions from them."

This is now where the matter stands and, in light of the above developments, the Municipal Manager wishes to consult Council and receive its further directions and support.

MANAGEMENT RECOMMENDATION

Management recommends that Council resolves to:

- (i) Recognize that all reasonable efforts made in good faith on its behalf to avoid litigation threatened by the objectors, evidently led by Mr Haarbuerger, have unfortunately not succeeded.

- (ii) Take note that such efforts included a proposal to go to mediation in order to explore the prospects of compromise and settlement which would have required the whole-hearted participation of all stakeholders, not least Council itself, the objectors, the Waenhuiskranz Visserunie and the Waenhuiskrans/Arniston Community Development Trust.
- (iii) Take note that certain parties including in particular the Union and the Trust ultimately declined to participate in the proposed mediation with the result that the proposal became redundant.
- (iv) Recognize further that it has the duty and obligation to implement and carry out its decisions, including in particular the decision of 23 February 2016.
- (v) Accordingly supports and directs the Municipal Manager to proceed, without further delay, to implement and carry out its decision of 23 February 2016 and to take measures, if need be, to defend Council against any attempts to prevent it doing so.

Die Munisipale Bestuurder meld dat die Vissersunie intussen 'n vergadering belê het met die munisipaliteit se regsverteenwoordigers wat sal plaasvind op 6 Oktober 2016.

BESLUIT 198/2016

Dat, na die vergadering van die Vissersunie met KAM se regsverteenwoordigers, die item weer aan die Raad voorgelê word.

(Rdh Marthinus en Rdl Europa nie teenwoordig tydens bespreking van die aangeleentheid nie.)

9.3.4 **WYSIGING VAN VORIGE BESLUIT: OPRIGTING VAN 'N OPLEIDINGSFASILITEIT DEUR CETA, ERF 4096, BREDASDORP**

DOEL VAN VERSLAG

Om die bestaande besluit aangaande die oordrag van erf 4096, Bredasdorp (RB 204/2014 gedateer 30 September 2014) te wysig, na die skenking van 'n gedeelte van erf 4096, Bredasdorp aan die Departement van Hoër Onderrig en Opleiding vir die oprigting van 'n Vaardigheidsontwikkelingsentrum (Anene Booyesen Skills Centre).

AGTERGROND

Die Raad het by 'n Raadsvergadering gehou op 27 Augustus 2013 soos volg besluit:

"BESLUIT 220/2013

- (i) *Dat die Raad nie die grond (erf 4096, Bredasdorp) nodig het vir munisipale dienste nie.*
- (ii) *Dat die Raad in beginsel die gedeelte grond, genoem erf 4096, Bredasdorp aan CETA beskikbaar stel vir die oprigting van 'n Vaardigheidsfasiliteit.*
- (iii) *Dat die installering van alle dienste deur CETA betaal sal word.*
- (iv) *Dat Stadsbeplanning begin met die onderverdeling van erf 4096, Bredasdorp.*
- (v) *Dat 'n taakspan aangewys word wat sal help met die daarstelling van die fasiliteit. Die taakspan sal bestaan uit verteenwoordigers van KAM, CETA, die Departement van Hoër Onderwys asook enige kundigheid wat die span mag benodig.*
- (vi) *Kaap Agulhas Munisipaliteit verteenwoordig sal word deur die Burgemeester, die Wyksraadslid, Stadsbeplanning, Boubeheer, Menslike Hulpbronne, kantoor van die Munisipale Bestuurder en Siviele Dienste.*
- (vii) *Dat die Munisipale Bestuurder 'n Ooreenkoms van Verstandhouding met CETA sal onderhandel en dit aan die Raad voorlê voor ondertekening deur homself.*
- (viii) *Dat, aangesien die Burgemeester en die Wyksraadslid dieselfde is, Raadsheer Jantjies ook op die komitee benoem word."*

Hierna het Minister Blade Nzimande die amptelike sooispit waargeneem by 'n seremonie gehou op 13 Maart 2014. Die CETA het hierna voortgegaan om hul formele tenderprosesse te volg. 'n Kontrakteur is aangestel en op 25 September 2014 aan die Raad voorgestel. Die kontrakteur sal op Maandag, 05 Oktober 2014, amptelik begin op terrein.

ONDERSOEK

Dit het egter aan die lig gekom dat daar nog nie 'n ooreenkoms wat die wettige gebruik van die grond vir die oprigting van die sentrum tussen die Raad en die betrokke departement bestaan nie.

Aangesien hoër opleidingsfasiliteite nie 'n grondwetlike funksie van 'n munisipaliteit is nie, word die Raad hiermee geadviseer om liefs die grond te vervreem. Dit moet gedoen word ten einde die raad van enige toekomstige verpligting, wat finansiële implikasies kan inhou, vir die onderhoud en bestuur van die fasiliteit, vry te skeld.

Die oordrag, verkoop en vervreemding van grond wat aan 'n munisipaliteit behoort, word gereguleer deur die Munisipale Finansiële Bestuurswet, 2003 (MFBW) en spesifiek artikels 14 en 90. Nietemin die gemelde artikels is nie van toepassing op die oordrag van 'n munisipale bate aan 'n ander staatsorgaan nie. Des nieetenaande bepaal dit dat oordragte van die aard binne 'n voorgeskrewe raamwerk moet plaasvind.

Die Minister van Finansies het op 22 Augustus 2008 onder Staatskoerant No 31346 die Munisipale Bateoordrag Regulasies (MBOR) bekend gemaak. Die Regulasies maak onderskeid tussen vrygestelde en nie-vrygestelde kapitale bates. Vrygestelde kapitale bates verwys na die oordrag van munisipale bates na 'n ander staatsorgaan. Hoofstuk 3 van die MBOR maak voorsiening vir die oordrag van vrygestelde munisipale kapitale bates na 'n ander staatsorgaan. Hierdie hoofstuk definieer ook die omstandighede waaronder die gemelde oordrag mag plaasvind en beskryf die raamwerk waarna vroeër verwys is.

'n Raad moet ook die volgende faktore in ag neem wanneer 'n bate vir minder as die billike markwaarde van 'n staatsorgaan oorgedra word:

- (a) Indien die bate op 'n latere datum deur die Munisipaliteit benodig sal word;
- (b) Die verwagte verlies of voordeel wat realiseer mag word uit hoofde van die voorgestelde oordrag;
- (c) Die mate waartoe enige kompensasie wat ontvang mag word in terme van die voorgestelde oordrag by kan dra tot die wesenlike ekonomiese en finansiële koste of voordeel aan die Munisipaliteit;
- (d) Die risiko en opbrengs verbonde aan die bedryf of kontrole van die kapitale bate wat oorgedra moet word ten opsigte van die belange van die Munisipaliteit;
- (e) Die impak wat die voorgestelde oordrag op die toekomstige vermoë van die munisipaliteit om lang- en korttermyn lenings op te neem;
- (f) Enige beperkinge of voorwaardes verbonde aan die bate of die oordrag van die bate en die gevolge of enige nie-voldoening van daardie voorwaardes;
- (g) Die beraamde koste van die voorgestelde oordrag;
- (h) Die oordrag van enige reserwe fondse verbonde aan die bate;
- (i) Die belange van enige geaffekteerde staatsorgaan en die strategiese, wetlike en ekonomiese belange van die munisipaliteit sowel as dié van die plaaslike gemeenskap; en
- (j) Voldoening aan die wetlike regime verwant tot die voorgestelde oordrag.

GEVOLGTREKKING

Die Raad het reeds met die bogemelde raadsbesluit van 27 Augustus 2013, 'n besluit geneem dat die bate nie, in terme van Artikel 14 van die MFBW, benodig word vir die voorsiening van basiese dienste nie. Gevolglik sal dit ook nie op 'n latere datum hiervoor benodig word nie.

Die beplande oordrag voldoen aan die vereistes van vrystelling aangesien voldoen word aan artikel 20(f) van die MBOR deurdat die bate gebruik gaan word vir die oprigting van 'n vaardigheidskool wat bedryf gaan word deur die Departement van Hoër Onderrig en Opleiding vir die opleiding van hoofsaaklik arm en voorheen benadeelde jeug in die gemeenskap van Kaap Agulhas en moontlik in die Overberg distrik.

Erf 4096 is 2,4914 ha groot en die huidige munisipale waardasie is R1,088 miljoen. Die gedeelte waarop die vaardigheidsentrum opgerig gaan word is 238 m² (grootte van gebou). Alhoewel daar voorgestel word dat die bate gratis aan die departement oorgedra word sal hulle verantwoordelik wees vir die betaling van toekomstige eiendomsbelasting en diensterekening.

Dus alhoewel daar nie 'n onmiddellike finansiële voordeel vir die munisipaliteit sal wees nie is daar wel 'n toekomstige voordeel. Die uitkomst van die opleidingsgeleentheid wat hierdeur geskep word sal egter 'n bydrae maak tot die groter sosiale en ekonomiese ontwikkeling van die inwoners van die munisipaliteit wat kan bydra tot die toekomstige finansiële volhoubaarheid van die munisipaliteit.

Daar bestaan tans geen beperking of risiko op die voorgestelde oordrag van die bate nie en dit sal geen effek hê op die vermoë van die munisipaliteit om lang- of korttermyn lenings op te neem nie. Die koste van die oordrag sal vir die rekening van die oordragnemer wees en geen reserwe fondse is tans verbonde aan die bate nie.

Die item was weer op **30 September 2014** voor die raad waar die volgende besluit is:

"BESTUURSAANBEVELING

Dat die Raad -

- (i) *Die besluit van 27 Augustus 2013, dat die bate nie benodig word vir die voorsiening van basiese dienste nie, in terme van Artikel 14 van die MFBW, bekragtig.*
- (ii) *Bevestig dat die bate 'n vrygestelde kapitale bate in terme van artikel 14(6) van die MFBW is.*
- (iii) *Bevestig dat die bate, 'n gedeelte van 'n erf 4096, teen 'n minimale bedrag, soos ooreengekom tussen die Raad en die oordragnemer, vervreem kan word.*
- (iv) *Die Munisipale Bestuurder gemagtig word om die bate oordrag ooreenkomste met die oordragnemer te finaliseer.*

UBK BESLUIT BK185/2014: 30 SEPTEMBER 2014

- (i) *Dat die Bestuursaanbeveling aanvaar word.*
- (ii) *Dat, indien die bate nie meer gebruik word vir 'n opleidingsfasiliteit nie, die bate terug getranspoteer word na die Raad.*
- (iii) *Dat die aangeleentheid na die Raad verwys word vir oorweging.*

RAADSBESLUIT 204/2014: 30 SEPTEMBER 2014

Dat die Uitvoerende Burgemeestersbesluit BK185/2014 aanvaar word."

VERDERE ONDERSOEK

Die Anene Booyen Skills Centre is deur CETA gebou en amptelik op 23 Julie 2016 geopen. Na verskeie vergaderings en onderhandelings is daar vanaf die staatsprokureur verneem dat die Anene Booyen Skills Centre na Boland FET College (FET = Further Education & Training) oorgedra moet word.

BESTUURSAANBEVELING

- (i) Dat die vorige besluit herroep word waarin besluit is dat die eiendom na die Departement van Hoër Onderrig en Opleiding oorgedra moet word.
- (ii) Dat die Raad goedkeuring gee dat die Anene Booyesen Skills Centre, opgerig op erf 4096, Bredasdorp oorgedra gaan word na BOLAND FET COLLEGE.

BESLUIT 199/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

9.4 **FINANSIËLE DIENSTE / FINANCIAL SERVICES**9.4.1 **ODUIT AKSIEPLAN 2014/15 (OPCAR): MAANDELIKSE VORDERING - AUGUSTUS 2016****DOEL VAN VERSLAG**

Oorweging van die vordering met die goedgekeurde 2014/2015 Oudit Bevindinge Aksieplan (OPCAR) vir die maand Augustus 2016.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2014/15 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan 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 kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê. Die verslag wat hierby aangeheg is op bladsy 60 en 61, is 'n aanduiding van die vordering wat met hierdie aksieplan gemaak is soos op einde Augustus 2016.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Oorweging, bespreking en aanvaarding van die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2014/15 finansiële jaar soos op einde Augustus 2016.

BESLUIT 200/2016

Dat die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2014/15 finansiële jaar soos op einde Augustus 2016, aanvaar word.

10. **ITEMS DEUR UITVOERENDE BURGEMEESTERSKOMITEE NA DIE RAAD VERWYS VIR OORWEGING**

10.1 **PROPOSED FISHERMAN'S COTTAGES: ERVEN 1400 AND 1401, STRUISBAAI (MTRP - S1400 AND 1404) (WARD 5)**

PURPOSE OF REPORT

Council to consider the Special Zone Site Development Plan proposed for Erven 1400 and 1401 Struisbaai.

The document consists of the following:

1. Location of the property attached as **Annexure A** on page 9.
2. Proposed Site Development Plan Layout attached as **Annexure B** on page 10.

BACKGROUND

The application consisted of the following:

Consideration of the Special Zone Site Development Plan proposed for erven 1400 and 1401, Struisbaai.

ADVERTISING

The application was advertised on the 30th of October 2015 in the Provincial Gazette as well as the local newspaper - closing date for comments was the 30th of November 2015. Registered mail was also sent to the surrounding property owners, Suidpunt Residents' Association, Cape Agulhas Business Chamber, The Department of Transport and Public Works and the Breede-Gouritz Catchment Management Agency.

Objections and general comments were received from:

- Western Cape Government: Road Network Management
- Environmental Management Section: Overberg District Municipality
- Aesthetic and Conservation Committee: Cape Agulhas Municipality
- Cape Nature
- Breede Gouritz Catchment Management Agency
- Suidpunt Environmental Alliance
- Ms. J Armit
- W A Ekermans
- Mr and Mrs B L Woodcock

The table summarising the main points of objection and comments received against the Site Development Plan application for erven 1400 and 1401, Struisbaai is attached on page 11 to 14.

COMMENTS FROM DEPARTMENTS

DIRECTOR: CIVIL ENGINEERING SERVICES

"Geen beswaar teen aansoek."

STREETS AND STORMWATER

"In orde het met ontwikkelaar gepraat oor toegang vanaf hoofpad. DPI moet goedkeuring verleen."

WATER AND SEWERAGE

“Indien die ontwikkelaar die kothuise by die bestaande rioolnetwerk wil aansluit, sal hy verantwoordelik wees vir die koste hiervan. Die betrokke rioollyn, waarby aangesluit kan word, is geleë oorkant hoofweg. Alternatiewelik sal riooltenks voorsien moet word wat nie wenslik is nie. Water kan voorsien word uit 'n naby geleë waterlyn.”

SOLID WASTE AND PURIFICATION

“Huidiglik geen invloed op Reinigingsdienste.”

DEPUTY DIRECTOR: ELECTROMECHANICAL SERVICES

“Daar is huidig geen elektrisiteit op die perseel beskikbaar om al die huise te kan bedien nie. Alle elektriese infrastruktuur en voorsiening sal vir die koste van die ontwikkelaar wees. Die ontwikkelaar moet ook die installering van die infrastruktuur deur 'n kontrakteur laat doen.”

BUILDING CONTROL

“Die nuwe ontwikkeling moet esteties inpas by die bestaande. Daar moet gekyk word na toegang en parkering tot die area.”

DIRECTOR: COMMUNITY SERVICES

“No objection as long as Town Planning and building regulations are met.”

TRAFFIC

“Voorsien geen problem met voorstel nie toegang na area moet goed beplan word area is in draai wat dit gevaarlik maak.”

DIRECTOR: CORPORATE SERVICES

“No objection as long as Town Planning and building regulations are met.”

MANAGER: TOWN AND REGIONAL PLANNING

The applicable zoning scheme is the Cape Agulhas Municipality Integrated Zoning Scheme, which came into effect on 30 June 2014. The current zoning of Erven 1400 and 1401, Struisbaai are Special Zone.

Under Regulation 300(1) of the Zoning Scheme, CAM must select one of the following methods of development management for a Special Zone: (a) Special Zone Annexure method; (b) Special Zone Site Development Plan method; or (c) a combination of (a) and (b). Method (b) was proposed.

The development rules which would apply to the consolidated portion are set out in the proposed Special Zone Site Development Plan for erven 1400 and 1401 contemplated in Regulation 300(1)(b) of the Zoning Scheme. It makes provision for the site to be used for:

This is part of an initiative from SAHRA to utilize their existing land holdings better. The idea is to make the property sustainable in its contribution to the town and taking care of itself. The preservation and promotion of National resources are paramount. The improvements can create a special place; a entrance gateway to Struisbaai and assist the town both a physical and social way. There are opportunities for employment and the physical design strives to be such that it can instill more civic pride in the heritage of Struisbaai.

These properties in particular have the potential to contribute to the local area both in terms of work opportunities and income generation. The proposal is to upgrade eight of the existing cottages, combining and altering one to form a unified cluster with a restaurant/coffee shop ablutions and kitchen. Twelve new units mixing one two and three bedroom units in appropriate locations on the sites

This will allow for the creation of a small guest accommodation complex of a total of 20 cottages. Additional facilities such as a reception area, children's play area, tennis court with decks and stoeps.

The 12 new cottages are positioned in the clearings between the tree bands. Their layout follows the contours and least sloping areas. They are clustered together in pockets of three alike like units. They are to be built in a similar style with the benefit of technology more natural light is allowed to penetrate under the eaves by means of top lights and the wall surfaces are rationalized and united in thick solid wall panel Stone is also to be used for the plinths as per the old vernacular style of Cape village. Lime washed walls and thatch roofs as per the originals.

5.2 Accommodation types and numbers

Residential units:

3 x Single bedroom units, 62m² each = 186m²
 6 X Double bedroom units, 86.5m² each = 519m²
 3 x Three bedroom units, 98.5m² = 295.5m²

The most prominent Old cottage is unified by the addition of a Restaurant building. The existing double cottage is altered internally to accommodate the reception area, kitchen and ablutions with a smaller private dining area.

Restaurant:

Existing Cottage to be re-unified 41 + 50m² = 91m²
 Additional building = 65m²
 Stoep and deck 96 + 47 113m² total

The Positioning of the new building and its relation to the other is such that spaces are defined around and between them by means of stoep and deck area with a herb & vegetable garden to serve the kitchen.

The deck is surveillance over the children's play area and view onto the proposed tennis court. Both the stoep and deck areas can be used for functions and entertainment.

5.3 Employment opportunities

Number of staff will include one person for reception and administration, kitchen staff x 5 and chef + 1.

Waitresses and waiters x 4

Maintenance and groundkeeper x 2 with gardening and upkeep staff x 4

There are employment benefits for 17 personnel and that excludes the construction phase

5.4 Facilities

Restaurant and function venue
 Entertainment spaces and restrooms
 Tennis court
 Kids jungle gym and play areas
 Accommodation options
 Gardens

From a town planning point of view, the department is in favour of the application, reasons being:

- The property is well located in terms of tourist accessibility being between Struisbaai North and Struisbaai. It is within walking distance from the surrounding neighbourhoods.
- The site enjoys good views, making it especially attractive for tourists to visit.
- Additional job opportunities will be created as part of the facilities.
- An additional tourist attraction in Struisbaai will be developed and funds generated that could be utilised in the community.
- The centre will contribute to the upliftment of the community and help to alleviate the problem of unemployment.
- The erf is well located and is ideal for a tourism related centre in terms of accessibility.
- Development of the erven ensures a safer environment for the surrounding neighbourhood by filling in the partially vacant area.

Section 36(1) states that any application under Chapters II and III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of the land concerned (including the guideline proposals in a relevant structure plan, insofar it relates to desirability), or on the basis of its effect on existing rights (except any alleged right to protection against trade competition)."

Section 36(2) then goes further to determine that where an application is not refused in terms of 36(1), only the following aspects are seen as relevant particulars when assessing the application:

- (i) Safety and welfare of the community, preservation of the natural and developed environment, or the effect on existing rights (except protection against trade competition).
- (ii) From a town planning point of view, the department is in favour of the application, reasons being Economic and commercial opportunities are very limited in the area and a definite exists for the provision of such activities. However, if the proposed development is given approval with all the relevant departmental provisions taken into consideration, all future land uses must take place within the parameters and restrictions as determined by the zoning of the property in accordance with the Cape Agulhas Integrated Zoning Scheme. This will ensure that any future land uses will be done in a desirable manner for the subject property and immediate surrounding area.
- (iii) Considering the existing development, facilities are uniquely placed to fulfil the need to provide commercial opportunities.
- (iv) The subject property is located next to the Main Road, which is the main movement corridor of the settlement. Accessibility is excellent in terms of the site and is ideally located, provided that all laws and regulations be adhered to regarding traffic, mobility and access to the site.
- (v) Because of the minimum opportunities in the area of Struisbaai relating to job opportunities, the approval of the development will help with the upliftment of the immediate community and will have a positive impact with regards to social implications.
- (vi) Struisbaai, like all other small historic towns with a character, will not be effected negatively by the development. Careful consideration has been taken to accommodate the proposed development, within the rules and regulations, regarding aesthetics as to not influence the surroundings in a manner which will be degrading.

CONDITIONS FOR APPROVAL

City Planning

1. The property be revalued and accordingly taxed.
2. All land use restrictions in terms of the Cape Agulhas Integrated Zoning Scheme be complied with.
3. The main use of the erf shall be used for Special Zone purposes.
4. The applicant / owner / developer note that the approval will lapse within two years of the date of this letter, if all the conditions are not met.

Building Division

5. Building plans of any alterations or any new buildings and structures be submitted to Council for consideration by the Aesthetic Committee and for consideration by the building committee before construction commences.
6. All advertising or tourism signs, to be according to the Council's specifications.
7. On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
8. Fire Report to be submitted with the Fire Plan of the Facility.
9. a Site Development Plan with regard to the provision of adequate on-site parking, to be submitted to Council.

General Services

10. The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
11. The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
12. Any existing servitudes from the title deeds to be maintained.
13. Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
14. All service standards relating to the development must meet the "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".

Parking and Streets

15. Parking must be at least 5.0 x 2.5 meters in size and clearly defined and demarcated to the satisfaction of the Council.
16. All relevant approvals should be obtained from Department:Transport and Public Works before commencement of any development on the site.

Stormwater and Water

17. Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
18. Increasing of the water supply network to be for the applicant / owner / developer's account.

Cleansing and Purification

19. Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
20. The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Aesthetic Committee.

Other departments and institutions

21. Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.
22. To comply with the conditions of the Breede Gouritz Catchment Management CMA, namely that:

- a. *"All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.*
- b. *No pollution of surface water or ground water resources may occur due to any activity on the property.*
- c. *No storm water runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted storm water must be contained.*
- d. *All relevant sections and regulations of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) regarding the disposal of solid waste must be adhered to. Solid waste may only be disposed off into an authorized solid waste facility in terms of abovementioned legislation.*
- e. *The minimizing of waste must be promoted and alternative methods for waste management must be investigated.*
- f. *No permanent structures may be constructed within the 100-year flood line of any watercourse (seasonal or permanent river, stream, etc).*
- g. *No additional use of surface water and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998) and/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 399 dated 26 March 2004), and / or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998).*
- h. *It is the duty of the Applicant(s) to ensure that all servitudes of aqueduct, access and storage to give effect to the apportionment of water uses has been agreed upon prior amongst the property owners and formally registered with the Deeds office to give effect thereto upon approval of the application.*
- i. *No activities may take place within a buffer area as determined by the freshwater ecologist upstream and downstream of a watercourse and/or any wetland system without formal authorization thereto obtained from this Department.*
- j. *The water provided for domestic use must comply with the SANS 241: 2011 guidelines for drinking water. Regular monitoring must be done to ensure compliance. If the quality of the water is of such a nature that it is a threat to human health, then this Department and the Provincial Department of Health must be informed of the procedures to rectify the problem.*

Disposal of sewage (Conservancy Tank)

- k. *The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act 36, Act 36 of 1998.*
- l. *When a conservancy tank is used for the disposal of sewerage, this office must be furnished with a signed copy of the contract between the contractor or the municipality which is appointed to pump the conservancy tank and the municipality.*
- m. *The volume of sewage needs to be metered on a monthly basis and removal programme needs to ensure to be scheduled to ensure that the conservancy tank is pumped well within time before overflowing. Alternatively, floating devices should be installed within the tanks that initiate an alarm of 75% full capacity for collection and disposal.*
- n. *The tank must be provided with a fresh air inlet and an intercepting grease trap.*
- o. *The tank must have an airtight manhole cover to allow access to the tank for the removal and safe disposal of the tank contents.*
- p. *No industrial waste or refuse may be discharged into the conservancy tank except by written agreements with the relevant authorities.*
- q. *The size of the conservancy tank must be determined by both the frequency of removal of its contents to the local Wastewater Treatment Works and by the quantity of sewage anticipated from the above project. Written confirmation must be obtained from the local municipality stating that it will provide the service of removal of the tank contents.*
- r. *The contents of the tank must be removed by a vacuum and conveyed to a local Waste Water Treatment Works that is capable of processing the volume and contents of the conservancy tank.*

- s. *The contingency plan must be drawn up to protect against overflow of the conservancy tank. A sump or lined pond can be designed below the conservancy tank to contain overflows.*
- t. *Ingress of storm water into the conservancy tank must be prevented.*
- u. *The conservancy tanks must be located out of the 1:100 year flood line of any water resources.*

Post and Telecommunications

- 23. Compliance with the conditions for granting a Telkom 'wayleave'. Any electrical work at Telkom poles or overhead cables must meet the requirements of Section 88 of the Act, post offices, Act 44 of 1985 and meet the "Code of Practice for Overhead Lines in South Africa". The conditions for granting a Telkom "wayleave" to be met.
- 24. The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

- 25. No noise may be permitted causing a nuisance to neighbours.
- 26. No activities resulting in a public nuisance may be exercised.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the proposed development layout and all relevant documents.
- (ii) That an environmental assessment needs to be followed, should it be necessary.

RECOMMENDATION: CORPORATE SERVICES COMMITTEE

- (i) That management recommendation be accepted.
- (ii) That all existing milk wood trees be protected.

MAYCO RESOLUTION BK109/2016: 26 SEPTEMBER 2016

That the matter be referred to Council for consideration.

RESOLUTION 201/2016

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

10.2 **VERVREEMDING (RESERVERING) VAN 'N GEDEELTE VAN ERF 857, STRUISBAAI (BSSB - 7/R) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van die Suid-Afrikaanse Polisie diens om 'n gedeelte van erf 857, Struisbaai (±1.5 ha) te vervreem (liggingsplan aangeheg as bylaag A op bladsy 15).

ALGEMENE INLIGTING

Bestaande sonering	:	Onbepaald
Bestaande grondbesluit	:	Ou Jukskei-bane
Bestaande oppervlakte	:	165.9 Ha
Voorgestelde grondbesluit	:	Polisiestasie

AGTERGROND

Op 22 Julie 2016 ontvang die Raad die volgende skrywe vanaf die Suid Afrikaanse Polisiediens:

APPLICATION FOR LAND FOR THE ESTABLISHMENT OF A NEW POLICE STATION: PORTION OF ERF 857 STRUISBAAI

The establishment of a new police station to serve Struisbaai has been included into the South African Police Service long term infrastructure development programme.

Further to a discussion held on 20 July 2016 with the Planning Manager of Cape Agulhas Municipality and officials at the Struisbaai Police Station, it was noted that Erf 857 Struisbaai was previously earmarked for a police station development due to it's ideal locality.

A formal application is hereby submitted for the donation of a portion of Erf 857 Struisbaai, measuring approximately 1, 5 hectares for the future establishment of a new police station development.

KOMMENTAAR: BESTUURDER STADS- EN STREEKSBEPLANNING

Deur die grond te skenk aan die Suid-Afrikaanse Polisiediens sal geen inkomste vir die Raad inbring nie, maar deur te onderhandel met Departement van Publieke Werke via SAPD vir die ruil van 'n gedeelte van Erf 857, Struisbaai (± 1.5 Ha) vir Erf 1253, Struisbaai (4.6Ha), kan die Raad in die toekoms wel finansies bekom met die vervreemding van Residensiële erwe.

FINANSIËLE IMPLIKASIES

Erfbelasting en diensterekening kan inkomste vir die Raad verseker.

WETLIKE IMPLIKASIES

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

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

SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

BESTUURSAANBEVLING

Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewing 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.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat onderhandelings met Departement Openbare Werke in aanvang neem vir die ruiling van erf 1253, Struisbaai.

UBK BESLUIT BK111/2016: 26 SEPTEMBER 2016

Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESLUIT 202/2016

Dat die aanbeveling van die Korporatiewe Dienste Komitee as besluit van die Raad aanvaar word.

11. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**11.1 **ONDERVERDELING, HERSONERING EN AFWYKING: RESTANT VAN ERF 1148 (AREA F), BREDASDORP (B1148 - BSSB) (WYK 2)****DOEL VAN VERSLAG**

Die evaluering van bogenoemde aansoek ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985). Die ligging van die eiendom word aangetoon op die plan aangeheg as **Bylaag A** op bladsy .

ALGEMENE INLIGTING

Voorstelling : Voorgestelde uitleg (sien **Bylaag B** op bladsy)

VOORGESTELDE SONERING	VOORGESTELDE GRONDGEBRUIK	AANTAL	AREA (±Ha)
Enkel Woonsonne	FLISP Behuising	47	1.65
Enkel Woonsonne	Woonhuise	362	6.2
Enkel Woonsonne	Semi-detached (enkel verdieping)	68	1.05
Enkel Woonsonne	Semi-detached (dubbel verdieping)	60	0.77
Enkel Woonsonne	Non-qualifiers	139	1.78
Civic and Social	Gemeenskapsfasiliteite	4	0.96
Lokale Sakesone	Besigheidserwe	3	0.54
Oopruimte	Oopruimtes	3	2.55
Oopruimte	Natuerbewaringsarea	1	33.6
Straat	Publieke straat	1	4.6
TOTAAL		688	53.61

Titelakte : T10232/1922

TITELBEPERKINGS

Daar is geen titelvoorwaardes in die titelaktes wat die voorgestelde behuisingsontwikkeling beperk nie.

AGTERGROND

Die aansoek behels die volgende:

1. Hersonerings van erf 1148, Bredasdorp in terme van Artikels 17 en 22 van die Ordonnansie op Grondgebruikbeplanning, 1985 van Onbepaalde Sone na Onderverdelingsgebied.
2. Onderverdeling van erf 1148, Bredasdorp in terme van Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 ten einde die volgende erwe te skep:
 - 676 Residensiële
 - 4 Gemeenskapsfasiliteite
 - 3 Besigheidserwe
 - 3 Oopruimtes
 - 1 Bewaringsarea
 - Publieke strate
3. Afwyking in terme van Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 van die straatboulyne en kantboulyne op die Residensiële erwe.

Area F van die moedererf 1148, is geleë aan die suid-oostelike grens van die munisipale area. Die toenemende aanvraag vir behuising op geskikte en beskikbare grond is 'n prioriteit vir die gemeenskap. Die area wat beoog word vir die ontwikkeling is geleë tussen bestaande residensiële woonbuurte aan die noordelike-en noordwestelike kant en die Bredasdorp Gholfbaan in die suidelike rigting asook die R316 provinsiale pad.

Die behuisingsontwikkeling bied 'n uitstekende geleentheid om die lewenskwaliteit van 'n groot deel van die Bredasdorp behoeftige gemeenskap te verbeter. Eienaarskap van behuising dra by tot stabiliteit binne gemeenskappe en verskaf 'n basis vir ekonomiese ontwikkeling, familiesorg, eiewaarde en trots.

Grootte van voorgestelde erwe:

FLISP Behuising	±332m ²
Enkel Woonhuise	±166m ²
Enkel verdieping Semi Detached	±154m ²
Dubbelverdieping Semi Detached	±120m ²
Non-qualifiers	±128m ²

ADVERTERING

Die aansoek is op 17 Julie 2015 in die Suidernuus en die Provinsiale Koerant geadverteer en geregistreerde briewe is aan omliggende grondeienaars, Kaap Agulhas Sakekamer, Bredasdorp Belastingbetalersvereniging, Padnetwerkbestuur en Breede Gouritz Opvangsbestuurs Agentskap gestuur. Sluitingsdatum was die 17de Augustus 2015.

BESWARE

Die volgende besware is ontvang en die kommentare op die besware is aangeheg as **Bylaag C** op bladsy :

1. Overberg Distriksmunisipaliteit
2. Proteslys van omliggende eienaars
3. Breede Gouritz
4. M Oosthuizen
5. Assistent Direkteur: Elektromeganiese Dienste
6. Bestuurder: Water en Riool
7. Estetiese en Bewaringskomitee

KOMMENTAAR**WESTERN CAPE GOVERNMENT: TRANSPORT AND PUBLIC WORKS**

This Branch offers no objection to the proposed residential development of the subject property.

ROAD NETWORK MANAGEMENT

2. The subject property is located on Trunk Road 28, section 2 (R316) between \pm km1.50 and \pm km3.00.
3. The proposed residential development has access off Ou Meule Street and Proclaimed Minor Road 4409 (Long Street).
4. This Branch offers no objection to the proposed residential development of the subject property generally as shown on Locality Plan dated 3 December 2015, subject to:
 - 4.1 The access arrangement being as proposed in ITS Engineers' Traffic Impact Statement ITS 3654 dated 28 January 2016 and
 - 4.2 Cape Agulhas Municipality confirms that, as shown on the Surveyor General's drawing 8068, Proclaimed Minor Road 4409 is a Municipal Street under its jurisdiction; and request this Branch (Attention: Mr P Pienaar, Tel: 021 483 2105) to close (deproclaim) its Proclaimed Minor Road.

OVERBERG DISTRIKSMUNISIPALITEIT : OMGEWINGSGESONDHEID

Ek moet weer bevestig dat Bredasdorp se rioolwerke volgens laboratoriumuitslae van monsters geneem, nie die bestaande rioollading kan hanteer nie. Mnr Kotze se skrywe spreek drinkwater aan maar geen melding word gemaak van rioolkapasiteit nie.

Enige bykomende ontwikkeling wat gediens moet word deur die rioolwerke sal net die bestaande swak kwaliteit van die finale riooluitvloeiing verder negatief beïnvloed aangesien die bestaande werke nie die huidige rioolwater gesondheidsveilig kan hanteer nie.

DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING

Sien volledige skrywe van die departement aangeheg as **Bylaag D** op bladsy .

E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation is valid for a period of five **(5)** years from the date of issue. The holder must commence with the listed activities within the said period or this Environmental Authorisation lapses and a new application for Environmental Authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this Environmental Authorisation, at least three (3) months prior to the expiry of this Environmental Authorisation. The listed activities, including site preparation, may not commence during the period of administrative extension.

Please note that:

- 1.1 In terms of Regulation 28(2) of the EIA Regulations, 2014 failure to lodge an application for amendment at least three (3) months prior to the expiry of the validity period of the Environmental Authorisation may result in the competent authority being unable to process an application for amendment and in the lapsing of the Environmental Authorisation; and -
- 1.2 It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the relevant activity.
2. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered Interested and Affected Parties. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the said appeal is decided upon.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)-
 - 3.1 notify all registered Interested and Affected Parties of -
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and -
 - 3.1.4 the date of issuing of the decision;
 - 3.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010 detailed in Section F below;
 - 3.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and -
 - 3.4 publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that -
 - 3.4.1 informs all Interested and Affected Parties of the decision;
 - 3.4.2 informs all Interested and Affected Parties where the decision can be accessed; and -
 - 3.4.3 informs all Interested and Affected Parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations; and -
 - 3.5 provide the registered Interested and Affected Parties with-
 - 3.5.1 the name of the holder (entity) of this Environmental Authorisation;
 - 3.5.2 the name of the responsible person for this Environmental Authorisation;
 - 3.5.3 the postal address of the holder;
 - 3.5.4 the telephonic and fax details of the holder; and -
 - 3.5.5 an e-mail address, if any.
4. Seven calendar days' notice, in writing, must be given to the competent authority before the commencement of the construction activities.
 - 4.1 The notice must make clear reference to the site details and EIA reference number given above.
 - 4.2 The notice must also include proof of compliance with the following conditions described herein:
Conditions: 2, 3, 13 and 15.

5. The holder is responsible for ensuring the compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out in Section B above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such an acceptance/approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impact of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
 - 8.1 An application for the amendment to the EMPr must be submitted to the competent authority if any further amendments are to be made to the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
 - 8.2 The EMPr must be included in all contract documentation for all phases of implementation.
9. Should any amendments to the EMPr be required before the required audit in terms of this Environmental Authorisation, the applicant must:
 - 9.1. Notify the competent authority of its intention to amend the EMPr at least sixty (60) days prior to the submission of the application for amendment to the EMPr;
 - 9.2. Obtain comment from any potential Interested and Affected parties, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and -
 - 9.3 Submit the amended EMPr to the competent authority for approval within 60 days of inviting comment on the proposed amendments.
10. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
11. The non-compliance with a condition of this Environmental Authorisation or EMPr may result in the suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.
12. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.
 - 12.1 A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
13. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before the commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
14. The stabilisation of the Droë River riverbed, banks and associated storm water management measures for the Kleinbegin residential area (Environmental Authorisation previously obtained with reference number: 16/3/1/1/E1/5/2054/13) must be completed together with the site specific storm water management requirements to accommodate the runoff of the 1:50 and 1:100 year Droë River flood.
15. The exact boundary of the no-go/conservation area must be clearly demarcated under the supervision of the ECO before commencement of construction activities and must remain demarcated throughout the construction phase.
16. The no-go/conservation area (that is not approved for development) that has been identified to be of high sensitivity in terms of conservation importance must be formally conserved. The holder must consult with CapeNature regarding their stewardship programme (at the holder's own cost) within five years after the completion of construction activities. A duly signed and dated Memorandum of Understanding with CapeNature must be submitted to the competent authority for record purposes.
17. The holder must submit an Environmental Audit Report ("audit report") to the competent authority within six months after commencement of construction activities; one (1) once a year during the construction phase; and another, one (1) year after the completion of the construction phase of the development.
 - 17.1 The audit report must indicate the date(s) on which construction was completed, compliance with the conditions of this Environmental

- Authorisation and recommendations for improved environmental management.
- 17.2 Records of the audit must be maintained for safekeeping and must be made available to the competent authority upon request.
 - 17.3 The competent authority may require remedial action should the audit report reflect that rehabilitation is inadequate.
 - 17.4 If the audit report is not submitted, the competent authority may give 30 days' written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
 - 17.5 The audit report must be prepared by an independent person.
18. An integrated waste management approach, which is based on waste minimization that incorporates the reduction, recycling, re-use and disposal, where appropriate, must be employed.
 19. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
 20. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
 21. The holder of the Environmental Authorisation must, at all times, ensure that the construction activities comply with the Noise Regulations in terms of the relevant legislation.

ITS ENGINEERS : TRANSPORT STATEMENT

Sien skrywe aangeheg as **Bylaag E** op bladsy .

BREED E GOURITZ OPVANGGEBIED BESTUURSAGENTS KAP

No objections to the proposed development.

ESTETIESE- EN BEWARINGSKOMITEE: KAM

Aandag moet gegee word vir moontlike oorstromings aan die laagliggende erwe. Verder word die aansoek ondersteun.

DIREKTEUR: SIVIELE INGENIEURSDIENSTE

Die aansoek word ondersteun. Riolwerke is proses om opgegradeer te word en moet voltooi wees voor huise gebou word. Waterbronsbestuur moet toegepas word.

We hereby confirm that sufficient water storage capacity to accommodate the proposed 671 low cost housing erven as well as future growth demand, do exist.

The current capacity is 9.6 ML and current use is 4.32 ML, leaving a more than 48 hour retention period. The town of Arniston with ±600 households was provided with water from Bredasdorp. Since 2015 a reverse osmosis water purification plant was commissioned in Arniston, freeing the Bredasdorp to Arniston water allocation.

Thus considering the abovementioned, there is no need for a 2.7 ML additional reservoir capacity at this stage.

Reiniging en Suiwering

Heffings soos in die begroting vervat. Herwinning moet plaasvind by alle persele. By besighede moet die vullishokke toeganklik wees vir kollektering.

Water en Riool

'n Bestaande rioollyn is geleë op die eiendom langs Ou Meuleweg en die R316. Addisionele waterbronne sal ontwikkel moet word alvorens enige huise geokkupeer kan word. Die rioolwerke sal opgradeer moet word alvorens enige huise geokkupeer kan word.

Strate en Stormwater

Dit moet buite die vloedlyne wees en paaie moet geteer word asseblief.

BOUBEHEER

Die aansoek word ondersteun.

VERKEER

Kennis geneem en geen verdere insette.

ELEKTROMEGANIESE DIENSTE

"Besig met elek beplanning vir die gedeelte neem kennis daar is 'n Eskom serwituut langs Ou Meuleweg."

DIREKTEUR: GEMEENSAPSDIENSTE

No objection - as long as Town Planning regulations are met.

DIREKTEUR: KORPORATIEWE DIENSTE

No objection as long as all town planning and building control requirements have been met.

BESTUURDER: STADS- EN STREEKBEPLANNING

Ingevolge Artikel 36 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) mag aansoeke ingevolge die bepalinge van die Ordonnansie (byvoorbeeld aansoeke om hersonering en afwyking) slegs op die grondslag van gebrek aan wenslikheid van die beoogde aanwending van die betrokke grond, of op die grondslag van die uitwerking daarvan op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie), geweier word.

Indien 'n aansoek nie geweier word op grond van 'n gebrek aan wenslikheid nie, mag by die oorweging van tersaaklike besonderhede, slegs die veiligheid en welsyn van die lede van die betrokke gemeenskap, die bewaring van die betrokke natuurlike en ontwikkelde omgewing of die uitwerking van die aansoek op betrokke bestaande regte (uitgesonderd enige beweerde reg op beskerming teen handelkonkurrensie) in ag geneem word.

Vanuit 'n Stadsbeplanningsoogpunt is die aansoek wenslik weens die volgende redes:

- Direkte toegang kan verkry word na die gebied vanaf Lang- en Ou Meulestraat.
- Die beoogde voorstel maak voorsiening vir die geleentheid vir die beskikbaarheid van 'n aantal gemeenskaplike fasiliteite.

- Die beoogde voorstel maak ook voorsiening vir besigheids-en entrepreneursgeleenthede.
- Densifikasie, Integrasie en die optimale ontwikkeling van beskikbare geskikte grond word aangemoedig, soos vervat in die Provinsiale Ruimtelike Ontwikkelingsraamwerk.
- Die area is geleë in 'n nabye radius vanaf gemeenskaps-en ekonomiese fasiliteite.

Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk (KAM ROR)

Die KAM ROR stel drie ruimtelike ontwikkelingstrategieë voor:

1. Gelyke toeganklikheid tot gemeenskapsfasiliteite
2. Ruimtelike integrasie van gemeenskappe
3. Bevordering / beperking van grondgebruikontwikkeling.

Gegewe die historiese ontwikkelingspatroon en tekort aan ontwikkelbare munisipale grond binne hierdie gevestigde woonbuurtes, behoort meganismes ondersoek te word om integrasie van ras-gebaseerde woonbuurtes te bewerkstellig. In die lig van bogenoemde word die uitbreiding van Bredasdorp na die suide beskou as deel van die ruimtelike integrasie van gemeenskappe wat in hierdie geografiese gebied moet plaasvind. Die voorgestelde ontwikkeling sal sodoende bydra tot die realisering van die KAM ROR se ruimtelike ontwikkelingstrategieë.

Met inagneming van die huidige behuisingsnood en die krisis situasie waarin die huidige lae inkomste gebied geleë is, word die aansoek vanuit 'n Stadsbeplanningsoogpunt goedgekeur. Die karakter van die omliggende area sal nie nadelig beïnvloed word nie.

GOEDKEURINGSVOORWAARDES

- a) Dat geen aktiwiteite wat 'n openbare oorlas tot gevolg kan hê mag uitgeoefen word nie.
- b) Dat bouplanne van alle strukture by die Raad ingedien word vir goedkeuring voordat konstruksie in aanvang neem nadat dienste voltooi is en aanvaar is.
- c) Dat die nuutgeskepte erwe herwaardeer en diensooreenkomstig belas word.
- d) Dat die Raad voorsien word van die goedgekeurde Landmeter-Generaal diagramme en/of Algemene Planne.
- e) Dat gesondheidsvereistes aan voldoen word wat van tyd tot tyd deur die Raad neergelê mag word.
- f) Dat die Raad verantwoordelik sal wees vir alle interne- en eksterne dienste wat uit hierdie aansoek mag voortspruit.
- g) Dat enige bestaande serwitute wat uit die titelaktes mag voortspruit gehandhaaf word.
- h) Dat die dienste-ontwerp opgestel word en aan die Raad voorgelê word vir goedkeuring en dat die ontwerp volgens die riglyne van "Guidelines for the Provision of Engineering Services in Residential Townships" uitgegee deur die Departement van Openbare Werke en Grondsake, gedoen word.
- i) Dat geen konstruksie sal in aanvang neem voordat die ingenieursplanne deur die Raad goedgekeur is nie.
- j) Dat die Raad voldoende geskikte water beskikbaar stel om die ontwikkeling te bedien, welke water deur die Raad op sodanige punt of punte op die grens van die ontwikkeling gelewer sal word wat die geskikste vir die Raad is, vir aansluiting by die eksterne verspreidingsstelsel wat die dorp bedien.
- k) Dat 'n voltooiingsertifikaat deur 'n Ingenieur ingehandig word, waarin gesertifiseer word dat toepaslike toetse uitgevoer is en dat die werke aan die nodige SABS standarde voldoen en dat oornamespeksies deur die Raad gedoen word sodra die werke bevredigend voltooi is, al is die dorpsregister nog nie geopen nie, sodat die retensieperiode in aanvang kan neem. Gedurende die retensieperiode van twaalf maande is die ontwikkelaar verantwoordelik vir die herstel en vervanging van enige ontwerpoute asook gebreke in die doeltreffende funksionering van die werke, wat aan die lig kom en enige gebreke in materiale of vakmanskap.

- l) Dat die Raad na die proklamasie van die ontwikkeling op sy koste alle huishoudelike vullis, in ooreenstemming met sy verordeninge, te verwyder en sal eie reëlings met die eienaars of kopers van erwe in die ontwikkeling vir die verwydering van sodanige vullis tref.
- m) Dat geen oordrag van 'n erf aan individue sal toegelaat word nie, voordat alle dienste, uitgesonderd septiese tenks, tot bevrediging van die Raad geïnstalleer is nie.
- n) Dat alle stormwater aansluit by die bestaande stelsel en indien nie moet dit weggevoer word na die see.

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring ingevolge Artikel 25, 16 en 22 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) verleen vir die volgende:
 1. Hersonering van erf 1148, Bredasdorp van Onbepaalde Sone na Onderverdelingsgebied.
 2. Onderverdeling van erf 1148, Bredasdorp ten einde die volgende erwe te skep:
 - 676 Residensieel
 - 4 Gemeenskapsfasiliteite
 - 3 Besigheidserwe
 - 3 Oopruimtes
 - 1 Bewaringsarea
 - Publieke strate
 3. Afwyking van die straatboulyne en kantboulyne op al die Residensiële erwe tot 0 meter
- (ii) Bogenoemde goedkeuring is onderhewig aan die voorwaardes, neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) soos hierbo in die Stadsbeplanningskommentaar.
- (iii) Dat die aansoeker/eienaar en beswaarmakers in kennis gestel word van die Raad se besluit.

BESLUIT 203/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

11.2 **SUBMISSION OF REVENUE ENHANCEMENT STRATEGY (DFS)**

PURPOSE OF REPORT

For Council to take note of the Revenue Enhancement Strategy report presented by PricewaterhouseCoopers Inc. and the way forward to address the gaps identified in the report.

BACKGROUND

The municipality received funding from Provincial Treasury during the end of March 2016 to assist with the development of a Revenue Enhancement Strategy. PricewaterhouseCoopers Inc. was appointed on 30 May 2016 in terms of section 32 of the Municipal Supply Chain Management regulations to develop a comprehensive Revenue Enhancement Strategy with clear action plans to be implemented at all levels throughout the municipality in a phased approach.

The scope of the services required was to perform an assessment of the municipality's revenue base in order to ascertain the quantum of potentially latent revenue and to translate this into a practical and implementable plan. The approach of the project encompasses fieldwork with an on-site "Assess status quo" stage followed by an off-site "Data analysis" stage which involved the following:

- A review of the current technologies in place within the revenue function;
- Through an interview process -
 - an assessment of the current process performance levels in terms of service provision (as appropriate), billing and collection of revenue;
 - an assessment of the management practices deployed and their impact on revenue management and collection;
 - an assessment of the process and mechanisms in place to deal with and manage indigents;
 - In so far as revenue, credit control and indigents, review of policies, by-laws and procedures in terms of legislative requirements; and
 - Identification of the root causes for problems and issues.
- An analysis of data was also undertaken. The data that was extracted and reviewed related (but not limited) to:
 - Master data for billings
 - Monthly billing runs for all service charges
 - Debtors' ledgers
 - Indigent registers
 - Property valuation rolls
 - Municipal GIS and cadastral details
- These actions culminated in a Revenue Enhancement Strategy Report highlighting the improvements to be made to the revenue value chain at the Municipality. It covers the following key areas:
 - Legislative framework
 - Customer data quality and management
 - Customer management
 - Billing and revenue collection
 - Debt management
 - Information Technology
 - Other areas

The Revenue Enhancement report completed by PricewaterhouseCoopers Inc. is attached to this report on page , inclusive with findings, recommendations and action plans for implementation. The proposed action plan and timeframes should be defined according to priority and the availability of funding where applicable in consultation with the responsible line managers for implementation.

It is important to note that some of the actions with specific reference to the data cleansing part has already been budgeted under the mSCOA project for implementation which should not necessarily have to wait until the 2017/18 budget year before roll-out.

LEGAL IMPLICATION

Non-compliance .

FINANCIAL IMPLICATION

To be determined aligned with the proposed action plan and final costing in respect of the individual activities reflected in the Revenue Enhancement Strategy for implementation.

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

MANAGEMENT RECOMMENDATION

- (i) Council takes note of the comprehensive Revenue Enhancement Strategy presented by PricewaterhouseCoopers for roll-out and implementation by the responsible line managers;
- (ii) Council instruct to prioritise, cost and refine the proposed Revenue Enhancement Strategy activities for incorporation into the 2017/18 IDP & Budget provisions; and
- (iii) Council allows for the implementation of the mentioned strategy in the current financial year under review where sufficient budget provision is made for data cleansing in terms of the mSCOA project requirements.

RESOLUTION 204/2016

That the management recommendation be accepted as resolution of Council.

16. **ONAFGEHANDELDE RAADSBESLUIE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.	Konsep na Munisipale Bestuurder en R Sefoor.	BSSB
105/2015	Vervreemding: Erf 5221, Bredasdorp (Waxa)	Terug verwys word vir maontlike ontwikkelingsvoorstelle.	Vervreemding was geadverteer, maar geen ontwikkelingsvoorstelle is ontvang nie. 'n Opvolg verslag sal aan die Raad voorgelê word.	Eiendoms-administrasie
74/2016	Hersiening van Huiswinkelbeleid	Dat die bespreking van die beleid tydens 'n werkswinkel voor die volgende komitee vergaderings sal plaasvind.		BSSB
76/2016	Vervreemding (koop): Erf 3344, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.	Advertensie was geplaas - Geen tenders ontvang nie.	LDC
77/2016	Vervreemding (koop): Erf 3139, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.		LDC
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.	In proses van afhandeling.	DFD

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 205/2016

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat kennis geneem word dat die volgende besluite afgehandel is: 105/2015 en 77/2016.

Hierna verdaag die vergadering om 13:05

BEKRAGTIG op hierdie

dag van

2016

SPEAKER

DATUM: