



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N SPESIALE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 10:00 OP VRYDAG
30 SEPTEMBER 2022**

**MINUTES OF A SPECIAL COUNCIL MEETING HELD ON FRIDAY,
30 SEPTEMBER 2022 AT 10:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

RAADSLEDE / COUNCILLORS

Me J August-Marthinus
Mnr D Burger (Speaker)
Me K Donald
Mnr D Jantjies
Me M Matthysen
Mnr R Mokotwana
Mnr J Nieuwoudt
Mnr G Olwage
Mnr R Ross (Onder-Burgemeester)
Mnr P Swart (Burgemeester)

AMPTENARE / OFFICIALS

Mnr E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr S Stanley	wnd Direkteur: Finansiële Dienste
Mnr S Cooper	wnd Direkteur: Infrastruktuurdienste
Mnr H Kröhn	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr M Moelich	Bestuurder: Admin Ondersteuning / Komiteedienste
Me S Nel	Stadsbeplanner
Me T Stone	Afdelingshoof: Strategiese Dienste
Me N Mhlati-Musewe	Afdelingshoof: Menslike Hulpbronne

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom en mnr Moelich open die vergadering met gebed.

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

Raadslid R Louw

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

Geen.

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

4.1 **APPROVAL OF THE WATER SAFETY PLAN 2022**

PURPOSE OF REPORT

For Council to approve the updated Water Safety Plan 2022.

BACKGROUND

In order to manage risks associated with the sustainable supply of safe drinking water to the consumers located within the municipality the Water Safety Plan was revised in July 2022. The plan identifies risks, mitigation measures, monitoring programmes, management procedures and emergency response plans to be implemented to ensure safe drinking water for consumers within the municipality.

See annexures: Separately attached to this Agenda.

LEGAL IMPLICATIONS

Water Services Act, 1997

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council approves the updated 2022 Water Safety Plan.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee supports the Management Recommendation.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

The Mayco supports the Management Recommendation.

RESOLUTION 216/2022

That Council approves the updated 2022 Water Safety Plan.

4.2 **INVITATION TO PARTICIPATE IN A STUDY TOUR TO GERMANY**

PURPOSE OF REPORT

To inform Council that an invitation has been extended to the municipality to send a suitable technical official to participate in the study tour.

BACKGROUND

The background to this invitation is all contained in the attached MEMS report, this process has been ongoing within the Municipality for a few financial years already. As can be seen from the study content and what has already been achieved in the Municipality, it is the reason that the municipality has been extended this invitation, and one of two in the Western Cape. All study content matches what the Municipality wishes to achieve in the short term. The invitation letter and report are attached for reference on **page 1 to 8**.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

None, all expenses will be covered by GIZ and DMRE, only the Visa, airport parking and S & T will be covered by the Municipality.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMMENDATION

That an official be nominated for this opportunity so as to enable the necessary travel- and visa requirements.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

The Committee takes note and supports the nomination of mr Steve Cooper to attend the study tour from 22 to 30 October 2022.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

The Mayco takes note and supports the Management Recommendation.

RESOLUTION 217/2022

That Council approves the nomination of mr Steve Cooper to attend the study tour to Germany from 22 to 30 October 2022.

4.3 **CAPE AGULHAS MUNICIPALITY: DRAFT LAW ENFORCEMENT STRATEGY**

REPORT BY THE MANAGER: PROTECTION SERVICES

PURPOSE OF REPORT

To present to Council the draft Law Enforcement Strategy which focuses on the functions of law enforcement as a function and the integrated approach to ensure a safe and healthy environment for the community of CAM. The strategy is all about effective planning and optimal utilization of resources to embrace smart policing and effective communication.

BACKGROUND

Due to the growth of the Cape Agulhas community over the last few years, the need for a clearly defined law enforcement strategy become imminent, to fulfil the ongoing demands and challenges for a safer environment through law enforcement.

From a law enforcement perspective, it is necessary to play a supportive role in the fight against crime. With the two new housing developments crime in the form of vandalism and illegal spaza shops and shebeens has increased, that make it almost impossible with the number of law enforcement officers to secure safety and security.

In recognising that safety has a direct impact on sustainable development, and those high levels of violence have slowed down South Africa's economic growth and transformation, the NDP identifies community safety as one of the fundamental components of achieving sustainable development. The Law Enforcement Strategy must be read in conjunction with the Safety Plan and Land Invasion Strategy. Further inclusions in the Law Enforcement Strategy are Firearm Training, Crowd Control Training, Traffic Officers to do a Peace Officers Training Course and for the longer term a possible K9 unit and a Reaction Unit.

DISCUSSION

The Constitutional mandate for local government is basic service delivery of which Law Enforcement becomes an important part but is often elaborate on and seen as a luxury especially in smaller towns or communities. Safety is what sell properties and bring economic development to an area. Visibility of enforcement ensure that criminal elements don't flock to area and send a strong message of discipline and order.

LEGAL FRAMEWORK

1. The Constitution of the Republic of South Africa, 108 of 1996
2. Criminal Procedure Act, 1977 (Act 51 of 1977)
3. National Road Traffic Act, 1996 (Act 93 of 1996)
4. Disaster Management Act, 2002 (Act 57 of 2002)
5. Disaster Management Act, 2002 (Act 57 of 2002), having declared a national state of disaster, published in Government Gazette No. 43096 on 15 March 2020, Determination of alert levels and Hotspots: COVID-19
6. Local Government Municipal Structures Act, 1998 (Act no 117 of 1998)
7. Local Government Municipal Structures Act, 2000 (Act no 32 of 2000)
8. Animal Protection Act, (71 of 1962)
9. Western Cape Noise Regulations (PN 200 of 2013)
10. The Western Cape Community Safety Act, 3 of 2013
11. The National Development Plan (2012)
12. The Western Cape Safety Plan
13. Cape Agulhas Municipal By-laws

FINANCIAL IMPLICATIONS

Operational- and Capital budget.

ANNEXURES

Draft Law Enforcement Strategy: Attached on **page 9 to 39**.

MANAGEMENT RECOMMENDATION

That the draft Law Enforcement Strategy be approved and implemented.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the matter be referred back for further departmental inputs.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the matter be referred to Council for approval and implementation.

RESOLUTION 218/2022

That the draft Law Enforcement Strategy be approved and implemented.

4.4 **CAM IMPLEMENTATION PLAN FOR MEDIUM-TERM ANIMAL CONTROL INTERVENTION STRATEGY**

PURPOSE OF REPORT

To inform Council about the medium-term Animal Control Intervention Strategy.

BACKGROUND

The animal control division consist of The Manager Protection Services and two Animal Control Officers for the jurisdiction of Cape Agulhas Municipality. The biggest challenge in Cape Agulhas Municipal Area is the roaming of pigs, and lack of control by pig owners, and secondly the challenges regarding dogs. The pigs posed health risks, enter the landfill site, tear black bags for food, enter residential area's and sometimes enter the Swellendam road which is a dangerous traffic risk.

Zwelitsha township is located approximately 500m from the municipal rubbish dump. The sties built by the emerging farmers are located approximately 100m from the township, placing the pigs at approximately 300m from the municipal rubbish dump site. The pigsties are built from wooden pallets, wire, poles and other materials which are available to the emerging farmers. This renders some structures weak and poorly maintained and the pigs can break out easily. Some sties appeared abandoned with broken fencing from which pigs would have evidently been able to escape. No thin pigs were observed whether enclosed in their pigsties or free roaming between the sties and the dump site.

No potable water is available. Pig owners must transport water on a regular basis. This is done manually as most do not have access to transport. The pig owners admitted that water is only provided to the animals every third day. This was evidenced by the appearance of the water supplied to the penned pigs which was dirty and appeared stale. Rubbish and plastic litter were observed all along the perimeter of the emerging farmers allotments and inside most sties.

This is attributed the winds blowing the rubbish from the nearby dump site. Of the sties inspected the only contraventions of the Animals Protection Act 71 of 1962 found relate to the availability and accessibility of fresh drinking water and accumulation of debris at the sties.

Animal control have a good relationship with the emerging farmers and keeps an electronic register of all the farmers. It was admitted by the farmers that meat is sold on the black market which is a concern under the Meat Safety Act 40 of 2000. The farmers aspire to have their pigs marked to enable them to be sold at the local abattoir and sales yards. Important is to acknowledge the short-comings and putting plans in place to address them. To cooperate and work together with animal welfare organisations and the establishment of good working relationships with the relevant community members. The problems seen will not be resolved overnight but if all parties work together in the spirit of co-operation, the problems can be overcome for the betterment of the welfare of the animals involved and for the benefit of the community at large.

A concern is also the rapid expansion of the swine population within a residential zone.

**NOTULE: SPESIALE RAADSVERGADERING / SPECIAL COUNCIL MEETING
30 SEPTEMBER 2022**

Priority	Challenge	Action	Responsible Person	Progress
1	Lack of Effective and Efficient Law Enforcement	Program for inspections and monthly reports	Denver Braaf	Continuous
2	Continuous updating register and marked pigs to identified with owner	Update register on regular basis	Animal Control Officers	Continuous
3	Issuing of fines	If incident occurs	Animal Control Officers	Continuous
4	Identify frequent offenders	List of offenders - Monthly basis	Denver Braaf	Continuous
5	Frequent engagements with pig farmers	Monthly meetings	Animal Control Officers	Continuous
6	Workshop with pig farmers-Determine needs	6 Augustus 22	Director/Councillor	Completed: 6 August 22
7	Monthly reports to PC	Animal Control Report	Myllison Saptou	Continuous
8	Distance to landfill site and informal Settlement	Waste Management	Walter Linnert	Latest report from DeadP
9	Identify suitable land	Compile map and item to Council	Town Planning / Housing / Dir: MS	Completed: 6 August 22
10	Food from Agriculture	Submit application and business Plan to Dept Agriculture	M Saptou	November 22
11	Uncontrol growth/Pig Slaughtering-Swine population	Determine market sell pigs	M Saptou	November 22
12	No market to sell pigs	Determine market sell pigs	M Saptou	November 22
13	No Animal pound	Tender/Quotation - Pounding of animals	M Saptou	November 22
14	No fencing to keep pigs within a confined space	Decide type of fencing suitable for pigs/SCM process/Possible additional funding	M Saptou	March 23
15	Appoint 2 EPWP workers security, control and reporting	HR process	M Saptou	March 23
15	No water supply	Water Department - Compile plan	Water Department	March 23
16	No septic tank	Sewerage Department	Sewerage Department	March 23
17	Stormwater challenges	Storm water Department - Investigate compile report with proposed solutions	Storm Water Dept	March 23
18	Need for training	As needed	Animal Control Officers	Continuous

ANIMAL CONTROL IMPLEMENTATION PLAN IN GENERAL

Action	Responsible Official	Time Frame
Finalized with AACL-Ensure Included what is needed from AACL	Saptou/Videlia	16 Sept 22
Submit to Attorney – Determine/Confirm Legal Technicalities	Saptou	23 Sept 22
Submit Head AACL – Rudolf – Discuss approve	Saptou	30 Sept 22
Discuss P Everson	Saptou	7 Oct 22
Use as basis for SLA for other animal control organisations (ACO) – Included precisely what is expected from them	Saptou/Videlia	14 Oct 22
Meeting with all the role players	Saptou	21 Oct 22
Finalise sign SLA	Saptou	28 Oct 22
Monitor and manage ACO	Saptou	4 Nov 22

LEGAL IMPLICATIONS

The Cape Agulhas Municipality addressed this legislative gap in 2015 by promulgating Keeping of Animals, Bees and Poultry By-law, 2015, *Published in Western Cape Provincial Gazette no. 7363 on 6 March 2015, Commenced on 6 March 2015, [Up to date as of 12 November 2021]*. In 2019, the Department addressed the gaps in the 2019 By-Law - *The Keeping and Impoundment of Animals (2019)*, which was sent out for public comment.

FINANCIAL IMPLICATIONS

Budgeted : R1 000 000,00 for fencing

MANAGEMENT RECOMMENDATION

For Council to consider the implementation plan for a medium-term Animal Control Intervention Strategy.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That Council considers the implementation of the medium-term Animal Control Intervention Strategy with new timeframes.

RESOLUTION 219/2022

That Council approves the Implementation Plan for a Medium-Term Animal Control Intervention Strategy.

4.5 **LAND AUDIT AND MAPPING OF ALL MUNICIPAL LAND****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER - MANAGER: ADMIN SUPPORT****PURPOSE OF REPORT**

To submit a report to council which indicate all municipal land / properties in the Cape Agulhas Municipal Area.

BACKGROUND

One of Municipality's Top Layer SDBIP KPI's is to submit a Land Audit and Mapping of all municipal land / properties in the Cape Agulhas Municipal area to Council.

A full investigation was done by comparing the following documents and systems to determine the ownership of the municipality's property:

1. The General valuation roll (Ownership, size and Municipal Value)
2. The VESTA financial System (Ownership size and Municipal Value)
3. Existing Maps (Ownership)
4. Deeds search at the Deeds office (Ownership and size)
5. The OVVIO system (Ownership, size, valuation and Zoning)

A full list of all the properties was generated, together with the General Valuation's municipal valuations. The OVVIO system was used for the mapping of the properties and layers can be used to filter the information. The list and small scale maps of each town are attached on **page 40 to 50**. Larger scale maps will be available during the meeting.

To be noted that Millpark and Parkview are still recorded as the mother erven and will be updated as soon as they are transferred into the new owners names. Also that the following two properties have been sold but transfer is still pending:

- Portions of Erf 852 and 857, Struisbaai collectively measuring 2,4 HA which was sold to LTN Properties.
- A portion of Erf 1148, Bredasdorp measuring 22.27 HA which was sold to Annison 35 TA DHA.

The latest zonings are updated and are included in the Spatial Development Framework (SDF) that is under amendment. The actual land use of all property that is leased will need to be determined by a survey to ensure that the uses are in line with the zoning and contracts. The maps which indicate all municipal property, are available. The new Urban Edge which will also be determined by the SDF and will guide future developments.

FINANCIAL IMPLICATION

None.

LEGAL IMPLICATION

The ownership is in line with the Deeds Office.

STAFF IMPLICATION

None.

THE WAY FORWARD

This land audit provides a list of all Municipal Property with its size and valuation and whether its vacant or developed. The zonings are also determined and available on the maps. This audit will enable improved land use planning which will comprise the following phases:

- **Phase 2:** The audit will form a key component of the new SDF, specifically any changes that need to be made to the urban edge for future development areas for the next 10 - 15 years.
- **Phase 3:** The audit will inform the implementation of the Municipality's long term financial plan, specifically the generation of income from fixed property.
- **Phase 3:** The actual land uses of leased land need to be surveyed.

MANAGEMENT RECOMMENDATION

- (i) That Council notes the land audit and mapping of municipal property.
- (ii) That Council notes the planned "way forward".

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the Management Recommendation be accepted.

RECOMMENDATION: EXECUTIVE MAYORAL COMMITTEE (27 SEPTEMBER 2022)

That the Management Recommendation be accepted.

RESOLUTION 220/2022

- (i) That Council notes the land audit and mapping of municipal property.
- (ii) That Council notes the planned “way forward” to be included in the SDF as a strategic plan for the next 5 to 30 years.

5. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER

Die Munisipale Bestuurder lig die Raad in van 'n “arbeid dispuut” op die plaas Vierfontein buite Napier. Die Raad was reeds in kontak met Departement Landbou, Departement Arbeid en die eienaars van Vierfontein.

6. OORWEGING VAN KENNISGEWING VAN MOSIES

Geen.

7. OORWEGING VAN KENNISGEWING VAN VRAE

Geen.

8. IN KOMITEE

In Komitee items word vertroulik hanteer.

9. SLUITING

Die vergadering verdaag om 10h50.

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

BEKRAGTIG op hierdie

dag van

2022

SPEAKER

DATUM