



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N BURGEMEESTERSKOMITEE VERGADERING GEHOU OM 11:00 OP
VRYDAG 1 DESEMBER 2017 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A MAYORAL COMMITTEE MEETING HELD ON FRIDAY, 1 DECEMBER 2017
AT 11:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE

MNR	P J SWART	Uitvoerende Burgemeester
ME	Z TONISI	Uitvoerende Onder-Burgemeester
MNR	G D BURGER	Lid van die Uitvoerende Burgemeesterskomitee
ME	M OCTOBER	Lid van die Uitvoerende Burgemeesterskomitee
MNR	J NIEUWOUDT	Speaker

AMPTENARE

Mnr D O'Neill	Munisipale Bestuurder
Mnr J Jamneck	nms. Direkteur: Finansies- en IT Dienste
Mnr K Mrali	Direkteur: Bestuursdienste
Mnr S Cooper	Bestuurder: Elektrotegniese Dienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Me J Dixon-Kasira	nms. Divisional Head: HR Services & Organisational Development
Me T Stone	Divisional Head: Strategic Planning & Administration
Mnr B Swart	Interne Ouditeur
Mnr F du Toit	Bestuurder: Boubeheer
Mnr M Njoli	Kantoor van die Burgemeester

1. **OPENING**

Die Burgemeester heet die teenwoordiges welkom en open die vergadering met gebed.

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

Mnr H Van Biljon	Direkteur: Finansies- en IT Dienste
Me N Mhlali-Musewe	Divisional Head: HR Services & Organisational Development

3. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE**

Gerry Pienaar: Bredasdorp Gholfbaan Ontwikkeling spreek die Komitee toe na aanleiding van 'n vorige aanbieding wat aan die Komitee gemaak is. Hy verwys na die beoogde ontwikkeling van 80 "Aftree-eenhede" en 180 residensiële persele asook die voordeel wat dit vir KAM kan inhou. Hy versoek die Komitee om die titelvoorwaardes van die grond te wysig.

BESLUIT BK204/2017

- (i) Dat die residensiële ontwikkeling van die Bredasdorp Golfbaan in beginsel ondersteun word.
- (ii) Dat die Raad goedkeuring gee vir die opheffing van die terugval klousule in die Transportakte T5027/85 gedateer 19 November 1984.
- (iii) Dat die opheffing geldig is vir 'n tydperk van 3 jaar na die verwydering van die klousule op die titelakte en indien die ontwikkelings vennoot van die Bredasdorp Golfklub nie binne die genoemde tydperk na die verwydering van die klousule op die akte die nodige ontwikkelings regte bekom het of bewys kan lewer van die vordering met die proses om die ontwikkelings regte te bekom, sal die verwydering van die terugval klousule herroep en weer in werking gestel word.

4. **NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTIGING**

4.1 **NOTULE VAN BURGEMEESTERSKOMITEE VERGADERING GEHOU OP:**

24 Oktober 2017

BESLUIT BK205/2017

Bogenoemde Notule word as korrek en volledig bekragtig.

5. **SAKE VOORTSPRUITEND UIT NOTULE**

Die Burgemeester versoek dat die RSEP (Regional, Social, Economic Program) en die VPUU (Violence, Prevention Through Urban Upgrading program) dringende aandag geniet.

BESLUIT BK206/2017

Dat 'n taakspan aangewys word om die projek, spesifiek met betrekking tot Ou Meulestraat te dryf. Die taakspan sal bestaan uit amptenare: Munisipale Bestuurder, Steve Cooper, Francois du Toit, Tracey Stone, Bertus Hayward en John Daniels, Raadslede: Burger en October en lede van die publiek.

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

6.1 **BRIEWE VAN DANK**

Geen.

6.2 **FUNKSIES VIR DIE MAAND**

Kennis word geneem van die "Blouvlag-funksie" wat op 1 Desember 2017 op Struisbaai plaasgevind het asook die "Vryheid van die Dorp" wat weer aan die Suid-Afrikaanse Lugmag toegeken is.

7.	<u>VERSLAE</u>	
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9.	<u>DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER</u>	
	Geen.	
10.	<u>OORWEGING VAN KENNISGEWING VAN MOSIES</u>	
	Geen.	

11. **OORWEGING VAN KENNISGEWING VAN VRAE**

Voorspruitend uit die maandverslae van onderskeie departemente, versoek die Voorsitter verdere ondersoek deur die Komitees na die volgende aangeleenthede, vir terugrapportering aan die UBK:

- Die waterverliese wat nie meer in die verslag aangedui word nie.
- Toegangsbeheer by die stortingsterreine wat 'n risiko vir die owerheid is en aanspreeklikheid verhoog.
- Beter vooruitbeplanning moet departementeel gedoen en aan die Raadslede deurgegee word.
- Die aanbring van borde wat "waterbesparing en strooi van vullis" aanspreek moet spoedeisend aangebring word.
- Die publiek moet aangemoedig word om nie hul huishoudelike vullis net oor hul grensmure/drade te gooi nie.
- Die advertensieborde wat die beheer van "busse en vragmotors" vir Duikerstraat parkeerplek op Struisbaai moet kontroleer, moet spoedeisend aangebring word.
- In die maandverslae (van alle departemente) moet die geldwaarde van oortyd aangebring word.
- Alle departemente moet inisiatiewe ontwikkel om potensiële eiendomsontwikkelaars na die omgewing te lok.
- Dorpsbeplanning moet dringend aandag kry, veral ten opsigte van die skep van behuisingsareas om die informele gebiede te minimaliseer.
- Dringende aandag moet geskenk word aan die beplanning van 'n "Khoisan-Village" in Napier.
- Grond moet dringend beskikbaar gestel word vir die ontwikkeling van industriële erwe in Struisbaai, Napier en Bredasdorp.
- Die veiligheid in die kusdorpe gedurende Desember skoolvakansie, veral ten opsigte van lewensredders, verkeerspolisie en wetstoepassing moet dringend aangespreek word.
- Die "Weekender-Group" se Arniston Fees se beplanning ten opsigte van Desember 2017.
- Die gratis beskikbaarstelling van sportfasiliteite aan sportklubs (Klubs moet vir water en ligte betaal, maar die gebruik van die velde moet gratis wees) - ITEM MOET AAN DIE RAAD VOORGELê WORD.
- Die vordering met beplanning ten opsigte van begraafplase wat vinnig vol word (in al die dorpe).
- Die instandhouding van speelparke moet dringend aandag geniet en van 'n hoër standaard wees.
- Die toename in vadalisme moet aangespreek word. Daar moet gepoog word om 20 wetstoepassers per dorp te kry vir die lewering van 'n 24-uur diens.
- Die "aanbou van badkamers-projek" moet in aanvang neem. Dit is 'n 2 jaar projek en die Burgemeester versoek dat meer plaaslike inwoners opgelei moet word sodat die werk deur plaaslike bouers afgehandel kan word.
- Die oorgroeide erwe in alle dorpe word nie vinnig genoeg aangespreek nie.
- Die besparings op die begroting moet dringend elders aangewend word, soos vir die opgradering van vullisdromme op die Struisbaai wandelpad.
- Die daarstelling van die Provinsiale Sport Akademie en die vordering tot dusver - ITEM MOET AAN DIE RAAD VOORGELê WORD.
- Die sportgrond op Struisbaai moet spoedeisend herstel word ('n rots moet verwyder word).
- Die sokkerveld op Napier se EIA moet dringend afgehandel word.
- Die "Behuisingsverslag" is nie volledig genoeg nie, en die inligting word net van maand tot maand oorgedra.
- 'n Vergadering moet met ASLA gehou word ten opsigte van die verskaffing van behuising om nuwe denke by hul aan te moedig.
- Die Direkteur moet dringend aandag gee aan die volgende: Behuisingsplan, Behuisingsbeleid, behuisingswaglyste, die Titelaktes van Struisbaai se huise wat uitgegee moet word, 'n dringende vergadering met "Elite" ten opsigte van die GAP-Housing Projek. 'n Mini-werkswinkel ten opsigte van behuising moet gereël word.
- 'n Volledige verslag moet tydens die Raadsvergadering van 7 Desember 2017 beskikbaar wees ten opsigte van die "Human Development Program" en die spandering.
- Die Burgemeester wil 'n dringende vergadering belê met die "Sportraad" (Sports Council).

BESLUIT BK207/2017

Dat die bogenoemde aangeleenthede verwys word na die Staande Komitees vir verdere ondersoek en terugrapportering aan die Uitvoerende Burgemeesterskomitee.

12. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

13. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN UBK BESLUIE**

Lys van onafgehandelde besluite word aangeheg op **bladsy 40**.

14. **IN-KOMITEE VERSLAE**

Die In-Komitee items word vertroulik bespreek.

15. **SLUITING**

Die vergadering verdaag om 13:55

7. **VERSLAE**

7.1 **INFRASTRUKTUURDIENSTE KOMITEE / INFRASTRUCTURE SERVICES COMMITTEE**

7.1.1 **VERSLAG VAN DIE BESTUURDER: ELEKTROTEGNIESE DIENSTE VIR OKTOBER 2017/ REPORT FROM THE MANAGER: ELECTRO TECHNICAL SERVICES FOR OCTOBER 2017**

DOEL VAN VERSLAG

Oorweging van die maandverslag vanaf die Bestuurder: Elektrotegniese Dienste vir Oktober 2017.

AGTERGROND

Verslag word aangeheg op **bladsy 1 tot 10**.

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag van die Bestuurder: Elektrotegniese Dienste vir Oktober 2017 aanvaar word.
That the monthly report from the Manager: Electro Technical Services for October 2017 be accepted.

AANBEVELING: INFRASTRUKTUURDIENSTE KOMITEE / RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

Die Burgemeester spreek sy dank uit teenoor die Afdeling wat sy klagtes spoedeisend afhandel.

BESLUIT BK208/2017

Dat die Infrastruktuurdiens Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

7.1.2 **VERSLAG VAN DIE AFDELING INFRASTRUKTUURDIENSTE VIR OKTOBER 2017 / REPORT FROM THE DIVISION INFRASTRUCTURE SERVICES FOR OCTOBER 2017**

DOEL VAN VERSLAG

Oorweging van die maandverslag van die afdeling Infrastruktuurdienste vir Oktober 2017.

AGTERGROND

Verslae word soos volg aangeheg:

Bladsy / Page

- | | |
|--|---------|
| (i) Infrastruktuurdienste / <i>Infrastructure Services</i> | 11 - 20 |
| (ii) Boubehör / <i>Building Control</i> | 21 - 27 |

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag van die afdeling Infrastruktuurdienste vir Oktober 2017 aanvaar word.
That the monthly reports from the division Infrastructure Services for October 2017 be accepted.

AANBEVELING: INFRASTRUKTUURDIENSTE KOMITEE / RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

- (i) Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*
- (ii) Dat die Munisipale Bestuurder, in samewerking met die Uitvoerende Burgemeester 'n 10, 15 en 20 jaar waterbestuurs- en retensieplan opstel vir voorlegging en aanvaarding deur die Raad.

BESLUIT BK209/2017

Dat die Infrastruktuurdienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

7.1.3 **TEMPORARY ACCOMMODATION: MR H NELSON (SUPERINTENDENT: ELECTRICAL)**

PURPOSE OF REPORT

To request council's permission to accommodate mr Henry Nelson in the Suikerbossie resort in Bredasdorp at a reduced tariff for three months.

BACKGROUND

Mr Nelson has been appointed as Superintendent Electrical from 1 December 2017 and will be re-locating from Worcester where he is currently residing. There is currently no accommodation available for rent in Bredasdorp and this could delay his re-location. This is a critical operational post and the holiday season is approaching and his services will be needed by 1 December 2017.

The request is to charge the employee a fixed monthly charge for a chalet in Suikerbossie resort for a period of three months to facilitate the rental of permanent accommodation.

The tariff is R320,00 per night for the standard chalet which would amount to R9 600,00. The request is to rent the chalet to the employee for a period of not more than three months at R2 500,00 per month (or market related rent).

LEGAL IMPLICATION

Formal rental agreement.

FINANCIAL IMPLICATION

A potential loss of income for the resort.

PERSONNEL IMPLICATION

Possible shortage of a Superintendent: Electrical for the season.

MANAGEMENT RECOMMENDATION

That consideration be given to assist mr Nelson with temporary accommodation for a maximum period of three months at the Suikerbossie resort Bredasdorp for the amount of R2 500,00 per month.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION BK210/2017

That the recommendation of the Infrastructure Services Committee be accepted as resolution of the Mayoral Committee.

7.1.4 **ELIM STORTINGSTERREIN (16/5/R) (WYK 1)**

DOEL VAN VERSLAG

Om die Raad in te lig rakende die bestuur van die Elim Stortingsterrein.

AGTERGROND

In 1999 is die Elim Stortingsterreinpermit toegewys aan die Overberg Distriksmunisipaliteit. Sedert hierdie datum word die terrein bedryf deur die Elim Opsienersraad. Die terrein is gebruik vir die storting van huishoudelike vullis, tuinvullis en bourommel.

Verskeie gesprekke tussen die Morawiese Kerk, die Overberg Distriksmunisipaliteit (ODM) en die Departement Omgewingsake asook Kaap Agulhas Munisipaliteit het in die verlede plaasgevind om die toestand van die terrein en die bedryf daarvan te bespreek.

Sedert 2016 het die Morawiese Kerk besluit dat geen storting meer op die terrein mag plaasvind nie. Die terrein word slegs as 'n oorlaaistase ("drop-off") gebruik vir huishoudelik vullis. Elim stort tans hul huishoudelike vullis op Bredasdorp terrein.

Die Elim terrein is skoongemaak, vullis is bedek en tuinvullis word deur die Overberg Distriksmunisipaliteit verwyder. Elim Opsienersraad is verantwoordelik om nou op eie koste die terrein te bedryf soos benodig.

Alhoewel die bestuur van die Elim terrein goed verloop is daar steeds geen water, toiletgeriewe of kantoor op terrein beskikbaar nie. Tans het die ODM nie hiervoor begroot nie.

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

Geen.

PERSONEEL IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die Raad kennis neem van die bestuur van die Elim Stortingsterrein.

AANBEVELING: INFRASTRUKTUURDIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK211/2017

Dat die Infrastruktuurdiens Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

7.2 **BESTUURSDIENSTE KOMITEE / MANAGEMENT SERVICES COMMITTEE**

7.2.1 **VERSLAE VAN DIE DIREKTEUR: BESTUURSDIENSTE VIR OKTOBER 2017 / REPORTS FROM THE DIRECTOR: MANAGEMENT SERVICES FOR OCTOBER 2017**

DOEL VAN VERSLAG

Oorweging van die maandverslag vanaf die Direkteur: Bestuursdienste vir Oktober 2017.

AGTERGROND

Verslae word soos volg aangeheg:	<u>Bladsy / Page</u>
(i) Publieke Dienste / Public Services	28 - 35
(ii) Behuising / Housing	36 - 38
(iii) Biblioteekdienste / Library Services	39 - 43
(iv) Beskermingsdienste / Protection Services	44 - 49

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag van die Direkteur: Bestuursdienste vir Oktober 2017 aanvaar word.
That the monthly report from the Director: Management Services for October 2017 be accepted.

AANBEVELING: BESTUURSDIENSTE KOMITEE / RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat kennis geneem word van die opening vir die "Blouvlag status" te Struisbaai op Vrydag 1 Desember 2017 om 09:00.
- (iii) Dat dringende kwotasies ingewin word vir die aankoop van 'n "hout versnipperingsmasjien" vir die Struisbaai area en voorsiening in die aanvullende begroting vir 2017/18 gemaak word.

BESLUIT BK212/2017

Dat die Bestuursdienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

7.2.2 **AANPASSING / AANSUIWERING VAN 2017/2018 BEDRYFSBEGROTING: LEWENSREDDERS - STRANDE**

DOEL VAN VERSLAG

Aanpassing / Aansuiwering van die 2017/2018 bedryfsbegroting vir die voorsiening van lewensredders by swemstrande (posnommer 014 043 208 002).

AGTERGROND

Die Raad begroot jaarliks vir lewensredders by die onderskeie strande vir die Desember/Januarie feesseisoen asook Paasfees. In genoemde begroting is daar slegs vir een maand voorsiening gemaak vir die Blou Vlag strand in Struisbaai (10 Desember 2017 tot 10 Januarie 2018).

“Wildlife and Environment Society of South Africa” (WESSA) het egter besluit dat alle Blou Vlag strande vir 'n minimum periode van 2 maande aktief bedryf moet word (1 Desember 2017 tot 31 Januarie 2018).

Verder word die Raad se aandag daarop gevestig dat tydens hoogseisoen (10 Desember tot 10 Januarie) word vier lewensredders in plaas van twee vir die Blou Vlag strand benodig - Sien tariewe en kwotasie/tender op **bladsy 50 en 51**.

In die 2017/2018 begroting is daar 'n bedrag van R227 500,00 vir lewensredders begroot wat dus 'n tekort van R70 000,00 sal meebring sou lewensredders vir 10 dae gedurende die paasseisoen ingereken word.

FINANSIËLE IMPLIKASIES

Dat R70 000,00 addisioneel begroot moet word.

BESTUURSAANBEVELING

- (i) Dat die Raad die begrote bedrag verhoog na R290 000,00.
- (ii) Dat die verhoogde bedrag met die aansuiweringbegroting vir 2017/18 aangepas word.

AANBEVELING: BESTUURSDIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK213/2017

Dat die Bestuursdienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

7.3 **FINANSIES- EN IT DIENSTE KOMITEE / FINANCE- AND IT SERVICES COMMITTEE**

7.3.1 **MAANDVERSLAG: FINANSIES- EN IT DIENSTE VIR OKTOBER 2017 / MONTHLY REPORT: FINANCE- AND IT SERVICES FOR OCTOBER 2017**

DOEL VAN VERSLAG

Oorweging van die maandverslag vanaf departement Finansies- en IT Dienste vir Oktober 2017.

AGTERGROND

Verslae word soos volg aangeheg:

(i)	Kantoor van die Munisipale Bestuurder / Office of the MM	<u>Bladsy / Page</u>
	• Strategiese Dienste / <i>Strategic Services</i>	52 - 60
	• Administrasie / <i>Administration</i>	61 - 64
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	• Menslike Hulpbronne / <i>Human Resources</i>	70 - 78
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	• Sosio-Ekonomiese Dienste / <i>Socio Economic Services</i>	84 - 91
(ii)	Finansiële Dienste en Tesourie / Finance and Treasury	<u>Bladsy / Page</u>
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	• Expenditure	101 - 113
	• Budget and Treasury	114 - 120
	• Financial Management	121 - 142
	• Supply Chain and Fleet Management	143 - 162
	• Information Communication	163 - 180

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag vanaf departement Finansies- en IT Dienste vir Oktober 2017 aanvaar word.
That the monthly report from the department Finance- and IT Services for October 2017 be accepted.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE / RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*
- (ii) Dat die "verwelkomingspakkies" aan toeriste gedurende Desember by alle dorpsingange uitgedeel sal word, naamlik: Elim, Napier en Swellendam.
- (iii) Dat die beleid ten opsigte van "Invordering van Agterstallige Koopkrag" dringend deur die Raad herbesin word.
- (iv) Dat die Bestuurder: Elektries die Raad inlig oor die "Verander Transformer: R365 000,00" soos vervat in die kapitaal begroting.
- (v) Dat die Direkteur: Finansies die Raad inlig oor "Verskeie: Staat van lenings opgeneem - R2.4m" soos vervat in die begroting.

BESLUIT BK214/2017

- (i) Dat die Finansies- en IT Dienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.
- (ii) Dat die Beleid ten opsigte van die "Invordering van Agterstallige Koopkrag" (soos in (iii) hierbo genoem) nie afdwing word voordat die Raad weer daarvoor besin het nie.

7.3.2 OORWEGING VAN AANSOEKE OM DONASIES (5/18/1)

DOEL VAN VERSLAG

Om die aansoeke om donasies wat in terme van die Donasiebeleid ontvang is te oorweeg.

AGTERGROND

Aansoeke om donasies in terme van die Raad se Donasiebeleid is soos per aangehegte skedule op **bladsy 181 tot 183** gedoen (volledige aansoeke is beskikbaar by Komiteedienste).

Die voorwaardes en terme waaraan die aansoeker moet voldoen is as volg. Genoemde voorwaardes en termes het as kennisgewing gedien waarmee voornemende aansoekers uitgenooi was om aansoek te doen vir die donasies:

- (i) Alle donasies sal onderhewig wees aan die bepalings soos uiteengesit in Artikel 67 van die Munisipale Finansiële Bestuurswet (MFMA), Wet 56 van 2003;
- (ii) Die Raad bewillig jaarliks, binne sy finansiële vermoë, 'n globale bedrag vir die toekenning van donasies;
- (iii) Skriftelik gemotiveerde aansoeke vir donasies wat voldoen aan die voorskrifte soos bepaal in artikel 67 van die MFMA, moet jaarliks voor einde September van die betrokke boekjaar ingedien word;
- (iv) Alle aansoeke ontvang tot en met einde September van elke betrokke boekjaar, sal gelyktydig oorweeg word vir organisasies wie se doelstellings en aktiwiteite versoenbaar is met daardie magte wat aan die munisipaliteit verleen is;
- (v) Donasies sal binne die begrote bedrag en volgens die Raad se uitsluitlike diskresie, slegs aan nie-winsgewende organisasies/instellings (welsyns-, diens-, liefdadigheidsorganisasies en opvoedkundige instellings) gemaak word;
- (vi) Donasies sal slegs toegeken word aan organisasies/instellings wat binne die regsgebied van Munisipaliteit Kaap Agulhas opereer;
- (vii) Slegs monitêre donasies sal toegeken word ter wille van deursigtigheid en om te verhoed dat nie-finansiële donasies ongelyke behandeling tot gevolg het.
- (viii) 'n Afskrif van u organisasie se jongste finansiële jaarstate moet die Aansoek vergesel.

FINANSIËLE IMPLIKASIES

R120 000,00 is begroot vir die 2017/2018 boekjaar. (01/2010/200/001). Daar is 28 instansies wat in terme van die Raad se Donasiebeleid kwalifiseer en wat elk dus R4 000 kan ontvang.

BESTUURSAANBEVELING

Dat die Uitvoerende Burgemeesterskomitee die volgende aansoeke oorweeg:

- 1. Kindersorg : Liefdesnessie Dienssentrum
- 2. Kindersorg : Suiderster Bejaarde Klub
- 3. Kindersorg : Bredasdorp
- 4. Kindersorg : Nompumelelo
- 5. Kindersorg : Lesedi Educare
- 6. Kindersorg : Struisies Day Care
- 7. Kindersorg : Kaap Agulhas Tuisversorging
- 8. Kindersorg : Kammaland Versorgingsoord
- 9. Kindersorg : Kammaland Educare
- 10. Kindersorg : Emmanuel Dienssentrum
- 11. Kindersorg : Napier
- 12. ACVV
- 13. ACVV : Ons Huis
- 14. ACVV : Suideroord
- 15. ACVV : Dienssentrum
- 16. ACVV : Strandlopertjie Dienssentrum
- 17. Bredasdorp Gesondheid en Welsynskomitee
- 18. Huis Klippedrift
- 19. Babbel en Krabbel Kleuterskool
- 20. Wieggel en Waggel
- 21. Lions Klub Bredasdorp
- 22. Hoërskool Bredasdorp Joshua Groep
- 23. Geluksoord Dienssentrum Elim
- 24. Sea Hawks Rugbyklub
- 25. Napier Rugbyklub
- 26. Meals on Wheels
- 27. Breyani
- 28. Southernmost Foundation

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat donasies slegs aan die 13 aansoekers, wat volgens die beleid kwalifiseer, toegeken word.

BESLUIT BK215/2017

- (i) Dat die Finansies- en IT Dienste Komitee se aanbeveling nie as besluit van die Burgemeesterskomitee aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word na die Komitee sodat alle aansoeke weer geverifieer kan word vir finale toekenning.

7.3.5 **VERVREEMDING (HUUR): GEDEELTE ERF 1344, BREDASDORP (LEBOMBO KAMP) (COLLAB: 175848)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr F Hendricks, I Prins, D Mintoer en Jong Gemengde Boerdery Primary Co-op ten einde 'n gedeelte erf 1344 (2ha), Bredasdorp te huur ten einde vir veeboerdery doeleindes aan te wend - Liggingsplan aangeheg op **bladsy 184**.

ALGEMENE INLIGTING

Eienaars	:	KAM
Eiendom	:	Erf 1344, Bredasdorp (Lebombo Kamp)
Huidige sonering	:	Landbou
Bestaande Grondgebruik	:	Meentgrond
Erf grootte	:	24.4922ha
Voorgestelde grootte	:	2ha

AGTERGROND

Skriftelike versoeke, soos aangeheg op **bladsy 185 tot 202** is van mnr F Hendricks, I Prins, D Mintoer en die Jong Gemengde Boerdery Primary Co-op ontvang om 'n gedeelte erf 1344, Bredasdorp by die Raad te huur ten einde vir veeboerdery doeleindes aan te wend.

MARKWAARDASIE

R24 695,00 per jaar (sien **bladsy 203**) : 4 = R6 173,75 (per aansoeker)

R 6 173.75 per jaar	
JAAR 1 Markverwant - 80%	R 1 234.75
JAAR 2 Markverwant - 60%	R 2 469.50
JAAR 3 Markverwant - 40%	R 3 704.25
JAAR 4 Markverwant - 20%	R 4 939.00
JAAR 5 Markverwant	R 6 173.75
JAAR 6	R 6 173.75
JAAR 7	R 6 173.75
JAAR 8	R 6 173.75
JAAR 9	R 6 173.75
TOTAAL	R 43 216.25

FINANSIële IMPLIKASIES

Huurinkomste vir die Raad.

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	All surrounding property owners be informed of the temporary use of the site.

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

You need to get comment from the LED unit who normally works with these type of initiatives. I cannot see how they can farm on a 2ha piece of land with animals. We must assess the feasibility of the proposed use of the land before we approve the rental thereof otherwise we are just going to receive a request for deferment of the rental amount a few months after the contract has been signed.

DGD

No objections.

ELEK

There is no electricity reticulation in that area and when the capacity requirements is known, nothing is indicated in the application, a quotation can be issued to supply electrical services in that area

BAD

Die aansoek kan ondersteun word. Die regte stukkie grond (2ha van 24Ha) moet net baie duidelik uitgewys en gedokumenteer word VOORDAT DIE KONTRAK ONDERTEKEN WORD.

BSB

1. Wat se tipe boerdery?
2. Is daar water?
3. Verder, geen beswaar.

BW&R

In orde as alle regulasies nagekom is.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte erf 1344, Bredasdorp (2ha elk) aan mnr F Hendricks, I Prins, D Mintoer en die Jong Gemengde Boerdery Primary Co-op vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- (ii) Die gemeenskapswaarde van die projek en die feit dat die aansoekers volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R6 173,75 per jaar per lid, vooruitbetaalbaar.
- (iii) Dat die standaard terugvalklousule ook duidelik in die kontrak vervat word.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK216/2017

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

7.3.6 **VERVREEMDING (HUUR): GEDEELTE ERF 513, NAPIER (COLLAB: 174503) (WYK 1)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me L October ten einde 'n gedeelte erf 513, Napier te huur ten einde vir 'n organiese groentetuin aan te wend - Liggingplan aangeheg op **bladsy 204**.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte erf 513, Napier
Huidige Sonering : Meentgrond
Voorgestelde Erf Grootte : 1ha

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 205 tot 208** is van me L October ontvang om 'n gedeelte erf 513, Napier by die Raad te huur ten einde vir 'n organiese groentetuin aan te wend.

MARKWAARDASIE

R14 000,00 per jaar (sien **bladsy 209**)

R 14 000.00 per jaar	
JAAR 1 Markverwant - 80%	R 2 800.00
JAAR 2 Markverwant - 60%	R 5 600.00
JAAR 3 Marverwant - 40%	R 8 400.00
JAAR 4 Markverwant - 20%	R 11 200.00
JAAR 5 Markverwant	R 14 000.00

JAAR 6	R 14 000.00
JAAR 7	R 14 000.00
JAAR 8	R 14 000.00
JAAR 9	R 14 000.00
TOTAAL	R 98 000.00

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

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": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <i>R50 million;</i> <i>One percent of the total value of the capital assets of the municipality....</i> <i>An amount determined by resolution of the council of the municipality which is less than (a) or (b).</i> 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	All surrounding property owners be informed of the temporary use of the site.

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER

Waar gaan die aansoeker water kry vir groenteverbouing en wat moet die grootte van die grond wees.

DIREKTEUR: GEMEENSKAPSDIENSTE

For discussion at LDC committee.

ELEK

It is indicated that no electricity is required but if his service is required in future all costs of supply will be for the tenants account.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Word aanbeveel.

BESTUURDER: STADSBEPLANNING

Geen beswaar. Waar gaan hy water kry?

BESTUURDER: STRATE EN STORMWATER

Paaie en stormwater voorsien geen probleem.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte erf 513, Napier (1ha) aan me L October vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- (ii) Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R14 000,00 per jaar, vooruitbetaalbaar.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK217/2017

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

7.3.7 **VERVREEMDING (KOOP): GEDEELTE ERF 2789, STRUISBAAI (COLLAB: 173302) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr P J Taljaard ten einde erf 2789, Struisbaai te koop - Liggingsplan aangeheg op **bladsy 210**.

ALGEMENE INLIGTING

Eienaars	:	KAM
Ligging	:	Gedeelte erf 2789, Struisbaai
Huidige sonering	:	Publieke Ruimte
Erf Grootte	:	6529m ²
Voorgestelde Grootte	:	616m ²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 211 tot 213** is van mnr Taljaard ontvang om 'n gedeelte erf 2789, Struisbaai by die Raad te koop ten einde met sy bestaande erf te konsolideer.

MARKWAARDASIE

R61 326,40 (sien **bladsy 214**)

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTARE

DIREKTEUR: GEMEENSKAPSDIENSTE

No objections.

ELEK

All connection fees for the owners account.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ek voel dat die raad nie die gemerkte gedeelte moet vervreemd nie, want dit kan in die toekoms as 'n toegangspad vir erf 2789, SB gebruik word.

BESTUURDER: STADSBEPLANNING

Sluiting, onderverdeling, hersonering en Omgewingsimpakstudie is vir aansoeker se koste.

BESTUURDER: STRATE EN STORMWATER

Dit is in orde met paaie en stormwater.

BESTUURDER: WATER EN RIOOL

Geen invloed op water- en riooldienste nie, aangesien die erf met Mnr Taljaard se erf gekonsolideer word.

BESTUURDER: STRATEGIESE DIENSTE

No objection, but if there is a high demand for church erven it should be considered putting it on tender / auction.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte erf 2789, Struisbaai ongeveer 616m² in grootte, op voorwaarde dat:

- (i) Die Raad 'n Landmeter aanwys wat genoemde gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.
- (ii) Die markwaarde soos bepaal, as koopprys van toepassing sal wees.
- (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.
- (iv) Dat die Raad moet besin oor die ingang na erf 2789 en indien benodig gaan word, genoemde gedeelte nie vervreemd word nie.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die markwaardes (munisipale waardasie) van die omliggende erwe ook aan die Raad beskikbaar gestel word.

Terugvoer (deur mnr Moelich) ten opsigte van munisipale waardasie van die volgende vergelykbare erwe word tydens die vergadering aan die Komitee voorgelê:

- Erf 1395, (Grootte 648m²) Struisbaai : Munisipale waardasie R190 000
- Erf 2837, (Grootte 731m²) Struisbaai : Munisipale waardasie R150 000
- Erf 2838, (Grootte 700m²) Struisbaai : Munisipale waardasie R150 000

BESLUIT BK218/2017

- (i) Dat die Finansies- en IT Dienste Komitee se aanbeveling nie as besluit van die Burgemeesterskomitee aanvaar word nie.
- (ii) Dat die aangeleentheid terugverwys word vir verdere ondersoek en die inwin van 'n markwaarde as residensiële eiendom (in plaas van 'n publieke oop ruimte).

7.3.8 **VERVREEMDING (KOOP): ERF 1224, NAPIER (COLLAB: 174494) (WYK 1)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr J U Vermeulen ten einde erf 1224, Napier te koop - Liggingsplan aangeheg op **bladsy 215**.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Erf 1224, Tolbosstraat, Napier
Huidige Sonering : Enkel Residensiële
Erf Grootte : 347m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 216** is van mnr J U Vermeulen ontvang om erf 1224, Napier by die Raad te koop.

MARKWAARDASIE

R7 000,00 (sien **bladsy 217**)

FINANSIËLE IMPLIKASIES

Vervreemdingsinkomste vir KAM.

WETLIKE IMPLIKASIES

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

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER

Volg korrekte prosedures.

DIREKTEUR: GEMEENSKAPSDIENSTE

No objections.

ELEK

All electrical connection fees to be paid by the owner.

BESTUURDER: STADSBEPLANNING

Is die erf nie al ge-allokeer vir iemand anders nie - en dat die oordrag nog nie plaasgevind het nie. Indien nie, sou ek eerder voorstel dat die erf op publieke veiling vervreemd word vir Enkel Woonsone doeleindes.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Die aansoek word aanbeveel vir goedkeuring.

BESTUURDER: STRATE EN STORMWATER

Voor sien geen probleem solank dit deur advertering proses gaan.

BESTUURDER: WATER EN RIOOL

Volgens die planne loop daar 'n waterlyn oor erf 1224, maar moet op terrein bevestig word. Die aansoeker sal verantwoordelik wees vir die koste, indien dit verskuif kan word.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van erf 1224, Napier op publieke tender of openbare veiling.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK219/2017

- (i) Dat die Finansies- en IT Dienste Komitee se aanbeveling as besluit van die Burgemeesterskomitee aanvaar word.
- (ii) Dat die eiendom per openbare tender vervreemd word.

7.3.9 **VERVREEMDING (HUUR): GEDEELTE ERF 1148, BREDASDORP (COLLAB: 174496) (WYK 4)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr C B Bezuidenhout ten einde 'n gedeelte erf 1148, Bredasdorp te huur ten einde vir veeboerdery doeleindes aan te wend - Liggingsplan aangeheg op **bladsy 218**.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte erf 1148, Fletcherstraat, Bredasdorp
Erf Grootte : 2ha
Bestaande Grondgebruik : Onbepaald

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 219 tot 222** is van mnr Bezuidenhout ontvang om 'n gedeelte erf 1148, Bredasdorp by die Raad te huur ten einde vir veeboerdery doeleindes aan te wend.

MARKWAARDASIE

R800,00 per maand (sien **bladsy 223**)

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none">1. Sect 14(2)(a): asset not required for minimum level of basic services.2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none">1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts:<ol style="list-style-type: none">a) R50 million;b) One percent of the total value of the capital assets of the municipality....c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion.3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.4. Regulation 5 (decision-making).5. Regulation 6 (public participation)

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

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER

Wat is die area van die grond wat hy wil huur en is dit geskik vir weidingsdoeleindes.

DIREKTEUR: GEMEENSKAPSDIENSTE

No objections.

ELEK

Applicant indicates no need for electricity.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Word aanbeveel.

BESTUURDER: STADSBEPLANNING

Die Raad het nie meer grond vir veeboerdery nie. Is water beskikbaar vir die vee? Is dit vir opkomende boerdery?

BESTUURDER: STRATE EN STORMWATER

Paaie en stormwater het geen probleem.

BESTUURDER: WATER EN RIOOL

Die aansoeker sal verantwoordelik wees vir die koste van enige dienste aansluitings.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte erf 1148, Bredasdorp (2ha) aan mnr Bezuidenhout vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) Alle wetlike vereistes vir langtermyn verhuring nagekom word.
- (ii) Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenoms, word die huur bepaal op R800,00 per maand, vooruitbetaalbaar.
- (iii) Dat die Raad oorweging skenk om 'n beperking op die aanhou van die hoeveelheid diere op genoemde perseel daar te stel.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die aangeleentheid terugverwys word sodat die wykskomitee ook hul insette kan lewer, spesifiek met verwysing na die aanhou van diere binne die dorpsgrense.

BESLUIT BK220/2017

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

7.3.10 VERVREEMDING (HUUR): GEDEELTE ERF 1343, BREDASDORP (COLLAB: 155137)

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van me N Dungulu ten einde 'n gedeelte van erf 1148, Bredasdorp te huur ten einde haar 10 beeste daarop te wei - Liggingsplan aangeheg op **bladsy 224**.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Erf 1148, Bredasdorp
Erf Grootte : 1.13ha
Huidige Sonering : Onbepaald

AGTERGROND

Die markwaarde van die genoemde eiendom is op 25 April 2017 aan die raad voorgelê.

MARKWAARDASIE

R2 280,00 per jaar

R 2 280.00 per jaar	
JAAR 1 Markverwant - 80%	R 456.00
JAAR 2 Markverwant - 60%	R 912.00
JAAR 3 Marverwant - 40%	R 1 368.00
JAAR 4 Markverwant - 20%	R 1 824.00
JAAR 5 Markverwant	R 2 280.00
JAAR 6	R 2 280.00
JAAR 7	R 2 280.00
JAAR 8	R 2 280.00
JAAR 9	R 2 280.00
TOTAAL	R 15 960.00

Die Raad het op 25 April 2017 die volgende besluit geneem:

"BESTUURSAANBEVELING

Aangesien die eiendom ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verhuring van gedeelte Erf 1343, Bredasdorp aan me N Dungulu vir 'n termyn van 9 jaar en 11 maande met die opsie om die huur vir 'n verdere tydperk te verleng, op voorwaarde dat:

- (i) *Alle wetlike vereistes vir langtermyn verhuring nagekom word.*
- (ii) *Die gemeenskapswaarde van die projek en die feit dat die aansoeker volle verantwoordelikheid vir die opgradering van die grond moet aanvaar vir die volle termyn van die huurooreenkoms, word die huur bepaal op R2 280,00 per jaar vooruitbetaalbaar.*

BESLUIT 78/2017

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word, onderhewig daaraan -

- (i) *Dat die geskiktheid van die genoemde perseel deur Departement Landbou ondersoek word.*
- (ii) *Dat Departement Landbou versoek word om 'n finansiële bydrae te maak ten opsigte van die infrastruktuur en die verskaffing van voer."*

'n Advertensie met die Raad se voorneme is geplaas.

Geen kommentare of besware is ontvang nie.

BESTUURSAANBEVELING

Vir oorweging deur die Raad om genoemde perseel te verhuur vir 'n termyn van 9 jaar en 11 maande.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die aangeleentheid terugverwys word sodat die Departement Landbou die dravermoë vir die aanhou van vee kan bepaal.

BESLUIT BK221/2017

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

7.3.11 **VERVREEMDING (KOOP): OOPRUIMTE DIREK LANGS ERF 528, WAENHUISKRANS (COLLAB: 151335)**

DOEL VAN VERSLAG

Dat oorweging geskenk word aan die versoek van mnr H J Siljeur ten einde die ongebruikte area langs erf 528, Waenhuiskrans te koop - Liggingsplan aangeheg op **bladsy 225**.

ALGEMENE INLIGTING

Eienaars : KAM
Ligging : Gedeelte Erf 403, Waenhuiskrans
Huidige sonering : Oopruimte
Voorgestelde grootte : 110m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 226 tot 231** is van mnr Siljeur ontvang om die ongebruikte area langs erf 528, Waenhuiskrans by die Raad te koop.

MARKWAARDASIE

R22 000,00 (gebaseer op die markwaardasie vir 15m x 5m)
R200,00 x 110m²

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">1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts:<ol style="list-style-type: none">a) R50 million;b) One percent of the total value of the capital assets of the municipality....c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion.3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.4. Regulation 5 (decision-making).5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth

DEPARTEMENTELE KOMMENTAAR

MUNISIPALE BESTUURDER

Follow due procedures.

DKD

Noted.

DGD

No objections.

AEMD

Eskom verspreidingsgebied.

BSB

W528

BW&R

Daar is geen water- en riooldienste in die steeg nie.

BAD

Aansoek kan ondersteun word, en die verkoop kan belastinginkomste vir die Raad verseker.

Aansoek kan ondersteun word, indien die vervreemding deur die korrekte publieke deelnameprosesse gaan.

KOMMENTAAR: RAADSLID EUROPA

Ek het nie 'n probleem, indien die bure en Eagle Ministries kerk nie 'n probleem het met die verkoop van die grond nie.

BESLUIT: LD 32/2017

- (i) Dat die aansoek aanbeveel word, onderhewig dat die erf gekonsolideer word met die koper se bestaande erf, vir die koste van die koper.
- (ii) Dat die onderverdeling en hersonering van die gedeelte erf vir die koper se koste sal wees.

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verkoop van gedeelte erf 403, Waenhuiskrans ongeveer 110m² in grootte, op voorwaarde dat:

- (i) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word, die hersonering, die inwin van koste vir die aanwysing van 'n landmeter, asook die konsolidasie.
- (ii) Dat na die amptelike prosesse afgehandel is, die aangeleentheid deur die Raad oorweeg sal word.
- (iii) Alle koste sal vir die koper se rekening wees.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK222/2017

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

7.3.12 **OORSKRYDING: GEDEELTE ERF 521, L'AGULHAS (COLLAB: 246108) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van ARCXL Architects namens die Zeeman Beleggingstrust vir die oorskryding van gedeelte erf 521, L'Agulhas - Liggingsplan aangeheg op **bladsy 232**.

ALGEMENE INLIGTING

Eienaar : KAM
Ligging : Gedeelte Erf 521, L'Agulhas
Huidige sonering : Oop Ruimte
Erf grootte : 7883m²

AGTERGROND

'n Skriftelike versoek, soos aangeheg op **bladsy 236** is van ARCXL Architects namens die Zeeman Beleggingstrust ontvang vir die oorskryding van 'n gedeelte erf 521, L'Agulhas.

Argeologiese impak assessering aangeheg op **bladsy 239 tot 250**.

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none">1. Sect 14(2)(a): asset not required for minimum level of basic services.2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below).4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none">1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts:<ol style="list-style-type: none">a) R50 million;b) One percent of the total value of the capital assets of the municipality....c) An amount determined by resolution of the council of the municipality which is less than (a) or (b).

	<p>2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion.</p> <p>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. Regulation 5 (decision-making).</p> <p>5. Regulation 6 (public participation)</p>
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
Town Planning legislation	All surrounding property owners be informed of the temporary use of the site.

DEPARTEMENTELE KOMMENTARE

MUNISIPALE BESTUURDER

Die raad moet self besluit wat die oorskrydingsarea gaan wees en bepaal, dat indien goedkeuring verleen gaan word dat die area wat oorskry word duidelik afgebaken moet word om Marius se vrese te besweer. My mening na aanleiding van my besoek aan die terrein met Francois en Bertus, is dat die wal soos dit tans daar uitsien, tussen 0.5m en 1meter oorskry wat seker maklik afgebaken kan word, aan die ander kant, indien die raad dit nie sou goedkeur nie sal die eienaar 'n skutmuur moet oprig wat weereens bou en grawewerk aangresend tot die "gedenkwaardigheid" gaan vereis en wat heel waarskynlik meet skade sal aanrig as die wal.

DIREKTEUR: GEMEENSKAPSDIENSTE

Noted. Agree with Mr Moelich.

ELEK

No electrical implications.

BESTUURDER: ADMINISTRATIEWE DIENSTE

Ek kan ongelukkig nie die aansoek ondersteun nie, omrede -

1. Die aansoek maak nie melding van hoe groot stuk grond die huurder wil bekom nie. (Hy kan met inkruiping dan die hele stuk tot by die see aan homself toe-eien.)
2. Die gebied wat beset gaan word, was/is altyd 'n gewilde hengelgebied. Die huurder kan nou hengelaars vanaf die grond verdryf en die grond vir homself toe-eien, wat tot groot onrus kan aanleiding gee.
3. Die huurder oorskrei reeds op die raad se grond sonder enige skriftelike goedkeuring.
4. Die grond waarop die "gedenkwaardigheid" is, is sonder toestemming reeds gebruik en moontlike potensiele skade is reeds aangerig.
5. Grond moet argeologies ondersoek word en skade moet vir die huurder se rekening, herstel word.

BESTUURDER: STADSBEPLANNING

Oorskryding sal net vir tuinmaak doeleindes wees. Geen beswaar aangesien aangrense eienaars nie vreeslik moeite gedoen het om publieke areas voor hul eiendomme in stand te hou nie.

BOUBEHEER

Die aansoek word ondersteun. Sal die gedeelte afwerk en netjies laat lyk.

BESTUURDER: STRATE EN STORMWATER

Foresee no problem.

VERKEER

Kan probleme inhou vir voetgangers.

BESTUURSAANBEVELING

- (i) Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, inbeginsel-goedkeuring verleen word vir die oorskryding van gedeelte erf 521, L'Agulhas aan die Zeeman Beleggingstrust.
- (ii) Dat 'n oorskrydingsooreenkoms met die eienaar aangegaan word.
- (iii) Dat die oorskryding beperk sal word tot 'n maksimum van 2 meter.

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

- (i) Dat die Bestuursaanbeveling nie aanvaar word nie.
- (ii) Dat die aangeleentheid terug verwys word.
- (iii) Dat die Departement van Omgewingsake genader word vir hul insette ten opsigte van die wetlike implikasies.
- (iv) Dat die aangeleentheid teruggehou word in afwagting op die finale verslag van die Erfenis Beampte van Erfenis, Wes-Kaap.

BESLUIT BK223/2017

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

7.3.13 **VERLENGING VAN HUIDIGE HUURKONTRAK VIR GEDEELTE VAN ERF 857, STRUISBAAI**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van mnr G Eyles vir die verlenging van die bestaande ooreenkoms vir die gedeelte erf 857, Struisbaai.

AGTERGROND

Die Eyles huur tans 'n gedeelte van erf 857, Struisbaai wat aangewend word vir 'n Water en Aktiwiteits-park. Die bestaande ooreenkoms eindig op 30 September 2019.

VERSOEK VAN MNR G EYLES

"Thru this email we would like to officially apply for the extension of our current lease contract for the portion of Erf 857 used for the Struisbaai Water and Activity Fun Park as per stipulated in point 3 of the attached contract. Our current lease contract of 3 years comes to end on the 30 September 2019 and we request to amend this to a 9 Year and 11 Month term contract.

Thru the past 8 months of actual operation of the park we have come to the decision that this business warrants a further investment in the region of around R500k for the setup of a Super Tube water slide and more features over and above the already invested R1m.

The current size / area of the park is of sufficient size to allow the building of a Super Tube and in such we will not require more space for this. However in order to further invest we require to have more long term security to allow for our growth and development. Although still in its teething phase the business has grown substantially and so too have the possibilities increased substantially to make the park truly viable and an integrated benefit to Struisbaai and surrounding areas.

To date we have received a substantially amount of very positive comments from both local residents and visitors to the area, thanking us for our efforts in giving children something else to do and in such giving reason to continue visiting the area.

It remains our wish that as the business grows to further intensify our efforts in setting up a training program for our children whereby they can learn the basic skills associated with the hospitality and tourism industry. These basic skills are not limited to but are largely associated with the interaction with guests enhancing their confidence and respect for others, skills that will be greatly beneficially in their advancement thru life thru their interaction with people.

Although not our intention to have a full blown restaurant we have found the demand is there to offer more of the basics in terms of food. With our more than 30 years experience in catering we plan to skilfully offer more items with the least amount formality associated with a restaurant. We have already started to increase what we offer in building our own pizza oven and plan to further add items that can either be prepared in the pizza oven or do not require any form of cooking. This area will also open the doors for further training possibility as well as job creation that will assist in empowering our youth of today.

We have planted more than 15 trees and have over 250 cuttings that we are now nurturing with the intention of creating a substantial perimeter hedge around the park and within. These hedges / plants will assist substantially in the overall wind protection and aesthetic appeal of the park and main road entrance to Struisbaai. Our main concentration and selection of plants that we have focused on are of a hardy type that can withstand the elements of the region that will not require vast amounts of watering and further nourishments in such making them ideal. Examples planted are Hibiscus, Hydrangeas, Bougainville, Geranium, Roses and many more, plants that offer a variety of colour and with the ability to increase the aesthetic appeal.

Should it be possible in about 3 years then we would like to increase our operations further as initially indicated in our proposals. Our current plan includes utilizing the area directly behind the park developing the current storm water drain area into a bird sanctuary and open tranquillity area where we would like place emphasis on a plant nursery with a tea / coffee shop. The emphasises of this development would be to maintain the current green belt open space of this area by establishing bird hides and gardens in a tranquil hidden oasis atmosphere. In doing this we aim to prevent negative interference to the current residentially properties bordering this area by rather enhancing the tranquillity in creating a buffer zone between existing residential and future development.

We trust that this request for an extension meets with your approval and in such will be granted at your earliest convenience. Should there be any further questions please advise so we may positively address any and all concerns to the positive benefit of all.

*Gavin and Elizabeth Eyles
Struisbaai Water and Activity Fun Park"*

FINANSIële IMPLIKASIES

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

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

BESTUURSAANBEVELING

Aangesien die eiendom, ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet nie vir die lewering van die minimum vlak van basiese dienste benodig word nie, in-beginsel-goedkeuring verleen word vir die verlenging van bestaande ooreenkoms van gedeelte erf 857, Struisbaai aan mnr G Eyles vir 'n tydperk van 4 maande (1 Oktober 2019 - 31 Januarie 2020).

AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT BK224/2017

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

7.3.14 **APPEAL: CONSENT USE: ERF 306, WAENHUISKRANS/ARNISTON (W306 - MTRP) (WARD 6)**

PURPOSE OF REPORT

The evaluation of the above-mentioned application in terms of the Cape Agulhas Municipal Planning By-Law, 2015.

ANNEXURES

- Annexure A on **page 251 to 252**: Decision letter from Cape Agulhas Municipality
Annexure B on **page 2253**: Locality plan
Annexure C on **page 254 to 255**: Site plan
Annexure D on page **256 to 263**: Appeals from surrounding owners and WARA (Waenhuiskrans Arniston Ratepayer's Association)
Annexure E on page **264 to 266**: Applicant response to Appeals

GENERAL INFORMATION

Registered Owner(s)	:	Christiaan R and Jacques A van der Vyver
Applicant	:	Town & Country Creative Land Solutions
Property	:	Erf 306 Waenhuiskrans/Arniston
Locality	:	12 Fifth Avenue, Waenhuiskrans / Arniston
Existing zoning	:	Single Residential

BACKGROUND

The application consisted of the following:

1. Special consent on Erf 306, Waenhuiskrans / Arniston in terms of Section 15(2) of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 for Guest Accommodation.
2. Departure on Erf 306, Waenhuiskrans / Arniston in terms of Section 15(2) of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 to allow for a 0 meter buildingline between Erven 305 and 306 Waenhuiskrans / Arniston.

PUBLIC PARTICIPATION: ADVERTISING PERIOD FOR COMMENTS

The application was advertised in the Press on the 26st of June 2017. Registered letters were also circulated to the surrounding neighbours, Cape Agulhas Business Chamber, Breede Gouritz Catchment Management Agency and the Waenhuiskrans/Arniston Ratepayer's Association.

Objections were received from the following interested and affected parties:

1. Tracy O'Riain (Erf 296 Arniston) & Prof Mannus Justin
2. Waenhuiskrans/Arniston Ratepayer's Association.

SUMMARY OF OBJECTIONS DURING PUBLIC PARTICIPATION PROCESS.

The comments were discussed by Messrs Town and Country with Mr Adrian Penny and Mr Penny decided that he would downscale the project in accordance with the concern of his neighbours and WARA. The proposal is now to have 7 rooms (not 10 as previously applied for), a manager's apartment and the necessary reception, storage, etc. to support this development. See summary attached on **page 267 to 271**.

SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION - MUNICIPAL DEPARTMENTS AND GOVERNMENT INSTITUTIONS

Western Cape Government: Department of Environmental Affairs and Development Planning

This Department has no objection to the establishment of a guesthouse on Erf 306, but would only support a 0m building on a Single Residential property, should the respective properties (Erven 305 and 306) be consolidated.

Director: Community Services

No Objections.

Director Corporate Services

No objection. As long as town planning regulations are adhered to.

Traffic

Reserves no objections against the application.

Health (OVERBERG DISTRICT MUNICIPALITY)

No Objection. Health certificate and Certificate of compliance must be obtained from the Overberg District Municipality.

Environmental Management Services (OVERBERG DISTRICT MUNICIPALITY)

No objections against the proposed application for Special Consent.

Impact on Municipal engineering services:

Electrical

Any upgrade to electrical infrastructure is for the owners account.

Director: Technical Services

No Objections

Waste Disposal

Waste removal charges will be applied.

Water and Sewerage

The sewage tank must have sufficient capacity for development and must be accessible to the sewer truck.

Streets and stormwater

No impact on streets. No objections.

Building Department: Cape Agulhas Municipality

No Objections. Application is supported. Should adhere to all Town Planning conditions. Parking must be on-site and meet requirements.

MOTIVATION

The desirability of the proposal

See annexure attached on *page 272 to 274*.

In determining desirability some of the considerations one could take into account are as follows, as indicated by SPLUMA principles in SECTION 42(1):

- A development of this nature will enable the Socio-economic potential of area by establishing a “sense of place”, a destination for individuals to come to. The proposal is thus within the **Public interest** for capital investment to build a more resilient community.
- The proposed development can be recognised to be **Spatial Sustainable** as the use of land is being use in a effective and compact use. It will unlock the potential pertaining to promote tourism of the Arniston area,
- The proposal also proves **Effective** as it optimises the resources that are already existing and facilities of the area, socio-economic integration through the mixed-use land uses and the sustainable employment oppertunities.
- The proposal is consistent with the principle of **Good Administration** as it complies with various spheres of planning laws from National to District level.

On the 8th of September 2017, the Authorised Official, took the following decision:

“APPLICATION FOR SPECIAL CONSENT AND DEPARTURE - ERF 306 WAENHUISKRANS/ARNISTON

The Authorised Official, on 2017-09-08, approved, in whole the application for Special consent on Erf 306 Waenhuiskrans / Arniston for Guest Accommodation;

Departure on Erf 306 to allow for a 0 meter building line between Erven 305 and 306 Waenhuiskrans / Arniston, in terms of section 60 of the Cape Agulhas By-law on Municipal Land Use Planning.”

The Applicant, as well as the objectors were notified accordingly in terms of their right to appeal:

“You are hereby informed of your right to appeal to the Appeal Authority in terms of section 79(2) of the Cape Agulhas Municipal By-Law.”

During the appeal period, the following was received:

1. Waenhuiskrans Arniston Ratepayer’s Association
2. M King
3. Tracy and Justin O’Riain

These appeals are attached as Annexure D - A summary of the appeals are attached on **page 275 to 277**.

MANAGEMENT RECOMMENDATION

- (i) That the Executive Mayoral Committee upholds the decision that was taken on 8 September 2017 by the Authorised Official:

The Authorised Official, on 2017-09-08, approved in whole the application for Special consent on Erf 306, Waenhuiskrans / Arniston for Guest Accommodation;

Departure on Erf 306 to allow for a 0 meter building line between Erven 305 and 306, Waenhuiskrans / Arniston in terms of section 60 of the Cape Agulhas By-law on Municipal Land Use Planning, due to the following reasons:

- All municipal services are existing.
- Impact on traffic condition will not be influenced negatively. Parking will be provided on-site and the number of rooms have been reduced to 6, resulting in less number of vehicular movement.
- The importance of tourism is vital as it create jobs and giving opportunities.
- With Arniston being primarily a holiday destination and a large number of houses already rented out as self-catering, the proposal is in line and consistent with uses in the surrounding areas.
- No basic environmental assessment will be issued, due to the fact that no regulations will be triggered.

Subject to the following conditions:

- a) Only six guest rooms be permissible on Erf 306, Waenhuiskrans.
- b) Not more than 11 guest rooms be on both erven 306 and 305, Waenhuiskrans.
- c) The single residential dwelling (with guest rooms) be interleading and a single storey building.
- d) An amended site development plan be submitted for consideration by the appellants and the town planning department.
- e) No self-catering be permissible on Erf 306 Waenhuiskrans.
- f) Parking be on-site with sufficient turning movement, leaving the site in first gear (no direct off-street parking).

(ii) That the appellant be informed accordingly.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management's recommendation be accepted.

RESOLUTION BK225/2017

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

8. ITEMS DEUR DIE RAAD NA DIE UBK VERWYS VIR OORWEGING

8.1 APPEAL: PROPOSED SPECIAL CONSENT ERF 914, STRUISBAAI (S914 - MTRP) (WARD 5)

PURPOSE OF REPORT

The evaluation of the above-mentioned appeal in terms of the Cape Agulhas Municipal Planning By-Law.

ANNEXURES

Annexure A - page 278 - 286	:	Application
Annexure B - page 287	:	Locality plan
Annexure C - page 288 - 290	:	Objections Received
Annexure D - page 291	:	Copy of Site Development Plan
Annexure E - page 292	:	Decision letter from Cape Agulhas Municipality on 07/08/2017
Annexure F - page 293	:	Appeal Form from Applicant in terms Section 79 of the Cape Agulhas Municipal Planning By-Law

GENERAL INFORMATION

Appeal reference number	:	15/5/5
Application reference number	:	S914
Application decision date	:	25 April 2017
Appellant	:	TTP Consult
Registered owner(s)	:	Ow Inv CC

PROPERTY DESCRIPTION

Physical address	:	1 Deininglaan
Existing Zoning	:	Business Zone
Existing land use	:	Vacant Plot

Building plan approved : No Building plan
Any unauthorised use/building work: No
Area of Erf : 347m²

BACKGROUND

Council received the following application on the 25 April 2017:

Special consent on Erf 914, Struisbaai in terms of Section 15(2) of the Cape Agulhas: By-Law on Municipal Land Use Planning, 2015 for 25 meter high freestanding Telecommunication basestation.

The area of application is a total of 347m². There are no existing buildings on the application site. The immediate surrounding land uses adjacent of the application site are residential towards the north and east. Towards the west of the application site is a Clinic. Adjacent to the application site (south) is a liquor shop and a small business.

PUBLIC PARTICIPATION

During the public participation process registered letters were sent to the Suidpunt Ratepayers Association, Cape Agulhas Bussiness Chamber, South African Police Service, Airforce and surrounding neighbours on the 29th of May 2017. Objections were received from:

1. Ward 5 Committee
2. Mr and Mrs R D Fredericks

SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION

Director: Management Services

No Objections.

Traffic

No comment.

Environmental Department (ODM)

The need for the new infrastructure is questionable based on the fact that there is current infrastructure available. In previous years there were similar applications for telecommunication base stations on Erf 129 and Erf 1827. Have any of these applications been approved by the Cape Agulhas Municipality?

In terms of the EIA Regulations of 2014, Activity 3 of Listing Notice 3:

<p>The development of masts or towers of any material or type, including associated structures and infrastructure, used for telecommunication broadcasting or radio transmission purposes where the mast or tower –</p> <p>(a) Is to be placed on a site not previously used for this purpose, and</p> <p>(b) Will exceed 15 metres in height, but excluding attachments to existing buildings and masts on rooftops.</p>	<p><u>Western Cape:</u></p> <ol style="list-style-type: none">In a estuary;All areas outside urban edges;Areas inside urban edges but outside commercial and industrial areas.
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The applicant makes note that the property zoning is Business, but is adjacent to residential properties to the north and east, and a clinic to the west. The Municipality should therefore determine if this Erf is situated within or outside a commercial or industrial area and if the applicant will have to conduct a Basic Assessment in terms of the EIA Regulations.

Impact on Municipal engineering services

Electrical

Any changes to the electrical supply will be for the account of the owner.

Director: Technical Services

No Objections

Waste Disposal

No Impact on existing services.

Water and Sewerage

Services are available. No impact on water and sewerage services.

Streets and stormwater

No impact on streets.

AUTHORISED OFFICIAL'S DECISION

On 07/08/2017 the Authorised Official took the following decision:

"SPECIAL CONSENT: ERF 914, STRUISBAAI

The Authorised Official on 2017-08-07 refused your application for: Special consent on Erf 914, Struisbaai for the installation of a 25 meter Freestanding Telecommunication Base Station, in terms of section 60 of the Cape Agulhas By-law on Municipal Land Use Planning.

Reasons for the above decision are as follows:

- 1. The visual aspect of the proposed Base Station will have a negative impact on the surrounding residential area.*
- 2. Alternative appropriate sites for the potential development should be identified outside the residential areas.*
- 3. Valid objections received from the Ward Committee, Interested and Affected parties.*

APPEAL

The following appeal was received on 13 September 2017 by the Applicant:

Appellant	Summary of Appeal	Town Planning Comments
TTP Consult-Comprehensive solutions.	See Appeal document attached as Annexure F.	According to the Cape Agulhas Integrated Zoning Scheme, that was implemented July 2014, a property that is zoned for Business purposes makes provision for Consent Use applications. Under "consent use" in a business zoned area, the zoning scheme allows for "Telecommunication Base Stations". NB with Council's consent. With technology evolving at a rapid pace, the need for stronger and faster internet, data and voice communication is inevitable. However, the application at hand is situated in a predominantly residential zoned area with a Clinic serving the community adjacent to it. The applicant states in the appeal that the need for stronger communication(internet and data communication) requires that the towers serving these needs should be within 500-800meters from each other for optimum usage.Council has approved a Free standing Cellular Communication Base Station on Erf 3735 Struisbaai on the 26th of October 2016. This erf is approximately 400meters away from Erf 914 Struisbaai(the current application at hand). From a Town planning point of view, applications of this nature must be kept out of residential areas as far as possible and should be earmarked for industrial-,agricultural zoned land, which in this case is easily accessible as these properties are adjacent to the already approved application and Erf 914 Struisbaai.

MOTIVATION

MUNICIPAL PLANNING EVALUATION ON APPEAL

(In)consistency with the Spatial Planning and Western Cape Land Use Management Act, 2013 (Act 16 of 2013):

The proposal must be consistent with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration. Public interest, constitutional transformation imperatives, facts and circumstances of the application, rights and obligations of those affected, impact on engineering services/social infrastructure/open space requirements, inter alia, should be taken into account.

(In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

In terms of section 49 of LUPA considerations must be given to applicable spatial development frameworks and structure plans, and the desirability of the proposal must be determined (using guidelines on desirability). In addition, the proposal must be consistent with the land use planning principles referred to section 59 (spatial justice, spatial sustainability, efficiency and good administration).

(In)consistency with the IDP/Various levels of SDF's/Applicable policies

The proposal must be consistent with the forward planning vision for the application area. Only in exceptional circumstances (e.g. plans no longer reflect the vision for the area; the deviation is warranted due to the positive impact of the proposal on the greater area, in line with the development principles indicated in SPLUMA and LUPA) should deviation from these policies and/or plans be considered.

Outcomes of investigations/applications in terms of other laws

Environmental authorisation is not required.

The desirability of the proposal

In determining desirability some of the considerations one could take into account are as follows, as indicated by SPLUMA principles in SECTION 42(1).

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
(a) The principle of spatial justice, whereby –	(i) past spatial and other development imbalances must be redressed through improved access to and use of land;	Imbalances are not redressed through this application of consent use.	<ul style="list-style-type: none"> Allocate a reasonable proportion of resources annually to the upgrading of informal settlements/ areas of poverty and deprivation. The location of new public facilities or commercial activity should specifically consider accessibility in relation to informal areas/ areas of poverty and deprivation, enabling integration, reducing barriers between communities and enabling more efficient access to facilities and opportunities. Provide, reserve, or prepare land in highly accessible locations for communal or individual entrepreneurial activity benefitting residents from poorer areas (even if the community is not “organized” to take up the opportunity today). There should be a hierarchy of these places, from a large regional market to small spaces with basic facilities (hard surfacing, water, 	NOT COMPLIANT
	(ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;	The proposed use is within a low cost housing area.		
	(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;	The application does entail an application for Council’s Special consent for a Telecommunication Base Station.		

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
	(iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;	The application does not aim to implement or amend any land use management system.	shade, ablution facilities) at strategic locations along busy routes.	
	(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and	An application of this nature is not subject to this particular principle.		
	(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;	Though there is no proof of the impact of this type of proposal on the value of surrounding properties within a low income area, this principle will therefore not be considered.		
(b) the principle of spatial sustainability, whereby spatial planning and land use management systems must –	(i) promote land development that is within the fiscal, institutional and administrative means of the Republic;	Allowing this proposed development within a residential area does not promote safer communities.	<ul style="list-style-type: none"> • Ensure the continuity and connection of core biodiversity areas, river systems and landscape elements to establish connected green and landscape networks. • Ensure that all interventions in rural areas and settlements are of an appropriate scale and nature to support rural livelihoods, whilst at that same time protecting the sense of place and the agricultural resource base. • Acknowledge the importance of heritage resources and carefully manage impacts of new development and changes. • Ensure that settlements and places are connected through at least one safe, attractive and pedestrian friendly route. • Densify urban development (while considering heritage and livelihood opportunity). • Place higher order public facilities and activity on the most important routes and smaller ones on the main route or at cross roads within communities. • Ensure that informal settlements are upgraded in terms of a “full menu of services” (including public spaces and facilities as opposed to only basic services). 	• NOT COMPLIANT
	(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;	The said erf is within a residential area, Struisbaai.		
	(iii) uphold consistency of land use measures in accordance with environmental management instruments;	No impact on the natural environment and therefore environmental management instruments are not applicable.		
	(iv) promote and stimulate the effective and equitable functioning of land markets;	An application of this nature is not subject to the particular principle.		
	(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;	No further impact on the technical and electrical services.		
	(vi) promote land development in locations that are sustainable and limit urban sprawl; and	No urban sprawl will take place.		
	(vii) result in communities that are viable;	Viable = Sustainable. Though a single property owner will be sustainable – the whole community will benefit from this consent use.		
(c) the principle of efficiency, whereby –	(i) land development optimises the use of existing resources and infrastructure;	The proposed development will have access to municipal services, roads and infrastructure.	<ul style="list-style-type: none"> • New development areas should not be enabled unless the availability and use of public and private land already zoned for urban development has been explored. • New development should in the first instance focus on areas where existing 	NOT COMPLIANT

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
	(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	Social = Public. The social impact of the proposed development will have influence on the decision making procedure.	infrastructure (both service and community facility infrastructure) capacity exists. • The possible further use of land allocated to public facilities need to be assessed in relation to actual need and usage prior to exploring new development areas (e.g. many sports facilities have large areas which are unused. Further development – e.g. through framing them with housing can assist in compacting towns and reduce the operational burden on facilities). • Cluster social facilities and activities within nodes to optimise accessibility and convenience while also improving operations, security and maintenance.	
	(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;	The application was processed in accordance with the timeframes as determined by the different applicable legislation.		
(d) the principle of spatial resilience, whereby –	<ul style="list-style-type: none"> flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. 	An application of this nature is not subject to the particular principle.	<ul style="list-style-type: none"> Despite the drive for densification, residential plots need to be sufficiently large so as to accommodate the development of additional units for rental, the growing of foodstuffs, or working from home (subject to manageable impacts on neighbours). Government/ municipal housing typologies should be designed to enable ready and affordable extension. Ensure that the interface between green space and development is well designed so that open space is overlooked and not edged by the “backs” of development and blank edges (in this way contributing to surveillance and security). 	Not Applicable
(e) the principle of good administration, whereby –	(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;	An application of this nature has a localized impact and not of Provincial and National interest.	The motivation for new development applications need to specifically address SPLUMA principles.	Compliant
	(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;	All municipal departments gave their input; the spatial development framework has to address this type of development.		
	(iii) the requirements of any law relating to land development and land use are met timeously;	The application was processed in accordance with the timeframes as determined by the different applicable legislation.		
	(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and	The community was given the opportunity to comment and a whole list of objections were received.		
	(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.	Members of the public was informed.		

MANAGEMENT RECOMMENDATION

- (i) That Council upheld the decision of the Authorised Official dated 07th of August 2017.
- (ii) That the appellant be informed accordingly.

COUNCIL RESOLUTION 218/2017: 31 OCTOBER 2017

That the matter be referred back to the Mayco for consideration.

RESOLUTION BK226/2017

That Management's recommendation be accepted as resolution of the Mayoral Committee.

13. **ONAFGEHANDELDE UBK BESLUITE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
BK195/2013	Oorname van Elim Stortingsterrein (16/5/R)	(i) Met ODM onderhandel word alvorens oordrag plaasvind. (ii) Na 2014/2015 begroting verwys word.	<i>Tydens 'n vergadering tussen DEA, KAM, ODM en die Morawiese Kerk het die kerk besluit dat die stortingsterrein gesluit word. Vullis word per bakke karwy na Bredasdorp stortingsterrein.</i>	DSID
BK11/2014	Pad na Suiderstrand (16/3/3/2)	(i) In gesprek getree word met relevante rolspelers vir oorweging van 'n moontlike memorandum van ooreenkoms. (ii) Na afhandeling van die memorandum van ooreenkoms daar by die Provinsiale Minister van Publieke Werke aansoek gedoen word vir eksterne befondsing om die pad te herstel.	<i>SANPARKE gaan 1,2km van die pad plavei binne 2016/17 finansiële jaar. Wyksraadslid het reeds versoek om befondsing aan die minister gerig.</i>	DSID
BK18/2017	Publieke strate en oopruimtes: Suiderstrand	Dat 'n prokureur aangestel word om die geïdentifiseerde eiendomme aan die munisipaliteit oor te dra in terme van 'n endossement van die gemelde Art 16 van die Wet op Registrasie van Aktes.	<i>Mnr Kruger & Blignaut besig met oordragte.</i>	BSSB

BESTUURSAANBEVELING

Dat die Komitee kennis neem van die onafgehandelde besluite.

BESLUIT BK227/2017

Dat die Bestuursaanbeveling as besluit van die Burgemeesterskomitee aanvaar word.

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

BEKRAGTIG op hierdie

dag van

2018

BURGEMEESTER

DATUM: