



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU 10:00 OP DINSDAG
31 OKTOBER 2017 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 31 OCTOBER 2017
AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr K Mrali	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr S Cooper	Bestuurder: Elektrotegniese Dienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Mnr F du Toit	Bestuurder: Boubeheer
Me N Mhlali-Musewe	Divisional Head: HR Services & Organisational Development

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Sauls open die vergadering met gebed.

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

Geen.

3. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

Mnr Jerry Pienaar spreek die Raad toe oor die wysiging in die Transportakte van erf 2403, Bredasdorp ook bekend as Bredasdorp Gholflklub. Hy verwys na die uitdagings wat die gholflklub tans ondervind en die moontlike oplossings wat ondersoek word. As gevolg van baie hoë kapitaaluitleg word die klub genoodsaak om addisionele bronne van inkomste te ondersoek.

Die ondersoek sluit in die moontlike ontwikkeling op erf 3480, Bredasdorp. Genoemde ontwikkeling word beperk deur 'n voorwaarde in genoemde Titelakte (T5027/85). Mnr Pienaar versoek die Raad om heroorweging te skenk aan die terugvalklousule (C1).

BESLUIT 210/2017

Dat die gholflklub voorstelle vir die wysiging van die aktevoorwaardes wat die ontwikkelaar sal toelaat om sy beplanningsprosesse te volg met 'n mate van sekerheid, aan die Raad voorsien.

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

26 September 2017

BESLUIT 211/2017

Die Notule word as korrek en volledig bekragtig.

5. NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE**5.1 NOTULE VAN UBK VERGADERING GEHOU OP:**

19 September 2017

BESLUIT 212/2017

Na 'n regstelling (punt 7.3.2) neem die Raad kennis van bogenoemde UBK Notule.

6. NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME**6.1 VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 : 14 September 2017
- WYK 2 : 18 September 2017
- WYK 3 : 19 September 2017
- WYK 4 : 26 September 2017
- WYK 5 : -
- WYK 6 : 28 September 2017

BESLUIT 213/2017

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 VOORGELê VIR KENNISNAME : ICT STEERING COMMITTEE GEHOU OP

21 September 2017

BESLUIT 214/2017

Die Raad neem kennis van bogenoemde ICT Steering Committee Notule.

7. SAKE VOORTSPRUITEND UIT NOTULES**RAADSVERGADERING: 26 SEPTEMBER 2017**

- (i) 'n Vorderingsverslag oor erf 521, Struisbaai is steeds uitstaande (Besluit 193/2017).
- (ii) Daar sal 'n vergadering met Elite Consulting: GAP Housing plaasvind om enige onduidelikhede te finaliseer (Besluit 203/2017).

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**8.1 BRIEWE VAN DANK**

Aangeheg op *bladsy 1 en 2*.

BESLUIT 215/2017

Die Raad neem kennis van bogenoemde skrywes.

8.2 FUNKSIES VIR DIE MAAND

Die amptelike vryheid van Kaap Agulhas word op 3 November 2017 aan die Lugmagbasis Overberg oorhandig.

8.3 AANWYS VAN AFGEVAARDIGDES

Geen.

8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

- (i) Raadslede word versoek om insette te gee vir die jaarbeplanner van 2018.
- (ii) Die Raad sal in reses gaan vanaf 11 Desember 2017 tot 12 Januarie 2018.

9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

Raadslid Sauls maak melding van 'n vergadering op 30 November 2017 met Elite Consulting.

10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

- (i) 'n Terugvoerverslag van 'n buitelandse besoek sal volg.
- (ii) Gesprek was gevoer met ESKOM insake tariefverhogings vir 2018.
- (iii) 'n Vergadering vind plaas met SALGA op 6 November 2017 insake die voorgestelde ooreenkoms met die Morawiese Kerk.
- (iv) Ontwikkelingsvoorstelle vir Ou Meuleweg moet dringend aandag geniet.
- (v) Dringende aandag moet gegee word aan die opgradering van die klankstelsel in die Raadsaal.
- (vi) Gemeenskapsvergaderings moet voortaan meer deur amptenare bygewoon word.

11. <u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u>	<u>Bladsy</u>	<u>Bylaes</u>
11.1 <u>MUNISIPALE BESTUURDER</u>		
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11.3 <u>BESTUURSDIENSTE</u>		
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14. <u>OORWEGING VAN KENNISGEWING VAN MOSIES</u>		
Geen.		
15. <u>OORWEGING VAN KENNISGEWING VAN VRAE</u>		
Geen.		
16. <u>OORWEGING VAN DRINGENDE MOSIES</u>		
Geen.		
17. <u>VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE</u>		
Lys van onafgehandelde Raadsbesluite verskyn op bladsy 29 .		
18. <u>IN-KOMITEE VERSLAE</u>		
In-Komitee items word vertroulik hanteer.		
19. <u>SLUITING</u>		
Die vergadering verdaag om 12:45		

11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING**11.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER****11.1.1 ODUIT- EN PRESTASIEODUIT KOMITEE: AANSTELLING VAN NUWE VOORSITTER****DOEL VAN VERSLAG**

Om die Raad in te lig oor die voorgestelde verandering in die Voorsitterskap van die Oudit- en Prestasieoudit Komitee en die aanstelling van 'n nuwe Voorsitter deur die Raad.

AGTERGROND

Die Komitee het die afgelope jaar die lede stelselmatig geroteer om kontinuiteit te verseker binne die Komitee waaneer hulle kontrakte einde Oktober 2017 verstryk.

Die laaste persoon wie roteer is mnr Chessy Pieterse wat die afgelope twee termyne gedien het as die Voorsitter van die Komitee. Sy kontrak het nou tot 'n einde geloop en sy laaste vergadering was op 21 September 2017.

Van die huidige (nuwe) Komiteeledede is mnr Pieter Strauss die mees ervare lid assok die lid wat die langste al dien. Mnr Mitchell en mev Salo is eers aangestel vanaf Augustus 2017. Op grond hiervan is daar eenparing voorgestel dat mnr Strauss as die nuwe Voorsitter dien. Hierdie voorstel deur die Komitee word nou aan die Raad voorgelê vir oorweging.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

WETLIKE IMPLIKASIE

Voldoening aan die MFMA, 2003 (artikel 166(5)).

BESTUURSAANBEVELING

Dat die Raad die aanstelling van mnr Pieter Strauss as die nuwe Komitee Voorsitter oorweeg en bekragtig.

BESLUIT 216/2017

Dat die Raad die aanstelling van mnr Pieter Strauss as die nuwe Komitee Voorsitter bekragtig.

11.2 STRATEGIESE BEPLANNING EN ADMINISTRASIE / STRATEGIC PLANNING AND ADMINISTRATION**11.2.1 VOORGESTELDE ONTWIKKELING: ERF 230, STRUISBAAI (S230 - BSSB) (WYK 5)****DOEL VAN VERSLAG**

Dat die Raad kennis neem van die voorgestelde ontwikkeling op erf 230, Struisbaai en die moontlike verlenging van die huurkontrak van Mnr Absolute Marine Adventures (Seashack).

AGTERGROND

Mnr Deon Winterbach van DEVCO stuur op 12 Oktober 2017 die volgende e-pos aan die Raad:

"Ek verwys na ons vergadering by jou kantoor op 4 Oktober 2017 @ 10.00 waar Niel Laubscher van Aurecon en Bertus Hayward van jou kantoor ook teenwoordig was.

Dis verblydend om te weet dat julle hierdie projek op Erf 230 ondersteun en ek glo ons sal saam met die stadsraad en die Struisbaai gemeenskap 'n projek hier voltooi wat tot groot voordeel van Struisbaai gaan wees.

Soos julle weet (voordat ons kan begin) : Die eerste "hekkie wat ons moet oorkom" is die huidige huurkontrak wat julle met Absolute Marine Adventures gesluit het op Erf 2441. Ek gee hiermee dus 'n opsomming van ons gesprek en ook meer detail aan julle deur sodat ons hierdie aspek kan uitklaar voor 15 November 2017:

Aangesien Erf 230 steeds 'n Hotel sonering met residensiele gebruik gesoneer het, en die waarde van hierdie perseel direk bepaal word deur die feit dat daar uitsig en toegang tot die strand is, moes Erf 230 in kennis gestel word van die feit dat die stadsraad 'n huurkontrak op Erf 2441 gaan sluit.

Kan julle asb hierdie dokumentasie na ons aanstuur so spoedig moontlik.

Daar is moontlik 'n ooreenkoms tussen julle en die huurder waar die huurkontrak beëindig word sodra Erf 230 gaan ontwikkel.

Ons benodig hierdie so spoedig moontlik. Julle moet bevestig dat ons 'n langtermyn lease met julle gaan onderhandel wat vanaf 1 Mei 2018 in plek sal wees.

Ons voorstel is verder dat julle nou reeds die huurder van Erf 2441 in kennis stel dat julle nie die huurooreenkoms na April 2018 verder gaan verleng nie.

Ek wil verder versoek dat julle ons op hoogte hou van die vordering met die huurder en julle siening tov Erf 2441. Sodra ons bevestiging het dat hierdie aspek aangespreek is, kan ons voortgaan met die beplanning van die projek op Erf 230.

Ek sluit my prokureur Louis Boshoff hierby in aangesien hy deel vorm van die Devco ontwikkelingspan en saam met ons gaan poog om die POS en Erf 2441 met ons projek te verbind."

LIGGING VAN SEASHACK

Op 13 Oktober 2017 ontvang die Raad die volgende e-pos van Mnre DEVCO:

Vind asseblief aangeheg die detail opmeting wat nou pas gedoen is (opmeting van 13 Oktober 2017).



Hiermee my insae en verdere kommentaar:

- Die opmeting dui die posisie van “The Shack” aan asook die posisie van Erf 2441.
- Dit is duidelik dat “The Shack” op verkeerde posisie opgerig is.
- Dit is ook duidelik dat “The Shack” op die Publieke oopruimte opgerig is en nie eers naby Erf 2441 volgens die huurooreenkoms nie.

Volgens my kennis en die opinie van my ontwikkelingspan, is dit ‘n duidelike “default” van die huurder op die getekende huurooreenkoms en kan julle die ooreenkoms met onmiddellike effek kanselleer.

Ek ontvang graag julle dringende terugvoer.

Sodra ons julle terugvoer ontvang het en die “huurooreenkoms sage” afgehandel is, sal ons hierdie aspekte tov ons projek met julle opneem.

SEKURITEIT VAN ONTWIKKELING

Mnre DEVCO gee die volgende bevestiging deur ten opsigte van die lewensvatbaarheid van die projek:

Die projek gaan sonder twyfel voort en ons beplan om teen einde 2018 die bemarkings bekendstelling van die projek te doen.

Hiermee bevestig ek die status van die projek, motivering en verdere insae sodat jy jou verslag kan voorberei:

Koopooreenkoms:

- 'n Koopooreenkoms is onderteken met die verkoper Sovereign Seeker Investments.
- Die eerste opskortende voorwaardes moet voor einde Novemeber 2017 afgehandel/nagekom wees.
- Hierdie voorwaardes sluit in, dat ons lewensvatbaarheid-studie suksesvol afgehandel is(sover lyk die baie positief).
- 'n Kritieke aktiverings punt in ons lewensvatbaarheid-studie, is dat The Shack se huurooreenkoms beeindig word.
- Ons moet dus bevestiging van julle kry dat hierdie huurkontrak wel beeindig gaan word en dat die stadsraad met ons/die ontwikkelaar 'n huurooreenkoms sal aangaan

Projekspan:

- Ek het bevestig dat ons projekspan reeds werk aan hierdie projek.
- Henk Boorgertman is die konsep argitek.
- Aurecon raadgewende ingenieurs gaan alle ingenieurs verwante dienste lewer.
- Frank Truter het ook reeds die terrein opmeting voltooi.
- Sodra ons November se “hekkies” oorkom het, word die res van die span aangestel.
- Dit sal insluit - stadsbeplanners, Geotegniese ingenieurs, QS spanne ens.

Projek konsep:

- Die naam van die projek is reeds geregistreer en gaan bekend staan as “Admiral Beach Hotel” – die maatskappy is ook reeds in plek.
- Die naam en konsep sal ons aan julle voorle met die nodige motivering en aansoek.
- LW - ons ontwerp en werk binne die huidige goedgekeurde regte van die terrein/Erf 230.
- Die konsep word tans deur Henk Boorgertman bymekaar gesit en sal teen 3 Nov'17 voorgelê word
- Dit sal die volgende insluit:
 - 'n Hotel konsep.
 - Dit sal bestaan uit hotelkamers en woonstelle.
 - Hierdie eenhede kan saam of apart verhuur/ge-okkuopeer word.
 - Daar sal ook 'n klein “besigheid gedeelte” voor teen die pad wees, wat die huidige Just Property gebou gaan insluit.

Projek program:

- Teken van koopooreenkoms – afgehandel.
- Afhandeling van eerste opskortende voorwaardes – 30 Nov'17.
- Oprigting van terrein bord wat aandui dat daar 'n projek gaan kom – vroeg Des'17.
- Voorle en bespreking van die projek konsep – Feb/Maart 2018.
- Geotegniese toetse en finalisering van die finansiële model – Mei 2017.
- Indien van bouplanne en goedkeuring – voor einde Nov'2018.
- Bekendstelling van die projek – Nov/Des'2018.

Erf 2441:

- Ek heg weer 'n uitleg van die posisie van The Shack en van Erf 2441 hierby aan.
- Erf 2441 het volgens die LG kantore steeds besigheidsregte op en sal ons hierdie Erf se huurkontrak met die stad aangaan.
- Ons sal 'n baie meer esteties aanvaarbare struktuur hier oprig wat 'n aanwinst van die Struisbaai inwoners is.
- Die struktuur sal binne die grens van Erf 2441 opgerig word, en nie soos dit nou op die Publieke oopruimte staan nie.
- Ons sal egter die volgende doen om die raad is 'n beter posisie te plaas:
 - 'n Huurkontrak nou teken wat volg na kansellering/beeindiging van die huidige huurkontrak.
 - Bv indien die huidige huurooreenkoms einde April 2018 eindig, sal ons vanaf 1 Mei 2018 huur betaal.
 - Die voorwaardes kan soortgelyk wees, maar die huurtermyn sal vir 'n minimum van 5jaar moet wees, waarna dit "meer permanent raak" wanneer die Hotel projek voltooi is.
 - Dws daar kan nou reeds 'n huurooreenkoms met Admiral Beach Hotel(Pty)Ltd geteken word.

Publike oopruimte:

- The Shack is tans opgerig op die Publike oopruimte voor Erf 230.
- Ons gaan bevestiging van die stadsraad moet kry, voor einde Nov'17, dat hierdie struktuur verwyder sal word.
- Ons sal verder bevestiging moet kry dat hierdie POR nie aan ander entiteite as die Hotel projek verhuur sal word nie.
- Die ontwikkelaar "Admiral beach Hotel" sal aan voorwaardes(soos ooreengekom sal word met julle) voldoen om hierdie POR te onderhou.
- Hierdie oopruimte sal vir tydelike "events" soos "touch rugby toernooie" en die "Trans Agulhas boot wedrenne" gebruik/aangewend kan word.
- Indien dit nodig is, sal ek beskikbaar wees indien die raad my tydens 'n besprekings vergadering teenwoordig wil he.
- Ek het voorlopig ook 'n terrein vergadering met julle in my dagboek aangeteken vir Vrydag 3 Nov'17 @ 12.00 - ek is ook Saterdag 4 Nov'17 @ 12.00 beskikbaar wanneer ek die argitek op terrein ontmoet.

HUUROOREENKOMS MET SEASHACK (ABSOLUTE MARINE ADVENTURES)

Op 12 November 2015 teken die Raad 'n huurooreenkoms met Marquerite van Wyk (Absolute Marine Adventures) - sien aangeheg op **bladsy 3 tot 5**.

BESPREKING

Ten einde 'n goeddeurdinkte besluit te neem is dit belangrik om te kyk na wat die verskillende strategiese dokumente van Kaap Agulhas Munisipaliteit sê rondom plaaslike ekonomiese ontwikkeling.

Een van die strategiese doelwitte van GOP 2017 - 2022 is: "Local Economic Development as the key to unlock much needed employment opportunities."

Die KAM ROR lig die volgende uit:

"Providing an enabling environment for the development of small enterprises has been a longstanding concern of CAM. The SDF needs to consider that the informal economy comprises a "continuum" of economic activities, requiring decision-makers and service providers to differentiate what is provided to the needs of different sectors and local areas. Depending on who is to benefit – or the kind of market contemplated - the location of the facility, the services provided to assist traders or visitors, and management arrangements, may differ substantially."

Volgens die Kaap Agulhas Plaaslike Ekonomiese Ontwikkelingstrategie:

The role of the CAM is to facilitate economic development by creating a conducive environment for business development and unlock opportunities to increase participation amongst all sectors of society in the mainstream economy.

The National Framework for Local Economic Development (LED) in South Africa (2006 - 2011) states that: "Local Government is not directly responsible for creating jobs. Rather, it is responsible for taking active steps to ensure that the overall economic and social conditions of the locality are conducive to the creation of employment opportunities"

The municipality will therefore:

- Undertake economic planning for the entire area in collaboration with stakeholders.
- Improve the comparative advantage of economic growth sectors (Eg: Agriculture & Tourism).
- Facilitate transformation in economic growth sectors.
- Support various economic development projects and value adding practices.
- Sustain and promote bio-diversity.
- Ensure the optimal utilisation of Council assets and resources to facilitate LED.
- Facilitate BBBEE.
- Facilitate Enterprise Development in partnership with SEDA, DTI, DEDAT, etc.

Na aanleiding van die opsomming van die Raad se visie rondom plaaslike ekonomiese ontwikkeling, sal die Raad 'n besluit moet neem of die kontrak van Mnre Absolute Marine Adventures verleng gaan word, al dan nie - sou hulle aansoek doen vir die verlenging van die kontrak.

Sou die Raad nie die kontrak van Mnre Absolute Adventures verleng nie, sal die Raad bevestiging moet gee aan Mnre DEVCO dat die oopruimte voor Erf 230 Struisbaai nie verder verhuur gaan word aan enige ander entiteite nie, behalwe vir die gebruik van tydelike geleentheid – en dat die hotel die oopruimte in stand hou. Die Raad word versoek om voor 30 November 2017 aan Mnre DEVCO bevestiging te gee dat die struktuur van die Seashack verwyder gaan word.

Dit dien daarop gelet te word dat Tesourie die projek mag beskou as 'n sg. "PPP" (Public Private Partnership), soos gedefinieër in Artikel 120 van die MFMA en Regulasie 16 van die Wet op Publieke Finansiële Bestuur, Wet 1 van 1999. Volgens Tesourie beskou hulle enige projek as 'n "PPP" indien:

"Where the private party acquires the use of state/municipal property for its own commercial purposes"

BESTUURSAANBEVELING

- (i) Dat die huidige Huurkontrak met Mnre Absolute Marine Adventures eerbiedig sal word vir die volle termyn en dat enige aansoek vir verlenging sal geskied op meriete.
- (ii) Dat, sou Mnre Absolute Marine Adventures aansoek doen om hul kontrak te verleng dit gunstig oorweeg word – met bevestiging van Nasionale Tesourie of 'n PPP gestig moet word, al dan nie.
- (iii) Dat die moontlike verlenging van die voorgestelde huurooreenkoms of 'n nuwe huurooreenkoms onderworpe is aan 'n publieke deelname proses.
- (iv) Dat die terreinvergadering met Mnr Deon Winterbach op Vrydag 3 November 2017 teen 12h00 deur Raadslede bygewoon word.

BESLUIT 217/2017

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die kontrak met mnre Absolute Marine Adventures op 'n jaar-tot-jaar basis verleng kan word.
- (iii) Dat die Raad kennis neem van die terrein vergadering geskeduleer vir 3 November 2017.

11.2.2 **APPEAL: PROPOSED SPECIAL CONSENT ERF 914 (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 6 - 16	:	Application
Annexure B - page 17	:	Locality plan
Annexure C - page 18 - 21	:	Objections Received
Annexure D - page 22	:	Copy of Site Development Plan
Annexure E - page 23 - 24	:	Decision letter from Cape Agulhas Municipality on 07/08/2017
Annexure F - page 25 - 37	:	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	:	347m ²

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> <p>i. In a estuary;</p> <p>ii. All areas outside urban edges;</p> <p>iii. Areas inside urban edges but outside commercial and industrial areas.</p>
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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.	<p>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.</p> <p>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.</p>

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 	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.	facilities (hard surfacing, water, 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 	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.	existing infrastructure (both service and community facility infrastructure) capacity exists. <ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.			

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
	(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.

RESOLUTION 218/2017

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

11.3 BESTUURSDIENSTE / MANAGEMENT SERVICES

11.3.1 APPROVAL OF THE SOCIAL SERVICES DEPARTMENT'S EVENTS CALENDAR

PURPOSE OF REPORT

For Council to approve the events calendar for 2017/2018 financial year for the Social Services department, as attached on **page 38 to 39**.

BACKGROUND

The Social Services department compiled a calendar of events for 2017/2018 financial year to give council and the broader public an indication about the programmes and projects which they are planning for this financial year.

The calendar events for 2017/2018 are based on the SDBIP for the Social Services department. The activities listed are subject to change and will be implemented in collaboration with other stakeholders. We would like to implement the after school programme in all the towns but due to shortage of hands the programme can only be implemented in Arniston, Struisbaai and Bredasdorp. It would be helpful if we can appoint team leads in all towns to do the after school programmes to ensure sustainability.

LEGAL IMPLICATIONS

Section 153 of the South African Constitution 1996 requires that Municipalities should perform developmental duties stating that municipalities must: "Structure and manage its administration, budgeting and planning processes to give priority to the basic needs of the community and to promote the social and economic development of the community"

FINANCIAL IMPLICATIONS

The budget for the Social Services department will be utilized for all the activities

PERSONNEL IMPLICATIONS

The staff of the Social Services department will coordinate the activities.

MANAGEMENT RECOMMENDATION

That Council acknowledge and approve the events calendar for 2017/2018 for the Social Services department.

RESOLUTION 219/2017

That the matter be referred back to the relevant committee.

12. **ITEMS WAT OP 24 OKTOBER 2017 BY DIE UBK GEDIEN HET EN AAN DIE RAAD VOORGELê WORD VIR OORWEGING**

12.1 **DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING: RSEP AND VPUU PROGRAMMES**

Mr's Wust, Kruger and Sipoxo of Department of Environmental Affairs and Development Planning introduced Council to the RSEP (regional, social, economic programme) and VPUU (violence, prevention through urban upgrading programme).

They referred to the work streams, the reconstruction framework as a tool kit, previous phases (3 municipalities), identification of opportunities and further commitments from Cape Agulhas Municipality. They informed Council of the co-funding from Western Cape Province for the implementation of projects.

MAYCO RESOLUTION BK183/2017

- (i) That the Committee support the RSEP and VPUU projects.
- (ii) That the Municipal Manager be delegated to sign all relevant documentation and to give regular feedback to Council.

RESOLUTION 220/2017

Council took note of the Mayoral Committee's resolution.

12.2 **ADOPTION OF THE REVIEWED MAYOR'S EXTERNAL BURSARY POLICY**

PURPOSE OF REPORT

To solicit Council to adopt the reviewed Mayor's External Bursary Policy, as attached on **page 40 to 45**.

BACKGROUND

The Mayor's External Policy is aimed at awarding bursaries to prospective students residing in the Cape Agulhas Municipal area, in compliance with the Employment Equity Act, Skills Development Act and other relevant legislation as determined by council. It also aims to increase the level of education and training, growth and development and enhancement of human resource development.

The following courses were added to the list of study fields:

1. Sport and Recreation
2. Arts and Culture
3. Business Studies
4. Legal studies
5. Political Studies
6. Public Administration
7. Community Safety
8. Marine Biology
9. Agriculture

FINANCIAL IMPLICATIONS

The bursary allocation will be paid from Council's budget for none employees.

PERSONNEL IMPLICATIONS

HR Department will administrate the process for the external bursaries.

MANAGEMENT RECOMMENDATION

That Council approves and adopt the reviewed Mayor's External Bursary Policy.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That Management's recommendation be accepted.

MAYCO RESOLUTION BK190/2017

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

RESOLUTION 221/2017

- (i) That the recommendation of the Mayoral Committee be accepted as a resolution of Council.
- (ii) That extra effort be put into the marketing of the policy to draw more applicants.

12.3 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION AND OVERSIGHT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2017 (DFS)**

PURPOSE OF REPORT

The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the Supply Chain Management Policy to the mayor.

The purpose is to report to the Mayor in terms of section 6(3) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the first quarter from **1 July 2017 - 30 September 2017**, in order to strengthen Council's oversight role.

Implementation of Supply Chain Management Policy

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

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

Committees

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

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

For detailed information on the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 September 2017, see **page 46 to 71**.

MANAGEMENT RECOMMENDTION

That Council take note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 September 2017.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management's recommendation be accepted.

MAYCO RESOLUTION BK192/2017

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

RESOLUTION 222/2017

That the recommendation of the Mayoral Committee be accepted as a resolution of Council.

12.4 **AMENDMENT: BY-LAW ON MUNICIPAL LAND USE PLANNING (MTRP - 15/5/R) (ALL WARDS)****PURPOSE OF REPORT**

For Council to approve the amendment of the Cape Agulhas Municipal By-Law on Land Use Planning 2017.

BACKGROUND

Section 156(2) and (5) of the Constitution provides that a municipality may make and administer by-laws, for the effective administration of the matters for which it has the right to administer and to exercise any power concerning a matter reasonably necessary for, or incidental to the effective performance of its functions; and

Part B of Schedule 4 to the Constitution lists Municipal Planning as local government matters to the extent set out in section 155(6)(a) and (7).

The intention is to amend the By-Law on Municipal Land Use Planning, promulgated on the 15th of July 2015 in Provincial Gazette number 7428:

SECTION	CURRENT	AMENDMENT
1		"Court" means a High Court or a District Court or Magistrates Court with jurisdiction.
90(b)	Apply to a High Court for an order -	Apply to a High Court or a District Court or a Magistrates Court with jurisdiction for an order -
92(2)	If the person or owner fails to cease the unlawful utilization of land immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.	If the person or owner fails to cease the unlawful utilization of land immediately, the Municipality may apply to the High Court or a District Court or a Magistrates Court with jurisdiction, for an urgent interdict or any other relief necessary.
95(1)	A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or premises or building if -	A judge of a High Court or a magistrate of a District Court or a magistrate of a Magistrates Court for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or premises or building if -

97	Whether or not the Municipality lays criminal charges against a person for an offence contemplated in section 86, and despite section 87, the Municipality may apply to the High Court for an interdict or any other appropriate order, including an order compelling that person to -	Whether or not the Municipality lays criminal charges against a person for an offence contemplated in section 86, and despite section 87, the Municipality may apply to the High Court or a District Court or a Magistrates Court with jurisdiction, for an interdict, or any other appropriate order, including an order compelling that person to -
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Council took the following decision on 25 April 2017(83/2017):

“That Council approve the proposed amendment and it shall become effective on the date of its promulgation in the Provincial Gazette.”

ADVERTISING

The proposed amendment was advertised in the local newspapers and all relevant Municipal and Provincial Departments were informed of the proposal. No comments and / or objections were received.

Section 12 of the Systems Act reads as follows:

- “(3) No by-law may be passed by a municipal council unless -
- (a) all the members of the council have been given reasonable notice; and
 - (b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the 40 proposed by-law.”

MANAGEMENT RECOMMENDATION

That Council approve the amendment and it shall become effective on the date of its promulgation in the Provincial Gazette.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That Management’s recommendation be accepted.

MAYCO RESOLUTION BK194/2017

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

RESOLUTION 223/2017

That the recommendation of the Mayoral Committee be accepted as a resolution of Council.

12.5 **APPEAL: DEPARTURE OF BUILDING LINES: ERF 1377, NAPIER (N1377 - TRP) (WARD 1)**

PURPOSE OF REPORT

The evaluation of the above-mentioned appeal in terms of the Standard By-Law on Municipal Planning.

Annexure A:	Locality plan	(attached on page 72)
Annexure B:	Approved Letter from Council	(attached on page 73 - 76)
Annexure C:	Building plan	(attached on page 77 - 82)
Annexure D:	Objection from surrounding owner	(attached on page 83)
Annexure E:	Appeal letter from applicant	(attached on page 84 - 85)

GENERAL INFORMATION

Appeal reference number	:	N1377
Application reference number	:	N1377/2017
Application submission date	:	22 June 2017
Application decision date	:	24 August 2017
Registered owner(s)	:	J & R Daneel

PROPERTY DESCRIPTION

Title Deed:

“Erf 140, Bredasdorp in die Kaap Agulhas Munisipaliteit, Afdeling Bredasdorp, Provinsie Wes-Kaap; GROOT 1523 (Eenduisend Vyfhonderd Drie en Twintig) Vierkante meter”..

Physical address	:	98 Sarel Cillierstreet, Napier
Existing Zoning	:	Local Business
Existing land use	:	Wine Tasting and bistro
Building plan approved	:	4 September 2017
Any unauthorised land use/building work	:	NO
Area of Erf	:	1523m ²
Title Deed number & date	:	96783/2005

BACKGROUND

Council received the following application:

Departure of the western lateral building line to 1.5 meter to accommodate the proposed alterations on Erf 1377 Napier.

ADVERTISING

The proposal was circulated to surrounding neighbours and Municipal Departments. The following objection were received:

L Young

SUMMARY OF COMMENTS DURING PUBLIC PARTICIPATION**Director: Community Services**

No Objections.

Traffic

Geen Beswaar nie.

Director: Technical Services**Electrical**

The owner will be liable for all costs regarding the upgrading of electrical services.

Waste Disposal

Vullisheffing soos in die begroting vervat sal van toepassing wees.

Water and Sewerage

No impact on services.

Streets and stormwater

No impact on streets. Should adhere to all regulations.

AUTHORISED OFFICIAL'S DECISION

On 24 August 2017 the Authorised Official took the following decision:

“The Authorised Official on 2017/08/24 approved, in whole, your application for:

Departure on Erf 1377, Napier from the 2 meter western lateral building line to 1.5 meter in order to accommodate alterations to the existing building, in terms of section 60 of the Cape Agulhas By-law on Municipal Land Use Planning.”

The following appeal were received: L Young

The appeal and the comments on the appeal with the Town Planning Department are as follow:

APPELLANT	APPLICANT	TOWN PLANNING
<p>The appellant is concerned about the departure to 1.5m on the western side of the boundary.</p> <p>This particular boundary is adjacent to the appellant's property. Concern is that it would scare potential buyers away due to the lack of privacy.</p> <p>The applicant wishes to construct a braai area with the extension and the appellant with this in mind speculates that the activity that will take place will intrude on the privacy of the adjacent erf that belongs to the said appellant.</p> <p>One must think that the appellant is referring to human movement when it was referred to “activity”. Appellant proposes that construction should stop and commence on the other side of the dwelling.</p>	<p>The applicant states the scullery and outdoor stoep with braai has a covered stoep and fold up doors. The applicant states that moving construction to the other side as requested will have severe financial impact on the applicant.</p> <p>Appellant refers to “activity”-applicant says no negative activity will take place since it's only the applicant and spouse occupying the dwelling and that the proposed construction will be enclosed with a roof and 2 fold up doors at each end(refer to building plan).</p> <p>Braai area will be directly behind the scullery wall (also refer to plan). Applicant says that this will give potential buyers and the owners of Erf 1377 Napier, which in this case is the applicant in this matter, privacy.</p> <p>Applicant claims that the adjacent property that belongs to the appellant and that will be affected by the construction, is the smallest part of the erf since it is on the very bottom of the appellants erf and will be not be able to build upon. Triangle-shaped form.</p> <p>If potential buyers should occupy the erf, they would only be able to build on the most upper part of the erf that will not be affected in any way to proposed construction. The properties</p>	<p>The appellants erf, which is Erf 341, has been subdivided and approved by the council of Cape Agulhas Municipality in 2015. The appellant occupies the upper part of said erf with a guest house.</p> <p>The applicant is adjacent to the newly subdivided plot on the bottom half of the subdivided portion of erf 341 Napier. It is triangle in shape and is inhabitable due the form of the erf.</p> <p>From a town planning point of view this will have no negative effect since potential buyers only can construct a building more to the upper side of the erf which is out of view of Erf 1377, which belongs to the applicant.</p> <p>As for the “activities”, the potential should keep in mind that the erf is located within a mixed use area that includes a restaurant, art and crafts shop and a long running guest house that belongs to the appellant. Activities are all around and potential buyers should take all aspects into consideration.</p> <p>Furthermore, the Integrated Zoning scheme of the Cape Agulhas Municipality does provide erven to deviate from the building lines prescribed within this document. In this case, one may depart from the prescribed building lines as long as</p>

APPELANT	APPLICANT	TOWN PLANNING
	construction is situated in the middle of mixed used which include a guest house, Bistro and a wine and art shop. Activities are taking place.	it is within the municipal laws.

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, were 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;	Not applicable	<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 	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;	This principle has no influence pertaining to this principle.		

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
	(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 Liquor Store.	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, shade, ablution facilities) at strategic locations along busy routes.	
	(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.		
	(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 business 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;	The development will not have a negative influence on the residential or any other uses in the immediate area.	<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. • Density 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). 	COMPLIANT
(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;	The said erf is within a mixed use area, Napier.			
(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. .			
(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 infrastructure (both service 	COMPLIANT
(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and	Social = Public. The social impact will be minimal to none.			

PRINCIPLE	EXPLANATION IN ACT	EVALUATION	INTERPRETATION	COMPLIANCE
	<p>(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;</p>	<p>The application was processed in accordance with the timeframes as determined by the different applicable legislation.</p>	<p>and community facility infrastructure) capacity exists.</p> <ul style="list-style-type: none"> 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. 	
<p>(d) the principle of spatial resilience, whereby –</p>	<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. 	<p>An application of this nature is not subject to the particular principle.</p>	<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). 	<p>Not Applicable</p>
<p>(e) the principle of good administration, whereby –</p>	<p>(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;</p> <p>(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;</p> <p>(iii) the requirements of any law relating to land development and land use are met timeously;</p> <p>(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</p> <p>(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.</p>	<p>An application of this nature has a localized impact and not of Provincial and National interest.</p> <p>All municipal departments gave their input; the spatial development framework has to address this type of development.</p> <p>The application was processed in accordance with the timeframes as determined by the different applicable legislation.</p> <p>The community was given the opportunity to comment and a whole list of objections were received.</p> <p>Members of the public was informed.</p>	<ul style="list-style-type: none"> The motivation for new development applications need to specifically address SPLUMA principles. 	<p>Comply</p>

REASONS FOR RECOMMENDATION

1. Impact on existing municipal services will be minimal.
2. Impact on traffic condition will not be influenced negatively.
3. No basic environmental assessment will be issued, due to the fact that no regulations will be triggered.
4. The Cape Agulhas Municipality-Integrated Zoning Scheme makes provisions for Departures of Building Lines throughout the various zoning differentials.

MANAGEMENT RECOMMENDATION

- (i) That Council upheld the decision of the Authorised Official dated 24 August 2017.
- (ii) That the appellant be informed accordingly.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) That Management's recommendation be accepted.
- (ii) That the building lines be reduced to point 1.5 metres (with no openings in the wall on the neighbour's side).

MAYCO RESOLUTION BK195/2017

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

RESOLUTION 224/2017

Council took note of the Mayoral Committee's resolution.

13. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**13.1 **REQUEST FOR AMENDMENTS TO THE APPROVED CAPITAL BUDGET IN RESPECT OF INDUSTRIAL ROAD, STRUISBAAI****PURPOSE OF REPORT**

The purpose of this report is for council to consider approval of the proposed amendments to the capital budget in respect of the 2017/18 financial year for the abovementioned project under budgeted for, due to inflation.

BACKGROUND

The municipality has budgeted in the 2017/18 financial year for the procurement of the following project:

Industrial Road, Struisbaai	R750 000 (once-off, project will be completed)
Suiderstrand Road	R1million (ongoing for 5 years)

This project went through the Council SCM process of open bidding and two tenders were received. The highest tender was more than R1.3 million and the lowest R900 000.

We cannot downscale this project as we cannot omit the tar or storm water. This project needs to be completed fully to be operational for traffic users.

We therefore recommend that R150 000 from the Suiderstrand road must be reallocated to the Industrial Road. This road will then be completed. The Suiderstrand road, however, is budgeted over a longer period of time.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

None, only reallocation of funds within the 2017/2018 Capital Budget.

MANAGEMENT RECOMMENDATION

That Council approves the amendments.

RESOLUTION 225/2017

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

17. **ONAFGEHANDELDE RAADSBESLUIE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
76/2016	Vervreemding (koop): Erf 3344, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.	Advertensie was geplaas - Tenderaar het erf 3139 gekies nadat hy vir beide getender het. Die Raad moet nou besluit wat van erf 3344 gaan word en of dit weer op tender geplaas moet word.	LDC
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.	In proses van afhandeling.	DFD
235/2016	Heroorweging van huurgeld (erf 856, Struisbaai): Zuso Khanyo Co-Operative Limited	Dat 'n volledige verslag rakende die status van die projek opgestel word wat die toekomstige volhoubaarheid daarvan insluit vir oorweging deur die Raad by 'n volgende Raadsvergadering.		LDC/DKD
236/2016	Heroorweging van huurgeld (erf 1343, Bredasdorp): Isivuno Agricultural Co-Operative Limited	Dat 'n volledige verslag rakende die status van die projek opgestel word wat die toekomstige volhoubaarheid daarvan insluit vir oorweging deur die Raad by 'n volgende Raadsvergadering.		LDC/DKD
237/2016	Parkering: Erf 264, Struisbaai	Dat die randstene wel verwyder word, op voorwaarde dat - (i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging. (ii) 'n Vergunningssooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.	Eienaar reageer nie op skrywe van prokureur nie.	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."	In proses.	BSSB

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
244/2016	Oordrag: Suiderstrand Pad	(i) Dat beginsel-goedkeuring vir die oordrag van die Suiderstrand pad na Provinsie gegee word. (ii) Dat die Munisipale Bestuurder getaak word om die nodige prosesse van oordrag in werking te stel. (iii) Dat die Munisipale Bestuurder dringend 'n vergadering belê tussen die munisipaliteit, SANParke en die provinsiale departement van Paaie en Openbare Werke om die opgradering van die pad te bespreek.		
247/2016	Bredasdorp Voeding- en Ontwikkelingsentrum	(i) Dat erf 4443, geleë op die hoek van Tolbos- en Baatjesstraat, Bredasdorp aan genoemde organisasie beskikbaar gestel word vir die daarstelling van 'n sopkombuis. (ii) Dat die dienste aansluiting deur die Raad gedoen sal word. (iii) Dat goedkeuring gegee word vir die oprigting van 'n struktuur, onderworpe aan die goedkeuring van volledige bouplanne. (iv) Dat die nodige huurooreenkoms deur Korporatiewe Dienste opgestel word.	<i>In proses.</i>	

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 226/2017

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat kennis geneem word dat die volgende besluite afgehandel is: 76/2016, 235/2016, 236/2016 en 247/2016.
- (iii) Besluit 238/2016: Dat die aangeleentheid dringend aandag kry sodra die waardasies van die eiendom bekom is (*Raadslid Europa nie teenwoordig tydens bespreking nie*).

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

BEKRAGTIG op hierdie

dag van

2017

SPEAKER

DATUM: