



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

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

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 30 APRIL 2019 AT
10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr A Jacobs	Direkteur: Infrastruktuurdienste
Mnr B Swart	Interne Ouditeur
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Mnr G Prins	Kommunikasie
Me N Mhlali-Musewe	Divisional Head: HR Services & Organisational Development
Me T Stone	Afdelingshoof: Strategiese Dienste

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Europa open die vergadering met gebed. Hy verwelkom ook die lede van die "Kaap Agulhas Jeugraad/Cape Agulhas Youth Council".

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

Geen.

3. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

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

BESLUIT 45/2019

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

4. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**4.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

28 Maart 2019

BESLUIT 46/2019

Die Notule word as korrek en volledig bekragtig.

5. NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME**5.1 VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 : 12 Februarie 2019
- WYK 2 : 14 Februarie 2019
- WYK 3 : 18 Februarie 2019
- WYK 4 : 12 Februarie 2019
- WYK 5 : 18 Februarie 2019
- WYK 6 : 14 Februarie 2019

BESLUIT 47/2019

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

5.2 VOORGELê VIR KENNISNAME

ICT Steering Committee: 20 Maart 2019

BESLUIT 48/2019

Die Raad neem kennis van bogenoemde ICT Steering Committee Notule.

6. SAKE VOORTSPRUITEND UIT NOTULES

Geen.

7. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**7.1 BRIEWE VAN DANK**

Aangeheg op *bladsy 1* van die bylaes.

7.2 FUNKSIES VIR DIE MAAND

Die Nasionale- en Provinsiale verkiesing vind plaas op 8 Mei 2019.

7.3 AANWYS VAN AFGEVAARDIGDES

Geen.

7.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**7.4.1 Spandering: Social Economic Development (19/03/2019 - 25/04/2019)**

INSTANSIE	BEDRAG
Kragopwekker: Youth Summit	R695,65
Elim Begraafplaas - Vermoorde Dogtertjie	R5 000,00
Geloofswerkers: Christus Pinkster - Geestelike Sorg	R3 000,00
TOTAAL	R8 695,65

8. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Geen.

9. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

9.1 Die oorhandiging van voltooide huise sal op 'n latere geleentheid plaasvind.

9.2 Die Burgemeester bedank Raadslede en amptenare vir die goeie prestasie soos uitgewys deur die "Government Performance Index".

9.3 Die Burgemeester bedank Raadslede en amptenare vir die 5de agtereenvolgende skoon audit.

9.4 'n Deeglike Masakhane proses moet weer gevolg word om soveel as moontlik deernisgevalle te kan hanteer.

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

		Bladsy	
	Notule	Bylaes	
10.1	Vervreemding (koop): Erf 3619, Bredasdorp	5 - 6	2 - 4
10.2	Kansellasië van Ooreenkoms: Caledon FM	6 - 7	5 - 15
10.3	Proposed Development of erf 601, L'Agulhas	7 - 23	16 - 17
10.4	Various Infill Sites in Bredasdorp	23 - 35	-
10.5	Amended Constitution: Langezand Home Owner's Association	36 - 40	-
10.6	Aankoop: Erf 891, Struisbaai	41	-
10.7	Vervreemding (reservering): Ged erf 856, Struisbaai	41 - 46	-
10.8	Vervreemding (koop): Ged rondom erf 305, L'Agulhas	46 - 54	-
10.9	Omskakeling na Koopkrag: Umhlaba Wobizo Livestock Farmers	55	18 - 19
10.10	Vervreemding (huur): Ged erf Plaas 260, Waenhuiskrans	55 - 57	20 - 24
10.11	Vervreemding (koop): Erf 3626, 3627, 3628 en 3629, Bredasdorp	57 - 58	25 - 26
10.12	Vervreemding (koop): Erf 4445 of 4453, Bredasdorp	59 - 60	27 - 28

		<u>Bladsy</u>	
		<u>Notule</u>	<u>Bylaes</u>
10.13	Vervreemding (koop): Erf 5543, Bredasdorp	60 - 61	29 - 30
10.14	Vervreemding (koop): Erf 465, Waenhuiskrans	61 - 63	31 - 32
10.15	Vervreemding (koop): Ged Erf 663 en Ged Erf 579, L'Agulhas	63 - 64	33 - 37
10.16	Aansoek om ged erf 2896, Struisbaai te eien	65 - 66	38 - 41
10.17	Verlenging van Huurooreenkoms: Ged erf 186, Bredasdorp	66	42 - 50
10.18	Voorwaardes en Beginsels vir uithuur van LED-Besigheidseenhede	67	-
10.19	Quarterly SCM Report: 31 December 2018	68	-
10.20	OPCAR: Maandelikse Vordering - Maart 2019	68 - 69	51 - 59
10.21	Quarterly Section 52 Budget- and Performance Report: 31 March 2019	69	60 - 108
10.22	Proposed Long-Term Debt Application	70 - 71	-
10.23	Write-Off of Redundant Items	71 - 72	109 - 114
10.24	Implementation of Feeding Schemes	72 - 74	-
10.25	Approval of MOU: Solution Base and CAM	74 - 75	115 - 117
10.26	Afskryf oninbare skulde: SETA en foutiewe duplisering van bank deposito	75 - 76	-
10.27	Recovering of and/or writing off fruitless and wasteful expenditure	76 - 78	118
10.28	Re-Allocation of Municipal Finance Management Grant	78	-

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

Geen.

12. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

13. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

14. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

15. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**

Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 79**.

16. **IN-KOMITEE VERSLAE**

Die In-Komitee items word vertroulik hanteer.

17. **SLUITING**

Die vergadering verdaag om 13:10

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING**10.1 VERVREEMDING (KOOP): ERF 3619, BREDASDORP (COLLAB: 287163) (WYK 2)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr D J Crouch ten einde erf 3619, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 2**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 3619, Bredasdorp
Ligging	:	Kalkoentjiesingel
Huidige sonering	:	Enkel Residentieel
Erf Grootte	:	643m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 3** is van mnr Crouch ontvang om erf 3619, Bredasdorp by die Raad te koop.

MARKWAARDASIE

R35 000,00 (aangeheg op **bladsy 4**) Munisipale Waardasie : R34 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> by displaying the documents at the municipality's head and satellite offices and libraries; by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Aansoek word ondersteun.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

No objection, as the erven are not needed for basic service delivery.

DIREKTEUR: FINANSIËLE DIENSTE

Aansoek word ondersteun i.t.v LTFP strategie.

ELEK

There is no electrical infrastructure installed on these plots.

SENIOR SPESIALIS STADSBEPLANNER

Geen beswaar.

SENIOR BOUBEHEERBEAMPTE

Take note.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die grond nie.

BESTUURSAANBEVELING

- (i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van erf 3619, Bredasdorp.
- (ii) Dat erf 3619, Bredasdorp per publieke tender aan "eerste kopers" beskikbaar gestel word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 49/2019

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

10.2 KANSELLASIE VAN OOREENKOMS: CALEDON FM (COLLAB: 279081)**DOEL VAN VERSLAG**

Om die Raad in te lig dat die voornemende huurder van die gedeelte erf 186, Bredasdorp (Heuningberg) die huur van genoemde eiendom kanselleer.

AGTERGROND

'n Ooreenkoms is met Caledon FM aangegaan vir die huur van gedeelte erf 186, Bredasdorp vir 'n termyn van 36 maande teen R750,00 per maand. Die Raad het die huurder in kennis gestel dat strategiese veranderinge in die organisasie gemaak is en dat die volle omvang van die erf benodig word (sien skrywe asook ooreenkoms aangeheg op **bladsy 5 tot 15**).

FINANSIËLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem dat die huur van gedeelte erf 186, Bredasdorp gekanselleer is.
- (ii) Dat die heffing gestop word effektief, terugwerkend na einde Augustus 2018.
- (iii) Dat die vorige Raadsbesluit herroep word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

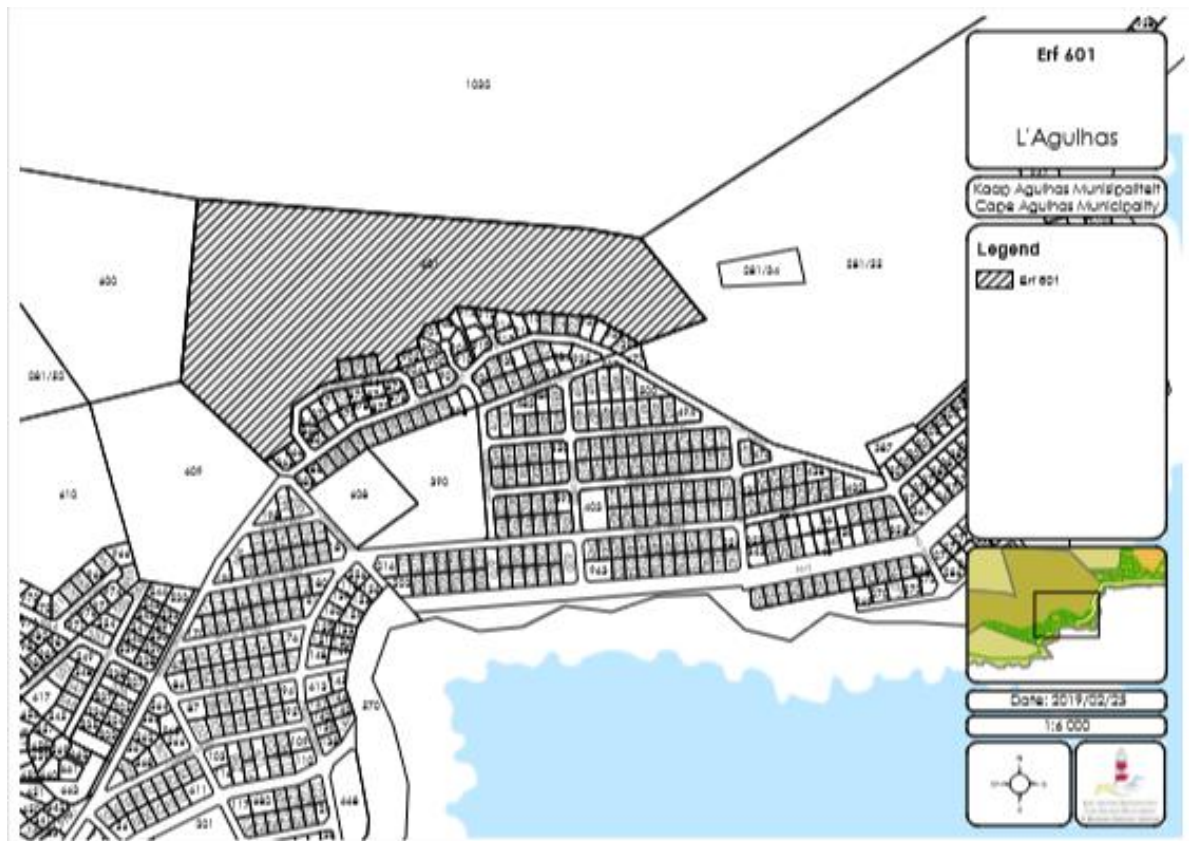
Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 50/2019

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

10.3 **PROPOSED DEVELOPMENT OF ERF 601, L'AGULHAS (TRP - 15/5/5) (WARD 5)****PURPOSE OF REPORT**

For Council to determine the way forward and to approve the most potential project on Erf 601, L'Agulhas.

**BACKGROUND**

Owner	:	Cape Agulhas Municipality
Locality	:	16 Jim van Druten Avenue, L'Agulhas
Size	:	15.3557 Ha
Zoning	:	Agriculture

COUNCIL DECISION: 7 DECEMBER 2017

Council received a request during 2017 from ms E Potgieter to operate a Backpackers from the existing building. With this request the following comments were received from line departments:

DGD

No objection.

EMD

Electricity is available on the site but the borehole control equipment is inside the building and that could pose a problem as the store is the biggest area available.

BAD

Ek sal die aansoek ten volle ondersteun. Daar is wel 'n behoefte aan addisionele/ goedkoper akkomodasie in die gebied. Alle prosesse moet net reg afgehandel word.

BSB

Aansoek om vergunning/afwyking sal vir die aansoeker se rekening wees.

BBB

Hier moet seker gemaak word van die sonering van die grond en die nuwe gebruik daarvan. Huidiglik is dit stil area en nou gaan daar kampering, ens wees met baie meer mense en verkeer. Hierdie aansoek sal deur die grond vervreemdingskomitee hanteer moet word en die aansoek moet seker geadverteer word vir publieke deelname. Volledige terrein ontwikkelings planne moet voorsien word waar alle parkering aangedui word, daarsal gekyk moet word na die geraas invloed. Is die gebou geskik vir wat hulle beoog. Gesondheid en Brandweer moet geken word.

BW&R

Die elektriese panele van die boorgate moet geskuif word om toeganklik te wees vir KAM. Toegang na die boorgate moet voldoende wees vir onderhoudsdoeleindes. Die riooltenk moet voldoende kapasiteit he om die gebruik te kan hanteer.

BS&S

Voorsien geen wesenlike probleem.

On 7 December 2017 Council took the following decision (252/2017) regarding the Backpacker's request:

"Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van erf 601, L'Agulhas aan me E Potgieter vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) Alle wetlike prosesse gevolg moet word.*
- (ii) Dat nadat insette uit die publieke deelname proses ontvang is, die aangeleentheid weer aan die raad voorgelê word vir oorweging.*
- (iii) Dat die Raad kennis neem dat 'n gedeelte van die eiendom wel vir basiese dienste benodig word, aangesien daar boorgate op die genoemde perseel is."*

CAPE AGULHAS INTEGRATED ZONING SCHEME

Erf 601, L'Agulhas is zoned for Agricultural purposes in terms of the Cape Agulhas Integrated Zoning Scheme.

Purpose of the zone

The purpose of the zone is to provide for and protect agricultural activities and viable agricultural units as an important economic, environmental and cultural resource. Provision is made for non-agricultural activities, in particular tourism related activities, so as to allow for the realisation of the optimum economic potential of agricultural properties, provided that these do not have a significant impact on the agricultural resource base. Environmental management plans should be required for tourism related uses, such as 4X4 trails, as well as other uses that may in the opinion of the Municipality have a potentially significant impact on the resource base.

Land use within zone

The following uses are allowed in this zone:

Primary uses	Consent uses
<ul style="list-style-type: none"> • Agriculture • Occupational practice • Dwelling house • Intensive horticulture • Intensive animal farming • Dwelling unit for use by bona fide farm manager • Farm worker accommodation 	<ul style="list-style-type: none"> • Second dwelling unit • Guest accommodation • Farm shop • Farm stall • Restaurant • Tourist facilities • Riding school • Plant nursery • 4x4 trail • Commercial kennels • Aquaculture • Service industry • Rooftop base station • Transmission tower • Renewable energy structure

Additional Requirements

1. Notwithstanding the uses allowed, where an Agricultural Zone abuts any other zone, intensive horticulture and intensive animal farming uses are subject to the consent of the Municipality.
2. When assessing such applications, the Municipality may require a visual impact assessment.
3. In addition to a dwelling house, the total number of dwelling units allowed on a land unit in the Agricultural Zone, including a dwelling unit used by a bona fide farm manager, a second dwelling and guest accommodation, but excluding farm worker accommodation, shall not exceed 1 unit per 10 hectares, up to a maximum of 5 dwelling units.
4. Notwithstanding the provisions of Regulation 78, guest accommodation in the Agricultural Zone may include self-catering units.

Development Rules

1. The following development rules apply to this zone:

Area of land unit	Maximum height	Street building line	Lateral and rear building lines
Greater than 10ha	8,0m	30m	30m
≤ 10ha and ≥1ha	8,0m	10m	10m
< 1ha	8,0m	4,0m	4,0m

2. The total floor area of a second dwelling unit and dwelling units for farm worker accommodation shall not exceed 120m².
3. Agricultural buildings other than dwelling units shall not exceed 10m in height and where the Municipality is satisfied that a greater height is required for the agricultural function of the building, it may permit such greater height.
4. The total floor area of a farm shop or farm stall shall not exceed 100m².
5. The Municipality may stipulate stipulate floor area and height limitations for other consent uses in this zone taking into account the character of the area and operational requirements of a particular use.

Minimum subdivision

1. No subdivision shall be approved in this zone unless the remaining extent after subdivision is in the Municipality's opinion a viable agricultural unit. The Municipality should consult the Department of Agriculture on this matter.
2. If it is impossible to achieve the objective of Sub-regulation (1), the remainder must be rezoned in conjunction with subdivision, and the Municipality may grant or refuse such rezoning application.

Farm worker accommodation

Dwelling units provided for persons engaged in genuine farming activities or retired persons previously engaged in genuine farming activities on the property, shall not be regarded as second dwellings for the purpose of these Regulations, provided that the Municipality may require reasonable documentation, such as a business plan, in support of the application for building plan approval of such dwelling units.

Service industry

Consent for service industry use in this zone may only be granted if the use applied for is directly related to agricultural activities reasonably associated with the area.

Environmental management

1. The Municipality may require an environmental management plan as a condition of granting its consent for any of the uses indicated above.
2. When making an application for a consent use in the Agriculture Zone, the applicant must be able to demonstrate that all applicable legislation regarding the use of water and disposal of effluent will be satisfied.

Site development plan

The Municipality may require that a site development plan be submitted to its satisfaction when considering an application for a consent use in this zone.

Special provisions applying to a renewable energy structure

The following special provisions apply to a renewable energy structure:

1. Definitions applicable to these measures
 - (a) "Appurtenant structure" means any structure or accessory necessary for, or directly associated with generation of renewable energy;
 - (b) "Owner" has the same meaning as in the Land Use Planning Ordinance, 1985.
 - (c) "Site" means the land utilised for renewable energy structures, regardless of cadastral boundaries, and inclusive of the renewable energy structures.
2. **Development rules**
 - (a) Height
 - (i) A maximum height of 200m for a wind turbine, measured from the mean ground level of the footprint of each structure to the highest point of the blade.
 - (ii) The height of a structure for solar generation facilities will be technology-dependent.
 - (iii) The height of buildings is restricted to a maximum of 8,0m.

- (b) **Setback**
 - (i) In the case of a wind turbine, the setback required is a distance equal to 1.5 times the overall blade tip height of the turbine, measured from the nearest residential, commercial or critical agricultural structures such as animal housing, outbuildings, store rooms, but excluding structures such as water troughs, feed dispensers and windmills; the cadastral boundary of the land unit, and any public road or public right of way.
 - (ii) This setback requirement does not apply to a cadastral boundary in the case of a renewable energy site which straddles such cadastral boundary. Setbacks are required for safety reasons and may not be deviated from.

- 3. **Additional requirements**
 - (a) **Site development plans**
 - (i) As part of the application or as a condition of approval, a site development plan must be submitted to the competent authority and all development and building plans must be in general accordance with the approved site development plan.
 - (ii) To the extent necessary, any relevant measures contained in these Regulations must be incorporated into a site development plan.
 - (iii) Each renewable energy structure must be surveyed and coordinates of the exact delineation shown on the site development plan.
 - (iv)

 - (b) **Initial measure in the case of failing**
 - (i) As a condition of consent use approval, the owner must make financial provision, to the satisfaction of the competent authority, for the rehabilitation or management of negative environmental impact of decommissioning or of abandonment in the case of the owner not being financially able to fulfil any obligations in this regard.
 - (ii) If the owner fails as contemplated above, the competent authority may, after written notice to the owner, use all or part of the financial provision to rehabilitate or manage negative environmental impact or to remove the facility.

 - (c) Visual and environmental impacts must be taken into account for height determination and in general, to the satisfaction of the competent authority.

 - (d) **Land clearing, soil erosion and habitat impact**
 - (i) The clearing of natural vegetation is limited to that which is necessary for the construction, operation and maintenance of the renewable energy structure as regulated by the applicable environmental legislation.
 - (ii) Wind turbines, solar structures, access roads and other infrastructure must be located to minimise damage to natural vegetation, water courses and wetlands.
 - (iii) All land cleared and which does not form part of the footprint of a renewable energy structure, must be rehabilitated according to a rehabilitation plan for the land concerned, approved by the competent authority.
 - (iv) Soil erosion may not take place, and the rehabilitation of any high risk erosion area, to the satisfaction of the competent authority, is essential.
 - (v) The applicant must prove, to the satisfaction of the competent authority, that all impacts in respect of, and necessary distances which should be maintained from, wetlands, water bodies, threatened ecosystems, mountains, ridges, hills, coastal buffers, settlements, telecommunication towers, transmission towers and power lines, have been considered and accounted for.
 - (vi) The exact coordinates in the above regard must be provided to determine possible environmental impacts.

 - (e) **With regard to noise, air quality and nuisance, the development must be compliant with regulations controlling pollution, including:**
 - (i) the National Environmental Management Act, 1998 (Act 107 of 1988);
 - (ii) the provincial regulations in force, and
 - (iii) municipal bylaws.

- (f) **Finishing and colour**
- (i) A wind turbine structure must be treated with a neutral, non-reflective colour designed to blend with the surrounding natural environment, to the satisfaction of the competent authority.
 - (ii) A solar structure may not cause any adverse effects due to its reflective nature and must be designed and erected accordingly, as required by the competent authority.
- (g) **Appurtenant structures**
- (i) All appurtenant structures to a renewable energy structure prescribed by the competent authority, concerning bulk, height, yard sizes, building lines, open space, parking and building coverage requirements, must be subject to regulations.
 - (ii) Appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, must be architecturally compatible with the receiving environment as required by the competent authority, and contained within a renewable energy structure site development plan as part of the approval.
 - (iii) Appurtenant structures shall only be used for the storage of equipment or other uses directly related to the operation of the particular facility.
 - (iv) Appurtenant structures must be screened from view by indigenous vegetation and/or located in an underground vault, or be joined and clustered to avoid adverse visual impacts.
- (h) **Lighting**
- (i) A renewable energy structure or any part thereof may only be lit for safety and operational purposes and the lighting must be appropriately screened from abutting land units.
 - (ii) The lighting requirements of the South African Civil Aviation Authority in accordance with aeroplane safety standards must be adhered to.
- (i) **Signs on renewable energy structures must comply with national and local signage regulations and be limited to:**
- (i) those necessary to identify the operator;
 - (ii) provide 24 hour emergency contact numbers, and
 - (iii) warning of any danger.
- (j) No commercial advertising, including in respect of the service provider and operator, may be displayed on renewable energy structures.
- (k) **The owner is responsible to maintain a renewable energy structure in good condition. Maintenance must include, but is not restricted to:**
- (i) painting;
 - (ii) structural repairs;
 - (iii) rehabilitation measures, and
 - (iv) the upkeep of security and safety measures.
- (l) The owner is responsible for the cost of maintaining the facility and any access road, unless deemed a public way, and for the cost of repairing any damage resulting from construction or operation.
- (m) Any modification, excluding inconsequential in situ technical improvements to a renewable energy structure made after approval and which is not largely in accordance with the approval, requires authorisation from the competent authority within the parameters of these Regulations by means of:
- (i) departure;
 - (ii) amendment of conditions;
 - (iii) new consent use approval;
 - (iv) amendment of the site development plan, or
 - (v) amendment of the building plan.

Erf 601, L'Agulhas falls partially outside the Urban Edge and any proposed development should require an amendment of the Urban Edge.

Implementation Framework Strategy as per the Spatial Development Framework Plan:

CAM will *inter alia*:

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

SPLUMA

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

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

	<ul style="list-style-type: none"> • The preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, must include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them. • Policies, legislation and procedures must be clearly set out in a manner which informs and empowers the public
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ENVIRONMENTAL IMPACT

Major environmental threats to be mitigated and adapted to -

Complex and broad-scale environmental challenges such as climate change, food insecurity, sea level rise, and coastal erosion cannot be effectively managed at the municipal scale. Responses should focus on adaptation, particularly through:

- Adoption of a conservative approach to further coastal development, guided by coastal management lines and coastal protection zones delineated by provincial government.
- Ensuring resource efficiency in building, including for affordable housing, by reducing energy use through building massing and configuration, and by exploiting passive energy design.
- Compacting settlements (also enabling non-motorised transport).
- Mainstreaming water conservation and demand management in settlement making and upgrading.
- Management and control of alien invasive vegetation, particularly in catchment areas and protected areas.
- Protecting significant agricultural land with long term food security value from urban encroachment.

Land uses within CBAs and ESAs must be carefully reviewed for suitability; development within a CBA would require strong motivation and is likely to be subject to an environmental authorisation and EIA. As seen on the map below the affected portion of Erf 601 L'Agulhas falls outside the CBA.










SITE VISIT





On 20 February 2019 a site visit was conducted by Councillor Derick Burger and the following officials:

Francois du Toit, Marius Moelich, Bertus Hayward and Myllison Saptou.

The following structures were identified and relevant departments were requested for additional information:

STRUCTURE	INFORMATION REQUIRED	RESPONSE
<p>DIESEL TANK</p> 	<p>Kindly indicate what your plans are with the underground diesel tank on Erf 601 L'Agulhas.</p>	<p>SUPPLY CHAIN MANAGER</p> <p>Ek weet van die een by Struisbaai Stoor was ons gebruik het, maar nie van die L'Agulhas een nie. Volgens Sakkie moes dit nog in die Afdelings Raad se tyd in gebruik gewees het.</p>
<p>BORE HOLES</p>   	<p>What size building line or servitude do you require around a borehole? Will these boreholes be fenced eventually? I see open manholes on-site – what are the plans in general with the safety of the boreholes and connections to the control panel?</p>	<p>No comments received.</p>

<p>STRUCTURES</p>  	<p>What are the plans with the two buildings within the fenced area? Can they be demolished?</p>	<p>No comments received.</p>
<p>PIPES AND KERBS</p> 	<p>Op Erf 601 L'Agulhas is 'n klomp pype en randstene. Kan dit geskuif word? En elders gestoor word?</p>	<p>GERHARD OLWAGE</p> <p>Hoekom moet ons dit doen? Daar is ook 2 geboue waarin ons goed stoor.</p> <p>MANAGER: ROADS AND STORMWATER</p> <p>Die vibracrete kampie word deur die waterpersoneel gebruik vir die stoor van materiale, ens.</p>

		
<p>MANHOLES</p> 	<p>Hierdie oop mangat – kan dit toegemaak word end eel raak van 'n omheinde area?</p>	<p>MANAGER: ROADS AND STORMWATER</p> <p>Soos bespreek, is daar boorgate op die grond en die elektriese panele vir die boorgate is in die bestaande gebou waarin die soda-as ook is.</p> <p>Ons moet maar praat. Die vibracrete kampie word deur die waterpersoneel gebruik vir die stoor van materiale, ens.</p>
<p>VIBACRETE FENCE</p> 	<p>Can this fence be demolished or used somewhere else?</p>	<p>No comments received.</p>
<p>FLATS</p> 	<p>Kan die twee woonstelle op Erf 601 L'Agulhas opgegradeer word, deur bv die vloere te teel en die hele struktuur oor te verf (binne en buite)?</p> <p>Ek moet 'n verslag aan die Raad voorlê met aanbevelings. Hulle sal seker besluit vir watter doel en wanneer.</p> <p>Ek sal net kostes ook by jou wil kry.</p>	<p>MANAGER: PUBLIC WORKS</p> <p>Ons kan maar vir watter doel en wanneer moet dit gedoen word.</p> <p>COSTS</p> <p>No comments received.</p>

<p>STORE DOORS</p> 	<p>Kan die deure vervang word en al die los material op die terrein hier gestoor word?</p>	<p>No comments received.</p>
<p>INSIDE OF STORE</p> 	<p>Wie is verantwoordelik vir die inhoud van hierdie ruimte?</p> <p>Is dit alles goed wat weggooi kan word?</p> <p>En wie kan dit doen?</p>	<p>MANAGER: SOLID WASTE</p> <p>Dit is soda as vir die behandeling van drinkwater.</p> <p>Die is ou voorrad, maar ons kan dit nie op die stortingsterrein gaan stort nie.</p> <p>DEA&DP het ons Visseshok toe verwys.</p> <p>COSTS:</p> <p>Ek sal net moet uitvind by DEA&DP of ons self kan vervoer want dis nie gevaarlike afval.</p> <p>Dan is dit ook die koste vir stort by Vissersshok.</p> <p>Kan ek Maandag terug kom na jou.</p>
<p>COVER</p> 	<p>Wat is hierdie vreemde lêende deksel?</p> <p>Kan dit skuif?</p>	<p>No comments received.</p>

TECHNICAL MEETING

On 6 March 2019 a Technical meeting was held with the following roleplayers:

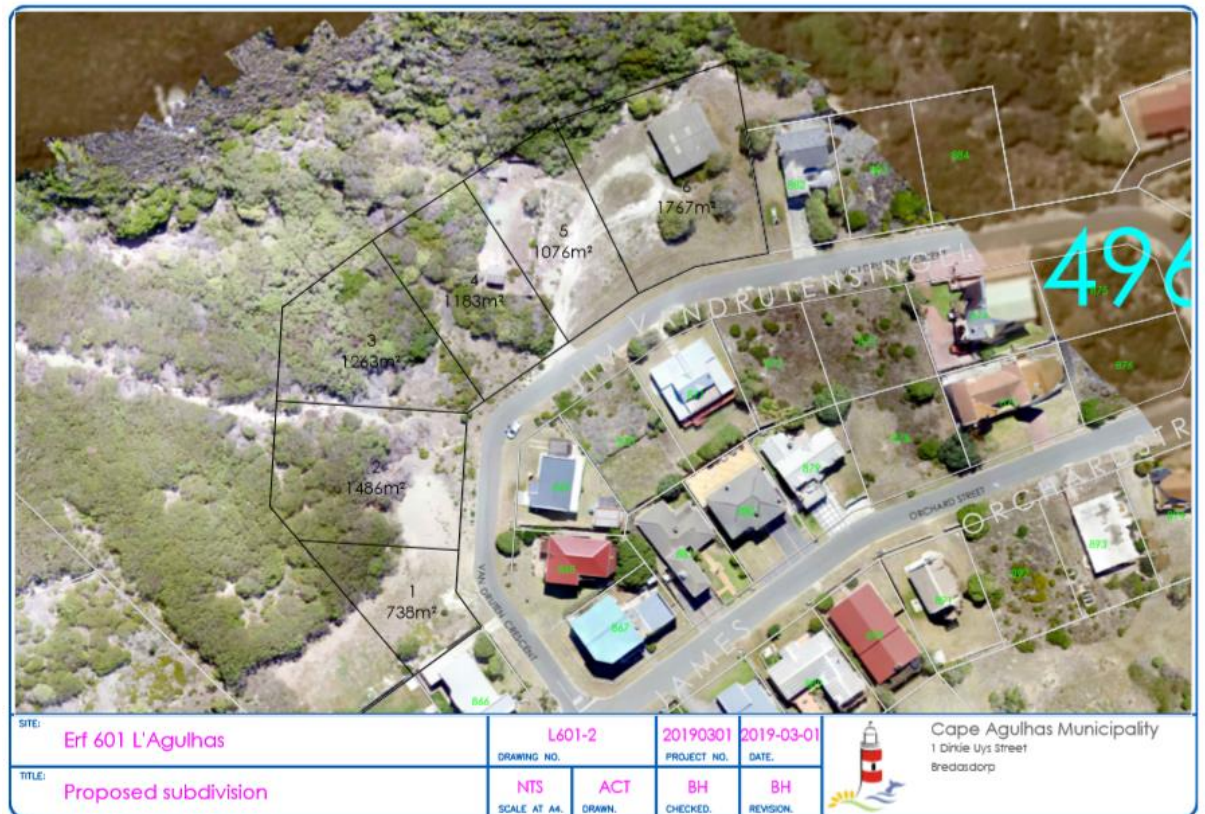
Tracey Stone, Marius Moelich, Deon Wasserman, Gerhard Olwage, Myllison Saptou, Councillor Derick Burger, Mayor Paul Swart, Steve Cooper, Abraham Theron, Bertus Hayward and Myburgh Briers.

Discussing different options and inter alia the following layouts:

Layout 1:



Layout 2:



ZOETENDAL ACADEMY

Messrs Eloise Krige made the following presentation to the Technical Committee:

5 Maart 2019

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

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

Punte om in gedagte te hou:

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

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

Groete,

Eloise Krige
Voorsitter
Kaap Agulhas Besigheids Assosiasie (KABA)

MANAGER: PROPERTY ADMINISTRATION

Ek sal maar eers my amptelike kommentaar deurgee nadat al die ander gebruikers van die erf, hul insette gegee het.

Ek sal definitief onderverdeling en vervreemding ondersteun, maar ek voel ons moet die bestaande stoor, saam met die boorgate op 1 erf probeer plaas, die stoor netjies herstel sodat die waterwerke se gemors ook daar gestoor kan word, asook om die twee woonstelle te herstel.

POTENTIAL PROJECTS AND DISCUSSION

To consider a potential project the following questions could be considered:

- 1: Will the project strengthen and promote the best practise for other towns and municipalities?
- 2: Will the project reflect 'value for money' with high impact relative to cost?
- 3: Will the project be supported by the residents, as communicated by appropriate community
- 4: Will the project have a high feasibility rating and a low risk of delays on a long term?

The following are potential proposals to be considered:

PROPOSAL 1

Lease current building and surrounding land to the Zoetendal Academy for School and community garden purposes.

PROPOSAL 2

Lease current building and surrounding land to the Conservation group for Museum purposes and re-planting of red-data species.

PROPOSAL 3

Accommodating Proposals 1 and 2 at the same site.

PROPOSAL 4

Subdividing and rezoning a portion of Erf 601 L'Agulhas to accommodate either a site for one of the above proposals and further subdivide the erf to accommodate a site for Storage facilities.

PROPOSAL 5

Subdividing and rezoning a portion of Erf 601 L'Agulhas to accommodate either a site for one of the above proposals 1 – 3 and further subdivide the erf to make provision for single residential erven.

PROPOSAL 6

Subdividing and rezoning a portion of Erf 601 L'Agulhas to make provision for Proposals 4 and 5.

PROPOSAL 7

Subdividing and rezoning a portion of Erf 601 L'Agulhas to make provision for a school site to be consolidated with the exiting school and to accommodate Proposal 6.

In order to achieve any of the above the following has to be completed:

1. Move all loose material into the existing store. Demolish vibacrete fence and two structures within the fenced area.
2. Move all loose material within the fenced area and within the store to the Struisbaai Municipal site.
3. Subdivision and rezoning in order to accommodate any of the abovementioned projects.
4. Amendment of Urban Edge in order to accommodate any of the abovementioned projects.
5. Potential Basic Environmental Impact Study should the proposal be larger than 5Ha.

FINANCIAL IMPLICATION

Subdivision and Rezoning	R30 000 - R120 000
Provision of services to proposed Subdivisional Area	R
Amendment of Spatial Development Framework Plan	R10 000

Basic Environmental Impact Study	R120 000
Fencing of boreholes	R
Moving of Soda Ash	R
Demolishing of smaller structures	R

MANAGEMENT RECOMMENDATION

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

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That a portion of erf 601, L'Agulhas be subdivided and rezoned to make provision for a school site to be consolidated with the existing school and also to accommodate the school on short term from the current building, whereafter all the planning and subdivision processes are completed the building then be used by the community for a Museum and Search and Rescue project for red data species.

RESOLUTION 51/2019

That the matter be referred back to the Finance- and IT Services Committee for further investigation.

10.4 **VARIOUS INFILL SITES IN BREDASDORP (MTRP - 15/5/R) (WARDS 2, 3 AND 6)**

PURPOSE OF REPORT

For Council to take note of the feasibility study of various infill sites in Bredasdorp.

BACKGROUND

As part of the Aurecon Project Resource Team (PRT) appointment for the Overberg Region, Aurecon was tasked during 2015 with evaluating and drafting a planning feasibility report for the proposed development of additional subsidised housing in Bredasdorp.

Bredasdorp is the administrative headquarters of the Cape Agulhas Municipality situated in the Western Cape. Eight subject properties located in the Bredasdorp municipal area have been identified as potential sites for the development of subsidised housing units.

These are:

- SITE B, Erf 1608
- SITE C, Erf 2316
- SITE D, Erf 1771
- SITE E, Erf 1847
- SITE F, Erf 1987
- SITE G, Erf 1148 Site 9
- SITE I, Erf 1148 Site 1
- SITE J, Erf 1148 Site G

The sites have been assessed from a town planning, engineering and environmental services perspective.

For this purpose the following specialists were involved:

- Johann Pienaar from WRAP (Planning Report)
- Gideon Pepler from Hessequa Consulting Engineers (Services Report)
- Lauren Jansen (Sharples Environmental Services CC) (Environmental Report)

This report is a summary of the main findings of the three specialists reports and present recommendations considering all the different inputs. Refer to the detail reports in Appendices A, B and C.

PLANNING ANALYSIS

Table 1: Property Characteristics

SITE B, Erf 1608	
• Extent	2 537 m²
• Ownership	Cape Agulhas Municipality
• Valuation	R 80 000.00
• Title Deed	T29326/1970 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Medium Density Residential Zone
SITE C, Erf 2316	
• Extent	9 840 m²
• Ownership	Cape Agulhas Municipality.
• Valuation	R 95 000
• Title Deed	T21147/86 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Open Space Zone
SITE D, Erf 1771	
• Extent	6 974 m ² of which 5 344 m² has been identified for possible development.
• Ownership	Cape Agulhas Municipality.
• Valuation	R 145 000.00
• Title Deed	T29326/1970 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Open Space Zone
SITE E, Erf 1847	
• Extent	3 505 m²
• Ownership	Cape Agulhas Municipality.
• Valuation	R 75 000
• Title Deed	T29326/1970 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Open Space Zone
SITE F, Erf 1987	
• Extent	4 951 m²
• Ownership	Cape Agulhas Municipality.
• Valuation	The subject property is not included in the Cape Agulhas Municipal Valuation Roll
• Title Deed	T5384/2000 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Open Space Zone

SITE G, Erf 1148 Site 9	
• Extent	The area that has been identified for possible development has an extent of 1.2957 hectares .
• Ownership	Cape Agulhas Municipality
• Valuation	The subject property is not included in the Cape Agulhas Municipal Valuation Roll.
• Title Deed	T10232/1922 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Undetermined
SITE I, Erf 1148 Site 1	
• Extent	The area that has been identified for possible development has an extent of 7.5255 hectares .
• Ownership	Cape Agulhas Municipality
• Valuation	The subject property is not included in the Cape Agulhas Municipal Valuation Roll.
• Title Deed	T10232/1922 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit the proposed development from taking place.
• Zoning	Undetermined
SITE J, Erf 1148 Site G	
• Extent	The area that has been identified for possible development has an extent of 7.2564 hectares .
• Ownership	Cape Agulhas Municipality
• Valuation	The subject property is not included in the Cape Agulhas Municipal Valuation Roll.
• Title Deed	T10232/1922 A study of the abovementioned title deed revealed that there are no apparent restrictions registered that may prohibit proposed development from taking place.
• Zoning	Undetermined

Table 2: Locality Information

Site Description	Locality Information
SITE B, Erf 1608	Located within the urban edge of Bredasdorp next a single residential neighbourhood as well as an area earmarked for GAP housing development.
SITE C, Erf 2316	Located within the urban edge of Bredasdorp within a single residential neighbourhood
SITE D, Erf 1771	Located within the urban edge of Bredasdorp within a single residential neighbourhood.
SITE E, Erf 1847	Located within the urban edge of Bredasdorp within a single residential neighbourhood.
SITE F, Erf 1987	Located within the urban edge of Bredasdorp within a single residential neighbourhood
SITE G, Erf 1148 Site 9	Located within the urban edge of Bredasdorp, between a single residential neighbourhood and the industrial precinct of Bredasdorp.
SITE I, Erf 1148 Site 1	Situated beyond Bredasdorp's western urban boundary. A refuse disposal site is located approximately 750 meters from the property, which is beyond the proposed 500 meters buffer area.
SITE J, Erf 1148 Site G	Located within the urban edge of Bredasdorp next to an area that has been identified for mixed land use (residential and commercial) as well as an established single residential neighbourhood.

PLANNING CONTEXT

Tables below set out the earmarked development for the subject properties in terms of the Municipal Spatial Development Framework (SDF)¹ and the Cape Agulhas Municipality Human Settlement Plan (HSP)² respectively. None of the subject properties have been specifically identified as priority projects within the Cape Agulhas Municipality Revised IDP 2014-2015 (IDP)³.

Table 3: Cape Agulhas Municipal Spatial Development Framework

Cape Agulhas Municipal Spatial Development Framework			
Site Description	Within Bredasdorp's Urban Edge	Reserved Use	Future Development
SITE B, Erf 1608	Yes	Mixed land use (residential and commercial) purposes	The property will need to be rezoned before the proposed housing development can be undertaken.
SITE C, Erf 2316	Yes	None, however zoned as Open Space Zone	Closure of Public Open Space process required that can take up to two years.
SITE D, Erf 1771	Yes	None, however zoned as Open Space Zone	Closure of Public Open Space process required that can take up to two years.
SITE E, Erf 1847	Yes	None, however zoned as Open Space Zone	Closure of Public Open Space process required that can take up to two years.
SITE F, Erf 1987	Yes	Residential Land Use, however zoned as Open Space Zone	Closure of Public Open Space process required that can take up to two years.
SITE G, Erf 1148 Site 9	Yes	None, currently zoned as Undetermined	The property will need to be rezoned before the proposed housing development can be undertaken.
SITE I, Erf 1148 Site 1	No	None, currently zoned as Undetermined	Amendment of the SDF by means of an application submitted in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) required and the property will need to be rezoned before the proposed housing development can be undertaken.
SITE J, Erf 1148 Site G	Yes	GAP Housing Development, however zoned as Undetermined	The property will need to be rezoned before the proposed housing development can be undertaken.

Table 4: Cape Agulhas Human Settlement Plan

Site Description	Cape Agulhas Human Settlement Plan	
	Earmarked development	Scope
SITE B, Erf 1608	Subsidised Housing	15 erven of 150 m ² each or 8 erven of 300 m ² each
SITE C, Erf 2316	Subsidised Housing	57 erven of 150 m ² each or 29 erven of 300 m ² each
SITE D, Erf 1771	Subsidised Housing	31 erven of 150 m ² each or 16 erven of 300 m ² each
SITE E, Erf 1847	Subsidised Housing	21 erven of 150 m ² each or 11 erven of 300 m ² each
SITE F, Erf 1987	Subsidised Housing	29 erven of 150 m ² each or 15 erven of 300 m ² each
SITE G, Erf 1148 Site 9	Subsidised Housing	76 erven of 150 m ² each or 39 erven of 300 m ² each
SITE I, Erf 1148 Site 1	Not identified as a possible development opportunity in HSP	
SITE J, Erf 1148 Site G	Not identified as a possible development opportunity in HSP	

1. Cape Agulhas Municipality Spatial Development Framework, 30 March 2012: CNdV Africa
2. Cape Agulhas Human Settlement Plan, 2012-2017: Cape Agulhas Municipality
3. Cape Agulhas Municipality IDP, 2014-2015: Cape Agulhas Municipality

Table 5: Social Amenities and Economic Opportunities

Site Description	Social Amenities	Economic Opportunities
SITE B, Erf 1608	<p>The residential area surrounding the subject property is developed with a number of social amenities. The following is located within 500 meters of the subject property:</p> <ul style="list-style-type: none"> • A secondary school • A primary school • Sporting facilities • 9 places of worship • A fire station • A clinic • South African Police Service • 3 crèches • A centre for the elderly 	<p>Subject property located: Next to a secondary economic hub that includes a superette as well as a number of other commercial activities:</p> <ul style="list-style-type: none"> • ± 750 meters from the Bredasdorp CBD • ± 400 meters from the industrial area of Bredasdorp
SITE C, Erf 2316	<p>The residential area surrounding the subject property is developed with a number of social. The following is located within 500 meters of the subject property:</p> <ul style="list-style-type: none"> • 5 places of worship; and • A crèche. 	<p>Very little formal economic opportunities have been observed in the area surrounding the subject property</p> <p>Subject property located:</p> <ul style="list-style-type: none"> • ± 350 meters from nearest economic hub • ± 1.5 kilometres from the Bredasdorp CBD • ± 450 meters from the industrial area of Bredasdorp.
SITE D, Erf 1771	<p>The residential area surrounding the subject property is developed with a number of social amenities. The following is located within 500 meters of the subject property:</p> <ul style="list-style-type: none"> • 6 places of worship • 2 crèches • A centre for the elderly 	<p>Subject property located:</p> <ul style="list-style-type: none"> • 250 meters of the nearest economic hub, which functions as a small neighbourhood commercial precinct • ± 950 meters from the Bredasdorp CBD • ± 470 meters from the industrial area of Bredasdorp.
SITE E, Erf 1847	<p>The residential area surrounding the subject property is developed with a number of social amenities. The following is located within 500 meters of the subject property:</p> <ul style="list-style-type: none"> • 7 places of worship • 2 crèches • A centre for the elderly 	<p>Subject property located:</p> <ul style="list-style-type: none"> • within 500 meters of the nearest economic hub, which functions as a small neighbourhood commercial precinct • ± 1.15 kilometres from the Bredasdorp CBD • ± 650 meters from the industrial area of Bredasdorp.
SITE F, Erf 1987	<p>The residential area surrounding the subject property is developed with a number of social amenities as illustrated by Figure 7. The following is located within 500 meters of the subject property:</p> <ul style="list-style-type: none"> • Sport fields • Fire station • Clinic • South African Police Service • 3 places of worship • 2 crèches • A centre for the elderly 	<p>Subject property located:</p> <ul style="list-style-type: none"> • within 500 meters from the edge of Bredasdorp CBD • ± 800 meters from the industrial area of Bredasdorp.
SITE G, Erf 1148 Site 9	<p>The residential area surrounding the subject property is developed with a number of social amenities. The following is located within 500 meters of the subject property::</p> <ul style="list-style-type: none"> • Secondary school • Primary school • places of worship • A crèche 	<p>Subject property located:</p> <ul style="list-style-type: none"> • 500 meters from nearest economic precinct that serves as a local neighbourhood commercial hub. • adjacent to the industrial precinct of Bredasdorp.

SITE I, Erf 1148 Site 1	The only social amenity within a 500 meter radius of the approximate centre of the subject property is a church	No economic opportunities are developed near the subject property. Subject property located: <ul style="list-style-type: none"> • 900 meters from closest commercial activity • ± 1.3 km from the Bredasdorp CBD • ± 550 meters from the industrial area of Bredasdorp.
SITE J, Erf 1148 Site G	The following social amenities are located within 500 meters from the centre of the subject property: <ul style="list-style-type: none"> • Fire station • Clinic • South African Police Service • 2 places of worship • 2 crèches • A centre for the elderly 	Subject property located: <ul style="list-style-type: none"> • located next to an area that has been earmarked for future mixed use development (residential and commercial) within the SDF • ± 500 meters from the Bredasdorp CBD

Public Transport

Public transport to the all of the subject properties is limited to taxi services.

Development Potential

In order to determine the level of development that can be achieved on each of the subject properties, conceptual layouts were prepared based on the erf sizes specified by the HSP (where available). Initial comments on required infrastructural upgrades associated with the conceptual layouts are also provided. These layouts must not be regarded as a final proposal, as no urban design input was incorporated in the design. It merely illustrates what can be achieved on the site in terms of density, erf sizes, etc. to enable role-players to make an informed decision regarding the feasibility of a subsidised housing development at this particular location. The conceptual layouts are included in the attached Planning Reports (Appendix A).

Table 6: Development Potential - Conceptual Layout

Conceptual Layout		
Site Description	Maximum No of Opportunities	Recommended Zoning
SITE B, Erf 1608	Two options explored as per HSP: <ul style="list-style-type: none"> • 8 at an average erf size of ± 318 m² Density: 32 units/ha • 12 at an average erf size of ± 212 m². Density: 47 units/ha 	<ul style="list-style-type: none"> • Single Residential Zone (both options) • Open Space Zone (only provided in layout for 12 erven)
SITE C, Erf 2316	Two options explored as per HSP: <ul style="list-style-type: none"> • 37 at erf sizes between 160 m² and 180 m². Density: 37 units/ha • 22 at erf sizes between 275 m² and 300 m². Density: 22 units/ha (density too low ito The Development Parameters – not recommended) 	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone
SITE D, Erf 1771	Two options explored as per HSP: <ul style="list-style-type: none"> • 18 at an average erf size of ± 296 m². Density: 33 units/ha • Not feasible to develop property with erven of 150 m². 	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone
SITE E, Erf 1847	Two options explored as per HSP: <ul style="list-style-type: none"> • 15 at an average erf size of ± 180 m². Density: 42 units/ha (dependent on construction of 2 access roads) • 12 at an average erf size of ± 290 m². Density: 34 units/ha 	Single Residential Zone (both options) Open Space Zone (both options)

SITE F, Erf 1987	Two options explored as per HSP: <ul style="list-style-type: none"> • 23 at an average erf size of $\pm 165 \text{ m}^2$. Density: 46 units/ha • 11 at an average erf size of $\pm 319 \text{ m}^2$. Density: 22 units/ha (require additional access road to service 5 erven; density too low to The Development Parameters⁴ - not recommended) 	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone
SITE G, Erf 1148 Site 9	64 at an average erf size of $\pm 163 \text{ m}^2$ Density: 49 units/ha	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone
SITE I Erf 1148 Site 1	300 at an average erf size $\pm 174 \text{ m}^2$ Density: 40 units/ha (recommended amendment to northern boundary)	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone (including provision for neighbourhood play lots as required in terms of the ZS for developments with more than 200 households)
SITE J, Erf 1148 Site G	294 at an average erf size of $\pm 156 \text{ m}^2$. Density: 40 units/ha	<ul style="list-style-type: none"> • Single Residential Zone • Open Space Zone (including provision for neighbourhood play lots as required in terms of the ZS for developments with more than 200 households)
TOTAL	The total number of erven on all of the subject properties are reflected below as a maximum and minimum depending on the erf sizes noted above: <ul style="list-style-type: none"> • 763 at an average erf size of $\pm 190 \text{ m}^2$. • 729 at an average erf size of $\pm 250 \text{ m}^2$. 	

Housing Backlog

The current housing backlog for Bredasdorp is 2 136. Projections indicate Bredasdorp's housing backlog will increase with 406 opportunities in the next 10 years. In order to eradicate the existing backlog and aforementioned future growth in housing demand (406 opportunities), 2 542 opportunities will have to be provided in Bredasdorp in the future. Development of the subject properties will certainly contribute to eradicating the housing backlog in Bredasdorp.

Services Analysis

The Engineering report addressed civil engineering services required for the development of the subject properties. (Please refer to the comprehensive Services Report in Appendix B)

Water

Water Source and Water Treatment Works Bredasdorp is supplied with water from a number of boreholes, one spring and the Sanddrifdam. The current total yield, of the productive sources, is sufficient to supply in the existing as well as immediate future water demand. The exploration for new water sources are an on-going municipal exercise. The water demand for future infill sites was calculated as 600 l/erf/day. The existing Water Treatment Works (WTW) consists of a design capacity of 8 Ml/day. The current maximum treatment capacity is 6 Ml/day and therefore sufficient capacity exists within the existing WTW to accommodate the proposed infill sites.

Water Demand For this preliminary capacity analysis of the Bredasdorp water system, the total annual average daily demand (AADD) and fire flows for the proposed affordable housing developments were calculated at 462 kl/d and 15l/s @ 7 m respectively.

Existing Storage Capacity

The criteria for the total reservoir volume used in the Bredasdorp Water Master Plan is 48 hours of the AADD (of the reservoir supply zone). With all current vacant erven within the water distribution zones occupied, the storage capacity decreases to 44,5 hours. With the inclusion of the proposed eight infill sites the storage capacity will further decrease to 38,9 hours of the AADD of the supply zone, and therefore there is insufficient capacity in the Bredasdorp Lower reservoir to accommodate the proposed developments. To accommodate the proposed 770 Low Cost Housing erven an additional 2,7 Ml reservoir capacity will have to be created at the Bredasdorp Lower reservoir site.

An analysis of the water distribution network was done by GLS Consulting Engineers in December 2014. It is proposed in the Master Planning that the proposed affordable housing developments on sites A, B, C, D, E, F, G, I & J be supplied with water from the existing Bredasdorp Lower reservoir.

The existing Bredasdorp Lower water reticulation network, downstream of the Bredasdorp Lower reservoir, has insufficient capacity to accommodate the proposed development areas.

However upgrades will be required to supplement the reservoir storage capacity for Bredasdorp and to re-inforce the existing water reticulation system in order to accommodate the proposed affordable housing sites together with other future development areas.

Sewer Cape Agulhas Municipality is currently in the process of doubling up the existing Waste Water Treatment Works (WWTW). The upgraded WWTC will be sufficient to supply in the current, proposed infill sites and future development demands.

Sewer Mains and Pump Station The affordable housing sites A, B, C, D, E, F, G, I & J fall within the existing Bredasdorp Gravity drainage area. The study shows there is sufficient capacity in the sewer reticulation system to accommodate the proposed affordable housing developments on these sites.

ACCESS AND STORMWATER DRAINAGE

Access Roads

All the subject sites are surrounded by existing tar roads and access will therefore be available from existing road infrastructure.

Table 7: Stormwater Drainage

Site Description	Stormwater Drainage
SITE B, Erf 1608	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.
SITE C, Erf 2316	Department Human Settlements requested the Overberg PRT to design a stormwater channel from Baadjie Street, adjacent to the North Eastern side of the development area, to a main outfall. With the construction of a formal channel the existing soil berm on the South Western side of the development area may be removed.
SITE D, Erf 1771	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.
SITE E, Erf 1847	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.
SITE F, Erf 1987	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.
SITE G, Erf 1148 Site 9	The existing on site stormwater infrastructure will have to be formalised within the proposed development. It is envisaged that provision be made for 2-3 stormwater servitudes, between erven, adjacent to Ou Meul Street.
SITE I, Erf 1148 Site 1	With the formalising of the 1:100 year stormwater channel, adjacent to the South Western boundary, no stormwater related constrains are envisaged for the site.
SITE J, Erf 1148 Site G	Formal stormwater drainage (pipework with inlet structures) will have to be constructed to accommodate the proposed development's internal as well as external stormwater.

Cost Estimate

The preliminary estimated cost for the provision of bulk/external services for the proposed development of 770 Low Cost Infill erven is R16 565 340. Details on the cost breakdown are provided in the Engineering Report attached as Appendix B.

Environmental Analysis

Critical Biodiversity Areas & Eco System Status

Site Description	Critical Biodiversity Area or Environmentally Sensitive Area	Eco System Status
SITE B, Erf 1608	No	Critically Endangered (but no natural veg remaining)
SITE C, Erf 2316	Yes	Critically Endangered (but no natural veg remaining)
SITE D, Erf 1771	No	Critically Endangered (but no natural veg remaining)

SITE E, Erf 1847	No	Critically Endangered (but no natural veg remaining)
SITE F, Erf 1987	No	Critically Endangered (but no natural veg remaining)
SITE G, Erf 1148 Site 9	No	Critically Endangered (but no natural veg remaining)
SITE I, Erf 1148 Site 1	Yes	Least Endangered (±90%) Critically Endangered (±10%)
SITE J, Erf 1148 Site G	No	Critically Endangered (±80%) Endangered (±20%)

Table 8: Approvals and Specialist Studies Required

Site Description	EIA Required	Water Use Authorisation Required	Heritage RoD Required	Specialist Studies Required
SITE B, Erf 1608	No	No	No	No
SITE C, Erf 2316	No EIA or MMP will be required if drainage channel or berm will be upgraded	No Required if drainage channel or berm will be upgraded	Yes	Possibly: Freshwater, Floodline determination
SITE D, Erf 1771	No	No	Yes	No
SITE E, Erf 1847	No	No	No	No
SITE F, Erf 1987	No	No	No	No
SITE G, Erf 1148 Site 9	No May be required if stormwater infrastructure will extend onto banks Droërivier	No May be required if stormwater infrastructure will extend onto banks Droërivier	Yes	No May be required if stormwater infrastructure will extend onto banks Droërivier
SITE I, Erf 1148 Site 1	Yes The Basic Assessment will take approximately 6-9 months	Yes Water-use license may take up to 18-24 months.	Yes	Yes: Botanical, Freshwater, Flood Risk (possibly also Visual, Archaeology, Palaeontology, Fauna)
SITE J, Erf 1148 Site G	No	Yes DWS should be consulted to confirm requirements	Yes	Possibly: Freshwater, Floodline determination

Table 9: Feasibility of Sites for Development

Site Description	Environmental Feasibility	Comments
SITE B, Erf 1608	Highly feasible Excellent site	No significant environmental impacts are expected with the proposed development. Development can commence without need for environmental, water-use or heritage authorizations.
SITE C, Erf 2316	Not suitable at present Possible future suitable candidate provided flood risk is addressed.	Flood risk from stormwater canal must be adequately assessed and/or stormwater canal formalized. If the stormwater channel and berm will be upgraded or altered then the necessary environmental, water-use and heritage approvals must be obtained before proceeding. If the stormwater channel and berm will not be upgraded then no EIA or water-use authorization will be required, but a heritage Notice of an Intent to Develop (NID) must still be submitted.
SITE D, Erf 1771	Highly Feasible Excellent site	Development can commence without need for environmental or water-use authorization, but a Notice of an Intent to Develop (NID) must be submitted to obtain approval from HWC.
SITE E, Erf 1847	Highly Feasible Excellent site	Development can commence without need for environmental, water-use authorization or heritage approval.
SITE F, Erf 1987	Highly Feasible Excellent site	Development can commence without need for environmental, water-use authorization or heritage approval.

SITE G, Erf 1148 Site 9	Highly Feasible Good site	Specialist study may be required if stormwater infrastructure will extend onto banks Droërivier
SITE I, Erf 1148 Site 1	Least suitable	Loss of Critical Biodiversity Area would be highly undesirable. Otherwise development of site considered feasible, provided a flood risk assessment confirms the site is not at risk from future floods, or provided that a stormwater management system capable of conveying floodwaters and protecting the site from future flooding is implemented as part of the development. The site should be regarded as unsuitable until the flood risk has been adequately assessed and addressed.
SITE J, Erf 1148 Site G	Highly Feasible Good site	Development of low-cost housing on the site is feasible from an environmental perspective, provided an effective stormwater management system is implemented, which will protect the site from flooding and minimize potential impacts to the downslope NFEPA wetland.

CONCLUSION

Planning From the initial planning assessment the development of subsidised housing on all of the subject properties is feasible. Cape Agulhas Municipality already owns all the properties, simplifying procurement procedures and there are no apparent title deed restrictions registered against any of the properties that may prohibit the development of subsidised housing on the properties from taking place. The properties range in size from 2 537 m² to 7.5255 hectares. The required development rights to allow for the proposed Single Residential development (with the required Open Space provision) will have to be applied for and approved prior to development of all the subject properties excluding SITE I. As Site I fall outside of the urban edge, an application to amend the SDF will be required. The timeframe for the required planning approval processes to allow for subsidised housing development on the sites are as follows:

Table 10: Required Planning Approvals

Site Description	Planning Approvals required to allow for Single Residential Development	Likely Timeframe
SITES B, SITE G, SITE J	Rezoning	3-4 months (best case scenario)
SITES C, SITE D, SITE E and SITE F	Closure of Public Open Space; Rezoning	2 years
SITE I	Amendment of the SDF by means of an application submitted in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) and rezoning required.	3-4 months (best case scenario)

All the properties are in reasonably close proximity to social amenities and economic opportunities with the exception of SITE I and to a lesser degree SITE C. SITE I is also the only site located outside of Bredasdorp's urban edge. Should all the subject properties be developed for subsidised housing based on the conceptual layouts, the indicative maximum number of erven is 763 at an average erf size of 190 m² and a minimum of 729 erven at an average erf size of 250 m². Bredasdorp's current housing backlog is 2 136 and is expected to increase to 2 542 in the next ten years. The development of the subject properties for subsidised housing will address this backlog in part.

Services

The existing Bredasdorp water reticulation system has insufficient capacity to accommodate the proposed affordable housing developments on the subject sites. The minimum items required to accommodate the proposed developments in the existing water system are the improvement of the network conveyance and the augmentation of the reservoir storage capacity for the Bredasdorp Lower reservoir zone.

There is sufficient capacity in the existing sewer reticulation system to accommodate the proposed affordable housing developments on the subject sites. As the development areas are infill areas access is available from existing road infrastructure.

Stormwater from this SITES B, D, E and F will flow to existing infrastructure and require no external stormwater interventions. Interventions will be required to accommodate external stormwater flowing to or adjacent to SITES C, G, I and J.

Environmental Overall, the development of low-cost housing on all of the sites is feasible, however some sites are considered to be more suitable for development, with regards to the conservation of natural resources:

- SITES B, D, E & F are regarded as highly suitable from an environmental perspective and are excellent sites for development.
- SITE G is considered to be highly suitable for development, but given the proximity of the Droërivier and the potential impacts to this water resource, the development of this site may have a higher environmental impact when compared to sites B, D, E & F. However, the site is still a good candidate for development.
- SITE J is considered to be highly suitable for development, but given that it lies adjacent to extensive natural areas and within 500m of a NFEPA wetland, the transformation of this site is slightly less desirable when compared to Sites B, D, E & F. However, the site is still a good candidate for development.
- SITE C is currently not suitable to be developed but the site is regarded as a possible future suitable candidate, provided the potential flood risk is adequately addressed (removal of berm and construction of formalized stormwater system) and provided that appropriate mitigation measures are implemented to minimize negative impacts to the drainage channel bordering the site, and downstream reaches of the channel.
- SITE I is regarded as the least suitable for development, as the site is situated within a large Critical Biodiversity Area and the development will be associated with the loss of habitat in this area. Development on this site is still feasible, but the loss of CBA would be highly undesirable and probably not supported by the biodiversity Authority without significant mitigation (and cost). The potential flood risk to the site further reduces its suitability. Environmental Authorization (Basic Assessment), Water-Use Authorization and heritage approval would be required to develop the site, which will increase the costs and complexity associated with this development project. A Basic Assessment will take ±6-9 months while the issuing of a water-use license can take 18-24 months. Development may not commence until these authorizations have been obtained.

RECOMMENDATION

In assessing the development potential of the eight subject properties for subsidised housing it is evident that a number of factors are similar to all the sites. Attributes that impact on the development potential and shared by all the sites include:

- Cape Agulhas Municipality is the owner.
- No apparent title deed restrictions registered against any of the properties that may prohibit the development of subsidised housing.
- There is sufficient capacity in the existing sewer reticulation system to accommodate the proposed subsidised housing developments.
- Access is available from the existing road infrastructure.
- The existing Bredasdorp water reticulation system has insufficient capacity to accommodate the proposed subsidised housing developments; infrastructural upgrades are required to allow for the proposed developments. The sites fared differently based on the other assessment criteria as documented in the report. The outcome highlights two specific sites that performed less favourably from a development potential perspective:
 - (i) SITE C: The site is subject to a flood risk and therefore currently not regarded as suitable to be developed until this risk has been mitigated.
 - (ii) SITE I: This site is the only subject property located outside of Bredasdorp's urban edge and for which an EIA is required; the site also have limited social amenities and economic activities located in close proximity; and the site is regarded as the least suitable site for development from an environmental perspective.

Based on the information provided in this report and the attached planning, engineering and environmental reports recommendations on how to proceed are included in Table 11 below:

Table 11: Proposed Prioritised Implementation Schedule

Priority	Site	Planning Approval Requirements	Engineering Services Requirements	Environmental Approval Requirements	Potential Number of Housing Opportunities
PR1	1. Consider the commissioning a more detailed bulk water and sewer capacity report to verify and refine the initial findings of this report. Initial findings include: <ul style="list-style-type: none"> The existing Bredasdorp water reticulation system will need to be upgraded to allow for the proposed and other potential future housing developments (applicable to all SITES) Interventions are required for SITES C, G, I and J to accommodate external stormwater flowing to or adjacent to these sites (noted below). 				
	Address the development of the subject properties in the following proposed priority order (based on each property's development potential):				
PR2	SITE B, Erf 1608	Rezoning required; 3-4 months*	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.	No significant environmental impacts are expected with the proposed development. Development an commence without need for environmental, water-use or heritage authorizations.	<ul style="list-style-type: none"> • 8 erven at ± 318 m² • 12 erven at ± 212 m².
PR3	SITE G, Erf 1148 Site 9	Rezoning required; 3-4 months*	The existing on site stormwater infrastructure will have to be formalised within the proposed development. It is envisaged that provision be made for 2-3 stormwater servitudes, between erven, adjacent to Ou Meul Street.	Specialist study may be required if stormwater infrastructure will extend onto banks Droërivier	<ul style="list-style-type: none"> • 64 erven at ± 163 m²
	SITE J, Erf 1148 Site G	Rezoning required; 3-4 months*	Formal stormwater drainage (pipework with inlet structures) will have to be constructed to accommodate the proposed development's internal as well as external stormwater.	Development of low-cost housing on the site is feasible from an environmental perspective, provided an effective stormwater management system is implemented, which will protect the site from flooding and minimize potential impacts to the downslope NFEPA wetland.	<ul style="list-style-type: none"> • 294 erven at ± 156 m².
PR4	SITE D, Erf 1771	Closure of Public Open Space; Rezoning 2 years	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.	Development can commence without need for environmental or water-use authorization, but a Notice of an Intent to Develop (NID) must be submitted to obtain approval from HWC.	<ul style="list-style-type: none"> • 18 erven ± 296 m².

Priority	Site	Planning Approval Requirements	Engineering Services Requirements	Environmental Approval Requirements	Potential Number of Housing Opportunities
PR4	SITE E, Erf 1847	Closure of Public Open Space; Rezoning 2 years	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.	Development can commence without need for environmental, water-use authorization or heritage approval.	• 15 erven at ± 180 m ² . (dependent on construction of 2 access roads)
	SITE F, Erf 1987	Closure of Public Open Space; Rezoning 2 years	No stormwater related constrains exist on site. The development area is surrounded by existing road infrastructure with a stormwater drainage system.	Development can commence without need for environmental, water-use authorization or heritage approval.	23 erven at ± 165 m ²
PR5	SITE C, Erf 2316	Closure of Public Open Space; Rezoning 2 years	Department Human Settlements requested the Overberg PRT to design a stormwater channel from Baadjie Street, adjacent to the North Eastern side of the development area, to a main outfall. With the construction of a formal channel the existing soil berm on the South Western side of the development area may be removed.	If the stormwater channel and berm will be upgraded or altered then the necessary environmental, water-use and heritage approvals must be obtained before proceeding. If the stormwater channel and berm will not be upgraded then no EIA or water-use authorization will be required, but a heritage Notice of an Intent to Develop (NID) must still be submitted.	37 erven between 160 m ² - 180 m ² .
PR6	SITE I, Erf 1148 Site 1	Amend- ment of the SDF and rezoning required ; 3-4 months *	With the formalising of the 1:100 year stormwater channel, adjacent to the South Western boundary, no stormwater related constrains are envisaged for the site.	Loss of Critical Biodiversity Area would be highly undesirable. Otherwise development of site considered feasible, provided a flood risk assessment confirms the site is not at risk from future floods, or provided that a stormwater management system capable of conveying floodwaters and protecting the site from future flooding is implemented as part of the development. The site should be regarded as unsuitable until the flood risk has been adequately assessed and addressed.	300 at an average erf size ± 174 m ² (recommended amendment to northern boundary)

***Best Case Scenario**

MANAGEMENT RECOMMENDATION

That Council take note of the various infill sites available for development.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION 52/2019

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

10.5 **AMENDED CONSTITUTION AND SUPPORTING DOCUMENTS OF LANGEZANDT HOME OWNER'S ASSOCIATION (15/4/16 - TRP)(WARD 5)**

PURPOSE OF REPORT

For Council to consider the following documents of Langezandt Home Owner's Association:

- Amended Constitution with House Rules
- Architectural Design
- Builders Manual
- Building Procedures

BACKGROUND

On 26 April 2005 the Mayoral Committee took the following decision (BK120/2005):

- (i) Dat die Raad die konstitusie van die voorgestelde huiseienaarsvereniging soos aangeheg as Bylaag B aanvaar en goedkeur, met die volgende wysigings:

Bladsy 9, Punt 8.1 soos volg moet lees:

"The DEVELOPER intends to develop and market the DEVELOPMENT over a period of some years and, for as long as the DEVELOPER is a MEMBER of the HOA, the DEVELOPER or its appointed agent shall enjoy unrestricted rights with regard to the marketing of the DEVELOPMENT and in particular the right to erect signage **according to LOCAL AUTHORITY guidelines** and to have a sales office within the VILLAGE. This activity shall not be deemed to be a business as envisaged in clause 12.2 hereof;"

Bladsy 11, Punt 9.6 soos volg moet lees:

A MEMBER shall not consolidate a LAND UNIT with any other LAND UNIT or subdivide a LAND UNIT, without the written consent of the **LOCAL AUTHORITY and the DEVELOPER** for as long as the DEVELOPER is a MEMBER and, thereafter of the TRUSTEES;

Bladsy 14, Punt 11.1 soos volg moet lees:

The ARCHITECTURAL GUIDELINES constitute an integral part of this CONSTITUTION and for as long as the DEVELOPER is a MEMBER, the guide may be amended, substituted or added to only at the instance of the DEVELOPER and, thereafter, by the TRUSTEES **with the consent of the LOCAL AUTHORITY;**

- (ii) Dat die ontwerpriglyne vir die Langezandt Ontwikkeling ook aan die Raad voorgelê word vir goedkeuring.
- (iii) Dat die toegang na die strande, die sluiting van die publieke strate en die voorsiening van parkering nie beskou word as afgehandel met die goedkeuring van die huiseienaarsvereniging se konstitusie nie, en dat 'n volledige aansoek ingedien word om dit aan te spreek.

CURRENT PROPOSAL

On 7 February 2019 Council received the following request from Dr J F Blignaut (Langezandt Home Owner's Association's Chairman):

1. Reference is made to the Special General Meeting (SGM), duly called by the LHOA, which was held on the 21st December 2018 in Struisbaai.
2. Following the Special General Meeting (SGM) of the Langezandt Home Owners Association (LHOA), kindly avail me the opportunity, on behalf of the Langezandt Home Owners Association (LHOA), members and Board of Trustees, to extend a warm hand of appreciation and a huge thank you towards the Executive Mayor, Mr P Swart, Mr Dean O'Neil and his staff to have assisted the LHOA and the Board, during the transition period of the HOA since the first SGM held on the 3rd April 2018.
3. As prescribed by legislation, CAM and CSOS prescripts, the HOA has the pleasure to present the adopted and approved amended Constitution and supporting governance documents to the CAM Council for consideration and approval.
4. Kindly find attached hereto the minutes of the SGM held on the 21st December 2018 in Struisbaai, together with the adopted and approved Constitution and governance supporting documents by the members of the HOA for your action and attention.
5. Included in this package, is a digital copy (DVD) of all the necessary documentation as well as the ORIGINAL signed documentation for your perusal.
6. Do not hesitate to contact me directly in the case of any uncertainties and or any required assistance to finalize the subject matter.
7. Your office is respectfully requested to provide a signed copy of the constitution, after adoption and approval by the CAM, as well as a copy of the relevant paragraph of the Council meeting minutes, approving the Constitution, to the HOA. The HOA would then be in a position to forward CAM's approval letter and signed copies of the Constitution and governance documents to CSOS for record keeping.
8. I Trust that you find this letter well and thank you for your ACTIVE support to the HOA and Board of Trustees in managing the governance of Langezandt.

COMMENTS**Manager: Building Control**

1. Die volgende op die DESIGN MANUAL (*Annexure B of the Constitution*):
 - 7.8 Veiligheidsglas in alle badkamer vensters.
 - 8.1 Chimneys: Veiligheidsmesch in uitlaat sit dat vonke nie versprei nie.
 - 8.2 External Stairs / Ballestrades -
 - Alle ballestrades moet voldoen aan SANS10400 – Part D, SANS1263 en 10137.
 - Ballestrade walls barriers to comply to SANS10400, B, K and T.

- 8.3 Swimming pools
Safety to comply to SANS10400 Part D.

What happens to the backwash water?
Thatch roof must comply to SANS10407 and SANS10400 Part L.
Thickness of reeds 250mm to comply to SANS10400XA.
Fire safety for thatch roof must comply to SANS10400 Part T.

2. Die volgende op die BUILDER'S MANUAL (*Annexure C of the Constitution*):

Control of Dust, Sand and Noise -

The owner / contractor shall take precautions in the working area during construction to limit to a reasonable level the amount of sand and dust, noise arising from the work or surroundings thereof.

- 16 (e) No person shall occupy a building without an occupancy certificate issued by CAM.

Manager: Town Planning

On 30 October 2006 the Mayoral Committee took the following decision:

Die Uitvoerende Burgemeesterskomitee het op 31 Oktober 2006 goedkeuring verleen (BK304/2006) ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) en Artikel 37(2) van die Opmetingswet, 1997 (Wet 8 van 1997) vir die volgende:

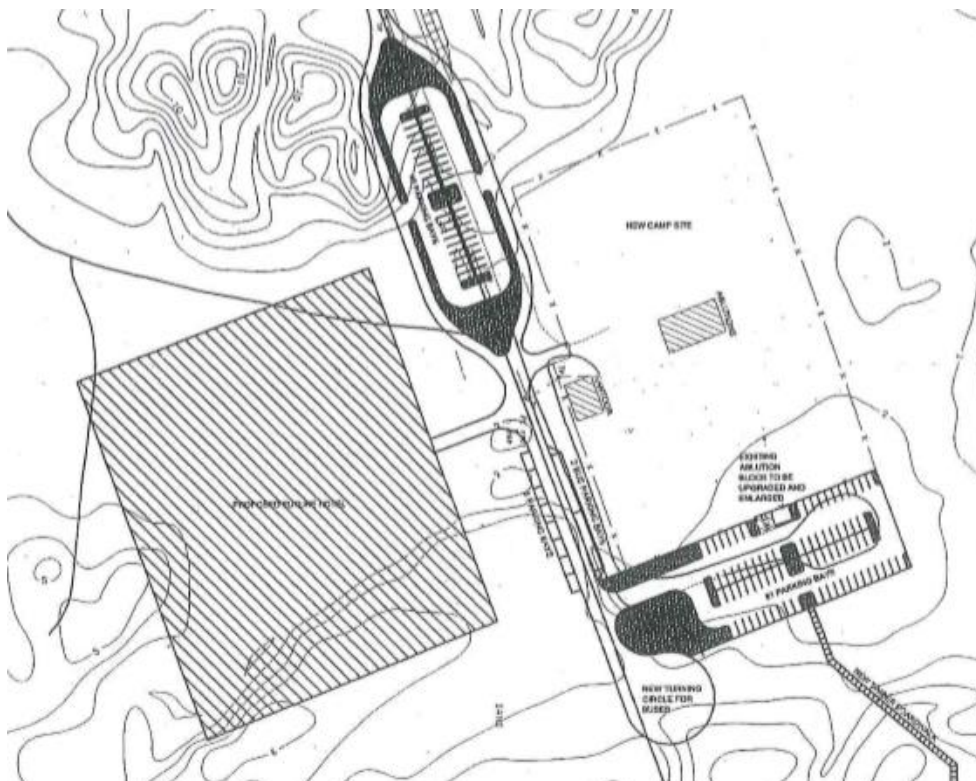
1. Sluiting van die Openbare Strate, Langezand.
2. Hersonerings van die Openbare Strate na Vervoersone I (Privaat strate) doeleindes.
3. Vervreemding van die strate,

onderhewig aan die volgende voorwaardes, naamlik:

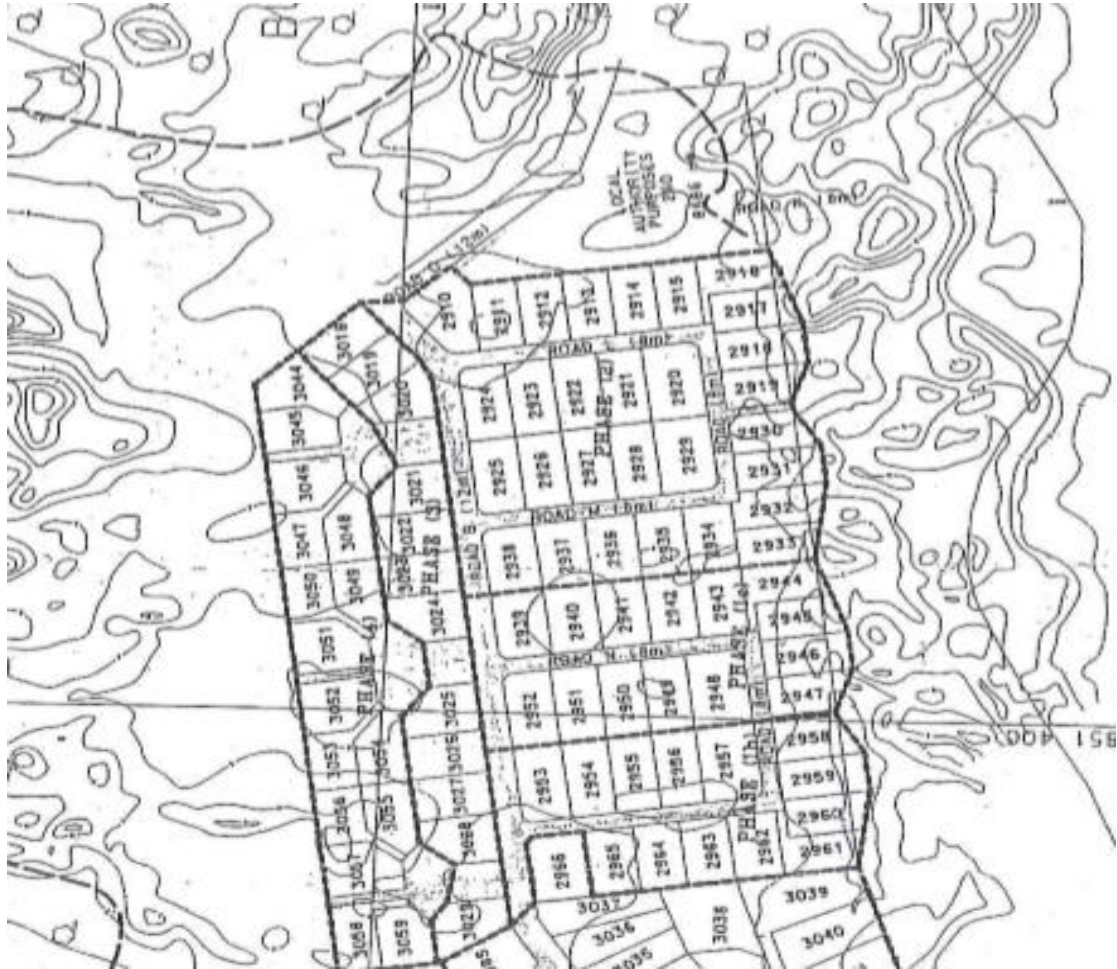
- a) Eerstelaan verleng word tot by Struisbaai-Noord Karavaanpark op die ontwikkelaar se koste en tot bevrediging van die Bestuurder: Siviele Ingenieursdienste en Gemeenskapsdienste en die eienaar van erf 856, Struisbaai die nodige planne voorlê. Die nodige detail ingenieursplanne aan die Bestuurder: Siviele Ingenieursdienste voorgelê word vir oorweging.
- b) Die parkeerarea by Struisbaai-Noord Karavaanpark ontwikkel word op die ontwikkelaar se koste en tot bevrediging van die Bestuurder: Siviele Ingenieursdienste en die eienaar van erf 856, Struisbaai, soos per Bylae A.
- c) Die verdere 40 parkeervakke op erf 922 Struisbaai soos aangetoon op Plan 1435-C001 aan die suidwestelike kant van die Struisbaai-Noord Karavaanpark meer ooswaarts geskuif word, sodat dit tussen die Struisbaai-Noord karavaanpark en die voorgestelde hotel op erf 922, Struisbaai geleë is, op die ontwikkelaar se koste en tot bevrediging van die Bestuurder: Siviele Ingenieursdienste.

- d) 'n Loopaadjie oor die duine vanaf die parkeerarea by die Struisbaai-Noord Karavaanpark na die see gebou word, op die ontwikkelaar se koste en met die nodige toestemming van die Departement van Omgewingsake en Ontwikkelingsbeplanning. 'n Rehabilitasie program vir die stabilisering van die duine moet deel vorm van die ontwikkeling van die loopaadjie.
- e) Die ablusiegeriewe vir dagbesoekers by die Struisbaai-Noord Karavaanpark opgegradeer en ontwikkel word, tot bevrediging van die Raad. Alle bouplanfoote en opgradering van dienste sal vir die ontwikkelaar se koste wees.
- f) Die parkeerarea tussen erwe 1842, 1843, 2160 en 2186, Struisbaai ontwikkel word op die ontwikkelaar van Langezandt se koste en tot bevrediging van die Bestuurder: Siviele Ingenieursdienste nadat die aansoek in Punt h) tot bevrediging van die Raad afgehandel is op die ontwikkelaar se koste.
- g) 'n Loopaadjie tussen erwe 937 en 2436, Struisbaai oor die duine vanaf die parkeerarea tussen erwe 1842, 1843, 2160 en 2186, Struisbaai opgegradeer word, op die ontwikkelaar se koste.
- h) 'n Aansoek vir die sluiting, onderverdeling, hersonering en vervreemding van 'n gedeelte van Clionellastraat by die Bestuurder: Gemeenskapdienste ingedien word vir oorweging.
- k) Te alle tye van plaaslike arbeid gebruik gemaak word.
- l) 24 Uur sekuriteit by die parkeerarea soos verwys na in b) en c) hierbo en ablusiegeriewe deur die ontwikkelaar voorsien word, na voltooiing van die parkeergeriewe.
- m) In gesprek gegaan moet word met die ontwikkelaar oor die area geormerk as parkeerarea (Owerheidsone - Bylae B).
- n) 'n Ontwikkelingsooreenkoms tussen die Raad en die ontwikkelaar gesluit word.
- o) Die aansoeker en beswaarmakers op hul reg tot appèl na die Raad gewys word ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) en daarna ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (15 van 1985) na Provinsie.

Annexure A as in b) above:



Annexure B as in m) above:



DISCUSSION

That Council consider the inclusion of the above decision as additional conditions or requirements to the Constitution.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the Amended Constitution and supporting Governance Documents of the Langezandt Home Owner’s Association (LHOA) attached as Annexure A as adopted and approved by the members of the LHOA at the Special General Meeting held on 21 December 2018, subject to the changes as listed by the Manager: Building Control.
- (ii) That the Municipal Manager signs the approved and amended documentation.
- (iii) That discussions be entered into with the LHOA to address the access to the coast, privatization of the roads and provision of parking as per Mayoral Committee decision of 30 October 2006.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management’s recommendation be accepted.

RESOLUTION 53/2019

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

10.6 **AANKOOP: ERF 891, STRUISBAAI (MB)****DOEL VAN VERSLAG**

Om oorweging te skenk om erf 891, Struisbaai aan te koop as gemeenskapsfasiliteit (sien e-pos aangeheg op **bladysy 16**).

AGTERGROND

Die Raad is deur die prokureurs van me Liesa Schwarzenbek genader en versoek om erf 891, Struisbaai by haar te koop (aangehegte skrywe op **bladysy 17** van mnr De Vries verwys). Die eiendom is geleë in Dolfynstraat 9, Struisbaai-Noord. Die aanbod aan die Raad is oop tot 30 April 2019, waarna die eiendom privaat te koop sal wees.

Me Schwarzenbek het die grond gekoop en omskep in 'n gemeenskapsfasaliteit, bekend as "Shield School". Die raad huur tans die grond by haar en word aangewend vir die gemeenskap van Struisbaai. Die huidige markwaarde van die eiendom is R540 000, wat dan ook as die koopsom beskou word. Indien sy die eiendom verkoop, verval die raad se bestaande huurooreenkoms en die fasaliteit mag moontlik vir die gemeenskap verlore wees.

Die raad (as koper) sal verder ook aanspreeklik wees vir die regs- en oordragkoste.

FINANSIELE IMPLIKASIE

Uitgawe van koopprijs van R540 000 + regskoste van nagenoeg R10 000.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die aanbod om erf 891, Struisbaai te koop.
- (ii) Dat die Raad die aanbod van R540 000 as koopprijs van erf 891, Struisbaai aanvaar.
- (iii) Dat die koopprijs van R540 000 vir erf 891, Struisbaai gefinansier sal word uit 'n lening terugbetaalbaar oor 5 jaar.
- (iv) Dat die raad aanspreeklik sal wees vir alle regskoste.
- (v) Dat alle regsprosesse gevolg sal word om die transaksie so spoedig moontlik af te handel.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 54/2019

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

10.7 **VERVREEMDING (RESERVERING) VAN 'N GEDEELTE VAN ERF 856, STRUISBAAI (BSSB - 7/R) (WYK 5)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van die Struisbaai Laerskool om 'n gedeelte van erf 856, Struisbaai (±5.6 ha) te vervreem (**sien liggingsplan met pyl hieronder**).



ALGEMENE INLIGTING

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

AGTERGROND

Op 25 Februarie 2019 ontvang die Raad die volgende skrywe vanaf Mnr Francois de Bruyn (namens Struisbaai Laerskool):

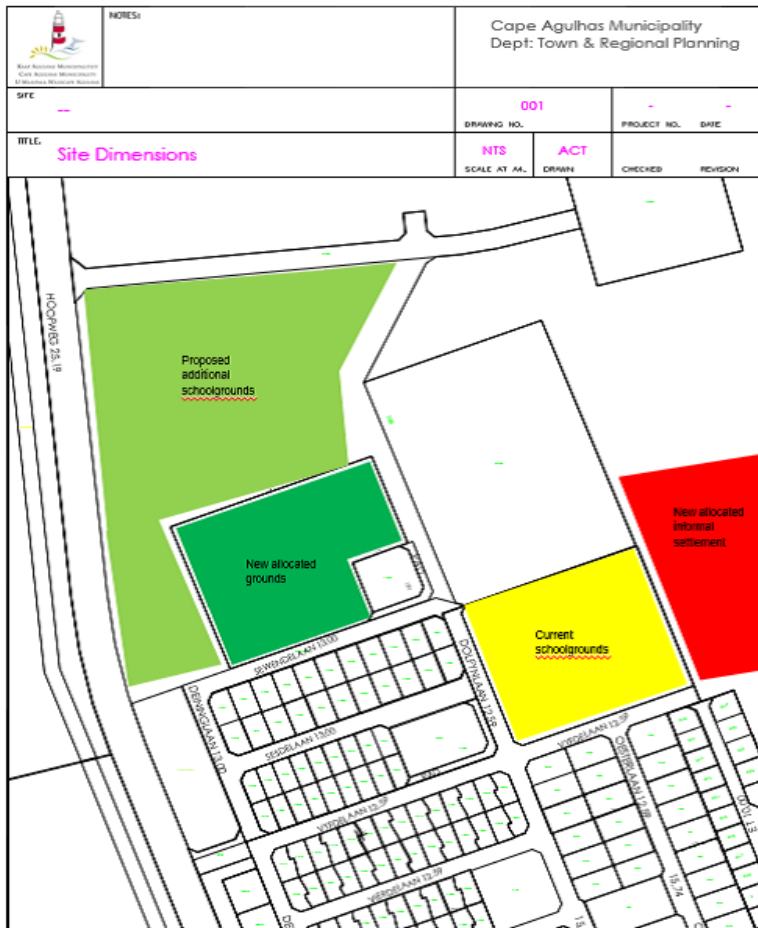
"I had very good meetings with Mr Brian Schreuder (Head of the Western Cape Education Department) and Ms Kubeshini Govender (Chief Education Specialist: Special Projects) on the topic of building a new school for Struisbaai.

Last week Ms Govender and I shook hands – ie the WCED agreed that they (the WCED) will collaborate to build a new school for Struisbaai. The exact way in which this will happen still has to be finalised.

Ms Govender asked that I apply with you for larger school grounds to achieve this. We hereby formally apply for the combined 2 pieces in shades of green in the site plan below.

Will you please let me know what you need from me, in addition to this email, to achieve this

A further next step on my side is to continue discussions with the community leaders of Struisbaai North so that they are co-designers and owners of the project to ensure that the end result really addresses the true needs of the community."



KOMMENTAAR

Munisipale Bestuurder

I do not know what their timelines are for building the new school, but in view of the development of Area A in Struisbaai would it not be prudent to provide for a new school site here instead of the area proposed? Or are they planning to close the old school once the new one is completed, then it would make sense to have it there.

Mnr De Bruyn wat die laerskool bystaan antwoord as volg:

“In response to the question from Mr O’Niell below. The plans are to rebuilt the primary school on the new piece of land as well as a new school/ division with technical subjects to serve the needs in the area. I will do my best to arrange for meetings with both Mr O’Niell and the Mayor asap.”

Bestuurder: Eiendomsadministrasie

Die uitleg lyk vir my goed. Die PUBLIEKE DEELNAME PROSES is net baie belangrik.

(Ek is net so bang daar kom nog ‘n “vibocrete” muur langs die pad om die skoolgronde te beveilig.) Miskien van die hoë “see-thru” heinings om al die plastieksakke op te vang)

Bestuurder: Behuising

My kommentaar is as volg : Die Raad moet hom laat ly deur die behoeftes soos bepaal in die IDP waar die gemeenskap se behoeftes vervat is, sowel as die Ruimetelike Ontwikkelings Raamwerk.

Bestuurder: Elektriese Dienste

It is an Eskom supply area

Boubeheerbeampte

Na ek die inligting nagegaan het wil ek net die volgende duidelkheid verkry;

Wat gaan van die huidige skool perseel(geel) word, ek aanvaar hulle gaan na die nuwe terrein verskuif soos op die uitleg kaart aangedui die twee groen gedeeltes. My vraag is dus as hulle gaan skuif kan ons mos die gedeelte in rooi waar ons die deurgangskamp heen wou veskuif en hulle teen beswaar gehad het en waarvan die uitleg al reeds gedoen is , daarmee voortgaan want dan gaan die skool nie benadeel word nie. Dan hoef daar ook nie na `n nuwe terrein met ekstra koste gekyk te word nie.

Die terrein in groen soos aangedui lyk in orde en dis naby die huidige sportvelde. Gaan hulle self ook sportveld ontwikkel?

Ons moet net duidelkheid daaroor kry, dan kan daardie ouskool geboue vir ander doel in die gemeenskap aangewend word.

Bestuurder: Publieke Dienste

Stem saam met Francois se voorwaardes maar het geen probleem met die veskuiwing nie.

Stads- en Streekbeplanning

Deur die grond te skenk aan die Struisbaai Laerskool sal geen inkomste vir die Raad inbring nie, maar deur te onderhandel met Departement van Publieke Werke via Struisbaai Laerskool vir die ruil van `n gedeelte van Erf 856, Struisbaai (±5.6 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.

<p>MATR</p>	<ol style="list-style-type: none"> 1. Definition of “high value asset”: “fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion. 3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
<p>SCM Regulations SCM Policy</p>	<p>Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth</p>
<p>Systems Act (public participation)</p>	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> (a) by displaying the documents at the municipality’s head and satellite offices and libraries; (b) by displaying the documents on the municipality’s official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

DEPARTEMENT ONDERWYS

Die Direkteur: Fisiese Hulpbron Beplanning en Eiendomsbestuur stuur op 5 April 2019 die volgende skrywe aan die Department Publieke Werke:

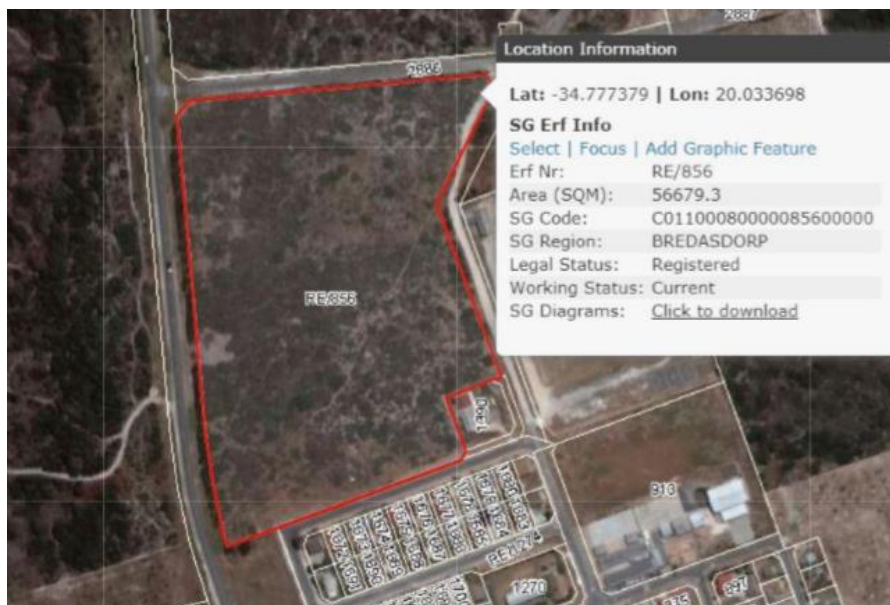
“REQUEST TO PROCEED WITH NEGOTIATIONS PERTAINING TO THE ACQUISITION OF A PORTION OF ERF 856 STRUISBAAI FOR A SCHOOL

Struisbaai Primary School has been identified for replacement, as is reflected in the U-AMP (2019/20). An alternative site, which is municipal-owned, has been proposed for the replacement school.

A portion of Erf 856 Struisbaai, as indicated in the attached aerial image. The extent would need to be determined in consultation with the municipality, bearing in mind the WCED recommends 2.5 hectares as a norm for primary schools. A further consideration in negotiations with the municipality, is determining access to the site from the Main Road or alternatively a drop and go facility parallel to it is recommended.

It is hereby requested that the Department of Transport and Public Works (DTPW) proceed with negotiations to acquire the property from the Cape Agulhas municipality.

If you require any further information, please do not hesitate to contact the WCED.”



BESTUURSAANBEVELING

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

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

BESLUIT 55/2019

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

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

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr A Bruwer vir die vervreemding van 'n gedeelte grond ($\pm 180\text{m}^2$) rondom Erf 305, L'Agulhas, ten einde dit te konsolideer met Erf 305 L'Agulhas.

Liggingskaart:**ALGEMENE INLIGTING**

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

AGTERGROND

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

MARKWAARDASIE

1. R112 000,00 (Siyakhula Property Valuers):

VALUATION CERTIFICATE

I, the undersigned, **Gail Adams**, declare that I have inspected a portion of **Erf 574 Agulhas** Western Cape and that I have verified the particulars set out in this valuation, and used my best ability and knowledge in determining the value of the subject property.

Based on my research and experience, I consider the "Value" of the said property as at **11 December 2018** to be the sum of

R112 000	One Hundred and Twelve Thousand Rand
----------	--------------------------------------

Signed at Cape Town this 11th December 2018.



GAIL V ADAMS

Professional Associated Valuer (S.A) 4671
(Registered without Restrictions in Terms of the Property Valuers Act of 2000)

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

VALUATION CERTIFICATE

I, the undersigned, **Gail Adams**, declare that I have inspected a portion of **Erf 574 Agulhas** Western Cape and that I have verified the particulars set out in this valuation, and used my best ability and knowledge in determining the value of the subject property.

Based on my research and experience, I consider the "Value" of the said property as at **25 February 2019** to be the sum of

R158 000	One Hundred and Twelve Thousand Rand
----------	--------------------------------------

Signed at Cape Town this 25th day of February 2019.



GAIL V ADAMS

Professional Associated Valuer (S.A) 4671
(Registered without Restrictions in Terms of the Property Valuers Act of 2000)

3. Markwaarde bereken teen die aanliggende erf se koopprys (4 Oktober 2017):

R5 952,38 per m² = R1 071 428

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
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: <ol style="list-style-type: none"> (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

DEPARTEMENTELE KOMMENTAAR**DIREKTEUR: FINANSIËLE DIENSTE**

Take note.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

All electrical upgrades for owners account.

BESTUURSAANBEVELING: 13 DESEMBER 2018

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

RAADSBESLUIT 204/2018: 13 DESEMBER 2018

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

RAADSBESLUIT 22/2019: 26 FEBRUARIE 2019

Op 26 Februarie 2019 neem die Raad die volgende besluit nadat *Raadslid Jacobs* sy teenstem aangeteken het met betrekking tot:

*Die prosesse gevolg;
die dorpsgrens ("urban edge"); asook
die afstand vanaf die hoogwatermerk.*

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

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

AANSOEKER SE KOMMENTAAR OP RAADSBESLUIT

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

"Ek verwys na ons telefoon gesprek verlede week rakende die aankoop van +-200m² om my erf 305 in Agulhas meer prakties te maak vir die oprigting van n enkelverdieping huis, sien aangeheg foto met die area in "black grid"

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

Die waardasie was as volg:

<i>Munisipaliteit waardasie 1</i>	<i>\pm R111 000</i>
<i>Munisipaliteit waardasie 2</i>	<i>\pmR150 000</i>
<i>My eie waardasie</i>	<i>R132 000</i>

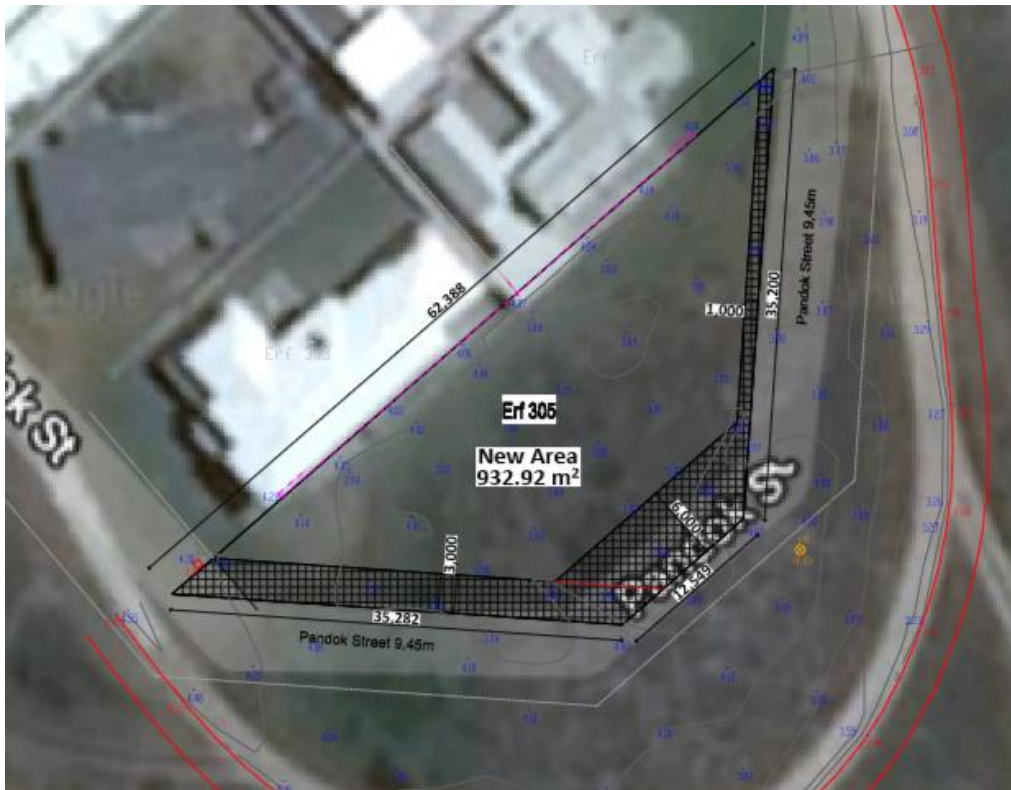
Hierdie erf was die laaste van sy soort in die area en ek het n groot premie betaal om die erf te bekom, en my erf is uiteindelik gebruik om die waarde te bepaal en nie die 3 waardasies nie. My gevoel is dat die waardasies baie meer realisties is agv die premie wat ek op die seefront erf betaal het, die nuwe aankoop bedrag vir die 200m² is nou \pm R 1 230 000 (let wel dat hierdie aansoek goedgekeur is) Ek kan nie laasgenoemde bedrag bekostig nie maar ek behoort by die waarde van die waardasies uit te kom

Die rede hoekom ek graag die grond wil bykoop is omdat dit n baie lang en smal erf is wat met baie min diepte. Die bou van n enkel verdieping huis gaan baie moeilik en onprakties wees, n motorhuis, draai plek op die erf, stop plek vir gaste ens gaan nie moontlik wees nie. Ek wil juis nie n dubbelverdieping huis bou nie omdat ek my 2 bure in ag neem, n dubbelverdieping huis sal baie van hul uitsig en natuurskoon versteur. Verder glo ek dat my huis sal n aanwinst vir die area wees en ook n beter inkomste aan die munisipaliteit bied. Daar is nie nog erwe voor my nie aangesien hierdie die laaste seefront erf in die area is so enige verdere inkomste wat die munisipaliteit hier kan verdien sal goed wees vir hulle.

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

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

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



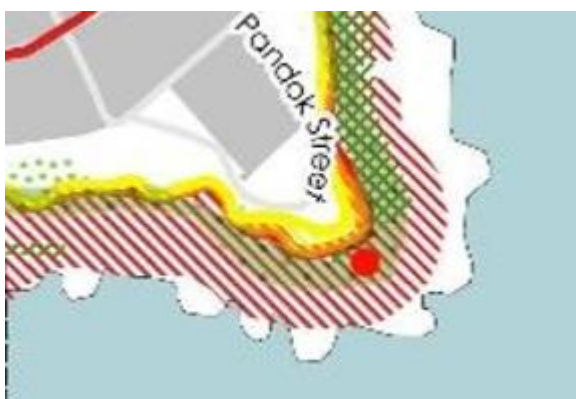
Net om aan jou te verduidelik hoekom ek so angstig is, ek wil baie graag nog vanjaar die huis bou om Desember vakansie daar te kan wees met die familie, so die hele aangeleentheid om n stukkie ekstra grond rondom die erf te kan bekom of dan nie gaan bepaal of ek vanjaar sal kan klaar bou. Rede is dat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

STADSBEPANNING SE KOMMENTAAR

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

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

Die ±180m² rondom Erf 305 L'Agulhas val binne die stedelike grens.



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



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

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

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

Activity 19A of Listing Notice 1:

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

- (i) *the seashore*

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

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

- (a) will occur behind a development setback;
 - (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
 - (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
 - (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or
 - (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
3. The following public participation process ("PPP") was conducted with respect to the request for the competent authority to adopt an *ad hoc* setback line on Erf no. 305, L' Agulhas, which complies with the minimum legal requirements for public participation:
- 3.1. Notification letters were distributed to the local municipality, neighbouring property owners and this Department's Directorate: Biodiversity and Coastal Management, informing them of the request for an *ad hoc* setback line adoption on 5 December 2018.

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

Table 1:

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

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

- The proposed development is located on a coastal property within the existing built-up residential area of L'Agulhas.
 - The proposed residential dwelling will be situated approximately 24m from the high-water mark of the sea and between 5m and 10m above sea level. A total development footprint of 396m² is proposed and will result in the movement of more than 5m³ of material within 100m of the high water mark of the sea, during construction activities.
 - The shore in the immediate vicinity, as well as the surrounds, is a rocky shoreline containing coastal vegetation. The property is covered in remnants of Overberg Dune Strandveld which is an ecosystem categorised as Least Threatened in terms of section 52 of the National Environmental Management: Biodiversity Act (NEMBA), 2004.
6. With regards to this development setback line, please note that:
- 6.1. the development setback line is adopted in terms of the NEMA EIA Regulations 2014 (as amended) and only relates to the listed activity mentioned above and to the determination of whether or not environmental authorisation in terms of NEMA is required before undertaking the listed activity;
 - 6.2. the development setback line is not adopted in terms of the National Environmental Management Act: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICMA"), National Water Act, 1998 (Act No. 36 of 1998) or any other legislation. Notwithstanding the location of the development setback line, any other statutory requirements that may be applicable to the undertaking of the development must be adhered to;
 - 6.3. the development setback line does not imply that the area inland of the line will not be exposed to impacts of dynamic processes, including accretion, erosion and flooding; and
 - 6.4. the fact that development will be undertaken behind (inland of) the development setback line does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting the "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA.)
7. Considering that the listed activity will be undertaken behind the abovementioned development setback line, environmental authorisation will not be required in terms of NEMA.
8. It is, however, reiterated that the development setback line only relates to the listed activity mentioned above (Activity 19A of Listing Notice 1). If any other listed activities are triggered, then environmental authorisation will have to be obtained in terms of NEMA. If the development proposal is in any way amended, then the listed activity might become applicable. It remains the responsibility of the proponent to determine if listed activities are triggered and to ensure that the necessary environmental authorisation is obtained.

9. Please be advised that the proposed development and the construction and operation related activities should neither obstruct nor restrict public access to the coast at all times.
10. This Department will not be held liable for any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the Department.
11. **Please note that interested and affected parties involved in the Public Participation Process must be informed of the adoption of the development setback line. They may request reasons for this adoption, and have the right to appeal, in terms of Section 5 of the Promotion of Administrative Justice Act 2000 (Act 3 of 2000).**
12. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

BESPREKING

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

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

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

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

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

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

RESOLUTION 56/2019

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

10.9 **OMSKAKELING NA KOOPKRAG: UMHLABA WOBIZO LIVESTOCK FARMERS (COLLAB: 289099)****DOEL VAN VERSLAG**

Om die versoek van Umhlaba Wobizo Livestock Farmers te oorweeg vir die omskakeling van krag na koopkrag.

AGTERGROND

Umhlaba Wobizo huur 'n gedeelte van erf 1148, Bredasdorp vir 'n terym van 9 jaar en 11 maande. 'n Versoek is ontvang vir die oorweging om die krag oor te skakel na koopkrag, aangesien die gedeelte wat gehuur word die eiendom van die Raad is (sien aangehegte skrywe op **bladsy 18**).

Umhlaba Wobizo is tans R18 508,47 agterstalling op hul elektrisiteitsbetaling (Rek nr: 200 079 7834).

FINANSIËLE IMPLIKASIE

Inkomste uit die oorskakeling na koopkrag en maandelikse vooruitbetaling.

BESTUURSAANBEVELING

- (i) Dat goedkeuring gegee word dat Umhlaba Wobizo Livestock Farmers hul krag op erf 1148, (rek: 200 079 7834) oorskakel na koopkrag.
- (ii) Dat alle agterstallige diensfooie opbetaal moet word alvorens oorskakeling gedoen word.
- (iii) Dat die huurder aanspreeklik is vir die oorskakelingsfooie.

BESLUIT 57/2019

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

10.10 **VERVREEMDING (HUUR): GEDEELTE ERF PLAAS 260, WAENHUISKRANS (COLLAB: 293837)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van Dirk Uys Prokureurs namens mnr en me Vivier ten einde 'n gedeelte van Erf PLAAS 260, Waenhuiskrans te huur (liggingsplan aangeheg op **bladsy 20**).

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf Plaas 260, Waenhuiskrans
Voorgestelde Grootte	:	1133m ²

AGTERGROND

'n Skriftelike versoek soos aangeheg op **bladsy 21 tot 24** is van Dirk Uys Prokureurs ontvang om 'n gedeelte van erf Plaas 260, Waenhuiskrans by die Raad te huur. Die huurder versoek 'n gedeelte van nagenoeg 6 meter voor hul erf om by die Raad te huur teen dieselfde koste as wat erf 120 aan Arniston Hotel verhuur word.

Na gesprekke met die aansoeker stel die eienaars van erwe 170 en 48 ook belang om 'n 6 meter area te huur vir "straatlandskap en visuele indrukke in die omgewing te verhoog en te vervraai" en geen permanente strukture sal opgerig word nie.

MARKWAARDASIE

Gebaseer op 'n pro-rata waarde van erf 120, Waenhuiskrans

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value" : fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Follow due process.

DIREKTEUR: FINANSIËLE DIENSTE

Does not support due to conditions / limitations which will restrict council if considered for future development.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Request does not seem reasonable for CAM to restrict building on erf 120 for the convenience of the owner of erf 75.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die volle verhuur van erf plaas 260 word nie ondersteun nie. Die eienaars (en aanliggende bure) en Dirk Uys was by my, saam met mnr Behr en hulle sal 'n aansoek inbring SLEGS VIR 'N GEDEELTE VAN ERF Plaas 260, SOWAT 5-6m VOOR HULLE HUISE vir huur, wat ek wel ondersteun. Die RAAD KAN NIE 'N WAARBORG GEE DAT DAAR NOOIT OP ERF Plaas 260, WHK GEBOU SAL WORD NIE.

BESTUURSAANBEVELING

- (i) Dat 'n strook van 6 meter van plaas 260, Waenhuiskrans aan die eienaars van erwe 75, 170 en 48, beskikbaar gestel word vir vervraaiing per huurooreenkoms vir 5 jaar.
- (ii) Geen permanente strukture mag opgerig word nie.
- (iii) Alle instandhouding sal vir die eienaars se rekening wees.
- (iv) Dat die huurbedrag van R1 000,00 per jaar, vooruitbetaalbaar sal wees.
- (v) Dat 'n geskrewe ooreenkoms met die eienaars opgestel sal word.
- (vi) Dat die gewone terugvalklousule van toepassing sal wees.
- (vii) Dat die Wykskomitee se insette ook verkry word.

BESLUIT 58/2019

- (i) Dat die Bestuursaanbeveling nie as 'n besluit van die Raad aanvaar word nie.
- (ii) Dat die Raad nie 'n gedeelte van Plaas 260, Waenhuiskrans verhuur nie.

10.11 **VERVREEMDING (KOOP): ERF 3626, 3627, 3628 EN 3629, BREDASDORP (COLLAB: 295331)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van mnr D Engel ten einde erf 3626, 3627, 3628 en 3629, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 25**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 26** is van mnr D Engel ontvang om erf 3626, 3627, 3628 en 3629, Bredasdorp by die Raad te koop.

MARKWAARDASIE

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

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : <i>fair market value of the capital asset exceeds any of the following amounts:</i> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality <i>which is less than (a) or (b).</i> 2. Definition of "realisable value" : fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

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

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

DIREKTEUR: FINANSIËLE DIENSTE

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

BESTUURDER: ADMINISTRATIEWE DIENSTE

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

BESTUURSAANBEVELING

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

BESLUIT 59/2019

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

10.12 VERVREEMDING (KOOP): ERF 4445 OF 4453, BREDASDORP (COLLAB: 287287)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me J C Williams ten einde erf 4445 of 4453, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 27**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 28** is van me J C Williams ontvang om erf 4445 of 4453, Bredasdorp by die Raad te koop.

MARKWAARDASIE

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

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value" : fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Sell by public tender.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

DIREKTEUR: FINANSIËLE DIENSTE

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

BESTUURDER: ADMINISTRATIEWE DIENSTE

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

BESTUURSAANBEVELING

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

BESLUIT 60/2019

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

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

Om oorweging te skenk aan die versoek van me A Ahrendse ten einde erf 5543, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 29**).

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 30** is van me A Ahrendse ontvang om erf 5543, Bredasdorp by die Raad te koop.

MARKWAARDASIE

Munisipale waardasie : R62 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

MATR	<p>1. Definition of “high value asset”: <i>“fair market value of the capital asset exceeds any of the following amounts:</i></p> <p>a) <i>R50 million;</i></p> <p>b) <i>One percent of the total value of the capital assets of the municipality....</i></p> <p>c) <i>An amount determined by resolution of the council of the municipality which is less than (a) or (b).</i></p> <p>2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Sell by public auction.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

DIREKTEUR: FINANSIËLE DIENSTE

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

BESTUURDER: ADMINISTRATIEWE DIENSTE

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

BESTUURSAANBEVELING

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

BESLUIT 61/2019

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

10.14 **VERVREEMDING (KOOP): ERF 465, WAENHUISKRANS (COLLAB: 287165) (WYK 6)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr D J Crouch ten einde erf 465, Waenhuiskrans te koop (liggingsplan aangeheg op **bladsy 31**).

ALGEMENE INLIGTING

Eienaars : KAM
 Eiendom : Erf 465, Waenhuiskrans
 Ligging : Kampstraat 30
 Huidige sonering : Enkel Residentieel
 Erf Grootte : 213m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 32** is van mnr D J Crouch ontvang om erf 465, Waenhuiskrans by die Raad te koop.

MARKWAARDASIE

Munisipale waardasie : R12 000,00

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.
MATR	1. Definition of "high value asset" : "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value" : fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage" : when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Geen beswaar vanaf my kant nie.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

DIREKTEUR: FINANSIËLE DIENSTE

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

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

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

ELEK

Eskom supply area.

SENIOR SPESIALIS STADSBEPLANNER

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

SENIOR BOUBEHEERBEAMPTE

Take note.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die grond nie.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste is beskikbaar

BESTUURSAANBEVELING

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

BESLUIT 62/2019

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

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

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me L Geldenhuys ten einde 'n gedeelte (±132m²) van erf 663 en gedeelte (±36m²) van erf 579, L'Agulhas te koop (liggingsplan aangeheg op **bladsy 33**).

ALGEMENE INLIGTING

Eienaars : KAM
 Eiendom : Gedeelte Erf 663, L'Agulhas en Gedeelte Erf 579, L'Agulhas
 Ligging : Golfstraat
 Huidige sonering : Oop Ruimte
 Erf Grootte : 3 377m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 34 tot 37** is van me L Geldenhuys ontvang om 'n gedeelte (±132m²) van erf 663 en gedeelte (±36m²) van erf 579, L'Agulhas by die Raad te koop.

MARKWAARDASIE

Moet nog bepaal word.

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	1. Sect 14(2)(a) : asset not required for minimum level of basic services. 2. Sect 14(2)(b) : consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33 : Contracts having long term financial implications.

MATR	<p>1. Definition of “high value asset”: <i>“fair market value of the capital asset exceeds any of the following amounts:</i></p> <p>a) <i>R50 million;</i></p> <p>b) <i>One percent of the total value of the capital assets of the municipality....</i></p> <p>c) <i>An amount determined by resolution of the council of the municipality which is less than (a) or (b).</i></p> <p>2. Definition of “realisable value”: fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of “right to use, control or manage”: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	No application is required.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

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

DIREKTEUR: FINANSIËLE DIENSTE

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

DIREKTEUR: SIVIELE INGENEURSDIENSTE

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

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection.

BESTUURDER: ELEKTRIESE MEGANIESE DIENSTE

Will not affect electrical services.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Geen beswaar teen die verkoop van die 2 gedeeltes nie.

SENIOR SPESIALIS STADSBEPLANNER

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

SENIOR BOUBEHEERBEAMPTE

Take note.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste word nie beïnvloed nie.

BESTUURSAANBEVELING

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

BESLUIT 63/2019

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

10.16 AANSOEK OM GEDEELTE VAN ERF 2896, STRUISBAAI TE EIEN (COLLAB: 258737) (WYK 5)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Bet-El Evangelie Kerk ten einde 'n gedeelte van erf 2896, Struisbaai te eien (liggingsplan aangeheg op **bladsy 38**) deur 'n ruiltransaksie.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 2896, Struisbaai
Ligging	:	Seemeeusingel
Huidige sonering	:	Enkel Residentieel
Erf Grootte	:	1023m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 40** is van Bet-El Evangelie Kerk ontvang om 'n gedeelte van erf 2896, Struisbaai te eien. Die Bet-El Evangelie Kerk is die eienaar van Erf 2898, Struisbaai. Tans vorm 'n gedeelte van Erf 2898 deel van die informele nedersetting.

MARKWAARDASIE

Geen.

FINANSIËLE IMPLIKASIES

Raad betaal vir die Landmeter vir opmeet, hersoneer en konsolideer met erf 2898, Struisbaai.

DEPARTEMENTELE KOMMENTAAR**MUNISIPALE BESTUURDER**

Die versoek word ondersteun vanuit die kantoor van die MB aangesien dit die probleem wat tans daar bestaan met die onwettige besetting van die gedeelte van die kerkgrond sonder enige verdere duur regsprosesse sowel as gemeenskapsongelukkigheid gemakliker kan laat oplos.

DIREKTEUR: FINANSIËLE DIENSTE

Neem kennis van die versoek.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Noted.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

No objection. Legal process to be followed.

ELEK

Eskom supply area.

SENIOR SPESIALIS STADSBEPLANNER

Geen beswaar. Alle stadsbeplannings- en opmetingskoste sal vir die aansoeker se rekening wees.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word ondersteun. Dit blyk dat die aangeduide stuk grond moontlik in die toekoms vir 'n pad geormerk is.

SENIOR BOUBEHEERBEAMPTE

Noted.

BESTUURDER: STRATE EN STORMWATER

Water- en riooldienste word nie beïnvloed nie.

BESTUURDER: VERKEER EN WETSTOEPASSING

Neem kennis van aansoek.

BESTUURSAANBEVELING

- (i) Dat die Raad in beginsel besluit om 'n gedeelte aangrensend aan erf 2898 oor te dra aan die Bet-EI Evangelie Kerk vir die rekening van die Raad.
- (ii) Die dienooreenkomstige oppervlakte sal vanaf erf 2898 afgesny word en gekonsolideer word met erf 2900, Struisbaai.
- (iii) Dat alle uitgawes vir die Raad se rekening sal wees.

BESLUIT 64/2019

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

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

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

ALGEMENE INLIGTING

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

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 42 tot 45** is van L'Agulhas 245 Round Table ontvang om die SAAME Saal vir 'n verdere termyn van 9 jaar en 11 maande by die Raad te huur. Die Round Table huur die gebou reeds sedert 1 Oktober 2015 en het die afgelope 3 jaar bykans R115 000,00 aan die gebou gespandeer.

Die bestaande ooreenkoms, aangeheg op **bladsy 46 tot 50** het op 30 September 2018 verval.

MARKWAARDASIE

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

FINANSIËLE IMPLIKASIES

Huurinkomste van R3 184,20 per jaar.

BESTUURSAANBEVELING

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

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

BESLUIT 65/2019

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

10.18 VOORWAARDES EN BEGINSELS VIR UITHUUR VAN LED-BESIGHEIDSEENHEDE**DOEL VAN VERSLAG**

Om oorweging te skenk aan die aanvaarding van die onderstaande beginsels wat bepaal op watter voorwaardes LED-eenhede aan die publiek verhuur sal mag word.

AGTERGROND

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

VOORGESTELDE KRITERIA

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

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

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

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

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

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

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

BESTUURSAANBEVELING

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

BESLUIT 66/2019

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

10.19 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION AND OVERSIGHT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2018 (DFS)**

The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor. The purpose is to report to the Mayor in terms of section 6(3) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the second quarter from **1 October 2018 to 31 December 2018**, in order to strengthen Council's oversight role.

BACKGROUND

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

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

Committees

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

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

For detailed information on the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 31 December 2018 see ***document that was already distributed along with the Committee agenda's***.

MANAGEMENT RECOMMENDTION

That Council take note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 31 December 2018.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION 67/2019

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

10.20 **ODUIT AKSIEPLAN 2017/18 (OPCAR): MAANDELIKSE VORDERING - MAART 2019**

DOEL VAN VERSLAG

Oorweging van die vordering met en afhandeling van die goedgekeurde 2017/18 Oudit Bevindinge Aksieplan (OPCAR) soos op 31 Maart 2019.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2017/18 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan, soos aangeheg op ***bladsy 51 tot 59*** 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 gereëde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die Raad die vordering met die 2017/18 Ouditeur-Generaal Aksieplan soos op 31 Maart 2019 oorweeg en aanvaar.

BESLUIT 68/2019

Dat die Raad die vordering met die 2017/18 Ouditeur-Generaal Aksieplan soos op 31 Maart 2019 aanvaar.

10.21 **QUARTERLY SECTION 52 BUDGET- AND PERFORMANCE REPORT: 31 MARCH 2019**

PURPOSE OF REPORT

1. To comply with section 52 and section 71 of the MFMA and the requirements as promulgated in Government Gazette No 32141 of 17 April 2009 (Municipal Budgeting and Reporting Requirements).
2. To present the quarterly performance report of the Municipality for the third quarter of the financial year (1 January 2019 to 31 March 2019).

BACKGROUND

QUARTERLY SECTION 52 BUDGET REPORT (Attached on page 60 to 87)

Section 71 of the MFMA and Section 28 of Government Notice 32141 dated 17 April 2009, regarding the "Local Government: Municipal Finance Management Act 2003 Municipal Budget and Reporting Regulations" necessitate that specific financial particulars be reported on and in the format prescribed, hence this report to meet legislative compliance.

QUARTERLY PERFORMANCE REPORT (Attached on page 88 to 108)

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

MANAGEMENT RECOMMENDATION

- (i) That the content of the Quarterly Section 52 Budget- and Performance Report and supporting documentation for the period ending 31 March 2019 be noted.
- (ii) It be noted that the directors ensure that the budget is implemented in accordance with the Service Delivery and Budget Implementation Plan projections and in accordance with the approved budget.
- (iii) It be noted that any material variances will receive remedial or corrective steps.

RESOLUTION 69/2019

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

10.22 **PROPOSED LONG-TERM DEBT APPLICATION (SCM 26/2018/19)**

PURPOSE OF REPORT

The purpose of this report is for council to consider the proposed long-term debt application to the total amount of R17 million as approved by the bid adjudication committee on 17 April 2019.

In its consideration of the long-term debt application approved by the bid adjudication committee, it will be imperative for Council to take into account all inputs received from the public, National and Provincial Treasury as prescribed in terms of section 46 of the MFMA.

BACKGROUND

Tenders for long-term debt to the total amount of R17 million were invited from various banks and / or borrowing institutions to fund the municipality capital programme over the medium term budget period (2018/19 and two outer years) as per Council’s budget approval dated 29 May 2018, as well as the borrowing terms, conditions and specifications approved by Council during December 2018 (*The allocated funding source from external borrowing in respect of the proposed capital programme with reference of the two outer years may be subject to change with the approval of the final 2019/20 capital budget.*)

Particulars of the approved long term debt application are as follows:

Purpose of Borrowing	Type / Method of Borrowing	Service of External Loan	Repayment period / Interest Rate	Anticipated External Loan application	Anticipated Total Cost of External Loan	Average Anticipated Annual Installment
Motor Vehicle Fleet	External Loan: Annuity Method	Half Yearly	5 Years at a fixed interest rate of 9.80%	R2,880,000	R778,905	R742,328
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Half Yearly	5 Years at a fixed interest rate of 9.80%	R4,120,000	R1 114,267	R1 061,942
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Half Yearly	10 Years at a fixed interest rate of 10,35%	R10,000,000	R5,445,518	R1,628,751
Total Long-term Application				R17,000,000	R7,338,690	R3,433,021

In terms of section 46(3)(a)(ii) of the MFMA the public as well as National and Provincial Treasury were invited through publication in the two local news papers - Cape Argus / “Die Burger”, notice boards and the municipal website . National and Provincial Treasury was also informed in a formal written letter 18 April 2019 together with supporting documentation as per National Treasury circular no 26 borrowing checklist requirements. (The feedback from National and Provincial Treasury, if any, is still awaiting as should there be any significant recommendations it will be reveal to council accordingly).

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

The total estimated maximum borrowing cost in respect of the 2019/20 budget year amounts to R3,433,021 if the full borrowing amount be utilised effective from 1st July 2019. However, it is anticipated to be phased in aligned with the approved capital budget programme over the next two remaining years.

It will be further suggested to ring-fence the estimated cost required to service the loan over the expected borrowing period as part of the 2019/20 budget proposal for recovery via an infrastructure levy per service.

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

MANAGEMENT RECOMMENDATION

Council considers proceeding with the long term debt application to the total estimated amount of R17 million from Nedbank Bank over the medium budget period (2018/19 & two outers) as approved by the bid adjudication committee based on the specifications and guidelines determined by Council during December 2018.

BESLUIT 70/2019

That Council proceeds with the long term debt application to the total estimated amount of R17 million from Nedbank Bank over the medium budget period (2018/19 & two outers) as approved by the bid adjudication committee based on the specifications and guidelines determined by Council during December 2018.

10.23 **WRITE-OFF OF REDUNDANT ITEMS**

PURPOSE OF REPORT

To table to Council the list of assets redundant or absolute for write-off.

BACKGROUND

Under Law 56 of 2003 of the MFMA, section 14:

"Disposal of capital assets

- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
- (2) *A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public -*
 - (a) *has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
 - (b) *has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
- (3) *A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
- (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*
- (5) *Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.*
- (6) *This section does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework."*

FINANCIAL IMPLICATION

As per approved list of assets in the report attached on **page 109 to 114** .

MANAGEMENT RECOMMENDATION

- (i) That Council resolves that the items as per section 6 of the report be written-off and removed from the municipal Asset Register.
- (ii) That Council resolves that the items be place on public auction or sold as per SCM recommended processes.

RESOLUTION 71/2019

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

10.24 **IMPLEMENTATION OF FEEDING SCHEMES****PURPOSE OF REPORT**

To request council to approve the implementation of the feeding schemes for the 2019/2020 financial year.

BACKGROUND

The Social Development department has budget R165 900,00 for the implementation of the feeding schemes in Bredasdorp, Struisbaai, Napier, Elim, Waenhuiskrans, Klipdale and Protem for the 2019/2020 financial year.

According to the drafted Memorandum of Understanding between CAM and the beneficiaries, the implementation of the feeding schemes is subject to effective, efficient and transparent financial management and internal control systems, of organizations as per section 67 of the Local Government: Municipal Finance Management Act, 2003.

The organizations are also obliged to provide the Municipality with a copy of its most recent audited financial statements as part of the Municipality's assessment process. We are currently waiting on the most recent audited financial statements of the prospective organizations, namely:

Organization	Town
Geluksoord vir Bejaardes	Elim
Meals on Wheels	Struisbaai
Nuwerus Nasorg centre	Napier
Bredasdorp Nutrition and Development Centre	Bredasdorp
Council of Stakeholders	Arniston

The soup kitchens in Bredasdorp will operate from 12h00 till 13h00 at the venues below:

Address for preparation	Location of Beneficiaries
Bredasdorp Nutrition Centre	<u>Selfbou and Kleinbegin</u> Mondays / Wednesday / Friday <u>Bredasdorp Clinic</u> Tuesdays and Thursdays <u>Thusong Centre</u> Monday / Tuesday / Wednesday
Mrs Sonia Daniels, 4G Oumeuleweg	<u>Simunye / Tussen Treine</u> Mondays / Wednesdays
Mrs Frances Dyanti, 20 Impala Street	<u>Simunye / Tussen Treine</u> Tuesdays and Thursdays
Mrs Winnifred Brinkhuys, Bontebok Avenue 12	<u>Voltruiskamp</u> Tuesday / Thursday
Mrs Ellis Sunduzwayo, A133 Malibongwe Street	<u>Zwelitsha Area</u> Monday / Wednesday / Friday
Mrs Bridget Laings, 11 Kraanvoël Street	<u>Bergsig</u> Monday / Wednesday

Expenses for the Feeding Schemes:

BREDASDORP

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R26 700.00
Transport	R 3 000.00
Electricity	R 1 500.00
Gas	R 3 300.00
Stipends for 4 cooks	R 6 000.00
Total	R40 500.00

WAENHUISKRANS

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R14 100.00
Transport	R 2 400.00
Electricity	R 1 650.00
Gas	R 3 000.00
Stipends for 3 cooks	R 4 500.00
Total	R25 650.00

STRUISBAAI

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R14 100.00
Transport	R 2 400.00
Electricity	R 1 650.00
Gas	R 3 000.00
Stipends for 3 cooks	R 4 500.00
Total	R25 650.00

ELIM

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R14 100.00
Transport	R 2 400.00
Electricity	R 1 650.00
Gas	R 3 000.00
Stipends for 3 cooks	R 4 500.00
Total	R25 650.00

NAPIER

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R14 100.00
Transport	R 2 400.00
Electricity	R 1 650.00
Gas	R 3 000.00
Stipends for 3 cooks	R 4 500.00
Total	R25 650.00

KLIPDALE

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R 5 000.00
Transport	R 1 900.00
Electricity	R 1 500.00
Stipends for 2 cooks	R 3 000.00
Total	R11 400.00

PROTEM

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R 5 000.00
Transport	R 1 900.00
Electricity	R 1 500.00
Stipends for 2 cooks	R 3 000.00
Total	R11 400.00

FINANCIAL IMPLICATIONS

The total cost for the implementation of the feeding schemes amounts to **R165 900.00** over a period of three months.

STAFF IMPLICATION

Staff is only involved with the facilitation and monitoring process of the project.

MANAGEMENT RECOMMENDATION

- (i) That Council approve the funding allocation to the organizations subject on the receipt of the most recent financial statements.
- (ii) That Council grant permission that the feeding scheme for Arniston, be accommodated at the Waenhuiskrantz Community Hall for the duration of the project.
- (iii) That a Memorandum of Understanding be signed between CAM and the organizations, for the implementation of the feeding schemes.
- (v) Organizations are responsible for the purchasing of goods, gas, electricity and the transportation of goods.
- (vi) Monthly reports regarding the operations and financial management of the project to be submitted to the Facilities and Human Development Manager.
- (vii) That Council appoint Bredasdorp Nutrition and Development Centre, Council of Stakeholders, Struisbaai Meals on Wheels, Nuwerus Nasorg centre and Geluksoord for the operation of the soup kitchens, subject on the receipt of their most recent audited financial statements.
- (viii) In the case of non- compliance that the Human Development department identify a suitable organization to manage the project.
- (ix) That Council only pays two months of the allocated funding to the service providers for services from July to August 2019.
- (x) That Council only pays the third allocation for services rendered for June 2020 in the last month of the 2019/2020 financial year.

RESOLUTION 72/2019

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

10.25 **REQUEST FOR APPROVAL OF MEMORANDAM OF UNDERSTANDING BETWEEN SOLUTION BASE AND CAPE AGULHAS MUNICIPALITY**

PURPOSE OF REPORT

To request Council to approve the Memorandum of Understanding between Solution Base and Cape Agulhas Municipality on a partnership to render a social crime prevention support service in Struisbaai and Napier (see **page 115 to 117**).

BACKGROUND

The organization Solution Base is a registered NPO since 2010 and is based in Riviersonderend. The organization is currently focusing on social crime prevention support projects and programmes in Napier and has been working for more than a year in Nuwerus.

The organization also has a management team consisting of five members from the Napier community. Solution Base is rendering an accredited social crime prevention programme which enhance discipline and good character for children at risk, and those who are in conflict with the law.

Council Resolution 31/2019: 26 February 2019

- (i) That Council approves the social crime prevention programmes of Solution Base.
- (ii) That the office space at the Shield Building in Struisbaai made available at the no cost.
- (iii) That the organization must contact Child Welfare Napier for possible office space at the Omgee centre.
- (iv) That Council approves that the organization utilise the sports facilities and halls for free, depending on the availability and the prior bookings thereof.
- (v) That the organization contributes towards the electricity usage of the office at the Shield Building.
- (vi) That the organization submit monthly reports on the progress and outcome of the programmes/projects to the Human Development department.
- (vii) That the organization be responsible for their own telephone and internet connection.
- (viii) That Council signs a memorandum of understanding with Solution Base for a period of three years which includes the above recommendations.

MANAGEMENT RECOMMENDATION

- (i) That Council adopts the Memorandum of Understanding on a partnership with Solution Base to render a social crime prevention support service in Struisbaai en Napier.
- (ii) That the Municipal Manager be authorised to sign the MOU.

RESOLUTION 73/2019

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

10.26 **AFSKRYF VAN ONINBARE SKULDE: SETA (BOLAND STUDENTE) EN FOUTIEWE DUPLISERING VAN BANK DEPOSITO**

DOEL VAN VERSLAG

Vir die Raad om oorweging te skenk vir die afskryf van oninbare gelde voortspruitend uit 'n ooreenkoms met SETA om geïdentifiseerde Boland Studente te vergoed en waarvan 'n gedeelte van die verhaalbare gelde nog uitstaande reflekteer synde as oninbaar tesame met 'n kasboek regstelling waar gelde beide in Junie 2017 sowel as Julie 2017 gekwiteer was op die nuwe finansiële stelsel tydens oorskakeling.

AGTERGROND

Gedurende die 2014/15 finansiële boekjaar is 'n ooreenkoms gesluit met SETA waardeur geïdentifiseerde Boland studente 'n toelaag betaal was deur die munisipaliteit en dan vanaf SETA verhaal is. Deurlopende gesprek het plaasgevind vanaf die begin tussen SETA en die munisipaliteit se HR afdeling insake die nie nakoming van ooreenkoms waardeur stiptelike betalings vanaf SETA aan die munisipaliteit nie gedoen is soos vereis in terme van die ooreenkoms. Die ooreenkoms is nie weer hernu, waardeur SETA direk met Boland Kollege 'n nuwe ooreenkoms aangegaan het op dieselfde wyse as die met die munisipaliteit. Verskeie opvolg gesprekke agterna en voorsiening van die bewys van uitstaande gelde is deurgegee na senior bestuur in SETA sonder enige vordering behalwe leë beloftes van betaling. Die voorstel is dat die uitstaande gelde verkuldig deur SETA oorweeg moet word synde as oninbaar en dat die moontlikheid vir die instel van verdere regsaksie geïmplementeer moet word deur die verantwoordelike afdeling ter invordering van die uitstaande gelde.

Met die oorskakeling vanaf SAMRAS na die nuwe Vesta finansiële stelsel met effek 1 Julie 2017 is bevind met die kasboek rekonsiliasie dat gelde ontvang is in Julie 2017, ten opsigte van die vorige boekjaar, gekwiteer is op 30 Junie 2017 sowel as weer gedurende Julie 2017 te boek gestel is. Weens die probleem dat die genoemde transaksie gedupliseer is in die nuwe boekjaar op Vesta kon die individuele transaksies se ouditspoor nie deeglik deurgevolg word vanweë die feit dat direkte betalings gesamentlik hanteer was vir die eerste tydperk weens onkunde om daagliks toe te wys / te balanseer na kasboek / bankstaat. Die gelde ontvang was primêr ten opsigte van vooruitbetaalde elektrisiteit wat gevolglik oorstateer was weens die duplikaat toewysing van transaksies reeds te boek gestel. Die versoek is dat oorweging geskenk word om die duplisering van die transaksies wat tans reflekteer as 'n ongerekonsilieerde item in die afwagrekening af te skryf.

WETLIKE IMPLIKASIE

Geen

FINANSIËLE IMPLIKASIE

Oorweging vir die afskryf van oninbare skulde ten bedrae van R374,929-56 ten opsigte van SETA asook die R378,272-57 synde die duplisering van transaksies gekwiteer met oorskakeling van SAMRAS na die nuwe Vesta finansiële stelsel gedurende Julie 2017.

BESTUURSAANBEVELING

- (i) Dat die Raad oorwegings skenk om goedkeuring te verleen dat oninbare skulde ten opsigte SETA ten bedrae van R374 929,56 en R378 272,57 weens die foutiewe duplisering van bank deposito's tussen die twee finansiële stelsels met oorskakeling af te skryf; en
- (ii) Dat voortgegaan word om die uitstaande gelde te probeer verhaal vanaf SETA deur die verantwoordelike HR afdeling met die gepaardgaande opsie om regsaksie te neem ter invordering van die genoemde uitstaande bedrag.

BESLUIT 74/2019

- (i) Dat die Raad goedkeuring verleen dat oninbare skulde ten opsigte SETA ten bedrae van R374 929,56 en R378 272,57 weens die foutiewe duplisering van bank deposito's tussen die twee finansiële stelsels met oorskakeling af te skryf; en
- (ii) Dat voortgegaan word om die uitstaande gelde te probeer verhaal vanaf SETA deur die verantwoordelike HR afdeling met die gepaardgaande opsie om regsaksie te neem ter invordering van die genoemde uitstaande bedrag.

10.27 **RECOVERING OF AND / OR WRITING OFF FRUITLESS AND WASTEFUL EXPENDITURE FOR THE PERIOD 1 JULY 2018 TO 31 MARCH 2019**

PURPOSE OF REPORT

For council to investigate any fruitless and wasteful expenditure that have been incurred for the period July 2018 to March 2019 for approval and / or to be written off.

BACKGROUND

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

- An office-bearer knowingly or after having been advised by the accounting officer that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;

- The accounting officer deliberately or negligently incurred unauthorized expenditure, subject to subsection (3) whereby the accounting officer has informed the Council in writing that the expenditure is likely to be unauthorized, irregular or fruitless and wasteful expenditure;
- Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
- Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

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

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

As part of the in-year processes irregular, fruitless and wasteful expenditure have been identified for further investigation by council / MPAC in order to either recover or certify as irrecoverable and write off as prescribed in terms of the above mentioned legislation and in terms of the municipality's approved policy in this regard. Attached as **Annexure A on page 118** the register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period 1 July 2018 to 31 March 2019 for Council's investigation and / or verification.

The irregular expenditure refers to one incident whereby the VESTA financial system was down during month end and procurement for a whiteboard / laminator took place based on a purchase requisition by only approaching one service provider whilst these items actually be available on the annual tender. The inappropriate SCM procedure was only noted by the SCM unit once the official order be processed at a later date which could not be detected earlier in terms of the prescribe SCM procedure as a result of the reason mentioned. Measures already been put in place to verify any procurement before the actual go ahead to continue with the process.

The fruitless and wasteful expenditure refers to a payment made to service provider before the services been rendered, provision of incorrect banking, duplicate payment for a request for financial support and interest on late payment in respect of Telkom. A great concern is the fact that responsible official was informed by the Municipal Manager not to submit payment for processing due to postponement of the event as well as guide was provided in order to strengthen the internal controls in respect of the payment of grants / donations / contributions made in terms of the approved policy directive to the personnel in the office of the Executive Mayor. Processes has been instigated via the municipality's lawyer in order to recover the monies paid for no services rendered without any success.

LEGAL IMPLICATION

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

FINANCIAL IMPLICATION

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

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

MANAGEMENT RECOMMENDATION

- (i) Council considers the report on unauthorized, irregular, fruitless and wasteful expenditure for the period from July 2018 to March 2019 as per Annexure "A" for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

BESLUIT 75/2019

That the matter be referred to MPAC for further investigation and recommendation to Council.

10.28 **RE-ALLOCATION OF THE MUNICIPAL FINANCE MANAGEMENT GRANT (2018/19)****PURPOSE OF REPORT**

The purpose of this report is to consider approval to re-allocate the Municipal Finance Management Grant (FMG) due to a delay with the implementation of the "SMART CITY" capital project.

BACKGROUND

Council only approved the "SMART CITY" strategy during June 2018 to start with the planning cycle and roll-out of the project.

Due to the enormous complexity and the nature of the "SMART CITY" project it took more time than anticipated to analyse the scope of work required in its totality aligned with the strategic objectives to achieve through this project. Specifications were developed for approval in February 2019 and the tender request for the "SMART CITY" project closed on 12 April 2019.

Taking into consideration the SCM processes still to follow before final award of the tender, it be highly unlikely that the full portion of the allocated budget to the amount of R1,5m be spent before the close of the financial year end. It is therefore requested to consider the re-allocation of the FMG grant allocation to the amount of R750 000 used to partially fund the "SMART CITY" project from capital expenditure to operating expenditure for financial management support services as well as to cover the cost for MMC training in respect of the financial interns.

FINANCIAL IMPLICATION

Consider the re-allocation of the FMG grant funding from the "SMART CITY" capital expenditure to operating expenditure for financial management support services and training cost in respect of the financial interns.

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

MANAGEMENT RECOMMENDATION

Council consider the re-allocation of the FMG grant funding to the amount of R750 000 for approval from the SMART CITY capital expenditure project to operating expenditure for financial management support services as well as to cover the cost for MMC training in respect of the financial interns.

RESOLUTION 76/2019

That Council approves the re-allocation of the FMG grant funding to the amount of R750 000 from the SMART CITY capital expenditure project to operating expenditure for financial management support services as well as to cover the cost for MMC training in respect of the financial interns.

15. **ONAFGEHANDELDE RAADSBESLUIE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprys) afgeskryf word.	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	Dat die randstene wel verwyder word, op voorwaarde dat - (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningsooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.	<i>Eienaar reageer nie op skrywe van prokureur nie.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."	<i>Aansoek gebring om MB te verplig om Raadsbesluit uit te voer. Saak weer voor Hooggeregshof. Verslag sal by volgende Raadsvergadering gedoen word.</i>	BSSB
182/2018	Wysiging aan Raadsbesluit: Vervreemding (huur) - Erwe 4185 en 4186, Struisbaai	(i) In-beginsel-goedkeuring verleen word vir die verhuring van erf 4185 en erf 4186, Struisbaai aan mnr Van Niekerk vir 'n termyn van 3 jaar met die opsie om die huur vir 'n verdere tydperk te verleng, met ingang van 1 Maart 2019. (ii) Dat die verhuring teen 'n markverwante koers sal plaasvind. (iii) Dat, aangesien die markverwante koers nog nie ontvang is nie, die aangeleentheid verwys word na die UBK vir oorweging.	<i>Markwaarde van R2 000,00 per maand. UBK keur verhuring goed op 26 Feb 2019.</i>	Eiendoms-administrasie
183/2018	Vervreemding (koop): Erf 3616, Bredasdorp	(i) In-beginsel-goedkeuring verleen word vir die verkoop van erf 3616, Bredasdorp. (ii) Dat die eiendom "uit die hand" verkoop word teen die markverwante waardasieprys, nadat die publieke deelname proses gevolg is.	<i>Advertensie van voorneme om te verkoop is geplaas.</i>	Eiendoms-administrasie
184/2018	Vervreemding (koop): Erf 3617, Bredasdorp	(i) In-beginsel-goedkeuring verleen word vir die verkoop van erf 3617, Bredasdorp. (ii) Dat die eiendom "uit die hand" verkoop word teen die markverwante waardasieprys, nadat die publieke deelname proses gevolg is.	<i>Advertensie van voorneme om te verkoop is geplaas.</i>	Eiendoms-administrasie
185/2018	Vervreemding (koop): Erf 3620, Bredasdorp	(i) In-beginsel-goedkeuring verleen word vir die verkoop van erf 3620, Bredasdorp. (ii) Dat die eiendom "uit die hand" verkoop word teen die markverwante waardasieprys, nadat die publieke deelname proses gevolg is.	<i>Advertensie van voorneme om te verkoop is geplaas.</i>	Eiendoms-administrasie

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
190/2018	Vervreemding (huur): Ged erf 5585, Bredasdorp	Dat die aangeleentheid na die Wykskomitee verwys word vir bespreking en aanbeveling aan die Raad.		Eiendoms-administrasie
201/2018	Elim: Uitstaande Belastingrekening	(i) Raad kennis neem van die uitstaande bedrag verskuldig. (ii) Volledige verslag met die volgende Raadsvergadering oorweeg word. (iii) Maandelikse vorderingsverslae aan die Raad voorgelê word ten opsigte van die vereffening van hierdie uitstaande gelde.		Eiendoms-administrasie

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 77/2019

- (i) Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.
- (ii) Dat die volgende besluite geskrap kan word: 182/2018 tot 185/2018 en 190/2018.

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

BEKRAGTIG op hierdie

dag van

2019

SPEAKER

DATUM: