



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING VIRTUEEL GEHOU OM 10:00 OP  
DINSDAG 29 SEPTEMBER 2020 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD VIRTUALLY ON TUESDAY,  
29 SEPTEMBER 2020 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      |                      |
| 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 A Jacobs     | Direkteur: Infrastruktuurdienste   |
| Mnr H Kröhn      | Direkteur: Bestuursdienste         |
| Mnr B Swart      | Interne Ouditeur                   |
| Mnr G M Moelich  | Bestuurder: Administrasie          |
| Me T Stone       | Afdelingshoof: Strategiese Dienste |

1. **OPENING**

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

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

Raadslid D Jantjies

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

Geen.

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

4.1 **NOTULE VAN RAADSVERGADERING GEHOU OP:**

27 Augustus 2020

**BESLUIT 146/2020**

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:**

25 Augustus 2020

**BESLUIT 147/2020**

Die Raad neem kennis van bogenoemde UBK Notule.

6. **NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME**

6.1 **VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 : 19 Augustus 2020
- WYK 2 : 19 Augustus 2020
- WYK 3 : 9 September 2020
- WYK 4 : 21 September 2020
- WYK 5 : 20 Augustus 2020
- WYK 6 : 18 Augustus 2020

**BESLUIT 148/2020**

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 **VOORGELê VIR KENNISNAME**

**ICT Steering Committee:**

- 2 Maart 2020
- 29 Junie 2020

**BESLUIT 149/2020**

Die Raad neem kennis van bogenoemde ICT Steering Committee Notules.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

Die Speaker lê 'n skrywe voor ontvang vanaf "Missioners of Change" insake Nasionale Boomplantdag.

**8.2 FUNKSIES VIR DIE MAAND**

Oorhandiging van huise vind plaas op 30 September en 2 Oktober 2020.

**8.3 AANWYS VAN AFGEVAARDIGDES**

Geen.

**8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker meld dat daar 'n spesiale Raadsvergadering sal plaasvind op 28 Oktober 2020.

**9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON**

Geen.

**10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER**

- (i) Die Burgemeester meld dat daar op 30 September en 2 Oktober 2020 huise oorhandig sal word.
- (ii) Die Burgemeester bedank die amptenare en Raadslede vir die gebruik van multi-media uitsendings tydens terugvoer- en gemeenskapsvergaderings.

**BLADSY:    Notule                      Bylaes**

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

|       |  |         |           |
|-------|--|---------|-----------|
| 11.1  | Strategic Risk Analysis: Strategic Services                                | 5 - 7   | -         |
| 11.2  | Strategic Risk Register: Management Services                               | 8       | -         |
| 11.3  | Strategic Risk Register: Infrastructure Services                           | 8       | -         |
| 11.4  | Sale: Portion of Uitkyk Street, Suiderstrand                               | 9 - 12  | 1 - 9     |
| 11.5  | Kansellasië van Ooreenkoms: Cell C   | 12 - 13 | 10        |
| 11.6  | Oordrag: Erf 6275, Bredasdorp aan Elim Tehuis                              | 13      | 11        |
| 11.7  | Vervreemding: Erf 538, Napier  | 13 - 14 | 12 - 23   |
| 11.8  | Afwyking van verkoopvoorwaardes: Erf 3157, Bredasdorp                      | 15      | 24        |
| 11.9  | Huurooreenkoms: Meentgronde - KAM vs Change Agri                           | 16 - 17 | -         |
| 11.10 | Kansellasië van Ooreenkoms: KAM vs Woodworx Hardware and Trading           | 17 - 18 | -         |
| 11.11 | Vervreemding (koop): Ged erf 379, Struisbaai                               | 18 - 20 | 25 - 26   |
| 11.12 | CAM Cleaner Towns Plan   | 21      | 27 - 36   |
| 11.13 | Comments: RVA Industry's Waste Recovery Proposal                           | 21 - 22 | 37 - 47   |
| 11.14 | Service Level Agreement for L'Agulhas Lifestyle Estate                     | 22 - 24 | 48 - 67   |
| 11.15 | Regstel van Begroting oorsig: Aankoop van Skootrekenaar                    | 24 - 25 | -         |
| 11.16 | Voedselskema Verslag   | 25 - 26 | -         |
| 11.17 | Movement of Capital funds to enable procurement of Diesel Bowser           | 27      | -         |
| 11.18 | Area F Behuisingsprojek: Voorgestelde naam vir area en straatname          | 27 - 28 | 68        |
| 11.19 | Employment Equity Plan: 2020 - 2025  | 28      | 69 - 93   |
| 11.20 | OPCAR: September 2020  | 29      | 94 - 102  |
| 11.21 | Ward Committee Functionality Report for the Quarter April 2020 - June 2020 | 29 - 32 | 103 - 105 |
| 11.22 | Non-Applicability Regulations: Spatial Planning and Land Use               | 32 - 33 | 106 - 114 |

BLADSY: Notule Bylaes**12. ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**

12.1 Development Agreement: Alwil Development (Pty) Ltd 33 - 34

**13. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**

13.1 Mid-Year Budget And Performance Assessment Report: Adjustments Budget For 2019/2020 Financial Year 34 - 37

**14. OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

**15. OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

**16. OORWEGING VAN DRINGENDE MOSIES**

Geen.

**17. VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 38**.**18. IN KOMITEE**

Die In Komitee items word vertroulik hanteer.

**19. SLUITING**

Die vergadering verdaag om 12:20

## 11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

### 11.1 STRATEGIC RISK ANALYSIS: QUARTER 1 (2020/21)

#### REPORT BY THE MANAGER STRATEGIC SERVICES

#### INTRODUCTION

On the 25th of June 2020, a FARMCO meeting was held where Cape Agulhas Municipality's Strategic Risk Register for 2020/2021 was reviewed and recommended for approval by FARMCO. The Strategic Risk Register was then submitted to Council for approval on 28 July 2020, where it was resolved as follows:

#### MANAGEMENT RECOMMENDATION

- (i) That Council approve and accept the strategic risks for 2020/21.
- (ii) That reports on progress made with the actions be submitted to the Portfolio Committees on a quarterly basis.

#### RESOLUTION 109/2020

- (i) That management recommendation (i) be accepted as a resolution of Council.
- (ii) That reports on progress made with the actions be submitted to the Portfolio Committees on a monthly basis.

#### LEGAL FRAMEWORK

Section 62(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) stipulates that the "Accounting Officer must take all reasonable steps to ensure that the municipality has and maintains an effective, efficient and transparent system of financial and risk management and internal control."

#### DISCUSSION

The Council's strategic risks for 2020/21 are as follows:

| RISK ITEM | RISK DESCRIPTION   | RESIDUAL RISK EXPOSURE | RESIDUAL RISK |
|-----------|--|------------------------|---------------|
| R489      | Inability to respond to disease outbreaks / pandemics            | 67.5                   | High          |
| R487      | Non- adherence to Restrictive Permit Conditions (Landfill Sites) | 48                     | High          |
| R484      | Financial viability of the municipality                          | 47.5                   | High          |
| R485      | Illegal Erection of Informal Structures and Land invasions       | 47.5                   | High          |
| R488      | Inadequate Provision of water supply – source                    | 36.75                  | Medium        |
| R486      | Protest action / Civil unrest                                    | 33.75                  | Medium        |

The risks as well as actions to address the risks are captured on the Risk Assist Module of the Ignite System. Some risks have multiple actions. Each action is assigned a risk owner, who is responsible for updating the system. Strategic risks are generally updated on a quarterly basis. The update must include a percentage progress and a response.

The following tables show each strategic risk with its deliverables, actions, risk action response and deadlines. The COVID Risk has been addressed on an operational level in terms of OHS, an in-depth analysis and action formulation on strategic level has been done and will go to FARMCO for approval.

| Directorate         | Risk  | Risk Action   | Risk Action Response   | Deliverable  | Action Owner    | Deadline  |
|---------------------|---|---|--|--|-----------------|-----------|
| Finance             | Financial viability of the municipality [R484]                    | 1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods)<br>1.2 (b) Cleansing and updating of indigents<br>1.3 (b) Cleansing and updating of informal settlements<br>2. Monthly report to finance portfolio committee of long-term financial plan and revenue enhancement framework | Ongoing process<br><br>Report to finance committee   | Financially Viable Municipality  | Dawid van Wyk   | 31-May-21 |
| Management Services | Illegal Erection of Informal Structures and Land invasions [R485] | 1. Monitor activities and incident reporting of squatter control (law enforcement).   | Activities are monitored on a daily basis, we have employed EPWP workers that assist, if illegal invasions are reported ,we act immediately                            | Decrease in illegal land invasions   | Michael Dennis  | 31-May-21 |
| Management Services | Illegal Erection of Informal Structures and Land invasions [R485] | 2. Workshop Land invasion Policy with Council   | Policy was approved but needs to be workshop with council, after workshop policy will be implemented   | Policy approved by Council. Decrease in illegal land invasions   | Michael Dennis  | 31-May-21 |
| Management Services | Illegal Erection of Informal Structures and Land invasions [R485] | 3.Implementation of Land invasion Policy  | Policy to be implemented after council workshop  | Policy approved by Council. Decrease in illegal land invasions   |                 |           |
| Management Services | Protest action / Civil unrest [R486]                              | Traffic and Law Enforcement Units to respond to protest actions and civil unrest. Collaboration with the SAPS to plan for and deal with protests and riots.   | Integration with SAPS and other municipalities is already in place. Regular meetings and planning is set with the establishment of the Overberg District Safety Forum. | Continuous awareness, integration between CAM, ODM, other municipalities (if needed), military backup (if needed), and SAPS to act within an acceptable response time. | Myllison Saptou | 31-May-21 |

| Directorate             | Risk   | Risk Action  | Risk Action Response   | Deliverable   | Action Owner     | Deadline  |
|-------------------------|--|--|--|---|------------------|-----------|
| Infrastructure Services | Inadequate Provision of water supply - source [R488]                   | 1. Drafting of water services development plan. (Budgeting and Procurement).<br><br>2. Complete the equipping of new pump and electricity for boreholes in Suiderstrand and Napier (2-year roll-over budget).<br><br>3. Verification and licensing of all ground water sources and drafting of a groundwater management plan | - Plan for 2018/19 complete. 2019/20 plan update in progress. Completion by 31 October 2020<br><br>Tenders for electrical work has been awarded. Completion of installation by March 2021<br><br>External service provider currently busy with application. All documentation has been submitted to department for evaluation. | To ensure water demand in Struisbaai is met                               | Shane Roach      | 31-May-21 |
| Infrastructure Services | Non-adherence to Restrictive Permit Conditions (Landfill Sites) [R487] | 1. Monitoring of the groundwater quality   | Boreholes completed and water monitoring will be done.   | Improved Basic Service Delivery (Waste Management)                        | Walter Linnert   | 31-May-21 |
| Infrastructure Services | Non-adherence to Restrictive Permit Conditions (Landfill Sites) [R487] | 2. Maintaining the slope conditions  | Slope conditions are completed, will be part of the maintenance schedule and will be done on a continuous basis.   | Improved Basic Service Delivery (Waste Management)                        | Walter Linnert   | 31-May-21 |
| Management Services     | Inability to respond to disease outbreaks / pandemics [R489]           | Explore the possibility of a compact (agreement) with labour in the event of a disaster/strike in the form of an essential services agreement.   | Risk action will be tabled to FARMCO for approval  | Essential service compact/agreement in place and continuation of services | To be determined | 31-May-21 |

### **MANAGEMENT RECOMMENDATION**

That the deliverables, actions, risk action responses and deadlines for the approved strategic risks for the first quarter be noted.

### **RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

That the management recommendation be accepted.

### **RESOLUTION 150/2020**

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

11.2 **STRATEGIC RISK REGISTER: 2020/21****REPORT BY THE DIRECTOR: MANAGEMENT SERVICES****PURPOSE OF REPORT**

To report to the Portfolio Committee and Council on progress made on the strategic risks of the Management Portfolio Committee, as per Council resolution 109/2020 of 28 July 2020.

**BACKGROUND**

| Risk Background   | Cause of risk   | Consequences  | Current Controls  |
|---|---|---|---|
| Illegal occupation in informal settlements and on other public land.  | Prospective employment opportunities in the CAM area (Attraction to the area) | People live in dangerous structures.  | Weekly surveys done by housing department to prevent land invasions. Weekly inspections by <b>Building Control Officers/Inspectors/Law enforcement Officers. Rapid response units (ask people to move while they are in the process of occupying, Signage, Fencing etc. Compiling a SOP. Use draft SOP SALGA.</b> |
| Protest action results due to the socio-economic conditions in Cape Agulhas and the inability of government (local, district, provincial and national) to fulfill the basic needs of the community. | Deteriorating socio-economic conditions.                                      | Damage to or destruction of property, injuries and loss of life of municipal staff and members of the public. | Local Economic Development and Social Development Departments in place to implement programmes to improve the socio-economic conditions in Cape Agulhas.  |

**MANAGEMENT RECOMMENDATION**

For noting by Council.

**RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 151/2020**

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

11.3 **STRATEGIC RISK REGISTER: 2020/21 (DIRECTOR FEEDBACK)****REPORT BY THE DIRECTOR: INFRASTRUCTURE SERVICES**

The strategic risks for 2020/21 are as follows:

| RISK ITEM | RISK DESCRIPTION  | RESIDUAL RISK EXPOSURE | RESIDUAL RISK |                          |
|-----------|---|------------------------|---------------|--------------------------|
| R489      | Inability to respond to disease outbreaks / pandemics           | 67.5                   | High          | New                      |
| R487      | Non-adherence to Restrictive Permit Conditions (Landfill Sites) | 48                     | High          | Transferred from 2019/20 |
| R484      | Financial viability of the municipality                         | 47.5                   | High          | Transferred from 2019/20 |
| R485      | Illegal Erection of Informal Structures and Land invasions      | 47.5                   | High          | Transferred from 2019/20 |
| R488      | Inadequate Provision of water supply - source                   | 36.75                  | Medium        | Transferred from 2019/20 |
| R486      | Protest action / Civil unrest                                   | 33.75                  | Medium        | Transferred from 2019/20 |



**MANAGEMENT RECOMMENDATION**

For noting by Council.

**RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 152/2020**

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

11.4 **SALE OF PORTION OF UITKYK STREET, SUIDERSTRAND (15/5/R - STRP) (WARD 5)****PURPOSE OF REPORT**

For Council to consider the sale of a portion of Uitkyk Street, Suiderstrand.

**BACKGROUND**

The following proposal (in yellow below) was received from Mr Schalk van der Merwe, owner of erf 85, Suiderstrand in order to build his garage on the south eastern side of his dwelling:



Messrs Deon Wasserman, Shane Roach and Bertus Hayward met with the owners of erf 85, Suiderstrand on-site to determine whether any services will be affected by the proposal.

**Mr Van Der Merwe is the owner of Erf 85, Suiderstrand - see locality plan below:**



**FINANCIAL IMPLICATIONS**

Land disposal of the site will have an income for Council.

**LEGAL IMPLICATIONS**

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

| Council policy                            | Alienation of land  |
|---|---|
| <b>MFMA</b>                               | 1. Sect 14(2)(a): asset not required for minimum level of basic services.<br>2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset.<br>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).<br>4. Sect 33: Contracts having long term financial implications.   |
| <b>MATR</b>                               | 1. Definition of "high value asset":<br>"fair market value of the capital asset exceeds any of the following amounts:<br>a) R50 million;<br>b) One percent of the total value of the capital assets of the municipality....<br>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).<br>2. Definition of "realisable value": fair market value less estimated costs of completion.<br>3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal.<br>4. Regulation 5 (decision-making).<br>5. Regulation 6 (public participation)            |
| <b>SCM Regulations<br/>SCM Policy</b>     | Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth  |
| <b>Systems Act (public participation)</b> | 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:<br>(a) by displaying the documents at the municipality's head and satellite offices and libraries;<br>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and<br>(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. |

**MANAGEMENT RECOMMENDATION**

- (i) That Council, in principle, approves the sale of a portion of Uitkyk Street, Suiderstrand.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account, if necessary.
- (iv) That a Portion of Uitkyk Street, Suiderstrand in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.
- (v) That Council grants in-principle approval for the transfer of Portion of Uitkyk Street, Suiderstrand to Mr Van der Merwe (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

**Conditional approval of transfer or disposal of non-exempted capital assets**

**11.** An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying<sup>12</sup> –

- (a) the way in which the capital asset is to be sold or disposed of;
  - (b) a floor price or minimum compensation for the capital asset;
  - (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
  - (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.
- (vi) That valuations be obtained in order for Council to determine a reserve price.
  - (vii) That all legal requirements are met for the disposal of land.

**RESOLUTION 199/2019: 10 DECEMBER 2019**

- (i) That the management recommendation not be accepted as a resolution of Council.
- (ii) That the matter be referred back for further investigation.

**Die aangeleentheid is verder ondersoek en 'n waardasie is aangevra vir die gedeelte van 17m<sup>2</sup> aangrensend aan erf 85, Suiderstrand (sien *bladsy 1 tot 9*). Die waardasie van R11 250,00 (BTW uitgesluit) is ontvang.**

**MANAGEMENT RECOMMENDATION**

- (i) That Council approves the sale of a portion of Uitkyk Street, erf 85 Suiderstrand, to mr Van Der Merwe of 17m<sup>2</sup>.
- (ii) That the applicant be informed that a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That an environmental assessment be for the applicant's account, if necessary.
- (iv) That a Portion of Uitkyk Street, Suiderstrand in terms of section 14(2)(a) of the Local Government: Municipal Finance Management Act is not required for the provision of the minimum level of basic services.

- (v) That Council grants in-principle approval for the transfer of Portion of Uitkyk Street, Suiderstrand to Mr Van der Merwe (OUT OF HAND SALE - for specific purpose) in terms of Section 11 (a) and (d) of Asset Transfer Regulations of the Local Government: Municipal Finance Management Act:

**Conditional approval of transfer or disposal of non-exempted capital assets**

11. An approval in principle in terms of regulation 5(1)(b)(ii) or 8(1)(b)(ii) that a non-exempted capital asset may be transferred or disposed of, may be given subject to any conditions, including conditions specifying<sup>12</sup> –

- (a) the way in which the capital asset is to be sold or disposed of;
- (b) a floor price or minimum compensation for the capital asset;
- (c) whether the capital asset may be transferred or disposed of for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2); and
- (d) a framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.

- (vi) That valuations Price of R11 250 (ex VAT) be the selling price.
- (vii) That all legal requirements are met for the disposal of land.
- (viii) That Council approves the signing of the agreement by the Municipal Manager.

**RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 153/2020**

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

11.5 **KANSELLASIE VAN OOREENKOMS: CELL C (COLLAB: 350835)**

**DOEL VAN VERSLAG**

Om die Raad in te lig dat die voornemende huurder van terrein 4775, Waenhuiskrans (Arniston Water Reservoir) die huur van genoemde eiendom kanselleer (sien skrywe aangeheg op **bladsy 10**).

**AGTERGROND**

'n Ooreenkoms is met Cell C aangegaan vir die huur van terrein 4775, Waenhuiskrans vir 'n termyn van 9 jaar en 11 maande teen R1 800,00 per maand, met ingang van 2011. Hul versoek kansellasië met ingang vanaf Oktober 2020. Ooreenkoms is beskikbaar op aanvraag.

**FINANSIËLE IMPLIKASIE**

Verlies aan huurinkomste.

**BESTUURSAANBEVELING**

Dat die Raad kennis neem dat die huur van terrein 4775, Waenhuiskrans gekanselleer is.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 154/2020**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.

11.6 **AANSOEK OM OORDRAG TE NEEM VAN ERF 6275, BREDASDORP AAN ELIM TEHUIS (BAO)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Bredasdorp Outreach om erf 6275, Bredasdorp aan Elim Tehuis oor te dra.

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 11** is van Bredasdorp Outreach ontvang waarin hulle versoek dat erf 6275 aan die Elim Tehuis oorgedra word. Die raad het die erf in Junie 2017 aan die Tehuis geskenk. Volgens die VESTA finansiële stelsel is die erf (6275) nogsteeds deel van erf 2139, Bredasdorp waarop "Ons Huis" en "Liefdesnessie" tans geleë is.

**FINANSIËLE IMPLIKASIES**

Geen vir die Raad nie - Die skrywe noem dat Elim Tehuis self die oordragskoste sal betaal.

**WETLIKE IMPLIKASIES**

Erf 6275 was determined to be zoned Civic and Social as per the original subdivision plan so no town planning processes will be required (Received from Town Planning on 10 September 2020).

**BESTUURSAANBEVELING**

- (i) Dat goedkeuring gegee word dat erf 6275, Bredasdorp aan Elim Tehuis oorgedra kan word, vir die aansoeker se koste.
- (ii) Dat die eienaars dienooreenkomstig ingelig word.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 155/2020**

- (i) Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.
- (ii) Dat 'n terugvalklousule in plek gestel word ten opsigte van die aanwending van die terrein vir doeleindes ander dan dié wat met oordrag bestaan het.

11.7 **VERVREEMDING: ERF 538, NAPIER (BAO)****DOEL VAN VERSLAG**

Om oorweging te skenk om erf 538, Napier en verbetering te vervreemd.

**ALGEMENE INLIGTING**

|                  |   |  |
|------------------|---|--|
| Eienaars         | : | KAM                                    |
| Eiendom          | : | Erf 538, Napier                        |
| Huidige sonering | : | Civic & Social                         |
| Erf Grootte      | : | 1 723m <sup>2</sup>                    |
| Ligging          | : | h/v Van Der Byl- en Kragstraat, Napier |
| Liggingsadres    | : | 27 Kragstraat                          |

**AGTERGROND**

Verskeie versoeke en aansoeke word gereeld ontvang om die genoemde eiendom te huur / te gebruik. Daar bestaan tans 'n huurooreenkoms met Me JC Jansen van Rensburg wat handel as "Saplings & Seedlings Nursery School" vanaf 1 Februarie 2019 tot 31 Desember 2021 (3 jaar ooreenkoms). Die gebou word verhuur teen R500/m met 'n eskalاسie van 5% per jaar. Die huurgeld is reeds R7590 agterstallig (uitgesluit R172.02 rente) = R7 762,02. Die terrein is op 9 September besoek en dis duidelik dat daar geen aktiwiteite bedryf word nie. Liggingskaart asook bestaande ooreenkoms word aangeheg op **bladsy 12 tot 23**.

**MARKWAARDASIE**

R530 000 (Munisipale waardasie)

**FINANSIële IMPLIKASIES**

Verlies aan huurinkomste. Vervreemding kan wesenlike inkomste daarstel.

**WETLIKE IMPLIKASIES**

Afwyking van Skemaregulasies.

**KOMMENTAAR: WYKSKOMITEE**

Die Komitee ondersteun die Bestuursaanbeveling.

**KOMMENTAAR: WYKSKOMITEE**

Die Komitee ondersteun die Bestuursaanbeveling.

**BESTUURSAANBEVELING**

- (i) Dat die bestaande huurooreenkoms met "J C Jansen van Rensburg t/a Saplings & Seedlings Nursery School" onmiddelik gestaak word, volgens voorwaarde 20 vervat in die ooreenkoms.
- (ii) Dat die genoemde eiendom voetstoots soos op 10 September 2020 per PUBLIEKE TENDER VERVREEM WORD (met die munisipale waardasie as die insetprys).
- (iii) Spesifieke tendervoorwaardes moet opgestel word wat onder andere kan insluit, gebruike soos 'n kleuterskool en gemeenskapsfasiliteite.
- (iv) Dat die agterstallige rekening aan die raad se invorderaars oorhandig word vir invordering.
- (v) Dat die bestaande huurder dienoooreenkoms ingelig word.
- (vi) Dat die aangeleentheid aan die Raad voorgelê word vir oorweging.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 156/2020**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.

11.8 **AFWYKING VAN VERKOOPVOORWAARDES: ERF 3157, BREDASDORP (BAO)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van meneer en me E en M M Klaase ten einde erf 3157, Bredasdorp aan hul dogter oor te dra.

**ALGEMENE INLIGTING**

|                  |   |                      |
|------------------|---|----------------------|
| Eienaars         | : | E en M M Klaase      |
| Eiendom          | : | Erf 3157, Bredasdorp |
| Huidige sonering | : | Enkel Residentieel   |
| Erf Grootte      | : | 313m <sup>2</sup>    |
| Ligging          | : | Baadjiestraat 26     |

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 24** is van mnr en me E en M M Klaase ontvang om erf 3157, Bredasdorp aan hul dogter, me Carol Johene Daniels oor te dra. Die eiendom is 'n skemahuis wat op 4 Oktober 2017 oorgedra is, nadat die koopsom van R22 902,00 betaal is.

Alle diensterekening is op datum betaal. Die voorwaarders van die skema was egter dat vervreemding nie binne die eerste 8 jaar na oordrag mag plaasvind nie.

**Die redes wat mnr Klaase aanvoer is dat:**

1. Hulle bejaardes is.
2. Hulle van 'n staatspensioen afhanklik is en nie meer die huis instand kan hou nie.
3. Indien haar dogter die huis bewoon, kan sy die koste op haar neem.

**MARKWAARDASIE**

R320 000,00

**FINANSIËLE IMPLIKASIES**

Geen vir die Raad nie.

**WETLIKE IMPLIKASIES**

Afwyking van Skemaregulasies.

**BESTUURSAANBEVELING**

- (i) Dat goedkeuring gegee word dat daar wel afgewyk kan word van die behuisingsvoorwaardes ten opsigte van erf 3157, Baadjiestr 26, Bredasdorp, sodat die eiendom aan die eienaar se dogter oorgedra kan word, vir die eienaar se rekening.
- (ii) Dat die eienaars dienooreenkomstig ingelig word.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 157/2020**

Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.

11.9 **HUUROOREENKOMS: MEENTGRONDE - KAM vs CHANGE AGR****DOEL VAN VERSLAG**

Om te oorweeg om die bestaande ooreenkoms tussen KAM en Change Agri te verleng, na die uitvoering van die vorige Raadsbesluit.

**AGTERGROND**

Daar bestaan 'n huurooreenkoms tussen Kaap Agulhas Munisipaliteit en Change Agri (Pty) Ltd vir die huur van 'n gedeelte van erf 1148, Bredasdorp met 'n grootte van ongeveer 302Ha. Die grond bestaan uit kampe 12, kampe 14 - 17 en kampe 19 - 20. Die ooreenkoms is op 20 Mei 2019 deur alle partye onderteken vir 'n huurtermyn van 2 jaar, beginnende op 1 Mei 2019 tot 30 April 2021.

Die Raad het 'n skrywe van Change Agri ontvang waarin versoek word om die bestaande ooreenkoms te verleng tot 9 jaar en 11 maande. Die rede wat aangevoer word is sodat 'n deeglike saai-program in plek gestel kan word (ook vir die bewaring van grond) en sodat Change Agri volledige ontwikkelingsplanne vir opkomende boere kan instel. In die afgelope 14 maande is baie geld reeds gespandeer aan die opgradering van omheinings en die ontbossing van verskeie dele van die grond, wat ook die gedeeltes langs die treinspoor insluit. Change Agri het reeds 'n verlenging van 'n kontrak gekry vir kamp 17, waarop "kweektonnels" opgerig gaan word vir die kweek van meerjarige plantgewasse.

***Kennisgewing vir die Raad se voorneme om die ooreenkoms te verleng is geadverteer ingevolge die vorige Raadsbesluit en GEEN kommentare is gein nie. Die Wykskomitee ondersteun die aansoek.***

**FINANSIËLE IMPLIKASIE**

Jaarlikse stabiele inkomste van 'n huurbedrag van R204 281,61 met 'n eskalاسie van 5% per jaar.

**Huur wat van toepassing sal wees, is soos volg:**

|           |                      |                                       |
|-----------|----------------------|---------------------------------------|
| Tans      | R204.281.61 per jaar | (Bedrag tans betaalbaar)              |
| Jaar 1:   | R294 110.25          | (Infasering/vestiging + 5% eskalاسie) |
| Jaar 2    | R432 342.07          | (Infasering/vestiging + 5% eskalاسie) |
| Jaar 3    | R648 513.10          | (Infasering/vestiging + 5% eskalاسie) |
| Jaar 4    | R680 938.76          | (+ 5% eskalاسie)                      |
| Jaar 5    | R714 985.69          | (+ 5% eskalاسie)                      |
| Jaar 6    | R750 734.98          | (+ 5% eskalاسie)                      |
| Jaar 7    | R788 271.73          | (+ 5% eskalاسie)                      |
| Jaar 8    | R827 685.31          | (+ 5% eskalاسie)                      |
| Jaar 9    | R869 069.58          | (+ 5% eskalاسie)                      |
| 11 maande | R836 479.47          | (+ 5% eskalاسie vir 11 maande)        |

**REGSIMPLIKASIE**

Dat 'n nuwe ooreenkoms opgestel en onderteken word.

**PERSONEEL IMPLIKASIE**

Geen.

**KOMMENTAAR: WYKSKOMITEE**

Die Wykskomitee ondersteun die aanbeveling en dat daar gereeld verslag gedoen word.



**RAADSBESLUIT 124/2020: 27 AUGUSTUS 2020**

- (i) *Dat die Raad in-beginsel goedkeuring gee vir die wysigings aan die bestaande ooreenkoms tussen KAM en Change Agri.*
- (ii) *Dat die Raad kennis neem van die versoek van Change Agri om die meentgronde vir 9 jaar en 11 maande te huur.*
- (iii) *Dat 'n addendum tot die bestaande huurooreenkoms met Change Agri aangegaan gevoeg word om die termyn te verleng met 9 jaar en 11 maande.*
- (iv) *Dat die voorwaardes, soos vervat in die bestaande ooreenkoms met Change Agri, steeds van krag bly.*
- (v) *Dat die eienaarskap van Change Agri vanaf die "kommersiële-boere-vennote" na die "opkomende-boere-vennote" oorgedra sal word sodat die opkomende boere op hul eie volhoubaar kan boer nadat die ooreenkoms tussen KAM en Change Agri uitgeloop het.*
- (vi) *Dat 'n volledige plan van die oorhandiging van aandeelhoudersbelang aan die Raad voorgelê word.*
- (vii) *Dat 'n volledige publieke deelname proses gevolg word en daarna weer aan die Raad voorgelê word vir finale oorweging.*
- (viii) *Dat jaarliks aan die Finans- en IT Dienste Komitee verslag gedoen word aangaande die bedryf.*

**BESTUURSAANBEVELING**

- (i) Dat Raadsbesluit 124/2020 van 27 Augustus 2020 bekragtig word.
- (ii) Dat die Raad kennis neem dat daar, na advertering geen kommentaar/beswaar ontvang is nie.
- (iii) Dat 'n nuwe ooreenkoms met Change Agri aangegaan word vir die termyn van 9 jaar en 11 maande.
- (iv) Dat die Munisipale Bestuurder gemagtig word om die ooreenkoms namens die Raad te onderteken.

**BESLUIT 158/2020**

Dat die aangeleentheid terugverwys word sodat beswaarmakers se insette aan die Raad voorgelê kan word tydens die volgende Raadsvergadering.

11.10 **KANSELLASIE VAN OOREENKOMS: KAM vs WOODWORX HARDWARE AND TRADING CC****DOEL VAN VERSLAG**

Om die Raad in te lig dat die koopoooreenkoms tussen KAM en Woodworx Hardware and Trading CC gekanselleer word.

**AGTERGROND**

'n Ooreenkoms tussen KAM en Woodworx Hardware and Trading CC is aangegaan vir die vervreemding van erf 1576, Bredasdorp (717m<sup>2</sup> vir R215 000 - BTW uitgesluit). Die bepalinge van die ooreenkoms is nie nagekom nie en daarom word die ooreenkoms gekanselleer. 'n Skrywe van die Raad se prokureur bevestig dat geen betalings tot op datum ontvang is soos bepaal nie.

**FINANSIËLE IMPLIKASIE**

Geen.

**BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem dat die koopoooreenkoms met Woodworx Hardware and Trading CC vir erf 1576, Bredasdorp gekanselleer word.
- (ii) Dat erf 1576, Bredasdorp per PUBLIEKE VEILING/ TENDER verkoop word.

*(Die Munisipale Bestuurder bevestig die verkoop van die erf per Raadsbesluit 18/2019 gedateer 26 Februarie 2019. Die ooreenkoms word deur KAM onderteken op 19 Maart 2019 en deur die koper op 15 April 2019.)*

### **BESLUIT 159/2020**

Dat die Bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

#### 11.11 **VERVREEMDING (KOOP): GEDEELTE VAN ERF 379, STRUISBAAI (BSSB - COLLAB: 274846) (WYK 5)**

##### **DOEL VAN VERSLAG**

Om finale goedkeuring te verleen aan die versoek van Alwill Development (Eiendoms) Beperk, eienaar van erf 1666, Struisbaai vir die vervreemding van gedeelte erf 379, Struisbaai ten einde dit te konsolideer met erf 1666 (nou erf 4226, Struisbaai).

##### **ALGEMENE INLIGTING**

|                  |   |                              |
|------------------|---|------------------------------|
| Eienaars         | : | KAM                          |
| Eiendom          | : | Erf gedeelte 379, Struisbaai |
| Erf Grootte      | : | 7444m <sup>2</sup>           |
| Gedeelte verlang | : | 383m <sup>2</sup>            |

##### **AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 25** is van Town & Country ontvang om 'n gedeelte van erf 379 by die Raad te koop.

Erf 379, Struisbaai is die erf waarop die huidige munisipale kantore tans geleë is. Die aangrensende eienaar (van erf 4227, Struisbaai) het nie voorsiening gemaak vir parkeerplek op sy erf 4227 vir sy wooneenhede nie, en wil nou die gedeelte by die raad koop vir die voorsiening van parkeerplekke vir sy aanliggende perseel.

Die woonstelle wat aanvanklik gebou is, sou vakansie akkommodasie gewees het, waar geen parkeerplek nodig was nie, maar dit het intussen verander na 'n "Sectional Title Scheme" en die voornemende kopers vereis nou toesluit parkeersaliteite.

Die vervreemding van die grond kan potensiële uitbreiding van die munisipale kantore in die toekoms belemmer.

##### **MARKWAARDASIE**

- (i) Gedeelte van erf 921, Struisbaai Parkeerplek is aan Alwil Dev verkoop teen R1 372.80 per m<sup>2</sup> (**Raadsbesluit 172/2019: Spes Raadsvergadering 29 Okt 2019**)
- (ii) Erf 1666, Struisbaai is die veilingsprys wat die ontwikkelaar betaal het vir erf 1666, Struisbaai (**Raadsbesluit 206/2018: 13 Desember 2018**)

$$R4.4 \text{ miljoen} \div 3 \text{ 205m}^2 = R1 \text{ 373 per m}^2$$

$$\text{Gedeelte erf 921, Struisbaai : } R1 \text{ 373 per m}^2 \times 383\text{m}^2 = R525 \text{ 859}$$

- (iii) **Raadsbesluit 120/2020**

*"Dat 'n markverwante huur bepaal sal word deur die verkoop van die aanliggende erf se koopprys plus 'n eskalاسie van 10% per jaar as koopprys sal dien."*

**DAAROM: Verkoopprys van R1 373 /m<sup>2</sup> + 10% = R1 510.30/m<sup>2</sup> (BTW uitgesluit)**

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM - 383m<sup>2</sup> x R1 510.30

Die koper maak 'n aanbod van R1 791.12/m<sup>2</sup> = R685 999 (BTW uitgesluit).

**WETLIKE IMPLIKASIES**

| <b>Council policy</b>                     | <b>Alienation of land</b>   |
|---|---|
| <b>MFMA</b>                               | <ol style="list-style-type: none"> <li><b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li><b>Sect 14(2)(b):</b> consider fair market value and economic and community value to be received in exchange for the asset.</li> <li>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).</li> <li><b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>  |
| <b>MATR</b>                               | <ol style="list-style-type: none"> <li><b>Definition of "high value asset":</b> "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> <li>R50 million;</li> <li>One percent of the total value of the capital assets of the municipality....</li> <li>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li><b>Definition of "realisable value":</b> fair market value <u>less</u> estimated costs of completion.</li> <li><b>Definition of "right to use, control or manage":</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li><b>Regulation 5</b> (decision-making).</li> <li><b>Regulation 6</b> (public participation)</li> </ol> |
| <b>SCM Regulations<br/>SCM Policy</b>     | <b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth   |
| <b>Systems Act</b> (public participation) | <b>Section 21A:</b> (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"> <li>by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</li> <li>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.</li> </ol>   |
| <b>Town Planning legislation</b>          | No application is required.   |

**DEPARTEMENTELE KOMMENTAAR****MUNISIPALE BESTUURDER**

Sell by public tender.

**DIREKTEUR: SIVIELE INGENEURSDIENSTE**

No objection. services are located close by. Due process should be followed.

**DIREKTEUR: FINANSIËLE DIENSTE**

Clarify whether the person wants to purchase and / or requesting a piece of land to be accommodated as according to me no mention of purchase as assumed.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

Vervreemding word ondersteun. Ek voel die Raad behoort op Tender te kan uitgaan, of 'n publieke veiling te hou.

**BESTUURSAANBEVELING**

- Dat finaliteit gekry word of die erwe (en ander in Tolbosstraat) in die Aktekantoor geregistreer is en dat 'n waardasie gein word.
- Dat die aangeleentheid oorstaan.

**AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE**

Dat die aangeleentheid na die Wykskomitee verwys word vir insette.

**RAADSBESLUIT 97/2020: 28 JULIE 2020**

- (i) *Dat die aanbeveling van die Finansies- en IT Dienste Komitee as 'n besluit van die Raad aanvaar word.*
- (ii) *Dat die aangeleentheid daarna weer na die Raad verwys word vir oorweging.*

**KOMMENTAAR: WYK 5**

Die Wykskomitee wil 'n pleidooi aan KAM lewer ten einde die belangrikheid en noodsaak van deeglike beplanning by toekomstige ontwikkelaars tuis te bring. Die komitee wil KAM ook waarsku om sodanige ontwikkelingsplanne deeglik na te gaan ten einde te verseker dat situasies soos hierdie vermy word waar ontwikkelaars later addisionele grond of verslappings aanvra en nie by die oorspronklike goedgekeurde planne hou nie. Ontwikkelaars moet te alle tye hou by die oorspronklike ontwikkelingsplanne wat ingedien en goedgekeur is.

Die gebeur gereeld dat ontwikkelaars of erf eienaars planne indien en pas na aanvang van bouwerk, aansoek doen om verslapping of aanpassings. Die noodsaak dat enige aansoeke om afwykings en oorskrydings altyd na die Wykskomitee vir hul aanbevelings en insette verwys word, kan nie genoeg beklemtoon word nie. Die manier waarop sommige aansoeke by die munisipaliteit hanteer word, is 'n brond van kommer vir die komiteelede.

Die Wykskomitee ondersteun die oorweging van die bou van die garages en beskikbaarstel van die gedeelte van die erf daarvoor. Die pad moet ook opgradeer word en alle skade veroorsaak deur die ontwikkelaar moet vir hulle rekening wees.

**RAADSBESLUIT 120/2020: 27 AUGUSTUS 2020**

- (i) *Die Raad ondersteun, in-beginsel die vervreemding van die genoemde eiendom vir die bou van die garages. Die pad moet ook opgradeer word en alle skade veroorsaak deur die ontwikkelaar moet vir hulle rekening wees.*
- (ii) *Dat 'n markverwante huur bepaal sal word deur die verkoop van die aanliggende erf se koopprijs plus 'n eskalاسie van 10% per jaar as koopprijs sal dien.*

***(Raadsdame Marthinus en Raadslede Baker en Europa teken hulle teenstem aan, omrede daar nog inligting ontbreek en die Raad nie die grond per openbare tender wil verkoop nie.)***

**BESTUURSAANBEVELING**

- (i) Die Raad ondersteun, in-beginsel die vervreemding van die genoemde eiendom vir die bou van die garages. Die pad moet ook opgradeer word en alle skade veroorsaak deur die ontwikkelaar moet vir hulle rekening wees.
- (ii) Dat die verkoopprijs van R1 791.12/m<sup>2</sup> (BTW uitgesluit) vasgestel word (R685 999).
- (iii) Dat die verkoopsooreenkoms opgestel en onderteken word deur die Munisipale Bestuurder.
- (iv) Dat goedkeuring gegee word dat die stadsbeplanningsprosesse, onderverdeling en konsolidasie prosesse in aanvang neem.

**BESLUIT 160/2020**

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

**11.12 CAPE AGULHAS MUNICIPALITY CLEANER TOWNS PLAN****PURPOSE OF REPORT**

Council's consideration of the Cape Agulhas Municipality Cleaner Towns Plan.

**BACKGROUND**

The MAYCO requested the Solid Waste Management (SWM) department, to present a plan for improved town cleanliness in the Cape Agulhas Municipality. The plan was compiled and is attached herewith on **page 27 to 36**.

The CAM Cleaner Towns Plan introduces the current status quo relating to solid waste activities from kerbside refuse collection to landfill management and the various initiatives currently in place. To improve the levels of service delivery additional budget with robust plans are required. Cape Agulhas Municipality is currently compliant with the National Environmental Management ACT (NEMA) and the Waste Act for municipal waste management activities, however, requires focussed attention for landfill compliance. The most daunting challenge is the anti-social behaviour of littering and dumping of household refuse and garden waste in open spaces.

This document outlines what is currently being done and what needs to be done to improve the current situation.

**LEGAL IMPLICATIONS**

None.

**FINANCIAL IMPLICATIONS**

Budgetary implications attached.

**PERSONNEL IMPLICATIONS**

Temporary cleaning posts to be used.

**MANAGEMENT RECOMMENDATION**

That Council accepts and supports the Cape Agulhas Municipality Cleaner Towns Plan with the associated budgetary implications for improved service delivery, within the approved budgets in the MTREF.

**RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 161/2020**

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

**11.13 COMMENTS: RVA INDUSTRY'S WASTE RECOVERY PROPOSAL****PURPOSE OF REPORT**

The Infrastructure Portfolio Committee and Council to note Department of Environmental Affairs and Development Planning's (DEADP) comment on the waste recovery proposal submitted.

**BACKGROUND**

Waste minimization to the landfill is an imperative to reduce the cost of the Waste Management function. A proposal from Rowan Van As Waste Recycling Facility Plan, to provide an imported Material Recovery Facility (MRF) to the value of R25 million for Cape Agulhas Municipality to be funded by the municipality, was received and interrogated.

Management forwarded the proposal to DEADP for comments on the viability of the proposal, the prices cited on recyclables and also the overall feasibility based on volumes of waste generated.

Feedback from DEADP was received and is attached on **page 37 to 47** for Council's perusal. DEADP does not endorse this proposal, due to the limitations of the project proposal. The municipalities alternative solution to addressing waste minimization, is to submit a MRF technical assessment report for approval to the Provincial Municipal Infrastructure Grant in order to be funded by MIG and constructed within approved national norms and standards.

**DISCUSSION**

Agreement of the way forward presented.

**LEGAL IMPLICATIONS**

None.

**FINANCIAL IMPLICATIONS**

None.

**PERSONNEL IMPLICATIONS**

None.

**MANAGEMENT RECOMMENDATION**

- (i) That Council notes the proposal from Rowan Van As Waste Recycling Facility as well as DEADP's recommendation, supported by die administration, that it is unacceptable due to inadequate feasibility.
- (ii) The municipality communicates the outcome to RVA not to proceed with the waste minimization proposal presented.
- (iii) That the municipality applies to MIG for funding a Material Recovery Facility for waste recovery and waste minimization, according to national norms and standards endorsed by DEADP.

**RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 162/2020**

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

11.14 **SERVICE LEVEL AGREEMENT FOR L'AGULHAS LIFESTYLE ESTATE****PURPOSE OF REPORT**

For application of water use license application and service level agreement for new borehole in L'Agulhas Lifestyle Estate.

## **BACKGROUND**

The Cape Agulhas Municipality has a severe water shortage in the Struisbaai area – especially during the months of December/January. The abstraction of groundwater from the Bredasdorp aquifer is the main water source for the Struisbaai area. The proposed L'Agulhas Lifestyle Estate will require a gross average daily water demand which would exceed the current “surplus” abstraction from the Bredasdorp aquifer (*refer Appendix A and B for extracts from the SRK Groundwater Resources Report 2004 and SRK Groundwater Monitoring Report 2016*). The L'Agulhas Lifestyle Estate has two existing boreholes, i.e. KOOS2 and AGUL04/A, which was installed in April 2004. These boreholes are deemed to be good production boreholes in terms of yield and water quality as they are situated in the Table Mountain Aquifer and will have very little to no adverse effect on the existing Struisbaai or Agulhas municipal boreholes which are situated in the Bredasdorp Aquifer.

The boreholes, KOOS2 and AGUL04/A, have not been in use and both require rehabilitation to achieve a combined sustainable yield of approximately 400m<sup>3</sup>/day or 146,000m<sup>3</sup>/annum (*refer Appendix D for AGES Hydrogeological Study June 2020*). It was agreed at a meeting, held at Cape Agulhas Municipality on 21 August 2019, between Messrs Dean O'Neill, Derick Burger, Gideon Roos and Riaan van Dyk, that the best solution to meet the water demand of the proposed development, would be to pump the water from boreholes KOOS2 and AGUL04/A as supplementary water source to the municipal reservoir, situated due east of the development site.

The treatment, distribution and metering would become the responsibility of the Cape Agulhas Municipality (*refer Appendix C for the Water Capacity Letter August 2019*). To formalise this arrangement, a services level agreement would be drafted using the information in this Agreement Letter confirming the operational, financial, and administrative responsibilities of all parties involved. A Water Use License Application has since been commissioned, by Square Turn Developments, for the abstraction of 189,800m<sup>3</sup>/annum on behalf of L'Agulhas Lifestyle Estate.

## **DISCUSSION**

### **a) Water Use License Applicant**

It was agreed that the name of the Water Use License applicant will remain Square Turn Developments for the current Water Use Application. During the formal town planning application and assessment process, a formal service level agreement will be negotiated between the developer and the Municipality and the final conditions of Rezoning and Subdivision approval will include implementation of the development in accordance with the principles of the service level agreement. One of these conditions will be an application to transfer the water use licence from Square Turn Developments to the Cape Agulhas Municipality. In principle, the Municipality will then become the Water Service Provider taking over the legal responsibilities assigned to them by the Water Services Act (*Act 108 of 1997*).

### **b) Water Use License Abstraction Volume**

It was agreed that the proposed abstraction volume of the Water Use License Application for the L'Agulhas Lifestyle Estate should remain at 520m<sup>3</sup>/day or 189,800m<sup>3</sup>/annum, as per the original pre-application volume. This will adhere to the development's required water demand. The Cape Agulhas Municipality will be able to apply for an increased abstraction volume, making use of the infrastructure of the Estate, once the Water Use License has successfully been transferred from the L'Agulhas Lifestyle Estate into their name (*this will be done via a separate Water Use License Application Process*).

### **c) Service Level Agreement**

The distribution, treatment, and metering of water to the L'Agulhas Estate will be the responsibility of the Cape Agulhas Municipality, from the onset of project implementation. Once the Water Use License has been authorised, the operational details will be fixed in the services level agreement. The utilisation of development contributions for upgrades to the existing municipal infrastructure has in-principle been agreed to and will be finalised in the service level agreements that will be signed by the developer and Municipality.

**APPENDIX**

- Appendix A: Extract of SRK Assessment of Groundwater Resources : ***Attached on page 48 to 63***  
 Appendix B: Extract of SRK Groundwater Monitoring Report : ***Attached on page 64 to 65***  
 Appendix C: L'Agulhas Municipal Capacity : ***Attached on page 66 to 67***

**LEGAL IMPLICATIONS**

Both parties to adhere to conditions as stipulated in SLA.

**FINANCIAL IMPLICATIONS**

L'Agulhas Estate will cover the capital cost for installation of new borehole and pipeline to existing L'Agulhas reservoir and pay for water consumption thereafter.

**FINANCIAL IMPLICATIONS**

Nil

**MANAGEMENT RECOMMENDATION**

- (i) That Council approves the development of the borehole in L'Agulhas Lifestyle Estate.
- (ii) That Council in principle approves the signing of a Service Level Agreement between the L'Agulhas Lifestyle Estate and the municipality for this purpose by the Municipal Manager.

**RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 163/2020**

- (i) That the Infrastructure Services Committee recommendation be accepted as a resolution of Council.
- (ii) That the issue of future water availability due to drought or any other reason that might negatively influence the yield of the above-mentioned boreholes be stipulated within the operational details to be fixed in the Service Level Agreement.

11.15 **REGSTEL VAN BEGROTING OORSIG: AANKOOP VAN SKOOTREKENAAR ("LAPTOP") - PMU AFDELING**

**DOEL VAN VERSLAG**

Om die Raad se goedkeuring te verkry vir die oorsig tydens die 2020/2021 begroting deurdat die aankoop van die "Laptop" vir die PMU afdeling foutief as bedryfsuitgawe in plaas van 'n kapitaal uitgawe begroot was.

**AGTERGROND**

Die vervanging van die "laptop" is geormerk vir die Senior Ingenieurs Tegnikus in die PMU afdeling wat verantwoordelik is vir die administratiewe bestuur/nakoming vereistes ten opsigte van die jaarlikse MIG toekenning vanaf Nasionale Tesourie.

Vanweë die feit dat goedkeuring verleen is deur die Provinsiale MIG kantoor vir die aankoop van 'n nuwe skootrekenaar as deel van die 2020/21 boekjaar se MIG toekenning is die aankoop foutiewelik begroot as 'n bedryfsuitgawe teen die PMU Eenheid (posnommer 015011000500) wat deur MIG befonds is, in plaas van 'n kapitaal uitgawe. Die huidige skootrekenaar gee al 'n geruime tyd probleme en vanweë die belangrikheid van hierdie posisie vir rapportering na die provinsiale en nasionale MIG kantore in terme van voorgeskrewe wetgewing, word versoek om die begroting oorsig te oorweeg vir onmiddellike regstelling.



Goedkeuring word verlang om die koste vir die aankoop van die skootrekenaar oor te plaas vanaf die bedryfsuitgawe na die kapitaal uitgawe vir regstelling en insluiting tydens die 2020/21 boekjaar se aansuiweringsbegroting.

Die Munisipale Bestuurder, in samewerking met die Direkteur: Infrastruktuurdienste, beveel as volg aan na die Raad vir oorweging:

#### **BESTUURSAANBEVELING**

- (i) Dat die Raad oorweeg om goedkeuring te verleen om die oorsig vir die aankoop van die skootrekeaar ("laptop") vir die Senior Ingenieurstechnikus ten bedrae van R30 000 vanuit die bedryfsuitgawepos onmiddellik reg te stel deur die begrote uitgawe oor te plaas synde as kapitaal uitgawe.
- (ii) Dat die nodige regstelling dienoreenkotig aangebring sal word tydens die hersiening van aansuiweringsbegroting (2020/21).

#### **AANBEVELING: INFRASTRUKTUURDIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

#### **BESLUIT 164/2020**

Dat die aanbeveling van die Infrastruktuurdienste Komitee as 'n besluit van die Raad aanvaar word.

### 11.16 **VOEDSELSKEMA VERSLAG**

#### **DOEL VAN VERSLAG**

Terugvoering ten opsigte van die vordering van die voedselskemas in Kaap Agulhas tot einde Augustus 2020.

#### **AGTERGROND**

Die Raad het 'n bedrag van R760 000,00 toegeken vir die implementering van die winter sokombuise vir die 2020/2021 finansiële jaar in die onderskeie dorpe. Organisasies soos onderandere: Bredasdorp Voeding en Ontwikkeling sentrum, Liefdesnessie, Arniston Vissersunie, Meals on Wheels, Geluksoord, Nuwerus Nasorg Napier, Kindersorg Napier en Nuwejaarsrivier Natuurresewaat NPC het hul befondsing middel Junie 2020 ontvang, en BCLF en Concern Mothers het eers hulle finansiële toekennings twee weke daarna ontvang.

Laasgenoemde organisasies behalwe Nuwejaarsrivier Natuurresewaat NPC, het ooreengekom dat die voedingskemas vir 'n tydperk van drie maande geïmplementeer gaan word. Nuwejaarsrivier Natuurresewaat NPC het ingestem om vir vyf maande maaltye aan gemeenskappe in Bredasdorp, Elim, Napier en Struisbaai te voorsien.

#### **STATUS VAN SOPKOMBUIS PROJEKTE**

Die onderstaande verslag is 'n samevatting ten opsigte van die funksionering van die voedingskemas sedert middel Junie 2020 tot Augustus 2020:

| ORGANISASIE  | AANTAL<br>BEGUNSTIGDES | BEDRAG<br>TOEGEKEN | % SPANDEER |
|--|------------------------|--------------------|------------|
| Bredasdorp Voeding en Ontwikkeling<br>(Bredasdorp sokombuis) | 10 320                 | R50 000.00         | 83.15%     |
| Bredasdorp Voeding en Ontwikkeling (Protem)                  | 972                    | R10 000.00         | 97.13%     |
| Bredasdorp Voeding en Ontwikkeling (Klipdale)                | 1 068                  | R10 000.00         | 87.54%     |
| Meals on Wheels  | 10 052                 | R50 000.00         | 100%       |

| ORGANISASIE                  | AANTAL<br>BEGUNSTIGDES | BEDRAG<br>TOEGEKEN | % SPANDEER |
|------------------------------|------------------------|--------------------|------------|
| Geluksoord                   | 5 120                  | R30 000.00         | 100%       |
| Liefdesnessie                | 4 755                  | R 50 000.00        | 100%       |
| Arniston Vissersunie         | 2 939                  | R 20 000.00        | 100%       |
| Nuwerus Napier Nasorg        | 5 600                  | R 20 000.00        | 100%       |
| Kindersorg Napier            | 1 608                  | R 20 000.00        | 100%       |
| Concern Mother               | 6 000                  | R 50 000.00        | 88.58%     |
| Nuwejaars Natuurresewaat NPC | 38 445                 | R400 000.00        | 58%        |
| Bredasdorp Christen Leiers   | 47 600                 | R 50 000.00        | 100%       |

### **KOMMENTAAR**

'n Totaal van **134 479** maaltye was vanaf middel Junie 2020 tot einde Augustus 2020 aan behoeftiges in die onderskeie dorpe voorsien. Die meerderheid voedingskemas wie deur KAM befonds was, sal tot einde September 2020 voedsel bedien. Slegs Nuwejaarsrivier NPC sal tot einde November 2020 voedsel aan Elim, Napier, Struisbaai en Bredasdorp se gemeenskappe voorsien.

### **WETLIKE IMPLIKASIE**

1. Die Munisipale Finansiële Bestuurswet
2. COVID-19 Regulasies

### **FINANSIËLE IMPLIKASIE**

2020 Winter Sopkombuis projek:

| ORGANISASIE                                | BEDRAG           |
|--|------------------|
| SMA (Nuwejaars Rivier Natuur Resevaat) NPC | R 400 000        |
| Bredasdorp Voeding en Ontwikkelingsentrum  | R 50 000         |
| Liefdesnessie                              | R 50 000         |
| Concern Mothers                            | R 50 000         |
| Nuwerus Napier                             | R 20 000         |
| Kindersorg Napier                          | R 20 000         |
| Meals on Wheels                            | R 50 000         |
| Geluksoord Elim                            | R 30 000         |
| Vissersunie                                | R 20 000         |
| BLF Wyk 6 Bredasdorp                       | R 50 000         |
| Klipdale                                   | R 10 000         |
| Protem                                     | R 10 000         |
| <b>TOTAAL</b>                              | <b>R 760 000</b> |

### **BESTUURSAANBEVELING**

- (i) Dat kennis geneem word van die verslag soos per uitvoering van die Raadsbesluite.
- (ii) Dat die aangeleentheid na die Raad verwys word vir kennisname.

### **AANBEVELING: BESTUURSDIENSTE KOMITEE**

Dat die Bestuursaanbeveling aanvaar word.

### **BESLUIT 165/2020**

- (i) Dat kennis geneem word van die verslag soos per uitvoering van die Raadsbesluite.
- (ii) Verdere navrae vanaf Raadslede kan skriftelik vanaf die Speaker versoek word.

11.17 **MOVEMENT OF CAPITAL FUNDS TO ENABLE THE PROCUREMENT OF A 1000L DIESEL BOWSER**

**PURPOSE OF REPORT**

To request council permission to approve the movement of capital funding from vote number 075060126009 to Vote number 075060060001 to the amount of R12 000,00.

**BACKGROUND**

An item was prepared for Council and submitted for approval during the Council Meeting of 27 August 2020. This item requested the movement of R800.00 from 075060126009 to 075060060001, this was approved by Council (**Resolution 144/2020**).

During the Bid Adjudication Committee meeting it was noted that the preferred supplier was not VAT registered and the VAT cannot be claimed on the invoice, the total amount of R80 000,00 must therefore be paid and leaves a shortfall of R12 000,00. This does not change the tender results in any way, the preferred supplier remains the cheapest tenderer.

We are requesting Council to consider movement of the funds as detailed above.

**LEGAL IMPLICATION**

None.

**FINANCIAL IMPLICATION**

None to the Municipality as these funds are merely being moved and there will be no change to the overall capital budget.

**PERSONNEL IMPLICATION**

None.

**MANAGEMENT RECOMENDATION**

That the transfer of these funds as detailed above be approved by Council to facilitate the purchase of the diesel bowser.

**RESOLUTION 166/2020**

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

11.18 **AREA F BEHUSINGSPROJEK: VOORGESTELDE NAAM VIR AREA EN STRAATNAME**

**DOEL VAN VERSLAG**

Om die voorgestelde behusingsprojek te Area F, Bredasdorp se naam te verander na Mill Park asook straatname goed te keur (sien liggingsplan aangeheg op **bladsy 68**).

**AGTERGROND**

Die Wyksraadslid van wyk 2 in samewerking met die Komitee van Inwoners van Area F, asook die Wykskomitee het na behoorlike konsultasie 'n voorstel op die straatname asook op die naam van die uitbreiding, vir oorweging deur die Raad vir goedkeuring. Die voorgestelde naam van die uitbreiding en straatname was ook voorgelê aan die Behusings- en Portefeulje Komitee vir aanbeveling aan die Raad.

Onderstaande voorstel word dus voorgelê vir oorweging en goedkeuring deur die Raad:

**VOORGESTELDE NAAM AREA F, BREDASDORP**

MILL PARK

**VOORGESTELDE STRAATNAME**

Aandblom, Albatros, Arniston Weg, Bitou, Dalia, Forest Crescent, Gousblom, Heuningberg, Iris, Laventel, Pinnacle, St. Angels, St. James, St. Marks, St. Peters, Strelitzia, Windmeul

**BESTUURSAANBEVELING**

Dat die Raad goedkeuring verleen vir die uitbreidingsnaam, "Mill Park" vir Area F, Bredasdorp asook die straatname soos vermeld.

**BESLUIT 167/2020**

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

11.19 **EMPLOYMENT EQUITY PLAN: 2020 - 2025**

**PURPOSE OF REPORT**

For Council to consider and approve the Employment Equity plan 2020 - 2025 for the municipality compliance in terms of the Department of Employment and Labour, as attached on **page 69 to 93**.

**BACKGROUND**

Section 20 of the Employment Equity Act nr 55 of 1998 requires that every Designated Employer must prepare and implement an Employment Equity Plan which will achieve reasonable progress towards employment equity in that Employer's workforce. Cape Agulhas EE Plan was approved on the 27<sup>th</sup> September 2017 on a 3-year cycle. We are recommending that we extend the current plan to 5 years, due to the fact that the 3 years has shown that it is impossible to achieve our EE targets and goals in such a short space of time.

**FINANCIAL IMPLICATIONS**

No, financial implications.

**LEGISLATIVE REQUIREMENTS**

Employment Equity Act 55 van 1998.

**MANAGEMENT RECOMMENDATION**

That Council considers and approve the Employment Equity Plan 2020 - 2025.

**RESOLUTION 168/2020**

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

11.20 **ODUIT AKSIEPLAN 2018/19 (OPCAR): MAANDELIKSE VORDERING - SEPTEMBER 2020 (DFD)****DOEL VAN VERSLAG**

Oorweging van die vordering met en afhandeling van die goedgekeurde 2018/19 Oudit Bevindinge Aksieplan (OPCAR) soos op einde September 2020.

**AGTERGROND**

Na aanleiding van die Ouditeur-Generaal se oudit van die munisipaliteit se 2018/19 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word.

Hierdie bevindinge, soos aangeheg op **bladsy 94 tot 102** is in die Oudit Bevindinge Aksieplan opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die Aksieplan is op 31 Januarie 2020 deur die Raad goedgekeur. Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIES**

Geen.

**WETLIKE IMPLIKASIES**

Geen.

**BESTUURSAANBEVELING**

Dat die Raad die vordering met die 2018/19 Ouditeur-Generaal Aksieplan soos op 30 September 2020 oorweeg en aanvaar.

**BESLUIT 169/2020**

Dat die Raad die vordering met die 2018/19 Ouditeur-Generaal Aksieplan soos op 30 September 2020 aanvaar.

11.21 **WARD COMMITTEE FUNCTIONALITY REPORT FOR THE QUARTER APRIL 2020 - JUNE 2020****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER****PURPOSE OF REPORT**

To present the Provincial Ward Committee functionality report for the quarter April 2020 - June 2020, which is attached as annexure on **page 103 to 105** and which contains specific recommendations.

**LEGAL IMPLICATIONS**

- The Constitution.
- Local Government Municipal Systems Act, Act 32 of 2000.

## **BACKGROUND**

The Department of Local Government is mandated to provide oversight, support and reporting in respect of ward committee functionally. Municipalities are required to submit Quarterly Ward Committee Functionality Reports which are assessed and evaluated with a view to identifying areas of support and intervention.

## **DISCUSSION OF RECOMMENDATIONS FROM REPORT**

### **RECOMMENDATION 1**

***“One of the regulations of Alert Level 2 of the Covid-19 Risk Adjusted Strategy is that gatherings of not more than 50 people are now permitted. However, in the absence of a national directive/guidelines for the safe resumption of ward committee meetings, it is recommended that if the Municipality is planning to commence with physical ward committee meetings, the Public Participation Unit/Official should in consultation with relevant internal stakeholders, develop a protocol which outlines the precautionary measures that need to be in place for the holding of such meetings. Furthermore, it is recommended that the protocol must subsequently be endorsed/adopted by the Municipal Council or the Ward Councillors Forum where applicable.”***

An assessment was done to establish the preferences of ward committee members in terms of physical meetings or virtual meetings, which included members access to technological resources. On level 2, Ward 1 and 4 decided on virtual meetings, and the other 4 wards have physical meetings. It was also decided that from level one all ward committees will meet physically.

**Where physical meetings are held, the following protocols are recommended for the duration of Levels 2 and 1:**

- That attendees wear masks at all time during the meeting.
- That social distancing be maintained and that the venue be arranged accordingly.
- That all attendees be screened.
- That a register be maintained of attendees, in which their temperature is recorded, and they declare any symptoms and contact with Covid- 19 Positive persons.
- That public be allowed to attend meetings on invite or request only to ensure that the maximum numbers of persons are not exceeded.
- That venues be sanitised before and after the meetings.

### **RECOMMENDATION 2**

***“Considering the number of ward committee vacancies reported for the quarter under review which currently stands at four (4), it is recommended that the Municipality prioritize the filling of these posts taking into account that some of the stricter lockdown measures have been eased.”***

We have currently three vacancies in Wards 3, 5 and 6. When the quarterly report was submitted there were four vacancies, but one vacancy in ward 2, was filled. This vacancy arose due to the non-existence of an organization. The Bredasdorp Residents Association was replaced by The Heavenly Promise Organisation.

### **RECOMMENDATION 3**

***“Insofar as Ward Councillor Community Report Back Meetings are concerned, it is recommended that the Municipality consider commencing with the convening of these meetings subject to strict health and safety protocols as prescribed in the regulations under level 2 of the Covid-19 Risk Adjusted Strategy, i.e. not more than 50 people inside the venue of meeting, wearing of masks, maintaining of social distancing, sanitizing and regular washing of hands, etc.”***

The Municipality has commenced with its Ward Councillor Community Report back meetings / IDP Review meetings for the first quarter of the 2020/21 financial year. Meetings are taking place from 22 - 30 September 2020. Planning for these meetings was done in terms of Level 2 regulations as we were not aware at the time that Level 1 would be implemented on 20 September 2020.

The methodology used was developed in consultation with the Speaker and Ward Councillors and took cognisance of the risks to public and personnel, level 2 limitations on gatherings as well as resources available. The approved methodology for level 2 was virtual meetings only.

**The virtual meeting process is summarised below:**

### **STEP 1**

#### **Promotional video**

- A 2- 3 minute video was made of each Councillor in their ward inviting people to their virtual public meeting which will be streamed on You tube and Facebook.
- The public will be invited to pose questions and issues they want addressed on Facebook as well as the WhatsApp line before the meeting.
- Videos will where possible be converted so they can be sent via WhatsApp and broadcast on the radio. This will depend on quality.

### **STEP 2**

#### **Virtual Public meeting on team's platform**

- Ward Councillors will present feedback as well as the IDP review priorities.
- Teams platform allows Councillors to invite selected Directors / Managers to be present at meetings to assist with responses
- Virtual meetings will be broadcast live on You-tube and Face Book and later presented on radio depending on quality. Meetings can be viewed at any time after they have aired.
- Councillors will be assisted with their presentation and technological aspects of each meeting.
- Public Wi-Fi will be on for the duration of the meetings

### **STEP 3**

#### **Dispersion of presentations and creation of opportunity for feedback**

- The Councillors presentations will be made available in hard copy to Ward Committee members as well as an electronic format for easy dispersion
- Ward committee members must disperse it and collate comments
- A Poster on IDP feedback and needs will be put up at municipal offices, Thusong and libraries and an opportunity provided to give inputs.

### **STEP 4**

#### **Ward committee prioritisation**

- Ward committees to discuss inputs and prioritise needs.

### **FUTURE WARD COUNCILLOR COMMUNITY FEEDBACK MEETINGS: LEVEL 1 AND BEYOND**

The principle of streaming meetings live on social media platforms should be retained as it enables us to reach many more people, than what we normally do with just physical meetings. This will however require some additional investment into video and sound equipment if we are to stream the full meeting including input from the audience in a professional manner.

**The following protocols are recommended for the duration of physical meetings during Level 1:**

- That the level of risk in each community be analysed before convening a physical meeting
- That attendees wear masks at all time during the meeting.
- That social distancing be maintained and that the venue be arranged accordingly.
- That all attendees be screened.
- That a register be maintained of attendees, in which their temperature is recorded, and they declare any symptoms and contact with Covid-19 positive persons.
- That the maximum numbers of persons permitted at a gathering not be exceeded.
- That venues be sanitised before and after the meetings.

**MANAGEMENT RECOMMENDATION**

- (i) That Council note the Provincial Ward Committee functionality report for the quarter April 2020 - June 2020.
- (ii) That the proposed protocols applicable to Ward Committee meetings be approved.
- (iii) That the proposed protocols applicable to Ward Councillor Community Feedback Meetings meetings be approved.
- (iv) That the current vacancies in ward 3, 6 and 5 be filled by 30 October 2020.
- (v) That Council in principle approve that Ward Councillor Community Feedback Meetings and budget Imbizos be streamed live in the future.
- (vi) That an investigation be done on the equipment required and costing to stream the above mentioned meetings live.

**RESOLUTION 170/2020**

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

11.22 **NON-APPLICABILITY OF CERTAIN REGULATIONS AS CONTAINED IN GOVERNMENT NOTICE 431: DIRECTIONS RELATING TO SPATIAL PLANNING, LAND USE MANAGEMENT AND LAND DEVELOPMENT PROCESSES**

**PURPOSE OF REPORT**

To obtain permission from Council to not implement a Directive issued in terms of the National State of Disaster for the extension of the stipulated time periods related to land use applications and processes.

**BACKGROUND**

On 7 August 2020, the Minister of Agriculture, Land Reform and Rural Development issued Directions Relating to Spatial Planning, Land Use Management and Land Development Processes, attached as **Annexure A on page 106 to 111** (GN 431 of 2020). The purpose of the Directions is to mitigate the effect of the Covid-19 pandemic and ensure fair processes relating to land development and related public participation processes by extending the timeframes and deadlines imposed on municipalities.

**The only provision of the Directions which will be applicable to this Municipality relates to Section 5:**

**"5.1 Validity Period**

*The time periods provided for in the Act and SPLUMA Regulations in which to -*

- a. submit any report;*
- b. take any step in connection with a pending land development application or*
- c. lodge a land development application or appeal with a municipal authority.*

*Are extended for a period of 30 days from these Directions except if a municipal council decides otherwise"*

DEADP since issued Circular No 0018/2020, wherein the Department indicates its concerns about the extension of the timeframes for land use application processes, particularly Direction 5.1(c) which extends the timeframes within which appeals can be submitted from the current provision in SPLUMA from 21 days with a further 30 days (**see Annexure B on page 112 to 114**).

These extended timeframes may have a negative impact on development, especially after the Covid-19 pandemic, and may hamper the much needed revival of economic growth and associated job creation. The Circular recommends that all Western Cape Municipalities approach their Councils as soon as possible to obtain the following resolution:

- a. "To the extent that GN 431 applies to applications governed by the By-Law, in accordance with Direction 5(1) of GN 431, Council decides that the extension of time periods contemplated in that Regulation do not apply to the Municipality. The relevant time periods are rather governed by the provisions of the Municipal By-Law.



- b. The provisions of this resolution apply with effect from the date upon which the relevant provisions of GN 431 came into operation or were deemed to have come into operation.”

### **FINANCIAL IMPLICATIONS**

None.

### **LEGAL IMPLICATIONS**

SPLUMA

### **MANAGEMENT RECOMMENDATION**

- (i) That to the extent that GN 431 applies to applications governed by the By-Law, in accordance with Direction 5(1) of GN 431, Council decides that the extension of time periods contemplated in that Regulation do not apply to the Cape Agulhas Municipality. The relevant time periods are rather governed by the provisions of the Municipal By-Law.
- (ii) That the provisions of this resolution apply with effect from the date upon which the relevant provisions of GN 431 came into operation or were deemed to have come into operation.”

### **RESOLUTION 171/2020**

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

## 12. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**

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

#### **REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER**

#### **PURPOSE OF REPORT**

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

#### **BACKGROUND**

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

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

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

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

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

### **LEGAL IMPLICATIONS**

Both parties to adhere to conditions as stipulated in SLA.

### **FINANCIAL IMPLICATIONS**

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

### **MANAGEMENT RECOMMENDATION**

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

### **RESOLUTION 172/2020**

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

## 13. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**

### 13.1 **MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REPORT: ADJUSTMENTS BUDGET FOR 2019/2020 FINANCIAL YEAR (DFS)**

**The Director: Finance reports as follows:**

#### **PURPOSE OF REPORT**

“In terms of section 72 of the MFMA, the accounting officer must by **25 January** of each year assess the performance of the Municipality during the first half of the financial year and report thereon to the Mayor of the municipality, National Treasury and relevant Provincial Treasury, taking into account:

- the monthly financial performance statements referred to in section 71 of the MFMA;
- the municipality’s service delivery performance as per approved Service Delivery and Budget Implementation Plan;
- the past year’s annual report, and progress on resolving problems identified in the annual report;
- the performance of every municipal entity under the sole or shared control of the municipality.

**The mid-year report must also include explanation of -**

- any material variances from the municipality’s projected revenue by source and expenditure per vote;
- any variances from the service delivery and budget implementation plan;
- any remedial corrective steps taken or to be taken to ensure that the projected revenue and expenditure remain within the approved budget; and
- a projection of the relevant municipality’s revenue and expenditure for the rest of the financial year and revision from the initial projections.

The focus of the mid-year report is to assess the Municipality’s performance during the first half of the financial year based on the approved budget and service delivery plans in respect of the 2018/19 financial year.

An overview of Council's actual performance for the first six months of the year as well as projected revenue and expenditure for the rest of the financial year follows below:

**1. FINANCIAL POSITION & PERFORMANCE**

**1.1 MONTHLY YEAR TO DATE (YTD) PERFORMANCE REPORT**

The monthly report on Council's financial position and actual performance for the year to date till December 2019 reflects on page 23 of the mid-year report attached as **Annexure "A"** to this item.

**1.2 PROJECTED ESTIMATES: REVENUE & EXPENDITURE - 2019/20**

In terms of section 71 of the MFMA the following information must be taken into account when assessing the financial performance of the Municipality:

- actual revenue per source;
- actual expenditure per vote;
- actual capital expenditure per vote;
- the amount of any allocations received and the expenditure on those allocations.

The actual expenditure versus the budgeted amount reflects on pages 18-21 of the mid-year report attached as **Annexure "A"** to this item.

**1.3 ADJUSTMENT BUDGET 2019/20**

As part of the review and performance assessment process the accounting officer must make recommendations as to whether an adjustment budget is necessary based on the following considerations:

**An adjustment budget -**

- (a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
- (b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending on programmes already budgeted for;
- (c) may within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;
- (d) may authorize the utilization of projected savings in one vote towards spending under another vote;
- (e) may authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
- (f) may correct any errors in the annual budget; and
- (g) may provide for any other expenditure within a prescribed framework.

**When an adjustments budget is tabled, it must be accompanied by -**

- (a) an explanation of how the adjustment budget affects the annual budget;
- (b) a motivation of any material changes to the annual budget;
- (c) an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and
- (d) any other supporting documentation that may be prescribed.

**In order to reflect on the outcome of the adjustment budgets submitted by the various unit / section managers, the following concerns / challenges relating to the proposed budget changes, projected spending patterns, oversight and internal controls measures needs to be reported for council's notification:**

- Poor planning during the budget process which relates to the approval of unrealistic budgets and / or unauthorised expenditure as a result;
- Lack of project management in terms of clear implementation strategies, cash flow projections and target dates;
- Slow spending and /or changes to DoRA funded and capital projects that might posed a risk of non completion by financial year end;
- Lack of responsibility by section / unit managers to take ownership of its approved budgets for implementation,
- Lack of hands-on monitoring and internal control measures with regard to the implementation of approved unit / section budgets which relate to unrealistic budget projections towards spending at financial year; and
- Amendment / Change of projects link to the SDBIP with the risk of not considering any adjustment on the performance management objectives.

**The following corrective steps in terms of council's oversight responsibility are suggested:**

- Apply strong leadership in terms of monthly oversight and monitoring role – Executive Management / Council;
- Account for poor and / or non performance;
- Arrange further internal awareness workshops for councillors / officials on financial management;
- Ensure an effective internal audit, audit committee and MPAC in order to identify and address gaps in consultation with management; and
- Reduce possible unauthorised, irregular, wasteful and fruitless expenditure.
- Apply strong cost containment measures in order to improve the financial viability aligned with the long term financial plan indicators.

The proposed adjustment is bound separately as **Annexure "B"** for council's consideration and approval.

## **2. SERVICE DELIVERY PERFORMANCE**

Performance on the budget and service delivery plans for the first half of the financial year reflects separately as part of the mid-year performance assessment report attached as **Annexure "C"** to this item.

## **3. MUNICIPAL ENTITY PERFORMANCE**

The municipal entity - Southernmost Development Agency (SOC) LTD is still in process of de-registration with no future budgetary implication.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

**MANAGEMENT RECOMMENDATION**

- (i) Council considers the content of the Mid-Year Budget Assessment Report attached as
- (ii) Annexure "A".
- (iii) Council considers the approval of the adjustment budget (*Page 17 & 18 of the Adjustments Budget Report*) for the financial year 2019/2020, and indicative for the projected outer years 2020/2021 and 2021/2022 attached as Annexure "B".
- (iv) Council considers the content of the Mid-Year Performance Assessment Report attached as Annexure "C".
- (v) Council resolves that a hard and electronic copy of the complete adjustment budget be submitted to National and Provincial Treasury respectively for information.

**RESOLUTION 173/2020**

- (i) That the management recommendation be accepted as a resolution of Council.
- (ii) Covid levels drop to level 1 and therefore CAM do not have to deviate from the supply chain processes.

17. ONAFGEHANDELDE RAADSBESLUIT

| Besluit Nr | Onderwerp   | Verkorte Besluit   | Vordering | Verantwoordelike persoon |
|------------|---|--|-----------|--------------------------|
| 88/2020    | Vervreemding (koop): Ged erf 3502, Sbaai  | Dat 'n oorskrydingsooreenkoms met die eienaar van erf 1953, Struisbaai aangegaan word vir 'n termyn van 9 jaar en 11 maande teen R4 015,00 per jaar.   |           | Eiendoms-administrasie   |
| 90/2020    | Vervreemding (koop): Oopruimte langs erf 528, Waenhuiskrans                         | (i) Goedkeuring verleen vir die verkoop van gedeelte erf 403, Waenhuiskrans.<br>(ii) Landmeter aanwys wat gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper.<br>(iii) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.  |           | Eiendoms-administrasie   |
| 94/2020    | Beskikbaarstelling van erf 3461, Bredasdorp   | (i) Dat erf 3461, Bredasdorp nie benodig word vir die lewering van die minimum vlak van basiese dienste nie.<br>(ii) Raad in-beginsel die grond, genoem erf 3461, Bredasdorp gratis aan Suideroord Tehuis vir Bejaardes beskikbaar stel.<br>(iii) Onderverdeling, aansluiting van munisipale dienste en die oprigting van die gebou, vir die aansoeker se rekening sal wees.<br>(iv) Alle goedkeurings soos vereis voldoen moet word, voordat enige voorgestelde gebruik en aktiwiteite in aanvang neem.<br>(v) Erf 3461 reserveer word vir toekomstige uitbreidings.<br>(vi) Terugvalklousule ingesluit word. |           | Eiendoms-administrasie   |
| 118/2020   | Vervreemding (Koop): Ged erf 955, Struisbaai  | (i) In-beginsel-goedkeuring verleen word vir die verkoop van Ged van erf 955, Struisbaai per publieke veiling.<br>(ii) Die munisipale waardasie sal as reserwe prys dien.<br>(iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.   |           | Eiendoms-administrasie   |
| 119/2020   | Vervreemding / Ontwikkeling: Erwe 852 en 857, Struisbaai (Struisbaai Ontwikkelings) | (i) Die Raad ondersteun die vervreemding van erf 852 en 857, Struisbaai, maar dat die res (orige 60%) nie eksklusief vir die ontwikkelaar onbepaald as eerste opsie gehou kan word nie en oop is vir enige ander ontwikkelaar wat sou belangstel.<br>(ii) Kennis neem dat LTN Bedrywe steeds belangstel in die ontwikkeling van erf 852 en 857, Struisbaai en daarom verder uitstel verleen tot Desember 2020 vir die betaling van die 5% deposito.<br>(iii) Kennis neem dat die oorsaak van die uitstel hoofsaaklik toegeskryf kan word aan die inperking deur Covid-19.                                      |           | Eiendoms-administrasie   |
| 120/2020   | Vervreemding (koop): Ged erf 379, Struisbaai  | (i) Ondersteun, in-beginsel die vervreemding van die genoemde eiendom vir die bou van die garages. Die pad moet ook opgradeer word en alle skade veroorsaak deur die ontwikkelaar moet vir hulle rekening wees.<br>(ii) Markverwante koopprys bepaal sal word deur die verkoopprys van die aanliggende erf plus 'n eskalاسie van 10% per jaar.   |           | Eiendoms-administrasie   |
| 123/2020   | Aansoek om vervreemding (koop): Erf 4176, Bredasdorp                                | Dat die aangeleentheid terug verwys word na die Finans- en IT Dienste Komitee asook Bestuursdienste Komitee vir verdere ondersoek ten opsigte van: (1) Die hoeveelheid erwe beskikbaar; (2) Area geoormerk vir GAP-Behuising?; (3) Middelklas groepsbehuisingsprojek en volledige verslag aan die Raad voorgelê word.  |           | Eiendoms-administrasie   |
| 124/2020   | Huurooreenkoms: Meentgronde - KAM vs Change Agri                                    | (i) Raad in-beginsel goedkeuring gee vir die wysigings aan die bestaande ooreenkoms.<br>(ii) Kennis neem van die versoek van Change Agri om die meentgronde vir 9 jaar en 11 maande te huur.<br>(iii) Addendum tot ooreenkoms gevoeg word om die termyn te verleng met 9 jaar en   |           | Eiendoms-administrasie   |

|          |   |  |  |                        |
|----------|---|--|--|------------------------|
|          |   | 11 maande.<br>(iv) Dat die voorwaardes, soos vervat in die bestaande ooreenkoms met Change Agri, steeds van krag bly.<br>(v) Dat die eienaarskap van Change Agri vanaf die "kommersiële-boere-vennote" na die "opkomende-boere-vennote" oorgedra sal word sodat die opkomende boere op hul eie volhoubaar kan boer nadat die ooreenkoms tussen KAM en Change Agri uitgeloopt het.<br>(vi) Volledige plan van die oorhandiging van aandeelhoudersbelang aan die Raad voorgelê word.<br>(vii) Dat 'n volledige publieke deelname proses gevolg word en daarna weer aan die Raad voorgelê word vir finale oorweging.<br>(viii) Dat jaarliks aan die Finans- en IT Dienste Komitee verslag gedoen word aangaande die bedryf. |  |                        |
| 126/2020 | Community-Based Outpatient Treatment Centre For Substance Abuse Programme | That the matter be referred back for further public participation and presentation to Council.   |  | Eiendoms-administrasie |
| 129/2020 | Registrasie Serwituut, versoek vir kompensasie: Mnr Roderick Roberts      | Dat die aangeleentheid terugverwys word vir verdere ondersoek.   |  |                        |

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

**BESLUIT 174/2020**

Dat die bestuursaanbeveling as 'n besluit van die Raad aanvaar word.

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

BEKRAGTIG op hierdie                      dag van                      2020

\_\_\_\_\_  
SPEAKER

DATUM: