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1. OPENING

Die Speaker heet lede teenwoordig welkom en Raadslid Tonisi open met gebed.

'n Minuut stilte word gehandhaaf ter nagedagtenis met die afsterwe van Raadslid Europa en munisipale werker wat by die Water- en Sanitasie afdeling werksaam was.

2. AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE

Me N Mhlali-Musewe

3. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER

Raadsdame Marthinus word aangewys as verteenwoordiger op die Bestuursdienste Komitee in die plek van Raadslid Europa.

Die Munisipale Bestuurder stel die Raad in kennis dat, ingevolge Artikel 25 van die Kieswet geen tussen verkiesing in Wyk 6 gehou sal word indien die verkiesing wel op 27 Oktober 2021 sal plaasvind nie.

4. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

4.1 ODUIT- EN PRESTASIE-ODUITBESTUUR KOMITEE: VULLING VAN VAKANTE KOMITEE POSTE

DOEL VAN VERSLAG

Om die Raad in te lig oor die advertering, onderhoude en resultaat ten opsigte van die vakante poste wat tans by die Oudit- en Prestasie-Ouditbestuur Komitees bestaan en om goedkeuring te kry vir die aanstelling van die voorgestelde kandidate.

AGTERGROND

Gedurende Maart 2020 het daar 'n vakante posisie op die Komitees ontstaan weens die bedanking van 'n lid as gevolg van 'n konflik van belang op daardie stadium (mev Louise Stevens). Weens die onsekerhede oor wat die effek van die Covid-inperking sedert einde Maart 2020 op die munisipaliteit se inkomste sou hê, het die Komitee voorgestel dat die vakante pos gevries word as deel van hulle bydrae om uitgawes te beperk. Die Komitee het dus uit net 3 lede bestaan vir die afgelope jaar en 4 maande wat soms probleme veroorsaak het met kworums. Weens hierdie probleem en ook die feit dat die munisipaliteit se finansies besig is om te stabiliseer, het die Komitee versoek dat die pos weer ontvries en gevul word wat deur die Raad goedgekeur is.

Voordat die pos geadverteer kon word het nog 'n lid bedank, aangesien hy 'n posisie by 'n munisipaliteit aanvaar het wat dit nie meer vir hom moontlik gemaak het om die Komitee vergaderings by te woon nie. Dit het veroorsaak dat die Komitee geen kworum het nie. In terme van die Komitee se goedgekeurde Handves is die twee vakante poste geadverteer met die sluitingsdatum 30 Julie 2021.

Daar was 'n totaal van 11 aansoeke ontvang van beide die Wes-Kaap en ander provinsies waarvan 5 kandidate op die kortlys geplaas is na aanleiding van die oorweging van hulle CV's en weens hulle ervaring en areas van spesialisasie (Nasionale Tesourie se Omsendskrywe 56 van 2003 bepaal dat die Komitee as 'n geheel bepaalde vaardighede moet hê). Die onderhoude is gehou op 11 Augustus 2021 en daar was twee kandidate wat bo die ander uitgestaan het.

Hierdie twee kandidate se detail is as volg:

Naam	Kwalifikasies	Kommentaar
Louise Stevens	1. CIA (Certified Internal Auditor) 2. CCSA (Certification Control Self-assessment) 3. CRMA (Certification in Risk Management Assurance) 4. PEQA (Certificate in Performing an Effective Quality Assessment)	Het 'n vakansiehuis in Struisbaai. Het voorheen gedien op die KAM Ouditkomitee. Wye plaaslike owerhede ervaring. Risiko Bestuur kundigheid.
Namhla Vumazonke	1. Master of Commerce (current) 2. CA(SA) 3. PGDAAS/CTA 4. B.Comm (Acc)	Goeie plaaslike owerhede ervaring. Voorheen Adjunk Direkteur by 'n Provinsiale Tesourie oor Plaaslike Owerhede. CA wat kan oorvat by die huidige Voorsitter se finansiële kennis wanneer sy kontrak ten einde kom in 2022.

Met die aanstelling van bogemelde kandidate sal die Komitee ook voldoen aan die demografiese samestelling van die area.

PERSONEEL IMPLIKASIES

Vulling van twee kritiese vakante poste in die Komitee.

FINANSIËLE IMPLIKASIE

Geen - Daar is reeds daarvoor begroot in die 2021/22 boekjaar.

WETLIKE IMPLIKASIE

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

AANBEVELING: OUDIT- EN PRESTASIEBESTUUR OUDITKOMITEE

Dat goedkeuring verleen word dat mev Louise Stevens en mnr Namhla Vumazonke aangestel word in die vakante Komitee poste.

BESLUIT 172/2021

Dat goedkeuring verleen word dat mev Louise Stevens en mnr Namhla Vumazonke aangestel word in die vakante Komitee poste vir 'n termyn van 3 jaar.

4.2 **VERVREEMDING (HUUR): GEDEELTE ERF 773, WAENHUISKRANS (COLLAB: 374906) (WYK 6)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr L Leonard ten einde 'n gedeelte van Erf 773, Waenhuiskrans by die Raad te huur ten einde vir 'n tuin aan te wend.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte Erf 773, Waenhuiskrans
Huidige sonering : Meentgrond
Voorgestelde Grootte : 3m (vir die breedte van erf 773)

AGTERGROND

'n Skriftelike versoek is van mnr L Leonard ontvang om 'n gedeelte van erf 773, Waenhuiskrans by die Raad te huur.

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**DIREKTEUR: FINANSIELE DIENSTE**

Comments from support sections noted for consideration.

DIREKTEUR: SIVIELE INGENEURSDIENSTE

Not supported as the intended use of the natural landscape. This will set a precedent.

DIREKTEUR: BESTUURSDIENSTE

Noted.

ELEK

Eskom supply area.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

The sale is not supported, a short fixed term lease would be preferable.

BESTUURDER: STADSBEPLANNING

My voorstel:

- Gedeelte moet aangesny word.
- Verkoop word as "undetermined zoning".
- Met koop kan ons eers konsolideer en hersoneer na Residensieel 1.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Vervreemding word nie ondersteun nie. Die raad het in beginsel besluit om nie groen areas of openbare terreine te versnipper nie. Die raad kan eers gaan kyk na die genoemde area met 'n "op-perseel inspeksie" om seker te maak dat die groenstrook te alle tye beskerm word. Daar was ook al voorheen probleme ondervind met die grondsamestelling wat enige konstruksie onmoontlik maak.

BESTUURDER: STRATE EN STORMWATER

Geen permanente strukture of groot bome kan op die gedeelte grond aangebring of geplant word nie, aangesien daar 'n rioollyn langs die agtergrens geleë is.

BESTUURDER: WATER EN RIOOL

No objection.

BOUBEHEER

Noted.

KOMMENTAAR: WYKSKOMITEE (23 FEBRUARIE 2021)

Die Wykskomitee ondersteun die aansoek.

BESTUURSAANBEVELING

Dat die aansoek nie goedgekeur word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat 'n terrein inspeksie gedoen word.
- (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.

BESLUIT 67/2021

- (i) Dat 'n terrein inspeksie gedoen word.
- (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.

TERREIN INSPEKSIE IS OP 17 AUGUSTUS 2021 UITGEVOER:

Teenwoordige Raadslede: Marthinus, Tonisi, Nieuwoudt, Jantjies, October en Donald asook me Nel (Stadsbeplanning) en mnre Phillips (Munisipale Bestuurder) en Moelich (Administrasie).

Die aansoeker het reeds die grond begin gebruik en word as 'n tuin gebruik.

KOMMENTAAR: WYKSKOMITEE

Die Wykskomitee ondersteun die aanbeveling van die Finansies- en IT Dienste Komitee.

AANBEVELING: FINANS- EN IT DIENSTE KOMITEE

- (i) Dat die aansoek ondersteun word.
- (ii) Dat die huurbedrag vasgestel word in ooreenstemming met die oorskreidingsfooi van R4 015,00 per jaar, vooruitbetaalbaar.
- (iii) Dat 'n oorskreidingsooreenkoms met die aansoeker aangegaan word, met ingang 1 September 2021 vir 3 jaar tot 31 Augustus 2024.

BESLUIT 173/2021

- (i) Dat die aansoek goedgekeur word.
- (ii) Dat 'n oorskreidingsfooï van R4 015,00 per jaar vooruitbetaalbaar sal wees.
- (iii) Dat 'n oorskreidingsooreenkoms met die aansoeker aangegaan word vir 3 jaar, met ingang 1 September 2021 tot 31 Augustus 2024.

(Raadslid Jacobs en Raadsheer Jantjies teken hul teenstem aan, aangesien hierdie aansoek op grond besetting neerkom, deurdat die aansoeker reeds die grond beset en gebruik.)

4.3 **VERVREEMDING (HUUR): GEDEELTE ERF 670, WAENHUISKRANS (COLLAB: 375920) (WYK 6)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van me J Davids ten einde 'n gedeelte van Erf 670, Waenhuiskrans by die Raad te huur ten einde erf 734 te vergroot.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 670, Waenhuiskrans
Huidige sonering	:	Oop Ruimte
Voorgestelde Grootte	:	10m x 12m

AGTERGROND

'n Skriftelike versoek is van me J Davids ontvang om 'n gedeelte van erf 670, Waenhuiskrans by die Raad te huur.

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)	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"> 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.
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DEPARTEMENTELE KOMMENTAAR**DIREKTEUR: FINANSIËLE DIENSTE**

Neem kennis van die versoek.

DIREKTEUR: INFRASTRUKTUURDIENSTE

Ad-hoc request of this nature is not supported as the land use needs to be reviewed by Town Planning for future use.

DIREKTEUR: BESTUURSDIENSTE

Noted.

ELEK

Eskom supply area.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

Not supported as it could create a precedent that could lead to fragmented destruction of the open space.

BESTUURDER: STADSBEPLANNING

Nie aanbeveel nie. Versnippering van Openbare Oop Ruimte.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word NIE deur ADMINISTRATIEWE ONDERSTEUNING ONDERSTEUN NIE, MET DIE VOLGENDE REDES: 1 Daar moet eers deur die raad besin word wat met die hele oop gedeelte gedoen gaan word., 2. Is dit nie beter om erwe in die hele area uit te sny nie?, 3. Hierdie vervreemding kom ook neer op die versnippering van "groenareas", 4. Die sonering van die gebied in Publieke area, en die Raad behoort nie al die publieke areas te vervreemd nie.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwater infrastruktuur word nie beïnvloed nie.

BESTUURDER: WATER EN RIOOL

Water and sewer connection to be made.

BOUBEHEER

Noted.

KOMMENTAAR: WYKSKOMITEE: 23 FEBRUARIE 2021

Die Wykskomitee ondersteun die aansoek.

BESTUURSAANBEVELING

Dat die aansoek nie goedgekeur word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat Stadsbeplanning 'n volledige uitleg van die genoemde gebied ondersoek en weer aan die Komitee voorlê vir oorweging.

BESLUIT 69/2021

- (i) Dat 'n terrein inspeksie gedoen word.
- (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.

TERREIN INSPEKSIE IS OP 17 AUGUSTUS 2021 UITGEVOER:

Teenwoordige Raadslede: Marthinus, Tonisi, Nieuwoudt, Jantjies, October en Donald asook me Nel (Stadsbeplanning) en mnre Phillips (Munisipale Bestuurder) en Moelich (Administrasie).

KOMMENTAAR: WYKSKOMITEE

Die Wykskomitee ondersteun die aanbeveling van die Finansies- en IT Dienste Komitee.

AANBEVELING: FINANS- EN IT DIENSTE KOMITEE

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Stadsbeplanning 'n nuwe uitleg aan die Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734).
- (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.

BESLUIT 174/2021

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Stadsbeplanning 'n nuwe uitleg aan die Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734).
- (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.

4.4 **VERVREEMDING (HUUR): GEDEELTE ERF 670, WAENHUISKRANS (COLLAB: 375933) (WYK 6)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van me R Europa ten einde 'n gedeelte van Erf 670, Waenhuiskrans by die Raad te huur ten einde erf 732 te vergroot.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 670, Waenhuiskrans
Huidige sonering	:	Oop Ruimte
Voorgestelde Grootte	:	12m x 12m

AGTERGROND

'n Skriftelike versoek is van me R Europa ontvang om 'n gedeelte van erf 670, Waenhuiskrans by die Raad te huur.

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> <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**DIREKTEUR: FINANSIËLE DIENSTE**

Neem kennis en verwys na die insette gelewer deur die ander departemente / afdelings.

DIREKTEUR: INFRASTRUKTUURDIENSTE

Adhoc request of this nature is not supported as the land use needs to be reviewed by Town Planning for future use.

DIREKTEUR: BESTUURSDIENSTE

Noted

ELEK

Eskom supply area.

AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE

This could lead to fragmentation of the public open space and lead to a precedent in respect of neighbouring properties.

BESTUURDER: STADSBEPLANNING

Nie aanbeveel nie. Versnipperig van Openbare Oop Ruimte.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Aansoek word NIE deur ADMINISTRATIEWE ONDERSTEUNING ONDERSTEUN NIE, MET DIE VOLGENDE REDES: 1 Daar moet eers deur die raad besin word wat met die hele oop gedeelte gedoen gaan word; 2. Is dit nie beter om erwe in die hele area uit te sny nie?;

3. Hierdie vervreemding kom ook neer op die versnippering van "groenareas"; 4. Die sonering van die gebied is publieke area en die Raad behoort nie al die publieke areas te vervreem nie.

BESTUURDER: STRATE EN STORMWATER

Strate- en stormwater infrastruktuur word nie beïnvloed nie.

BESTUURDER: WATER EN RIOOL

Water and sewer connection will have to be made.

BOUBEHEER

Noted

KOMMENTAAR: WYKSKOMITEE (23 FEBRUARIE 2021)

Die Wykskomitee ondersteun die aansoek.

BESTUURSAANBEVELING

Dat die aansoek nie goedgekeur word nie, aangesien dit tot die versnippering van publieke oopruimte aanleiding gee.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat Stadsbeplanning 'n volledige uitleg van die genoemde gebied ondersoek en weer aan die Komitee voorlê vir oorweging.

BESLUIT 68/2021

- (i) Dat 'n terrein inspeksie gedoen word.
- (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.

(Raadslid Europa nie teenwoordig tydens bespreking van die aangeleentheid nie.)

TERREIN INSPEKSIE IS OP 17 AUGUSTUS 2021 UITGEVOER:

Teenwoordige Raadslede: Marthinus, Tonisi, Nieuwoudt, Jantjies, October en Donald asook me Nel (Stadsbeplanning) en mnre Phillips (Munisipale Bestuurder) en Moelich (Administrasie).

KOMMENTAAR: WYKSKOMITEE

Die Wykskomitee ondersteun Finans

AANBEVELING: FINANS- EN IT DIENSTE KOMITEE

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Stadsbeplanning 'n nuwe uitleg aan die Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734) .
- (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuis-krans vir behuising.

BESLUIT 175/2021

- (i) Dat die aansoek nie ondersteun word nie.
- (ii) Dat Stadsbeplanning 'n nuwe uitleg aan die Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734) .
- (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuis-krans vir behuising.

4.5 **VERVREEMDING: GEDEELTE ERF 1148, BREDASDORP (P & B KALKWERKE: TOEGANG)****VERSLAG OPGESTEL DEUR DIE BESTUURDER: ADMIN ONDERSTEUNING**

Die volgende verslag was gedurende April 2021 aan die Raad voorgelê:

“DOEL VAN VERSLAG

Om te oorweeg om bestaande gedeelte van die Bredasdorp meent, aanliggend aan die Swellendampad aan P & B Kalkwerke te vervreem om die ingang na hul gronde vanuit die R319 te vergemaklik en volgens die Provinsiale Padingenieur se standaard te doen.

AGTERGROND

P & B Kalkwerke het gedurende 2020 ‘n ruilooreenkoms met KAM aangegaan om die Kalkwerke se grond by hul oor te neem. Die Raad is in die proses om ‘n herwinningsaanleg op die grond te vestig. Die gronde is reeds aan die Raad oorgedra.

P & B Kalkwerke het, om sy ontwikkelingspotensiaal uit te brei, begin om ‘n nuwe toegangspad te bou wat aansluit by die R319 (Swellendampad). Om die aansluiting op die R319 veilig te laat gebeur, het P & B Kalkwerke goedkeuring vanaf Provinsie gekry en ‘n Raadgewende Ingenieur as konsultant aangestel wat die uitleg van die aansluiting, in samewerking met die Provinsiale Padingenieur gedoen het

*Om die veiligste aansluiting te maak, sal heelwat grond beskikbaar gestel moet word om as “glybane” vir verkeer te dien, met ‘n groot genoeg padreserwe (sien sketse aangeheg op **bladsy 1 tot 3**).*

Om hierdie rede het P & B Kalkwerke Kaap Agulhas Munisipaliteit genader om ‘n gedeelte van die erf 1148 aan hul te vervreem. Daar bestaan tans geen huurooreenkoms op die genoemde perseel nie.

FINANSIËLE IMPLIKASIE

Potensiële inkomste.

REGSIMPLIKASIE

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

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

Geen.

BESTUURSAANBEVELING (29 April 2021)

- (i) Dat die Raad kennis neem van die versoek van P & B Kalkwerke om 'n gedeelte van erf 1148, Bredasdorp te bekom om te gebruik as "pad".
- (ii) Dat die Raad in-beginsel goedkeuring gee vir die vervreemding van 'n gedeelte van erf 1148, Bredasdorp aan P & B Kalkwerke om as "pad" gesoneer te word.
- (iii) Dat 'n volledige ontwikkelingsplan en uitlegplan aan die Raad voorgelê word, voordat finale besluit geneem word.
- (iv) Dat, nadat die finale voorlegging aan die Raad plaasgevind het, die publieke deelname proses gevolg word, die ooreenkoms opgestel word met spesifieke voorwaardes van onderverdeling, konsolidasie asook die hersonering van die grond.

AANBEVELING: INFRASTRUKTUURDIENSTE (29 April 2021)

Dat die Bestuursaanbeveling aanvaar word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE (29 April 2021)

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 63/2021: 29 APRIL 2021

- (i) Dat die Raad kennis neem van die versoek van P & B Kalkwerke om 'n gedeelte van erf 1148, Bredasdorp te bekom om te gebruik as "pad".
- (ii) Dat die Raad in-beginsel goedkeuring gee vir die vervreemding van 'n gedeelte van erf 1148, Bredasdorp aan P & B Kalkwerke om as "pad" gesoneer te word.
- (iii) Dat 'n volledige ontwikkelingsplan en uitlegplan aan die Raad voorgelê word, voordat finale besluit geneem word.
- (iv) Dat, nadat die finale voorlegging aan die Raad plaasgevind het, die publieke deelname proses gevolg word, die ooreenkoms opgestel word met spesifieke voorwaardes van onderverdeling, konsolidasie asook die hersonering van die grond."

Die Provinsiale Departement van Paaie het op 4 Augustus 2021 goedkeuring gegee vir die ontwerp van die P & B Kalkwerke se "Main Road 264: New Access" (sien skrywe aangeheg op **bladsy 4 tot 7**). P & B Kalkwerke is gretig om die voorgestelde pad so vinning moontlik te vestig.

'n Terrein inspeksie het op 20 Augustus 2021 plaasgevind waarby onder andere die volgende persone teenwoordig was: Uitvoerende Burgemeester, Onder-Burgemeester, Speaker, Rd'l'e Sauls en Baker, me Nel (Stadsbeplanning) en mnre Phillips (Munisipale Bestuurder) en Moelich (Admin ondersteuning). Daar het ook 'n vergadering plaasgevind tussen me Stone, Nel, mnre Wasserman (Infrastruktuurdienste) en Moelich.

Tydens die terrein inspeksie is die grote van die betrokke grond wat deur P & B Kalkwerke benodig word, aan die Raadslede uitgewys en daar was 'n algemene gevoel om die grond aan P & B Kalkwerke te skenk, maar dat hulle finansiële aanspreeklik is vir alle koste sover onderverdeling, hersonering, konsolidasie en registrasie met hul bestaande erf aangaan.

Die Raad het as 'n skenking vanaf P & B Kalkwerke 'n baie groot deel van erf (plaas) 159/10 ontvang wat reeds oorgedra is aan die Raad en wel geregistreer is by die Aktekantoor (die bedrag van die donasie, soos in die state aangetoon beloop R1.4 miljoen).

KOMENTAAR VAN DIE BESTUURDER: STADSBEPLANNING (23 AUGUSTUS 2021)

- (i) Dat die stuk grond (2594m²) vervreem word.
- (ii) Die applikant verantwoordelik sal wees vir:
 - a. Die onderverdeling van 2594m² van Erf 1148, Bredasdorp.
 - b. Konsolidasie en hersonering daarvan om deel te vorm van P & B Kalkwerke se eiendom.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem dat die Provinsiale Departement van Paaie die voorgestelde toegangspad na P & B Kalkwerke op 'n gedeelte van Erf 1148 goedgekeur het.
- (ii) Dat die Raad die uitleg van bogenoemde toegangspad goedkeur.
- (iii) Dat die Raad in-beginsel goedkeuring gee vir die vervreemding deur middel van 'n skenking van 'n gedeelte van erf 1148, Bredasdorp (2 594 m² soos per aangehegte kaart aangedui) aan P & B Kalkwerke vir doeleindes van 'n toegangs pad.
- (iv) Dat, die nodige publieke deelname proses gevolg word om die raad se voorneme van die skenking, te publiseer vir kommentaar / moontlike besware.
- (v) Dat, indien geen wesenlike besware teen die geadverteerde skenking ontvang word nie, die Munisipale Bestuurder gemagtig word om die skenkingsooreenkoms te finaliseer en onderteken om die proses te bespoedig.
- (vi) Dat die skenkings ooreenkoms die volgende spesifieke voorwaardes insluit:
 - a. Dat P & B Kalkwerke slegs die grond as 'n pad mag gebruik
 - b. Dat die ooreenkoms 'n opskortende voorwaarde insluit dat die onderverdeling en hersonering binne 12 maande van ondertekening van die ooreenkoms deur P & B Kalkwerke afgehandel word.
 - c. Dat alle vereistes soos deur die Departement van Paaie daargestel, nagekom word.
- (vii) Dat alle kostes ten opsigte van die opstel van die ooreenkoms, onderverdeling en registrasie vir P & B Kalkwerke se onkoste sal wees.
- (viii) Dat indien daar wenslike besware is die aangeleentheid weer na die Raad verwys word.

BESLUIT 176/2021

- (i) Dat die Raad kennis neem dat die Provinsiale Departement van Paaie die voorgestelde toegangspad na P & B Kalkwerke op 'n gedeelte van Erf 1148 goedgekeur het.
- (ii) Dat die Raad die uitleg van bogenoemde toegangspad goedkeur.
- (iii) Dat die Raad in-beginsel goedkeuring gee vir die vervreemding deur middel van 'n skenking van 'n gedeelte van erf 1148, Bredasdorp (2 594 m² soos per aangehegte kaart aangedui) aan P & B Kalkwerke vir doeleindes van 'n toegangs pad.
- (iv) Dat, die nodige publieke deelname proses gevolg word om die raad se voorneme van die skenking, te publiseer vir kommentaar / moontlike besware.
- (v) Dat, indien geen wesenlike besware teen die geadverteerde skenking ontvang word nie, die Munisipale Bestuurder gemagtig word om die skenkingsooreenkoms te finaliseer en onderteken om die proses te bespoedig.
- (vi) Dat die skenkings ooreenkoms die volgende spesifieke voorwaardes insluit:
 - a. Dat P & B Kalkwerke slegs die grond as 'n pad mag gebruik
 - b. Dat die ooreenkoms 'n opskortende voorwaarde insluit dat die onderverdeling en hersonering binne 12 maande van ondertekening van die ooreenkoms deur P & B Kalkwerke afgehandel word.
 - c. Dat alle vereistes soos deur die Departement van Paaie daargestel, nagekom word.

- (vii) Dat alle kostes ten opsigte van die opstel van die ooreenkoms, onderverdeling en registrasie vir P&B Kalkwerke se onkoste sal wees.
- (viii) Dat indien daar wenslike besware is die aangeleentheid weer na die Raad verwys word.

4.6 **CAM LOCAL INTEGRATED TRANSPORT PLAN: 2019 - 2024 (DIS)**

PURPOSE OF REPORT

For Council to approve the Cape Agulhas Municipality Local Integrated Transport Plan for 2019 - 2024.

BACKGROUND

The preparation of the CAM Local Integrated Transport Plan (LITP) is the responsibility of the Overberg District Municipality. The Western Cape Provincial Government covers the planning costs for the preparation of the LITP. This LITP is prepared in accordance with the "Minimum Requirements for the Preparation of Integrated Transport Plans, 2016" as stipulated in the Government Gazette of 29 July 2016. It has been prepared in concurrence with the Overberg District Integrated Transport Plan (DITP). This LITP is applicable for the 2019 - 2024 period.

The compilation of an Integrated Transport Plan forms part of the legislated development planning process. This allows for transport planning to be strategic in nature and focused on the desired outcomes as derived from national, provincial, and local transport policy. It takes into consideration all modes of transportation and infrastructure in the planning and aims to address concerns, gaps and areas of development for the period of implementation of the ITP.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION: 30 JUNE 2021

Council approves the Cape Agulhas Municipality Local Integrated Transport Plan for 2019 - 2024.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE (30 JUNE 2021)

That a workshop be held to discuss the Integrated Transport Plan and thereafter be submitted to Council for approval.

RESOLUTION 125/2021: 30 JUNE 2021

That Council takes note of the Integrated Transport Plan and a workshop be held with all relevant role players after which it be submitted to Council for approval.

WORKSHOP: 23 AUGUST 2021

The plan was workshoped on 23 August 2021 where mr Jacobs briefed Council about all the issues.

MANAGEMENT RECOMMENDATION

That Council approves the Cape Agulhas Integrated Transport Plan.

RESOLUTION 177/2021

That Council approves the Cape Agulhas Integrated Transport Plan.

4.7 AMENDMENT OF DEVELOPMENT AGREEMENT AND REQUEST TO OFFSET PURCHASE PRICE OF A PORTION OF ERF 379, STRUISBAAI: ALWIL DEVELOPMENT (PTY) LTD**REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION**

A report in respect of the above was submitted to Council on 27 July 2021. It was resolved as follows:

RESOLUTION 163/2021

That a more detailed management recommendation be compiled and submitted to the special Council Meeting in August 2021.

Herewith a revised more detailed report for consideration:

PURPOSE OF REPORT

To request Council to consider amending the previously approved development agreement with Alwil Development in respect of Erf 4227, Struisbaai. The approved Development Agreement is attached on **page 8 to 16**. Alwil Development are the registered owners of Erf 4227, Struisbaai (Comprising erf 1666 and 4226), which were purchased from the Municipality.

The proposed amendment relates specifically to Clause 3(f) and (g) which sets out a reciprocal construction / rebate arrangement relating to a sewer pump on Erf 379, Struisbaai (in front of the Municipal Offices).

This agreement was approved by Council, but no signed agreement was returned to us despite numerous requests. Their Director has since passed away, leaving his successors in title to deal with the finalisation thereof. The pump station is complete and hand over to the Municipality will take place when the development agreement is signed.

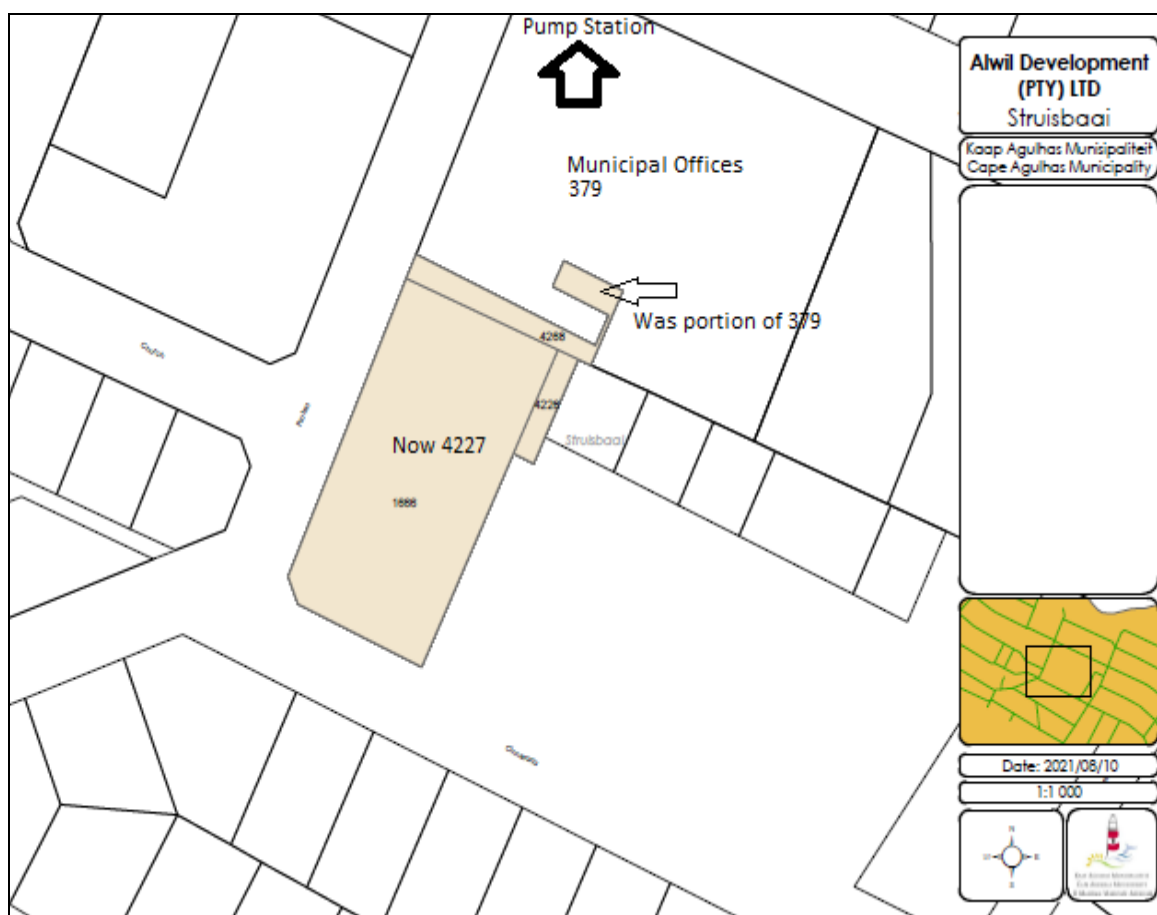
Alwil Development also purchased a portion of Erf 379 (4268 on the map) from the Municipality which will be consolidated with Erf 4227. (Land behind Struisbaai Offices). This purchase agreement was concluded in October 2020 following public notice of the sale which yielded no objections. The purchase agreement contained suspensive conditions relating to the subdivision, consolidation and rezoning, which have all been complied with and registration of the consolidation simultaneously with transfer is pending.

Alwil Development have now submitted a request that the development agreement be amended to allow for R 788 898.85 of the “rebate credit” to be used to offset the purchase price of a Portion of erf 379, Struisbaai which they have purchased from Council and that the remaining “rebate credit” be credited to their municipal account.

At this point it became apparent that there is not consensus on the interpretation of Clause 3(f) and (g) of the development agreement. Specifically in that the rebate granted only equates to approximately R400 000 and not the amount expended on the sewerage pump (Minus the monetary value of the capacity required for own use).

This raises the question of intention, that is to say was the intention that the rebate should be equitable to the capital investment or was the rebate merely a contribution to compensate them, and if it so is the latter fair given that other developers will also be able to make use of the sewer pump and will be required to pay the Municipality for this. This impasse needs to be resolved before their request to offset the purchase price of the portion of Erf 379 can be considered.

The following map indicates the properties under discussion:



BACKGROUND

On 29 September 2020, Council approved the conclusion of a Development Agreement with Alwil Development in respect of the construction of a sewer pump on Municipal Property that would serve their development as well as future developments.

12.1 **"DEVELOPMENT AGREEMENT: ALWIL DEVELOPMENT (PTY) LTD**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

*To obtain Councils approval to conclude a development agreement with Alwil Development, who are the registered owners of Erf 4227 Struisbaai, measuring 3353 square meters (Previously comprising of erf 1666 and erf 4226), which were both purchased from Council. The Development Agreement is attached as **Annexure A**.*

BACKGROUND

The Developer will, at its own costs, install a sewer pump station sump and sewer pipe lines to erf 379 Struisbaai, in accordance with the engineering plans.

The costs associated with the installation of the sewage pump station sump and sewage pipes, amount to R 1,438,281.70 (Excl VAT) (one million four hundred and thirty eight thousand two hundred and eighty one rand and seventy cents), payable by the Developer.

The Municipality will in return grant the Developer an incrementally decreasing rebate on its rates and taxes payable on the entire development, calculated over a period of five financial years from date of completion of the sewer pump station sump and sewage pipes, commencing with a 75% rebate for the 2020/21 financial year or remaining part thereof and concluding with a 15% rebate on 30 June 2025.

Financial year	Time Period	% Rebate
2020/21	Date of completion until 30 June 2021	75%
2021/22	1 July 2021 until 30 June 2022	60%
2022/23	1 July 2022 until 30 June 2023	45%
2023/24	1 July 2023 until 30 June 2024	30%
2024/25	1 July 2024 until 30 June 2025	15%

This pump station will form part of the sewer master plan for Struisbaai. The provision of a water borne sewer system is an IDP priority.

LEGAL IMPLICATIONS

Both parties to adhere to conditions as stipulated in SLA.

FINANCIAL IMPLICATIONS

The proposed agreement is in line with the Long- Term Financial Plan and the capital investment will be beneficial to the Municipality

MANAGEMENT RECOMMENDATION

1. That the Development Agreement with Alwil Development for the installation of a sewage pump station, sump and sewage pipes which is attached as Annexure A be approved.
2. That the Municipal Manager be authorized to sign the agreement.

RESOLUTION 172/2020

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

On the same date Council also granted final approval for Alwil Development to purchase a portion of Erf 379 Struisbaai, measuring 383m² for the building of garages at a cost of R 1791.12 per m² (R685 999) (VAT exclusive) or (R 788 898.85) (VAT Inclusive).

BESTUURSAANBEVELING

- (i) Die Raad ondersteun, in-beginsel die vervreemding van die genoemde eiendom vir die bou van die garages. Die pad moet ook opgradeer word en alle skade veroorsaak deur die ontwikkelaar moet vir hulle rekening wees.

- (ii) *Dat die verkoopprijs van R1 791.12/m² (BTW uitgesluit) vasgestel word (R685 999).*
- (iii) *Dat die verkooporeenkoms opgestel en onderteken word deur die Munisipale Bestuurder.*
- (iv) *Dat goedkeuring gegee word dat die stadsbeplanningsprosesse, onderverdeling en konsolidasie prosesse in aanvang neem.*

BESLUIT 160/2020

- (i) *Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.*
- (ii) *Dat alle wetlike prosesse gevolg word.*

DISCUSSION

The basis of the Development Agreement was that Alwil would construct a sewer pump station on Erf 379 (Municipal Property) that would serve its own development on 4227 as well as other future developments. The pump station would become an asset of the Municipality and be maintained by the Municipality. In exchange the Municipality would provide an incrementally decreasing rebate over 5 years.

It is important to note that Erf 4227 was purchased from the Municipality on auction and was already zoned for business, meaning that bulk service contributions were not applicable.

The need for the pump station was partially driven by the fact that Alwil did not leave sufficient space on their property for either septic tanks or a pump station and needed a technical solution urgently. Secondly the need for a sewer pump in this area was identified as a priority in the water and sewer master plan and would have to be constructed by the Municipality at some time in the near future, albeit not immediately.

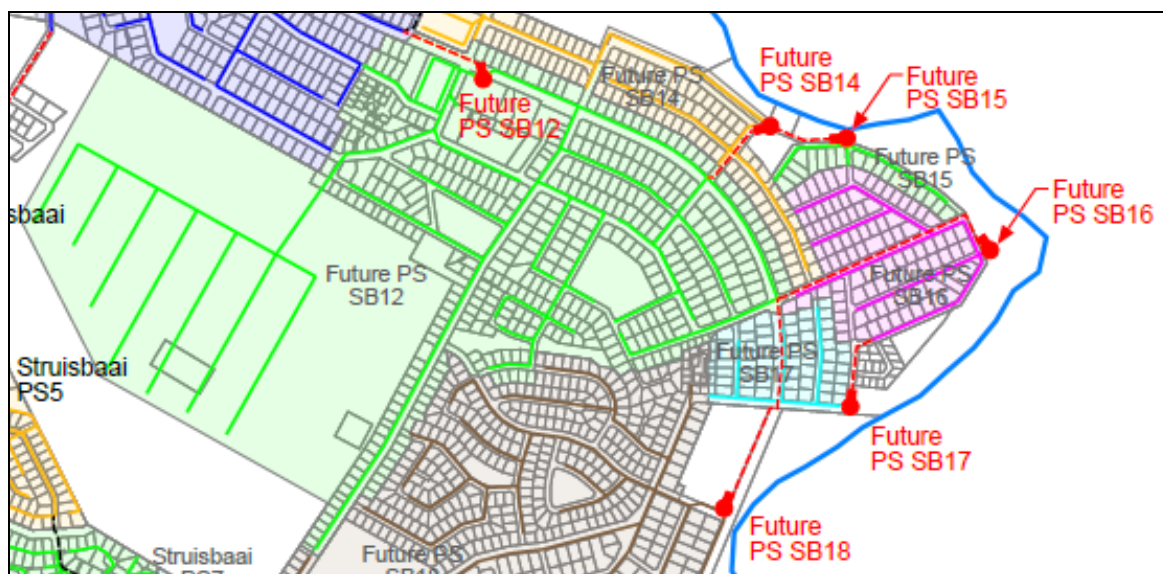
In discussions between the Infrastructure Department and Alwil, it was determined that the construction of a much larger pump station than what was required in line with the master plan was the best technical solution and would serve Alwil's development, new proposed developments and existing developments that wish to convert to water borne sewerage system in the immediate vicinity.

The following calculation by a registered consulting engineer shows that the total cost of the pump station is R1 505 329,60 (Figure differs from previous one as professional fees were not included). It also shows that Alwil Development will only use 3.1% of the capacity of the pump station which equates to a monetary amount of R46 753,14. Hence their interpretation that they are entitled to a rebate of R1 458 576,46 as 96% of the pump stations capacity is available for other developments, who should also make contributions to the capital outlay.

Struisbaai Sewer PS 12	
	Sewer Generated
	l/day
Alwil Development	
Offices	11 096
Shops	24 000
Total	35 096
Pump Station Design Capacity	1 130 000
Alwil flow contribution (as per pump station capacity)	3,1%
Construction cost of Struisbaai Sewer PS 12 (excl. VAT)	R1 400 981,77
Professional Fees (excl. VAT)	R104 347,83
Total (excl. VAT)	R1 505 329,60
Cost contribution x flow contribution (excl. VAT)	R46 753,14
Balance (excl. VAT)	R1 458 576,46 (Rebate)

Council needs to consider that if it is agreed that Alwil are entitled to a rebate equivalent to R1 458 576,46 how will it be recouped and is it fair to place this burden on the rate payer at this time?

The following map illustrates the area that can be served by the sewer pump station (Future PS SB 12 Indicated in green).



If one analyses this area, it includes the following sites with an estimation of possible units that can be developed which will be able to utilise the pump station and the estimated costs that can be recouped.

	TOTAL SITES	AREA (M ²)	TOTAL UNITS	150MM SEWER CONNECTION	100MM SEWER CONNECTION	
Cost per sewer connection					R8 360,50	
Business	18	18368	72	R900 000,00		(Based on R50 000 per site)
Local Business	7	11484	14	R350 000,00		(Based on R50 000 per site)
Single Residential	365	356352	730		R3 051 582,50	(Based on R8360,50 per site if a household wishes to convert to water borne sewerage)
Medium Density Residential	20	8573	20		R167 210,00	(Based on R8360,50 per site if a household wishes to convert to water borne sewerage)
				R1 250 000,00	R3 227 153,00	
				R4 477 153,00		

New developments can be required to utilise the sewer pump and even that are already developed and on the septic tank system can convert to the water borne sewerage system. There will be an estimated capital outlay required for the conversion of R2 000 000 for pipelines, but this will be done in stages in accordance with the master plan. There is already provision for pipe replacements in the current budget. In time this will do away with the need for sewer tank services in this area which will generate savings and be particularly advantageous to businesses who will not have to have their tanks emptied whilst consumers are on the premises.

These figures are indicative that the Municipality should be able to recoup the outlay if an equitable rebate is granted, but not necessarily in this financial year. In view of this and the fact that the Municipality would only have constructed said pump station at a later date a possible solution which they are in agreement with is that Alwil carry 20% of the cost of the sewer pump station even though they are only using 3.1%. This means that their contribution will be R301 065,92 and the rebate to which they will be entitled R1 204 263,68, and that R 788 898, 85 of this be offset against the purchase price of the portion of Erf 379 and R415 367,83 credited to their account.

In conclusion, it needs to be ensured that there are policy guidelines in place to regulate development contributions, especially given the current tempo of development, the corresponding need to provide infrastructure and the potential to be able to leverage the upgrading of our infrastructure through development.

LEGAL IMPLICATIONS

Contractual.

FINANCIAL IMPLICATIONS (BY THE DIRECTOR: FINANCE- AND IT SERVICES)

As stipulated in the initial SLA agreement approved by Council as well as the standard principle with all new developments, is that the developer will be responsible for the upgrade of any services to accommodate its services need requirement.

Various options have been considered relating to the sewer services required by Alwil Development with the most workable solution being to build a new sewer pump station sump according to the municipality's sewer master plan specifications. Although the approved SLA was not signed by Alwil Development it is assumed that consent was reached before it was tabled to council for consideration and final approval with the emphasis that the developer at its cost install a sewer pump station sump and sewer pipelines to erf 379, Struisbaai with the only compensation a rebate on its property as approved in terms of the SLA.

In order for the development to continue it was essential that the sewer pump station sump and sewer pipelines be constructed although not required in terms of the municipality's medium term capital needs requirement for capital investment in Struisbaai. The installation of the sewer pump station sump and pipelines was purely driven according to the needs requirements from Alwil Development in order to complete the project.

Hence the view that the municipality cannot bear the full cost of the project requirement at the cost of the taxpayer who then indirectly becomes responsible to fund the installation of the sewer pump station and pipelines through tariffs whilst it is actually based on the needs requirement of Alwil Development.

It is suggested that the contribution through property rebates be reconsidered and that a suitable distribution of the cost for the instalment of the sewer pump station sump and pipelines be decided on such as a 50/50 basis which will eventually be maintained by the municipality the moment the asset been transferred to the municipality and / or whereby the cost of the sale of erf 379, Struisbaai been offset against the cost of installation as the municipality's contribution to be recovered from any future sewer connection to the same sewer pump station sump / pipeline.

Furthermore, the municipality needs:

- To make provision for the Capital project - Infrastructure sewerage system as part of the Capital budget.
- Proceeds from the sale of Property (portion of erf 379) needs to be included as part of the revenue for the 2020/21 financial year and offset against the cost for the installation of the sewer pump station sump / pipelines.

PERSONNEL IMPLICATIONS

None.

COMMENTS BY THE MANAGER WATER AND SANITATION

Agreed in principal.

MANAGEMENT RECOMMENDATION

- (i) That the capital cost (R1 505 329,60) of the sewer pump station on Erf 379, Struisbaai be:
 - a. Determined at R 788 898.85 VAT Inclusive which amount shall be of be offset against the purchase price of the Portion of erf 379, Struisbaai that is sold to Alwil Development (resolution 160/2020) as the municipality's full contribution **OR**
 - b. Borne by Alwil Development and the Municipality on a 50%/50% basis **OR**
 - c. Borne by Alwil Development and the Municipality on a 20/80% basis.
- (ii) That Clause 3 (f) and (g) of the development agreement approved under Resolution 172/2020 be amended to:
 - a. Allow for the offset of the purchase price of the Portion of erf 379, Struisbaai sold to Alwil Development (Resolution 160/2020).
 - b. Allow for the crediting of Alwil's Developments municipal account if Council approves option C.
 - c. Deletion of the rebate structure.
- (iii) That the Municipality's contribution be recovered from any future sewer connection to the same sewer pump station sump / pipeline.
- (iv) That a Development Costs Calculation Policy be developed and submitted to Council.

RESOLUTION 178/2021

- (i) That the capital cost (R1 505 329,60) of the sewer pump station on Erf 379, Struisbaai be:
Borne by Alwil Development and the Municipality on a 20/80% basis.
- (ii) That Clause 3 (f) and (g) of the development agreement approved under Resolution 172/2020 be amended to:
 - a. Allow for the offset of the purchase price of the Portion of erf 379, Struisbaai sold to Alwil Development (Resolution 160/2020).
 - b. Allow for the crediting of Alwil's Developments municipal account with the balance.
 - c. Deletion of the rebate structure.
- (iii) That the Municipality's contribution be recovered from any future sewer connection to the same sewer pump station sump / pipeline.
- (iv) That a Development Costs Calculation Policy be developed and submitted to Council as soon as possible.

(Die volgende Raadslede teken hulle teenstem aan: Jantjies, Jacobs, Marthinus en Baker, omrede hul die eerste ooreenkoms as bindend beskou, afgesien van die feit dat dit nie deur die ontwikkelaar onderteken was nie.)

4.8 **ALIENATION AND DEVELOPMENT OF PORTIONS OF ERVEN 852 AND 857, STRUISBAAI TO LTN PROPERTIES (PTY) LTD: FINAL APPROVAL**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION**PURPOSE OF REPORT**

To finalise the sale of portions of Erven 852 and 857, Struisbaai to LTN PROPERTIES PTY Ltd following the public participation process.

BACKGROUND

The Council has been negotiating the sale of the aforementioned portions of land to LTN Properties PTY LTD since 2018 and has taken multiple resolutions in this regard.

BESLUIT 29/2021: 30 MARCH 2021

“Aangesien die Raad reeds in-beginsel goedkeuring vir die vervreemding van gedeeltes van erwe 852 en 857 gegee het en die wetlike prosesse gevolg is, word die volgende aanbeveling gemaak:

- (i) Dat die Raad, ingevolge Art 14 van die MFMA nie gedeeltes van erf 852 en 857, Struisbaai vir munisipale doeleindes benodig nie.
- (ii) Dat die vorige Raadsbesluit (RB 119/2020) bekragtig word waardeur die vervreemding van erwe 852 en gedeeltes van erf 857, Struisbaai aan LTN Properties Edms (Bpk), in-beginsel goedgekeur word.
- (iii) Dat die Raad kennis neem dat die geormerkte grond vir die polisiestatie op Struisbaai, nie meer benodig word nie.
- (iv) Dat die verkoopprijs van R7 960 000 (BTW uitgesluit) vir die uitgewysde 2.4905Ha aanvaar word.
- (v) Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.
- (vi) Dat die ooreenkoms opskortende voorwaardes sal bevat waardeur die ontwikkelaar alle ontwikkelingsregte binne 'n periode van 18 maande vanaf ondertekening van die ooreenkoms in plek sal stel, mits die Raad 'n verlenging toestaan op die basis van aanvaarbare vordering gemaak.
- (vii) Dat die ooreenkoms voorsiening maak vir die registrasie van 'n serwituu vir die lewering van grootmaat water en riooldienste.
- (viii) Dat die koper die goedkeuring van die verkoper sal kry alvorens die finale installering van infrastruktuur, ingesluit die grootmaatdienste bydrae deur die koper gefinaliseer word.
- (ix) Dat daar met LTN Properties onderhandel word oor die gemeenskapsbydrae.
- (x) Dat volledige planne aan die Raad voorgelê word indien enige opgraderings sou plaasvind.
- (xi) Dat die Raad kennis neem van die bestaande huurooreenkoms met Struisbaai Funpark wat op die grond bestaan tot 31 Januarie 2022 en dat die ooreenkoms nie verleng sal word nie.
- (xii) Dat Raadsbesluit 119/2020 (8 Desember 2020) gewysig word met die sperdatum **30 April 2021.**”

RESOLUTION 143/2021 30 JUNE 2021

- (i) That Council note the proposed purchase agreement to be concluded between the Municipality and LTN Properties PTY LTD subject to possible amendment based on public comment.
- (ii) That the proposed sale be advertised and that the agreement referred to above be made available to the public where required.
- (iii) That the finalisation date contained in Paragraph 1(xi) of Council Resolution 29/2021 be amended to **thirty days**, which will take effect after the finalisation of the public comment process and resubmission to Council in July 2021.

DISCUSSION

In terms of paragraph (ii) of Resolution 143/2021 the proposed sale was advertised in the Suidernuus and on site from 30 July 2021 until 13 August 2021.

No comments or objections were received, and the purchase agreement submitted to Council under item 143/2021 need not be amended.

The public participation process is concluded by the submission of this report and LTN have thirty days from this resolution to pay the deposit and conclude the agreement.

LEGAL IMPLICATIONS

MFMA.

FINANCIAL IMPLICATIONS

Income for Council.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council grant final approval for the sale of a portion of Erf 852 (0.2504 Ha) and a portion of Erf 857 (2.2401 Ha), Struisbaai to LTN PROPERTIES (PTY) LTD for R7 960 000,00 (Excl VAT) subject to the conditions contained in Council Resolutions 119/2020 and 29/2021 as amended.
- (ii) That the Municipal Manager be authorised to conclude the purchase agreement approved under Council Resolution 143/2021.
- (iii) That the thirty day period to pay the deposit and conclude the purchase agreement commence from the date of this resolution.

RESOLUTION 179/2021

- (i) That Council grant final approval for the sale of a portion of Erf 852 (0.2504 Ha) and a portion of Erf 857 (2.2401 Ha), Struisbaai to LTN PROPERTIES (PTY) LTD for R7 960 000,00 (Excl VAT) subject to the conditions contained in Council Resolutions 119/2020 and 29/2021 as amended.
- (ii) That the Municipal Manager be authorised to conclude the purchase agreement approved under Council Resolution 143/2021.
- (iii) That the thirty day period to pay the deposit and conclude the purchase agreement commence from the date of this resolution.

(Raadslid Jacobs teken sy teenstem aan, aangesien die markwaarde van die genoemde eiendom nooit in die openbare mark getoets is nie.)

4.9 **TIME SCHEDULE FOR THE 2022/23 IDP/BUDGET PROCESS AND GUIDANCE ON THE NEW 5-YEAR IDP COMPILATION**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION

PURPOSE OF REPORT

To present a Time Schedule, as attached on **page 17 to 32** to the Municipal Council in terms of section 21(1)(b) of the MFMA. A Time Schedule which outlines the key deadlines for the preparation, tabling and approval of the annual budget as well as any amendments to the IDP, must be adopted by **31 August 2021**.

Secondly, because the term of the 2017-2022 IDP comes to an end on 30 June 2022, it also sets out what the new council's post- election options are to be legally compliant in respect of an IDP from 1 July 2022.

The awkward timing and uncertainty relating to the local government elections means that in essence the current Council will be approving a process on behalf of the new Council which will need to be ratified by the new Council.

BACKGROUND

The term of the current IDP (2017-2022) comes to an end on 30 June 2022. The election of a new Municipal Council heralds the development of a new five- year Integrated Development Plan (IDP) that reflects the vision and strategic goals of the newly elected Council.

The date for the 2021 elections has been promulgated for 27 October 2021, but the IEC has applied to the Constitutional Court for a postponement. This means that despite promulgation there remains uncertainty.

Ideally if municipal elections had taken place in August there would have been adequate time to adopt a Process Plan and draft a credible IDP based on vibrant public participation input. It is theoretically possible to submit a new draft 5th Generation IDP to the newly elected council by March 2022 following an October election, however It is questionable as to what the quality of public input will be given that the bulk of the process cannot commence until the new Council has adopted its own Process Plan which is unlikely to be before December / January as it needs to align to a District Framework which must in turn be adopted by the new District Council which can only be constituted following the constitution of the local councils.

In view of the uncertainties on the date of the election, and the challenges associated with developing a new 5th generation IDP following an October 2021 or February 2022 election date this time schedule proposes the adoption of the 2017-2022 IDP by the new council for another year up the end of June 2023. The new Council can then commence with the compilation of its own IDP process in July 2022 to be tabled end of March 2023 and adopted end of May 2023. This will then be a four-year IDP. Should the election take place in February this is the only option available.

This approach is promoted by National and Provincial Government and was alluded to in MFMA circular 108 of 2021 which addressed transitional processes for the development and adoption of IDPs during the 2021 election year.

"The 2020/21 municipal financial year represents the last year of the current municipal councils' electoral term. Therefore, the next municipal election to usher in new councils is expected to take place between August and November 2021 in terms of the Section 24 (2) of the Municipal Structures Act, 2000 (Act No. 32 of 2000) (MSA).

It is acknowledged that the period within which the coming election's date is expected takes place after the start of a new financial year. This particular scenario poses a latent challenge in so far as adherence to legislated timeframes with regard to the adoption of the 5-year Integrated Development Plan (IDP) and the subsequent implementation.

Given the fact that the IDP and budget would need to be reviewed and adopted by 30 June 2021, the current council has an obligation to ensure that these stipulations are complied with.

In this regard, the current council will be expected to continue reviewing the IDP and ensuring that it is adopted within the legislated timeframe.

Section 25 (3) of the MSA does allow the municipal council to adopt the IDP of the preceding council. However, should the incoming councils be unhappy with the priorities set out by the current council, in this case, municipal councils are advised to consider the existing adopted IDP and resolve to initiate or not to initiate an amendment procedure as guided by the MSA and the Municipal Performance and Planning Regulations (2001)."

This time Schedule differs from the previous time schedules in that it includes the steps that the new council has to follow after elections to be legally compliant in respect of an IDP from 1 July 2022. Hence the added introductory section that explains the options available in terms of Section 25 of the Municipal Systems Act, Act 32 of 2000.

LEGISLATION**MFMA**

Section 21 of the Municipal Finance Management Act, (MFMA) regulates the adoption of a Time Schedule and provides that "the mayor of a municipality must:

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

MUNICIPAL SYSTEMS ACT

The Municipal Systems Act (MSA) prescribes as follows in respect of the IDP Process.

Section 25 of the MSA

In terms of Section 25(1) of the Municipal Systems Act 32 of 2000 (MSA) each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality (Integrated Development Plan).

In terms of Section 25(2) an integrated development plan (IDP) adopted by a municipal council in terms of subsection (1) remains in force until an IDP is adopted by the next elected council.

In terms of Section 25 (3) (a) a newly elected municipal council may adopt the integrated development plan (IDP) of its predecessor, but the required process outlined in section 29 must be followed.

Section 28 of the MSA

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

Section 29 of the MSA

The process followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must -

- (a) *be in accordance with a predetermined programme specifying timeframes for the different steps;*
- (b) *through appropriate mechanisms, processes and procedures established in terms of Chapter 4 allow for-*
 - (i) *the local community to be consulted on its development needs and priorities;*
 - (ii) *the local community to participate in the drafting of the IDP; and*
 - (iii) *organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan;*

- (c) *provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and*
- (d) *be consistent with any other matters that may be prescribed by regulation.*

Key to note is that the Process Plan adopted once by a new Council for the duration of the IDP whereas the Time Schedule must be approved by Council no later than 31 August of each year.

FINANCIAL IMPLICATIONS

The Budget is based on the IDP and the credibility of the IDP informs the budget.

PERSONNEL IMPLICATIONS

None.

COMMENTS BY THE DIRECTOR FINANCE AND IT

The Director Finance and IT and BTO Office were consulted during the compilation of this Time Schedule and are satisfied with it.

MANAGEMENT RECOMMENDATION

- (i) That the Time Schedule of Key Deadlines for the 2022/23, 2023/24 and 2024/2025 Budget and 2022/23 Integrated Development Plan (IDP) review be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000) which proposes the adoption of the existing IDP by the new council (after elections) in terms of section 25(3) of the MSA.
- (ii) That the proposed adoption of the existing IDP by the new council (after elections) in terms of section 25(3) of the MSA be presented to the incoming Council for approval
- (iii) That the Time Schedule of Key Deadlines be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).
- (iv) That the current Process Plan be amended to accommodate the extension of the plan for 2022/2023 Financial Year.

RESOLUTION 180/2021

- (i) That the Time Schedule of Key Deadlines for the 2022/23, 2023/24 and 2024/2025 Budget and 2022/23 Integrated Development Plan (IDP) review be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003) read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000) which proposes the adoption of the existing IDP by the new council (after elections) in terms of section 25(3) of the MSA.
- (ii) That the proposed adoption of the existing IDP by the new council (after elections) in terms of section 25(3) of the MSA be presented to the incoming Council for approval
- (iii) That the Time Schedule of Key Deadlines be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).
- (iv) That the current Process Plan be amended to accommodate the extension of the plan for 2022/2023 Financial Year.

5. ADDISIONELE ITEMS DEUR DIE RAAD HANTEER

5.1 WRITE-OFF: REDUNDANT / MISSING ASSETS - 2020-21

The Director: Finance reports as follows:

PURPOSE OF REPORT

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

BACKGROUND

The municipality as part of the compilation of the yearly Annual Financial Statements as required in terms of Section 122 of the Municipal Finance Management act 56 of 2003 is required to complete an asset verification process whereby counting the municipal assets on a yearly basis. As part of this process is the identification of assets that is obsolete / redundant and missing as per normal operational processes. These assets is then tabled to Council for write-off (**see page 5**).

LEGISLATIVE BACKGROUND

Under Law 56 of 2003 of the MFMA, section 14

DISPOSAL OF CAPITAL ASSETS

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

ASSET MANAGEMENT POLICY

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

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

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

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

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

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

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

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

MANAGEMENT RESPONSE

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

MANAGEMENT RECOMMENDATION

- (i) That Council approves the write-off of the listed assets as per attached list provided.
- (ii) That the assets be removed from the Asset Register.
- (iii) The assets be disposed as per the normal Supply Chain Management policy and procedures applicable.

RESOLUTION 181/2021

- (i) That Council approves the write-off of the listed assets as per attached list provided.
- (ii) That the assets be removed from the Asset Register.
- (iii) The assets be disposed as per the normal Supply Chain Management policy and procedures applicable.

5.1 **SALARY AND WAGE AGREEMENT MANDATE: CONCILIATORS RECOMMENDATIONS FOR COUNCIL TO CONSIDER**

PURPOSE OF REPORT

For Council to consider the negotiations teams draft mandate, in order to reach an amicable salary and wage agreement for employees who fall within the scope of the South African Local Government Bargaining Council (SALGBC). This is with the objective of providing general across the board salary and wage adjustments and increases in the minimum wage for 2021 - 2022, 2022 - 2023, 2023 - 2024.

BACKGROUND

Parties in dispute could not reach consensus on wages and salary agreement and related by 1 July 2021. Both Parties declared a dispute and were referred to the SALGBC for conciliation on 19 July 2021, 3,4 August 2021 and 16,17 August 2021. Due to both parties' failure to reach agreement, that resorted to the matter being referred to settle the disputes via Labour Relations Act 135 (3) with a view to settle the current dispute.

The Mandate:

MAIN ISSUES IN DISPUTE: SUMMARY Please see attached SALGA CIRCULAR RECEIVED 24 August 2021			
Item	Employer	Employer comments	Union (Labour)
Multi-year agreement (2021-2024)	3.5 %	remains	4.5 % remains
Once off for employees earning R12 500 and below.	4000 of non-pensionable allowance.	To be paid 31 December 2021 or not later than March 2022	Earning up to R12500 and Pensionable allowance of R2500
Once off for employee earning R12 501 and above.	3000 non pensionable allowance		Earning above R12500 to receive R2000
Outer year salary & wage increases: 2022/2023 and 2023/2024		To be informed by the projected CPI pronounced in January of both years by the Governor of the Reserve Bank of SA.	N/A
Freeze on increases: during the 1 st year	Notch increases -Home Owner allowance -Maximum Medical Aid contribution.	Year 1 (only)	N/A
All Benefits linked to salary increases 2022-2023 and 2023-2024 fin years		set to increase by the same rate from 2022-2024	N/A
Salary & Wage exemption process (applying to be exempted from a particular matter in the Collective agreement for one or other reason i.e. financial, or other)		Will be handled by the SALGBC Panelist.	N/A

The Western Cape Municipalities mandate meeting, will be attended by all Municipalities, facilitated by SALGA, is scheduled as follows:

DATE : 30 August 2021

VENUE : Zoom Meeting

TIME : 9:00

LEGAL IMPLICATIONS: SALGBC

- Labour Relations Act (135) (c) of 1995:
Section 135(3) provides that the **commissioner must determine a process to resolve the dispute**, which may include (a) mediating the dispute; (b) conducting a fact-finding exercise; and (c) making a recommendation to the parties, which may be in the form of an advisory award.
- SALGB Main Collective Agreement.
- Collective Agreement on Conditions of Service for the Western Cape.

FINANCIAL IMPLICATIONS

The municipality budgeted for a salary increase of 4.5% (that is 4% for normal salary increases as well as 0.5% for notch increase) for the 2021/22 financial year based on the revised organizational structure approved by the Council. This was approved during the budget tabled to Council in the May 2021 Council meeting.

The impact of the latest National Salary and Wage agreement as proposed by the conciliator recommendations on the municipal Salary budget will result in an additional / preliminary increase of ±R900,000 just taking into account the effect of the reduction of the salary increases proposed to 4% (that is 3.5% for normal salary increases as well as 0.5% for notch increases) plus the additional non-pensionable allowance based on the R3 000,00 or R4 000,00 depending on the salary of the individual officials. These changes have been calculated excluding the packages of the Municipal Managers and the managers reporting directly to the municipal managers.

MANAGEMENT RECOMMENDATION

- (i) For Council to discuss the above main issues in dispute in order to communicate and submit the Cape Agulhas Municipality's mandate to the SLGBC Negotiating Team.
- (ii) Council supports the above-mentioned Employer Mandate as a formal mandate of Cape Agulhas Municipality.
- (iii) Councillor to be nominated in order to attend the SALGA WC Mandate meeting 30 August 2021 virtual meeting.

RESOLUTION 182/2021

- (i) That Council supports the above-mentioned Employer Mandate as a formal mandate of Cape Agulhas Municipality.
- (ii) That Councillor Tonisi be nominated in order to attend the SALGA WC Mandate meeting 30 August 2021 virtual meeting.

Hierna verdaag die vergadering om 16h00

BEKRAGTIG op hierdie

dag van

2021

SPEAKER

DATUM: