



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N SPESIALE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 14:00 OP MAANDAG
13 NOVEMBER 2023**

**MINUTES OF A SPECIAL COUNCIL MEETING HELD ON MONDAY,
13 NOVEMBER 2023 AT 14:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

RAADSLEDE / COUNCILLORS

| | | |
|-----|--------------------|----------------------|
| Rdl | J August-Marthinus | |
| Rdh | D Burger | (Speaker) |
| Rdl | K Donald | |
| Rdl | A Eksteen | |
| Rdh | D Jantjies | |
| Rdl | R Louw | |
| Rdl | M Matthysen | |
| Rdl | R Mokotwana | |
| Rdh | J Nieuwoudt | |
| Rdl | R Ross | (Onder-Burgemeester) |
| Rdh | P Swart | (Burgemeester) |

AMPTENARE / OFFICIALS

| | | |
|-----|--------------|---|
| Mnr | E Phillips | Munisipale Bestuurder / Municipal Manager |
| Mnr | H Van Biljon | Direkteur: Finansies- en IT Dienste |
| Mnr | H Kröhn | Direkteur: Infrastruktuurdienste |
| Me | L Smith | wnd Direkteur: Bestuursdienste |
| Mnr | P Valentine | wnd Bestuurder: Administrasie |
| Me | T Stone | Afdelingshoof: Strategiese Dienste |
| Me | S Nel | Stadsbeplanner |
| Me | A Jonker | Snr Admin Beampte: Komiteedienste |

1. **VERWELKOMING / WELCOME**

Die Voorsitter heet die teenwoordiges welkom.

2. **OPENING MET GEBED / OPENING WITH PRAYER**

Raadslid Eksteen open die vergadering met gebed.

3. **KWORUM/AANSOEKE OM VERLOF TOT AFWESIGHEID / QUORUM/APPLICATIONS FOR LEAVE**

Geen.

4. **AANVAARDING VAN AGENDA / ACCEPTANCE OF AGENDA**

Voorsteller: Rdl Donald / Sekondant: Rdl Eksteen

5. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**

Geen.

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

Die Speaker deel die Raad mee dat, na aanleiding van regsadvies deur homself ingewin en ter wille van sy vereiste onpartydigheid, hy homself onttrek vanaf die dissiplinêre komitee wat saamgestel is vir die ondersoek na die mosie teen Burgemeester Swart, soos deur hom ontvang en hanteer. Hy meld ook dat die regerende party(e) die meerderheids verteenwoordiging moet reflekteer soos per Artikel 79 komitee samestelling.

Na 'n 5 minute kookus stel Raadslid Ross voor dat Raadslid Eksteen in die plek van Raadsheer Burger op die dissiplinêre komitee dien.

BESLUIT 240/23

Dat Raadslid Eksteen in die plek van Raadsheer Burger op die dissiplinêre komitee sal dien vir hierdie spesifieke verhoor.

(Eenparige Besluit)

7. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING / ITEMS REFERRED TO COUNCIL FOR CONSIDERATION**

7.1 **SPATIAL DEVELOPMENT FRAMEWORK (SDF): 3rd DRAFT MSDF TO BE APPROVED FOR PUBLIC PARTICIPATION**

PURPOSE OF REPORT

For Council to approve the 3rd draft Municipal Spatial Development Framework in terms of Section 7(1)(d) of our Municipal Land Use Planning By-Law, 2022, to publisize for public participation.

BACKGROUND

According to Section 3 of our Municipal Planning By-Law, the Municipal Systems Act and Section 11 of the Land Use Planning Act, Council has decided to compile/re-draft the MSDF based on the current MSDF, 2017. The Municipality appointed a service provider, Asika Consulting Pty (Ltd), to undertake the compilation of a new MSDF.

The purpose of a MSDF is to, for a specific geographical area -

- (a) provide detailed spatial planning guidelines.
- (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework.
- (c) meet specific land use planning needs.
- (d) provide detailed policy and recommended development parameters for land use planning.
- (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and
- (f) guide decision-making on land use applications.

LEGAL FRAMEWORK

In terms of Section 7 of the Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022).

- “7. (1) *If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the Municipality must -*
- (a) *compile a draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area or relevant area in the municipal area and submit it to the Council for adoption;*
 - (b) *after adoption of the status quo report, compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;*
 - (c) *after approval of the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework for publication contemplated in paragraph (b), submit the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act; and*
 - (d) *after consideration of the comments received from the public and the Provincial Minister, submit the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.*
- (2) *If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1)(d) is materially different to what was published in terms of subsection (1)(b), the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.*
- (3) *The Council must adopt the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette.”*

PROGRESS TO DATE

- (a) A notice was published on the 22nd of July 2022, concerning the intention to compile a new 5-year MSDF; and the process to be followed, in accordance with section 28(3) and 29 of the Municipal Systems Act.
- (b) The Municipality has registered relevant stakeholders, to comment on the draft MSDF as part of the process.

- (c) The MSDF process aligns to the IDP and budget process and is included in the IDP's Process Plan.
- (d) Public participation for the MSDF took place concurrently with the IDP Process during August / September. The following engagements took place:
 - (i) Preparatory meeting with all Ward Committees where we provided background information as well as planning templates for members to complete with their sectors.
 - (ii) Special Ward Committee meetings with each ward committee to assess their needs and spatial priorities in detail and establish linkages with the MSDF.
 - (iii) Inclusion of a IDP / MSDF item on the Ward Councillors Feedback Meeting agendas to affirm the needs identified by Ward Committees and pose additional needs and spatial priorities.
 - (iv) Sector engagements with the following sectors to assess needs and spatial priorities:
 1. Faith-based cluster
 2. Youth cluster
 3. Sport cluster
 4. Business cluster
 5. Agriculture cluster
 6. Fishing community Arniston
 7. Fishing community Struisbaai
 8. Social Cluster (including but not limited to safety, gender, the aged, people with disabilities, substance abuse and LDAC)
- (e) A comprehensive needs analysis is being developed and mapped from this which will inform the MSDF. A draft Status Quo Report was submitted on the 28th of October 2022.
- (f) A CAMAF meeting was held on the 8th of November 2022, discussions focused on CAM's progress with IDP & MSDF, vision, mission, and priorities as identified per Ward.
- (g) The 1st Stakeholder Engagement was held in Struisbaai on the 12th of December 2022 from 12:00 - 20:00. The Status Quo Report was discussed with municipal departments, public entities, community representatives and all other related bodies based on the context of the municipality.
- (h) On the 13th of December 2022 progress was given on the MSDF to Council. It was decided that the Status Quo Report be updated for approval by Council in January 2023.
- (i) The Municipality may establish a project committee to assist to compile or amend its MSDF. The project committee must consist of the Municipal Manager, or a municipal employee designated by the Municipal Manager; and municipal employees appointed by the Municipal Manager from relevant internal departments. *(A Project Steering Committee was established and consist of all Directors and relevant Managers)*
- (j) Council approved the Status Quo Report in terms of Section 7(1)(b) of the Municipal Land Use Planning By-Law, 2022, on the 31st of January 2023.
- (k) The First Draft of the MSDF was approved by Council for the publication thereof for public comment on the 8th of March 2023.
- (l) The second draft of the MSDF was approved by Council (to include a draft Capital Expenditure Frameworks (CEF) as a key component of the MSDF) for the publication thereof for public comment on the 31st of March 2023.
- (m) Both the first and second Draft MSDF were submitted to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act.
- (n) After consideration of the comments received from the public and the Provincial Minister, the 3rd draft of the MSDF, could not be finalized in time to be approved with our IDP during May 2023.
- (o) The Third Draft was presented to the PSC and Councillors on the 18th of October 2023. Further amendments were made and received on Friday, 2nd of November 2023.

OUTSTANDING ACTIONS

- Submit the 3rd draft SDF to the Council **to approve the publication thereof** for public comment;
- (after approval of the 3rd draft of the municipal spatial development framework, submit it to **the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act; and**

- (after consideration of the comments received from the public and the Provincial Minister, submit the **final draft** of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, **to the Council for adoption**.
- If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1)(d) is materially different to what was published in terms of subsection (1)(b), the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.
- The Council must adopt the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, **with or without amendments, and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette**.

| WAY FORWARD | | | |
|--|---|---|--|
| | SUBMISSION DATE | DISCUSSION | FINALIZE |
| Way Forward | | 2 June 2023 5 June 2023 9 June 2023 | 5 June 2023 7 June 2023 12 June 2023 |
| Response to comments (Public & Province) Existing Maps and Additional Maps Sector Plan alignment also Refer to our current plans and policies | From 29 May - 23 June 2023 | 2 June 2023 5 June 2023 9 June 2023 15 June 2023 16 June 2023 22 June 2023 | 26 June 2023 |
| Rest of SDF document | | | |
| Implementation Plan | | | |
| Capital Expenditure Framework | | 26 June 2023 | |
| Consultants submitted Draft SDF | 31 August 2023 Extended until 4 September 2023 | 14 September 2023 | 8 October 2023 |
| Project Steering Committee Meeting | Presentations by Consultant | 18 October 2023 10:00-12:00 Council Chamber | |
| Project Steering Committee Meeting with Councillors | Presentation by Consultant | | |
| Approval of DRAFT SDF by Council | | By 9 November 2023 Special council in November | |
| ADVERT: 17 November - 28 February 2024 <ul style="list-style-type: none"> • Public Participation 60 days • we advertise for 104 days • 70 days without holidays and weekends • Submit Draft to the Provincial Minister for comment (60 days) | Last day of comments - end 28 February 2024 3X PUBLIC MEETINGS: 23, 24 & 25 January 2024: 14:00-18:00 Glaskasteel Bredasdorp: 23/01/2024 Community Hall Struisbaai Noord: 24/01/2024 Community Hall Napier: 25/01/2024 Engagements with all Wards during November 2023 & February 2024 | By End February 2024 | |
| Response on all comments received | | | End March 2024 |
| Finalize rest of SDF document and maps | | | End March 2024 |
| Take 3rd Draft SDF as core component of the Draft IDP to Council | | | End March 2024 |
| Project Steering Committee with Councillors | Presentation by Consultant | First week April 2024 10:00-13:00 Council Chamber | |
| Submit final Draft as specified in Tender 2022 | | | Mid-April 2024 |
| Approval of Final SDF by Council | | End May 2024 | |
| Give notice of decision within 14 days of adoption in media and provincial Gazette October 2023 | | End May 2024 | |

FINANCIAL IMPLICATION

ASIKA Consulting Pty (Ltd) was appointed for R784 116,00
(100% paid)

MANAGEMENT RECOMMENDATION

- (i) That Council approves the 3rd draft SDF for publication thereof for public comment, from 17 November 2023 - 28 February 2024.
- (ii) That the draft SDF be submitted to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act.

RESOLUTION 241/2023

- (i) That Council approves the publication of the 3rd draft SDF for public comment, from 17 November 2023 to 29 February 2024 and submitted to Council for final approval.
- (ii) That the draft SDF be submitted to the Provincial Minister: Local Government, Environmental Affairs and Development Planning for comment in terms of section 13 of the Land Use Planning Act.

(Proposer: Clr Donald / Seconder: Ald Nieuwoudt)

Hierna verdaag die vergadering om 14h25.

BEKRAGTIG op hierdie

dag van

2023

SPEAKER

DATUM: