



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING VIRTUEEL GEHOU OM 10:00  
OP DONDERDAG 29 APRIL 2021**

***MINUTES OF A GENERAL COUNCIL MEETING HELD VIRTUALLY ON THURSDAY,  
29 APRIL 2021 AT 10:00***

**RAADSLEDE / COUNCILLORS**

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

**AMPTENARE / OFFICIALS**

Mnr E Phillips	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 N Mhlati-Musewe	Divisional Head: HR and OD
Me S Nel	Stadsbeplanner
Me A Jonker	Snr Admin Beampte: Komiteedienste

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1. **OPENING**

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

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

Me T Stone      Afdelingshoof: Strategiese Dienste

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

Geen.

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

30 Maart 2021    [ *Notule was onder lede versprei* ]

**BESLUIT 59/2021**

Die Notule word as korrek en volledig bekragtig.

4.2 **NOTULE VAN SPESIALE RAADSVERGADERING GEHOU OP:**

13 April 2021    [ *Notule was onder lede versprei* ]

**BESLUIT 60/2021**

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:**

26 Februarie 2021 [ *Notule was onder lede versprei* ]

**BESLUIT 61/2021**

Die Notule word as korrek en volledig bekragtig.

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

- WYK 1
- WYK 2
- WYK 3
- WYK 4
- WYK 5
- WYK 6

} *Geen komitees in Maart gehou nie*

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

8.1 **BRIEWE VAN DANK**

Aangeheg op *bladsy 1* van die bylaes.

8.2 **FUNKSIES VIR DIE MAAND**

Geen.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Geen.

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

Geen.

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

Die Burgemeester lig die Raad in ten opsigte van die volgende aangeleenthede:

- (i) Moeilike ekonomiese tye wat druk plaas op die begroting asook die werklose jeug.
- (ii) Die konsep-begroting is ter insae tot 7 Mei 2021.
- (iii) Wetteloosheid binne KAM moet **dringend** aandag geniet, met spesifieke verwysing na spoed-oortredings en die onwettige storting van vullis.
- (iv) Die oorhandigingsproses van Mill Park se huise gaan steeds voort en 'n behuisingsimbizo volg binnekort.
- (v) Die munisipale "toepassing" sal eersdaags bekendgestel word.

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

11.1 **VERHURING: GEDEELTE GROND - ERF 601, L'AGULHAS (AGULHAS ERFNISVERENIGING)**

**VERSLAG OPGESTEL DEUR DIE BESTURDER: ADMIN ONDERSTEUNING**

**DOEL VAN VERSLAG**

Om te oorweeg om gedeelte van erf 601, L'Agulhas (bestaande woonkwartiere) aan Agulhas Erfnis-Vereniging (AEV) te verhuur vir 9 jaar en 11 maande vir die daarstelling van 'n dorpsmuseum.

**AGTERGROND**

Erf 601, L'Agulhas bestaan uit L'Agulhas se meentgronde wat ook insluit 'n woonkwartiere van KAM wat tans leeg staan. Op die perseel is wel 'n gebou opgerig asook 'n stoorspasie vir oortollige materiaal en 'n boorgat.

Daar is in 2020 deur Zoetendal Akademie aansoek gedoen, wat die fasiliteit vir uitgebreide klaskamers wou gebruik. Zoetendal Akademie het die Raad in kennis gestel dat hul nie meer belangstel om die gebou by die Raad te huur nie.

'n Aansoek, soos aangeheg op **bladsy 2** is op 6 April 2021 van Agulhas Erfenis Vereniging (AEV) ontvang wat die Raad versoek om die fasiliteit te gebruik vir 'n uitstalspasie vir artefakte/boeke/stories van die Suidpunt. Die hoofdoel is om die geskiedenis asook soveel as moontlik besonderhede vir die nageslag te bewaar. Die AEV het geen ander gebou in L'Agulhas waar hul die dokumente kan stoor en uitstal nie. AEV wil die gebou omskep in 'n dorpsmuseum/heemhuis asook moontlike kantoorspasie en 'n vergaderlokaal geheel en al vir die publieke belang.

**AEV versoek net dat die twee woonstelle aan hulle beskikbaar gestel word en nie die hele gebou nie.** Die spesifieke gedeelte word per aangehegte skets aangedui op **bladsy 3**.

### FINANSIËLE IMPLIKASIE

Potensiële inkomste - Voorgestelde huurgeld is R500,00 per jaar, aangesien die gebruik uitsluitlik vir die publiek en toerisme sal wees en dat die Agulhas Erfenis-Vereniging 'n nie-winsgewende organisasie is.

### REGSIMPLIKASIE

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

Council policy	Alienation of land
MFMA	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
MATR	1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

### PERSONEEL IMPLIKASIE

Geen.

### DEPARTEMENTELE INSETTE

**BESTUURDER: WATER**

Die perseel word wel deur KAM se waterafdeling gebruik. 2 Boorgate pompe, chlorine dosing equipment, Pomp MCC's en generator is alles in daai gebou. Om die gebou te verhuur sal al die gereedskap moet verwyder en geskuif word. Toe ons laas op site was met prokureur Martin Kruger het hy ook aangewys dat daar ook wetlike stappe ook moet gedoen word voordat 3rde party besetting kan neem. Ek dink ons sal weer op site moet bymekaar kom - ***AEV is nie van voorneme om die hele gebou te huur nie, maar net die 2 woonstelle.***

### **STADSBEPLANNING**

Moontlike sonerings sal moet plaasvind indien die gebou gedeeltelik as "museum" gebruik sal word.

### **BESTUURSAANBEVELING**

Dat, aangesien die bestaande gebou tans vir munisipale doeleindes aangewend word, die versoek van AEV nie ondersteun word nie.

### **AANBEVELING: INFRASTRUKTUURDIENSTE**

Dat die Bestuursaanbeveling aanvaar word.

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

Dat die Bestuursaanbeveling aanvaar word.

### **NA BESPREKING WORD DIE VOLGENDE VOORSTELLE GEMAAK**

#### **VOORSTEL 1 - Raadsdame Marthinus (Sekondant: Raadsheer Jantjies):**

Dat die Bestuursaanbeveling aanvaar word.

#### **VOORSTEL 2 - Raadslid Swart (Sekondant: Raadslid Tonisi):**

Dat die aangeleentheid terugverwys word vir 'n terrein inspeksie en weer aan die Raad voorgelê word vir oorweging.

**Na die uitbring van stemme word die volgende besluit geneem:**

### **BESLUIT 62/2021**

Dat die aangeleentheid terugverwys word vir 'n terrein inspeksie en weer aan die Raad voorgelê word vir oorweging.

## **11.2 VERVREEMDING: GEDEELTE ERF 1148, BREDASDORP (P & B KALKWERKE: TOEGANG)**

### **VERSLAG OPGESTEL DEUR DIE BESTUURDER: ADMIN ONDERSTEUNING**

#### **DOEL VAN VERSLAG**

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

#### **AGTERGROND**

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

P & B Kalkwerke het, om sy ontwikkelingspotensiaal uit te brei, begin om 'n nuwe toegangspad te bou wat aansluit by die R319 (Swellendampad). Om die aansluiting op die R319 veilig te laat gebeur, het P & B Kalkwerke goedkeuring vanaf Provinsie gekry en 'n Raadgewende Ingenieur as konsultant aangestel wat die uitleg van die aansluiting, in samewerking met die Provinsiale Padingenieur gedoen het (sien aangehegte bylaag op **bladsy 4 tot 9**).

Om die veiligste aansluiting te maak, sal heelwat grond beskikbaar gestel moet word om as "glybane" vir verkeer te dien, met 'n groot genoeg padreserwe (sien voorlopige sketse aangeheg op **bladsy 10 tot 12**).

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

### **FINANSIËLE IMPLIKASIE**

Potensiële inkomste.

### **REGSIMPLIKASIE**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
<b>MATR</b>	1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
<b>SCM Regulations 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: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

### **PERSONEEL IMPLIKASIE**

Geen.

### **BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem van die versoek van P & B Kalkwerke om 'n gedeelte van erf 1148, Bredasdorp te bekom om te gebruik as "pad".
- (ii) Dat die Raad in-beginsel goedkeuring gee vir die vervreemding van 'n gedeelte van erf 1148, Bredasdorp aan P & B Kalkwerke om as "pad" gesoneer te word.



- (iii) Dat 'n volledige ontwikkelingsplan en uitlegplan aan die Raad voorgelê word, voordat finale besluit geneem word.
- (iv) Dat, nadat die finale voorlegging aan die Raad plaasgevind het, die publieke deelname proses gevolg word, die ooreenkoms opgestel word met spesifieke voorwaardes van onderverdeling, konsolidasie asook die hersonering van die grond.

#### **AANBEVELING: INFRASTRUKTUURDIENSTE**

Dat die Bestuursaanbeveling aanvaar word.

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

Dat die Bestuursaanbeveling aanvaar word.

#### **BESLUIT 63/2021**

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

### 11.3 **VERLENGING VAN HUUROORENKOMS: BREDASDORP TENNISKLUB**

#### **VERSLAG OPGESTEL DEUR DIE BESTURDER: ADMIN ONDERSTEUNING**

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

Om oorweging te skenk aan die verlenging van 'n huurkontrak van die Bredasdorp Tennisclub en KAM vir 'n termyn van 9 jaar en 11 maande.

##### **AGTERGROND**

Die Bredasdorp Tennisclub huur reeds vir baie jare deel van erf 1253, Bredasdorp as 'n tennisbaan en klubhuis (sien sketse aangeheg op **bladsy 13 en 14**). Die groep het ook self baie geld gespandeer aan die pragtige fasiliteite en gedurende vakansietye is dit van die min trekpleisters vir vakansiegangers in Bredasdorp. Die huidige huurkontrak het verval, vanwaar die klub dit op 'n maandelikse basis gehuur het. Die bestaande kontrak word aangeheg op **bladsy 15 tot** asook hul Konstitusie en Reëls op **bladsy 23 tot 25**.

Die klub het per skrywe, soos aangeheg op **bladsy 26** versoek dat die fasiliteit weer aan hulle beskikbaar gestel word vir 9 jaar en 11 maande (met die opsie om te verleng, onderhewig aan Raadsgoedkeuring). Die fasiliteit sluit in: 'n Klubhuis en omliggende gronde met tennisbane (geleë op gedeelte van erf 1253).

Die klub het die afgelope paar jare verskeie toernooie aangebied en jong lede die geleentheid gegee om hulself te ontwikkel. Ontwikkelingsprogramme en afrigting vind steeds deurlopend plaas. Die klub het reeds oor die R100 000,00 uit eie fondse gespandeer om die oppervlaktes en die spreiligte te verbeter, maar soos in die meeste plattelandse dorpe is alle sportklubs onder geweldige finansiële druk.

Die huurtarief van R900,00 per jaar (met 'n 5% eskalasie) word voorgestel, aangesien dit in lyn is met ander bestaande tennisklubs in die munisipale regsgebied.

**BESTUURSAANBEVELING**

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 9 jaar en 11 maande verleng word, vanaf 1 Januarie 2021 tot 30 November 2030.
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R900,00 sal beloop, vooruitbetaalbaar.
- (iv) Dat die Klubhuis se struktuur, tennisbane en omheining steeds by die Raad se versekering ingesluit is (die inhoud van die klubhuis is egter vir die klub se eie rekening).
- (v) Daar sal 'n terugval klousule in die ooreenkoms ingesluit wees.
- (vi) Die Raad se voorneme om die terrein verder te verhuur, sal geadverteer word vir publieke kennisname.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 64/2021**

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 9 jaar en 11 maande verleng word, vanaf 1 Januarie 2021 tot 30 November 2030.
- (ii) Dat die bestaande huurvoorwaardes steeds sal bestaan.
- (iii) Dat die jaarlikse huurgeld R900,00 sal beloop, vooruitbetaalbaar.
- (iv) Dat die Klubhuis se struktuur, tennisbane en omheining steeds by die Raad se versekering ingesluit is (die inhoud van die klubhuis is egter vir die klub se eie rekening).
- (v) Daar sal 'n terugval klousule in die ooreenkoms ingesluit wees.
- (vi) Die Raad se voorneme om die terrein verder te verhuur, sal geadverteer word vir publieke kennisname.

11.4 **MILL PARK SAKEPERSELE: VERVREEMDING VAN GROND - ERWE 6448 EN 6691, BREDASDORP****VERSLAG OPGESTEL DEUR DIE BESTUURDER: ADMIN ONDERSTEUNING****DOEL VAN VERSLAG**

Om te oorweeg om bestaande twee sakepersele, erwe 6691 en 6448, Bredasdorp geleë te Mill Park, Bredasdorp te vervreem.

**AGTERGROND**

Die vervreemding van die genoemde twee erwe is vervat in die "**Strategiese 10 Maande-plan**" van die Raad. Die Raad besit twee sakepersele in Mill Park, Bredasdorp wat vervreem kan word (sien aangehegte erfkaart op **bladsy 27**). Die erwe is reeds in die algemene plan van die dorp ingesluit, maar is nog nie getranspoteer en in die naam van Kaap Agulhas Munisipaliteit geregistreer nie.

**Die erf inligting is soos volg:**

<b>Erf 6448:</b>	Grootte:	2 255m <sup>2</sup>
	Eienaar:	KAAP AGULHAS MUNISIPALITEIT
	Sonering:	Sake
	Munisipale waardasie:	Geen (nog nie waardeer nie)
	WAARDASIE:	R1 313 000 (waardeerder Phillip Eloff: 23 Maart 2021)
<b>Erf 6691:</b>	Grootte:	2 104m <sup>2</sup>
	Eienaar:	KAAP AGULHAS MUNISIPALITEIT
	Sonering:	Sake
	Munisipale waardasie:	Geen (nog nie waardeer nie)
	WAARDASIE:	R1 250 000 (waardeerder Phillip Eloff: 23 Maart 2021)

Sien aangehegte waardasieverlag op **bladsy 28 tot 36** vanaf mnr Phillip Eloff (Professionele Waardeerder 5826/9 gedateer 23 Maart 2021).

### **LED (EKONOMIESE ONTWIKKELINGSPOTENSIAAL): Oscar January**

Ek sien die Burgemeester verwoord sy gevoel in die onlangse korrespondensie oor die "Ten month plan" dat onder andere die gebruik van die 2 Mill Park erwe weer bespreek moet word. In die lig hiervan dink jy nie ons moet die agendapunt dan maar laat oorstaan tot na so 'n bespreking op die SMT nie, sodat ons 'n duidelike mandaat kan kry nie?

#### **Burgemeester: Paul Swart**

Ek sien nou die waarde soos verkry vir daardie erwe. Ek is net bekommerd dat ons die waarde te hoog aanslaan en dan uitsit as reserwe pryse. Ons weet wat op Napier gebeur het. Is dit nie beter dat ons dit net op gewone tender proses uitstuur nie. Ek is net nie oortuig dat daardie erwe vir groot besighede bestem is nie. Ek vra maar as 'n inset.

Soos ek gesê het is dat daardie deel van Bredasdorp mense huisves wat uit die laagste inkomste groep kom. Enige sake persoon sal baie versigtig wees oor wat hy/sy daar sal opsit. My voorstel sal wees dat ons die een erf, grootste een, op tender/veiling verkoop sodat sakemense self iets daar kan opsit vir besighede of kleiner structure wat verhuur kan word. Die ander erf kan ontwikkel word as oop area vir ordentlike speelgeriewe vir kinders en jongmense?

Ek sal ook dit hoog op prys stel dat die LED in samewerking met mense soos jyself besigheids planne finaliseer vir meer Eco-hubs soos die Ou Meule- en Lesedi Square sodat ons dit kan uitbrei na veral Napier, Arniston en Struisbaai. Die Wes-Kaapse regering het op die oomblik R50m beskikbaar waarin ons kan tap.

### **FINANSIËLE IMPLIKASIE**

Potensiële inkomste van R2 000 000

### **REGSIMPLIKASIE**

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

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	1.Sect 14(2)(a): asset not required for minimum level of basic services. 2.Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3.Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4.Sect 33: Contracts having long term financial implications.
<b>MATR</b>	1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value less estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
<b>SCM Regulations 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: (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.

**PERSONEEL IMPLIKASIE**

Geen.

**DEPARTEMENTELE INSETTE****Boubeheer: Francois du Toit**

Ek stem saam dat die een verkoop moet word aan ontwikkelaar en die ander vir plaaslike besigheid. Hou ingedagte dat die Raad dan net van die een perseel inkomste gaan kry as ons die ander een self gaan ontwikkel soos voorgestel. Erf 6448 het ook nog die moontlikheid dat dit vergroot kan word na die rivier se kant toe soos op die uitleg plan gesien kan word.

My voorstel is ook dat daar 'n boubepanking geplaas word op die erf wat verkoop word dat dit binne seker tydperk ontwikkel moet word anders spekulêre hulle weer daarmee.

**Stadsbeplanning: Sunel Nel**

Direk langs die 2 Mill Park besigheidserwe is 2 langwerpige erwe (Erwe 6690 en 6449) - Hierdie 2 erwe waarna ek verwys is POS en groottes ongeveer 700-800sq.m elk - Dit is geskik vir speelparke. Ovvio is nie op datum nie - die inligting is nie opgedateer nie.

**Abraham het nou die huidige sonerings getrek:**

Erwe 6448 en 6691 is "Civic" en "Social" gesoneer. Die kleiner langwerpige erwe waarna ek verwys (Erwe 6690 en 6449) wat vir Openbare Oop Ruimtes gebruik kan word is tans "Besigheid" gesoneer. Ek dink almal was onder die indruk dat dit andersom gesoneer is! Erwe 6690 en 6449.

**Strategic Services: Division Head: Tracey Stone**

Are there no other erven there that can be used for children's playparks – I seem to recall there are community facilities erven?

Sien aangehegte kaart waarop die 2 klein blou gedeeltes uitgewys word (erwe 6690 en 6449). Dit is die sakepersele, en die twee gryspersle (erwe 6691 en 6448), is as "Civic en Social"- gesoneer.

**BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem van die sonering van erwe 6690, 6691, 6448 en 6449, Bredasdorp.
- (ii) Dat 'n strategiese gesprek plaasvind aangaande die moontlike ontwikkeling van genoemde erwe.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 65/2021**

- (i) Dat die Raad kennis neem van die sonering van erwe 6690, 6691, 6448 en 6449, Bredasdorp.
- (ii) Dat 'n strategiese gesprek plaasvind aangaande die moontlike ontwikkeling van genoemde erwe.

11.5 **HUUROORENKOMS: RUILING MEENTGRONDE - NAMPO KAAP EN CHANGE AGRI****DOEL VAN VERSLAG**

Om te oorweeg om twee (2) gedeeltes van Kamp 17, Erf 1148, Bredasdorp wat tans in huurkontrakte vervat is, tussen die twee huurders te ruil.

**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 goedgekeur op 29 September 2020 vir 'n huurtermyn van 9 jaar en 11 maande, beginnende op 1 Oktober 2020 tot 30 September 2029. Die ooreenkoms sluit 'n deel van KAMP 17 in, maar 2 gedeeltes (+ 8HA) is uitgesluit (sien aangehegte skets op **bladsy 37**). Gedeelte "B" is ingesluit by Change Agri se ooreenkoms.

Gedeelte "A" vorm deel van die Raad se ooreenkoms met NAMPO KAAP - Bredasdorp Park. Al twee partye het ingestem om die gedeeltes om te ruil, aangesien dit verdere toekomstige gebruik sal vergemaklik vir die huurders. Die twee gedeeltes is byna ewe groot en die huurders is bereid om die bestaande huurbedrag te betaal vir die oorblywende tydperk van hul bestaande huurooreenkoms.

### **SAMEVATTING**

Dat gedeelte "A" op die aangehegte skets voortaan deel sal vorm van Change Agri (Pty) Ltd se huurooreenkoms en dat gedeelte "B" bygevoeg sal word tot die bestaande ooreenkoms van NAMPO Kaap - Bredasdorp Park, vir die huurbedrag soos hieronder bepaal. Die vervaldatum van die vergunning sal wees op die datum waarop onderskeie ooreenkoms tot 'n einde kom.

### **FINANSIËLE IMPLIKASIE**

Jaarlikse inkomste van 'n huurbedrag van R8 000,00 (**BTW uitgesluit**) met 'n eskalاسie van 5% per jaar.

#### **Huur wat van toepassing sal wees, is soos volg (afgerond):**

Jaar 1	R 8 000	
Jaar 2	R 8 400	(+ 5% eskalاسie)
Jaar 3	R 8 800	(+ 5% eskalاسie)
Jaar 4	R 9 300	(+ 5% eskalاسie)
Jaar 5	R 9 700	(+ 5% eskalاسie)
Jaar 6	R10 200	(+ 5% eskalاسie)
Jaar 7	R10 700	(+ 5% eskalاسie)
Jaar 8	R11 300	(+ 5% eskalاسie)
Jaar 9	R11 800	(+ 5% eskalاسie)
11maande	R11 360	(+ 5% eskalاسie vir 11 maande)

Tarief baseer op omliggende gronde se huur, naamlik R294 110.25/302 x 8ha += R7500/j

### **REGSIMPLIKASIE**

Dat 'n addendum tot die bestaande ooreenkoms opgestel en onderteken word.

### **PERSONEEL IMPLIKASIE**

Geen.

### **BESTUURSAANBEVELING**

- (i) Dat die Raad in-beginsel goedkeuring gee vir die wysiging van die ooreenkoms tussen KAM, NAMPO KAAP en CHANGE AGRI vir die verhuring van ±8HA meentgrond bekend as gedeelte "A" en "B" van kamp 17, Bredasdorp vir die termyn van 9 jaar en 11 maande / of die verstrykingsdatum van onderskeie ooreenkoms, watter een ookal eerste plaasvind.
- (ii) Dat die standaard voorwaardes soos vervat in die bestaande ooreenkoms, van toepassing sal wees. Dit sal ook die terugval klousule insluit.
- (iii) Dat jaarliks aan die Finans- en IT Dienste Komitee verslag gedoen word aangaande die bedryf van die twee stukke grond.
- (iv) Dat die publiek dienooreenkoms ingelig word oor die Raad se voorneme om bestaande ooreenkoms te wysig.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 66/2021**

- (i) Dat die Raad in-beginsel goedkeuring gee vir die wysiging van die ooreenkomste tussen KAM, NAMPO KAAP en CHANGE AGRI vir die verhuring van ±8HA meentgrond bekend as gedeelte "A" en "B" van kamp 17, Bredasdorp vir die termyn van 9 jaar en 11 maande / of die verstrykingsdatum van onderskeie ooreenkomste, watter een ookal eerste plaasvind.
- (ii) Dat die standaard voorwaardes soos vervat in die bestaande ooreenkomste, van toepassing sal wees. Dit sal ook die terugval klousule insluit.
- (iii) Dat jaarliks aan die Finans- en IT Dienste Komitee verslag gedoen word aangaande die bedryf van die twee stukke grond.
- (iv) Dat die publiek dienooreenkomstig ingelig word oor die Raad se voorneme om bestaande ooreenkomste te wysig.

11.6 **VERVREEMDING (HUUR): GEDEELTE ERF 773, WAENHUISKRANS (COLLAB: 374906) (WYK 6)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr L Leonard ten einde 'n gedeelte van Erf 773, Waenhuiskrans by die Raad te huur ten einde vir 'n tuin aan te wend (liggingsplan aangeheg op **bladsy 38**).

**ALGEMENE INLIGTING**

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

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 39 tot 42** is van mnr L Leonard ontvang om 'n gedeelte van erf 773, Waenhuiskrans by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a):</b> asset not required for minimum level of basic services.</li> <li>2. <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>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).</li> <li>4. <b>Sect 33:</b> Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>1. <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>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>2. <b>Definition of “realisable value”:</b> fair market value less estimated costs of completion.</li> <li>3. <b>Definition of “right to use, control or manage”:</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. <b>Regulation 5</b> (decision-making).</li> <li>5. <b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations 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)	<p><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:</p> <ol style="list-style-type: none"> <li>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</li> <li>(b) 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>(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.</li> </ol>
<b>Town Planning legislation</b>	No application is required.

### **DEPARTEMENTELE KOMMENTAAR**

#### **DIREKTEUR: FINANSIELE DIENSTE**

Comments from support sections noted for consideration.

#### **DIREKTEUR: SIVIELE INGENEURSDIENSTE**

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

#### **DIREKTEUR: BESTUURSDIENSTE**

Noted.

#### **ELEK**

Eskom supply area.

#### **AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

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

#### **BESTUURDER: STADSBEPLANNING**

My voorstel:

1. Gedeelte moet afgesny word.
2. Verkoop word as “undetermined zoning”.
3. Met koop kan ons eers konsolideer en hersoneer na Residensieel 1.

#### **BESTUURDER: ADMINISTRATIEWE DIENSTE**

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

#### **BESTUURDER: STRATE EN STORMWATER**

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

#### **BESTUURDER: WATER EN RIOOL**

No objection.

#### **BOUBEHEER**

Noted.

### **KOMMENTAAR: WYKSKOMITEE (23 FEBRUARIE 2021)**

Die Wykskomitee ondersteun die aansoek.

**BESTUURSAANBEVELING**

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

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

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

**BESLUIT 67/2021**

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

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

Dat oorweging geskenk word aan die versoek van me R Europa ten einde 'n gedeelte van Erf 670, Waenhuiskrans by die Raad te huur ten einde erf 732 te vergroot (liggingsplan aangeheg op **bladsy 43**).

**ALGEMENE INLIGTING**

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

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 44** is van me R Europa ontvang om 'n gedeelte van erf 670, Waenhuiskrans by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

<b>Council policy</b>	<b>Alienation of land</b>
<b>MFMA</b>	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li>2. <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>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).</li> <li>4. <b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>
<b>MATR</b>	<ol style="list-style-type: none"> <li>1. <b>Definition of "high value asset"</b>: <i>fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of "realisable value"</b>: fair market value less estimated costs of completion.</li> </ol>



	<p>3. <b>Definition of "right to use, control or manage"</b>: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. <b>Regulation 5</b> (decision-making).</p> <p>5. <b>Regulation 6</b> (public participation)</p>
<b>SCM Regulations 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)	<p><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:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
<b>Town Planning legislation</b>	No application is required.

### **DEPARTEMENTELE KOMMENTAAR**

#### **DIREKTEUR: FINANSIËLE DIENSTE**

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

#### **DIREKTEUR: INFRASTRUKTUURDIENSTE**

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

#### **DIREKTEUR: BESTUURSDIENSTE**

Noted

#### **ELEK**

Eskom supply area.

#### **AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

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

#### **BESTUURDER: STADSBEPLANNING**

Nie aanbeveel nie. Versnipperig van Openbare Oop Ruimte.

#### **BESTUURDER: ADMINISTRATIEWE DIENSTE**

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

#### **BESTUURDER: STRATE EN STORMWATER**

Strate- en stormwater infrastruktuur word nie beïnvloed nie.

#### **BESTUURDER: WATER EN RIOOL**

Water and sewer connection will have to be made.

#### **BOUBEHEER**

Noted

#### **KOMMENTAAR: WYKSKOMITEE (23 FEBRUARIE 2021)**

Die Wykskomitee ondersteun die aansoek.

**BESTUURSAANBEVELING**

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

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

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

**BESLUIT 68/2021**

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

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

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

Dat oorweging geskenk word aan die versoek van me J Davids ten einde 'n gedeelte van Erf 670, Waenhuiskrans by die Raad te huur ten einde erf 734 te vergroot (liggingsplan aangeheg op **bladsy 45**).

**ALGEMENE INLIGTING**

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

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 46 en 47** is van me J Davids ontvang om 'n gedeelte van erf 670, Waenhuiskrans by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li>2. <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>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).</li> <li>4. <b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>
MATR	<ol style="list-style-type: none"> <li>1. <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>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of "realisable value"</b>: fair market value <u>less</u> estimated costs of completion.</li> <li>3. <b>Definition of "right to use, control or manage"</b>: when granting such rights do not amount to</li> </ol>

	permanent transfer or disposal. 4. <b>Regulation 5</b> (decision-making). 5. <b>Regulation 6</b> (public participation)
<b>SCM Regulations 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:  (a) by displaying the documents at the municipality's head and satellite offices and libraries;  (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and  (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
<b>Town Planning legislation</b>	No application is required.

**DEPARTEMENTELE KOMMENTAAR****DIREKTEUR: FINANSIËLE DIENSTE**

Neem kennis van die versoek.

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

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

**DIREKTEUR: BESTUURSDIENSTE**

Noted.

**ELEK**

Eskom supply area.

**AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

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

**BESTUURDER: STADSBEPLANNING**

Nie aanbeveel nie. Versnippering van Openbare Oop Ruimte.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

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

**BESTUURDER: STRATE EN STORMWATER**

Strate- en stormwater infrastruktuur word nie beïnvloed nie.

**BESTUURDER: WATER EN RIOOL**

Water and sewer connection to be made.

**BOUBEHEER**

Noted.

**KOMMENTAAR: WYKSKOMITEE: 23 FEBRUARIE 2021**

Die Wykskomitee ondersteun die aansoek.

**BESTUURSAANBEVELING**

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

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

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

**BESLUIT 69/2021**

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

11.9 **VERVREEMDING (HUUR): GEDEELTE ERF 1343, BREDASDORP (COLLAB: 374271) (WYK 2)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr E Bennet ten einde 'n gedeelte van Erf 1343, Bredasdorp by die Raad te huur ten einde vir die boer van varke aan te wend (liggingsplan aangeheg op **bladsy 48**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1343, Bredasdorp
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	1-2ha

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 49 tot 52** is van mnr E Bennet ontvang om 'n gedeelte van erf 1343, Bredasdorp by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> <li>1. <b>Sect 14(2)(a)</b>: asset not required for minimum level of basic services.</li> <li>2. <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>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).</li> <li>4. <b>Sect 33</b>: Contracts having long term financial implications.</li> </ol>
MATR	<ol style="list-style-type: none"> <li>1. <b>Definition of "high value asset"</b>: <i>fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li>a) R50 million;</li> <li>b) One percent of the total value of the capital assets of the municipality....</li> <li>c) An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</li> </ol> </li> <li>2. <b>Definition of "realisable value"</b>: fair market value less estimated costs of completion.</li> </ol>

	<p>3. <b>Definition of "right to use, control or manage"</b>: when granting such rights do not amount to permanent transfer or disposal.</p> <p>4. <b>Regulation 5</b> (decision-making).</p> <p>5. <b>Regulation 6</b> (public participation)</p>
<b>SCM Regulations 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)	<p><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:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
<b>Town Planning legislation</b>	No application is required.

### **DEPARTEMENTELE KOMMENTAAR**

#### **DIREKTEUR: FINANSIËLE DIENSTE**

Noted.

#### **DIREKTEUR: INFRASTRUKTUURDIENSTE**

Application not supported. The location is not suitable for pig farming. It will have a hazardous effect on surrounding people due to the close proximity of the residential houses and will have an adverse impact on Solid Waste Management.

#### **DIREKTEUR: BESTUURSDIENSTE**

Neem kennis.

#### **ELEK**

Die aansoeker wil nie elektrisiteit he nie, volgens sy aansoek.

#### **AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

I suggest that this be held in abeyance pending the finalisation of the Lebombo Camp.

#### **BESTUURDER: STADSBEPLANNING**

My voorstel is dat die aansoek nie aanbeveel word nie. Die terrein is te naby aan Residensiele gebied. Kyk na alternatiewe terrein op Arniston pad uit

#### **BESTUURDER: ADMINISTRATIEWE DIENSTE**

AANSOEK WORD NIE ONDERSTEUN NIE. DIE RAAD is in proses om in die Burgemeester se SMT "10 Month Plan" 'n projek saam te stel waarin daar spesifiek aandag gegee gaan word aan varkboere by die "Lebombokamp" asook die hervestiging van varkboere in lebombokamp.

#### **BESTUURDER: STRATE EN STORMWATER**

Strate- en stormwaterinfrastruktuur word nie beïnvloed nie.

#### **BESTUURDER: WATER EN RIOOL**

No objection.

#### **BOUBEHEER**

Noted.

### **KOMMENTAAR - WYKSKOMITEE: 25 FEBRUARIE 2021**

Die komitee ondersteun nie die aansoek nie, aangesien dit te na aan 'n residensiele area is. Aansoek vir die gebruik van Lebombo kamp moet gestuur word na Urlene Jantjies.

**BESTUURSAANBEVELING**

Dat die aansoek nie goedgekeur word nie, aangesien dit te na aan die residensiële area geleë is.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 70/2021**

Dat die aansoek nie goedgekeur word nie, aangesien dit te na aan die residensiële area geleë is.

11.10 **VERVREEMDING (HUUR): GEDEELTE ERF 1148 EN 3474, BREDASDORP (COLLAB: 372374) (WYK 4)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr A J De Wet namens G & D Hydroponics ten einde 'n gedeelte van Erf 1148 en 3474, Bredasdorp by die Raad te huur om 'n kommersieel lewensvatbare hidroponiese boerdery aan te wend (liggingsplan aangeheg op **bladsy 53**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 1148 en 3474, Bredasdorp
Huidige sonering	:	Meentgrond
Voorgestelde Grootte	:	5 000m <sup>2</sup>

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 54 en 55** is van mnr A J De Wet namens G & D Hydroponics ontvang om 'n gedeelte van erf 1148 en 3474, Bredasdorp by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**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 less 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 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:  (a) by displaying the documents at the municipality's head and satellite offices and libraries;  (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and  (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
<b>Town Planning legislation</b>	No application is required.

**DEPARTEMENTELE KOMMENTAAR****DIREKTEUR: FINANSIËLE DIENSTE**

Geen beswaar.

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

The project is supported in principle. However, the proposed land alienation is not supported, as it needs to be discussed with Town Planning to find a suitable available piece of land that is available for the specific industry.

**DIREKTEUR: BESTUURSDIENSTE**

Noted.

**ELEK**

Any Electrical upgrades and installation of new electrical infrastructure for tenants account

**AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

No objection provided due legal process is followed.

**BESTUURDER: STADSBEPLANNING**

Daar word nie gese hoe groot die gedeeltes is wat gehuur wil word nie, ook nie vir hoe lank nie (tydperk). Ons sal die 2 gedeeltes moet afsny en konsolideer met 'n nuwe erf nommer wat ook 'n nuwe sonering moet insluit. Dus kostes behels, onderverdeling, konsolidasie en hersonering. Bykomende studies kan insluit (groundwater, freshwater and EIA). Die huidige sonering is Munisipaal.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

Aansoek word nie ondersteun nie, a.g.v 1. Die visuele impak wat die tunnels gaan hê vanaf rigting "Glaskasteel". 2. Aanleg moet nader aan lanbougebied gedoen word.

**BESTUURDER: STRATE EN STORMWATER**

Die betrokke gedeelte grond het toegang tot 'n teerstraat.

**BESTUURDER: WATER EN RIOOL**

Geen beswaar

**BOUBEHEER**

Noted.

**BESTUURDER: VERKEER EN WETSTOEPASSING**

Noted application, access will be cut off for other properties to and from the tar road.

**KOMMENTAAR: WYKSKOMITEE (16 FEBRUARIE 2021)**

Die aansoek word ondersteun deur die wykskomitee.

**BESTUURSAANBEVELING**

Dat daar eers 'n terreinbesoek afgelê word, alvorens 'n aanbeveling aan die Raad gedoen word.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 71/2021**

Dat daar eers 'n terreinbesoek afgelê word, alvorens 'n aanbeveling aan die Raad gedoen word.

*(Raadsheer Jantjies teken sy teenstem aan en beveel aan dat die genoemde ontwikkeling op NAMPO Park se grond opgerig moet word.)*

11.11 **VERVREEMDING (HUUR): GEDEELTE ERF 26, KLIPDALE (COLLAB: 365959)****DOEL VAN VERSLAG**

Dat oorweging geskenk word aan die versoek van mnr G September ten einde 'n gedeelte van Erf 26, Klipdale te huur vir die teel en grootmaak van varke (liggingsplan aangeheg op **bladsy 56**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Ligging	:	Gedeelte Erf 26, Klipdale
Huidige sonering	:	Onbepaald
Voorgestelde Grootte	:	50m x 20m

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 57 tot 60** is van mnr G September ontvang om 'n gedeelte van erf 26, Klipdale by die Raad te huur.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**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> </ol>



	<ol style="list-style-type: none"> <li>2. <b>Definition of “realisable value”:</b> fair market value less estimated costs of completion.</li> <li>3. <b>Definition of “right to use, control or manage”:</b> when granting such rights do not amount to permanent transfer or disposal.</li> <li>4. <b>Regulation 5</b> (decision-making).</li> <li>5. <b>Regulation 6</b> (public participation)</li> </ol>
<b>SCM Regulations 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)	<p><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:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
<b>Town Planning legislation</b>	No application is required.

### **DEPARTEMENTELE KOMMENTAAR**

#### **MUNISIPALE BESTUURDER**

Noted.

#### **DIREKTEUR: FINANSIËLE DIENSTE**

Neem kennis en geen beswaar

#### **DIREKTEUR: INFRASTRUKTUURDIENSTE**

Not supported, as inadequate business plan submitted to ensure sustainability, as this could become a health burden to the municipality if not adequately managed, as history has proven in Bredasdorp.

#### **DIREKTEUR: BESTUURSDIENSTE**

Noted

#### **ELEK**

Eskom supply area.

#### **AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

No objection provided that LED does an assessment as to the sustainability of the venture or facilitates such an assessment in collaboration with the Department of Agriculture. If the project is to be supported by the Department of Agriculture there needs to be a suspensive condition in the agreement to the effect that a commitment is obtained. All legal processes to be followed to ensure community input given the nature of the venture.

#### **BESTUURDER: ADMINISTRATIEWE DIENSTE**

Aansoek word ondersteun. Die aansoeker sal aanspreeklik wees vir alle koste, soos water, omheinings asook 'n terugvalklousule indien dit nie meer vir varkboerdery gebruik word nie.

#### **BESTUURDER: STRATE EN STORMWATER**

Daar is 'n informele toegang na die perseel.

#### **BESTUURDER: WATER EN RIOOL**

Noted. Wayleave inspection required

#### **BOUBEHEER**

All legal requirements regarding farming must be compliant. If virgin land, approval must be obtained from Environmental Affairs.

**STADSBEPANNING**

Geen beswaar teen aansoek.

**LED AFDELING**

Ons het geen beswaar met die proses. Aansoekers was by LED kantoor en ons sal hulle assisteer met hul besigheid vorentoe.

**KOMMENTAAR - WYKSKOMITEE: 25 FEBRUARIE 2021**

Die All Saints Kerk is geleë op die erf soos aangevra. Die versoek van die komitee is dat die kerk die onwettige aanhou van varke op die kerkgrond moet hanteer.

**BESTUURSAANBEVELING**

Dat die aansoek nie goedgekeur word nie, aangesien die genoemde eiendom op dieselfde perseel as die kerk geleë is.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 72/2021**

- (i) Dat die aansoek nie goedgekeur word nie, aangesien die genoemde eiendom op dieselfde perseel as die kerk geleë is.
- (ii) Dat alternatiewe grond ondersoek word.
- (iii) Dat die LED departement die ondersoek ook uitbrei na Proteem om voorsiening te maak vir opkomende boere.

11.12 **VERVREEMDING (KOOP): GEDEELTE ERF 2319, BREDASDORP (COLLAB: 363327) (WYK 6)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van Kingdom Revival Community Ministries ten einde 'n gedeelte van erf 2319, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 61**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Gedeelte Erf 2319, Bredasdorp
Ligging	:	Bellstraat
Huidige sonering	:	Publiek en Sosiaal
Erf Grootte	:	2.5081ha

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 62 en 63** is van Kingdom Revival Community Ministries ontvang om 'n gedeelte van erf 2319, Bredasdorp by die Raad te koop.

**MARKWAARDASIE**

R

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
<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>: <i>fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li><i>R50 million;</i></li> <li><i>One percent of the total value of the capital assets of the municipality....</i></li> <li><i>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i></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 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)	<p><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:</p> <p>(a) by displaying the documents at the municipality's head and satellite offices and libraries;</p> <p>(b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and</p> <p>(c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.</p>
<b>Town Planning legislation</b>	No application is required.

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

Suitable land for faith based purposes to be identified as part of the review process of the SDF.

**DIREKTEUR: FINANSIËLE DIENSTE**

Onderhewig met die aanpas van die huidige sonering voorwaardes indien van toepassing asook welk dit in lyn is met die Raad se beplanning synde geïdentifiseerde kerkgrond.

**DIREKTEUR: BESTUURSDIENSTE**

Voorsien nie enige probleme vanaf Direktooraat: Bestuursdienste nie.

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

Not supported due to negative stormwater impact.

**AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

Any land suitable for sale as a church erf should be done via a public process due to demand.

**ELEK**

All connection fees as per the approved tariffs and for owners account.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

Ek ondersteun nie die aansoek nie. Die rede, is by bekommernis dat daar nie vroegtydig met dorpsontwikkeling voorsiening gemaak word vir kerke nie. Daar word weekliks aansoek van "kerke" ontvang wat grond wil bekom, en die situasie ruk nou handuit, aangesien die voorsiening re-aktief is. Stadsbeplanning behoort eers vooraf "kerkgrond" te identifiseer en dan beskikbaar te stel.

**BESTUURDER: STRATE EN STORMWATER**

Die betrokke erf is blootgestel aan vloede wanneer dit baie reën. Slegs 'n klein gedeelte van die erf kan beskikbaar gestel word.

**BESTUURDER: WATER EN RIOOL**

Sewer pipe running on boundary between 2319 en 2316. Wayleave inspection required before any building can commence

**BOUBEHEER**

Aansoek word nie ondersteun nie. Daar moet voortydig voorsiening gemaak word vir kerkgronde en die sonerings daarvoor in plek is. Daar moet ondersoek gedoen word en kerkgrond geïdentifiseer word deur Stadsbeplanning en daar moet daarby gehou word.

**STADSBEPLANNING**

Sonering is in orde.

**BESTUURDER: VERKEER EN WETSTOEPASSING**

Disaster Management risk - flooding area not advised to build on.

**KOMMENTAAR - WYKSKOMITEE: 23 FEBRUARIE 2021**

Erf 2319 te Bellstraat is egter reeds gehersoneer vir opvoedkundige doeleindes en is op die wyk se GOP geïdentifiseer as grond vir 'n skool. Die grond word ook geogmerk vir die oprig van 'n opelig gimnasium.

Die aansoek word nie deur die Wykskomitee ondersteun nie a.g.v bogenoemde redes.

**BESTUURSAANBEVELING**

Dat die aansoek nie goedgekeur word nie, op kommentaar van die wykskomitee.

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

Dat die Bestuursaanbeveling aanvaar word.

**BESLUIT 73/2021**

Dat die aansoek nie goedgekeur word nie, op kommentaar van die wykskomitee.

**11.13 VERVREEMDING (KOOP): ERF 4176, BREDASDORP (COLLAB: 347448) (WYK 2)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van me D Oncke ten einde erf 4176, Bredasdorp te koop (liggingsplan aangeheg op **bladsy 64**).

**ALGEMENE INLIGTING**

Eienaars	:	KAM
Eiendom	:	Erf 4176, Bredasdorp
Huidige sonering	:	Enkel Residensieel
Erf Grootte	:	686m <sup>2</sup>

**AGTERGROND**

'n Skriftelike versoek, soos aangeheg op **bladsy 66 tot 70** is van me D Oncke ontvang om erf 4176, Bredasdorp by die Raad te koop.

**MARKWAARDASIE**

R120 000,00 (Munisipale Waardasie)

**FINANSIËLE IMPLIKASIES**

Vervreemdingsinkomste vir KAM.

**WETLIKE IMPLIKASIES**

Council policy	Alienation of land
MFMA	<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>
MATR	<ol style="list-style-type: none"> <li><b>Definition of "high value asset"</b>: <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> <li><i>R50 million;</i></li> <li><i>One percent of the total value of the capital assets of the municipality....</i></li> <li><i>An amount determined by resolution of the council of the municipality ..... which is less than (a) or (b).</i></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>
SCM Regulations SCM Policy	<b>Regulation 40: (Disposal Management)</b> Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p><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:</p> <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>
Town Planning legislation	No application is required.

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

Colleagues I think it is time that we look at a guideline or policy for municipal staff to acquire municipal land for residential purposes as part of ensuring that we do support them to gain homeownership obviously within the legislative framework. I do not see anything wrong with council waiving the need for public tender or auction for municipal staff if the offer is market related. For me it comes down to ensuring employee wellness and security of tenure as municipal officials do not qualify for any government housing schemes. My recommendation would be that you table this to council to gauge their views on it.

**DIREKTEUR: INFRASTRUKTUURDIENSTE**

The land is not required for basic service delivery. I support that the land is disposed of on public auction.

**DIREKTEUR: BESTUURSDIENSTE**

Agree that policy should be developed.

**AFDELINGSHOOF: STRATEGIESE, BEPLANNING EN ADMINISTRATIEWE DIENSTE**

Concur with the MM's comments that a policy should be developed.

**ELEK**

Land is serviced with electricity.

**BESTUURDER: ADMINISTRATIEWE DIENSTE**

Ek kan nie die vervreemding ondersteun nie. Ek stel voor die RAAD ondersoek die wesenlikheid van die verkoop van al die beskikbare erwe in die onmiddellike omgewing, en sit die erwe dan per TENDER UIT, soos met Kalkoentjiesingel.

**BESTUURDER: STRATE EN STORMWATER**

Die betrokke erf het toegang na 'n teerstraat.

**BESTUURDER: WATER EN RIOOL**

Policy should be put in place and this matter be referred to council.

**BESTUURSAANBEVELING**

Vir oorweging deur die Raad.

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

Dat die aangeleentheid terug verwys word vir verdere ondersoek ten opsigte van: (1) Die hoeveelheid erwe beskikbaar; (2) Area geormerk vir GAP-Behuising?; (3) Middelklas groepsbehuisingsprojek en volledige verslag aan die Raad voorgelê word.

**RAADSVERGADERING - 20 AUGUSTUS 2020: BESLUIT 123/2020**

*“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 geormerk vir GAP-Behuising?; (3) Middelklas groepsbehuisingsprojek en volledige verslag aan die Raad voorgelê word.”*

**KOMMENTAAR: BEHUISING**

Daar is 16 erwe beskikbaar. *“Volgens my is daai erwe nie deel van die beoogde behuisingsontwikkeling vir die area nie. Stadsbeplanning moet dit asb bevestig. As dit gedienste erwe is moet die raad daarvoor n besluit neem.”*

**BESTUURSAANBEVELING**

Dat erwe 4176 - 4190 per publieke tender vervreem word met munisipale waardasie as reserweprys.

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

Dat die aangeleentheid terugverwys word sodat die verkoopsvoorwaardes deur die Munisipale Bestuurder gefinaliseer word en weer aan die Komitee voorgelê word vir oorweging.

**BESLUIT 74/2021**

Dat die aangeleentheid terugverwys word sodat die verkoopsvoorwaardes deur die Munisipale Bestuurder gefinaliseer kan word en weer aan die Finansies- en IT Dienste Komitee voorgelê word vir oorweging om per tender te vervreem.

**11.14 KORTING OP HUUROORENKOMS: SOUTHERN WHALES AKKOMMODASIE (R EUROPA)****DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van me R Europa (Southern Whales Akkommodasie) om korting toe te staan aan bestaande huurbedrag as gevolg van die Covid-19 pandemie (huuroorenkoms aangeheg op **bladsy 71 tot 79**).

**AGTERGROND**

Erf 214, Waenhuiskrans (liggingsplan aangeheg op **bladsy 80**) word tans verhuur aan Southern Whales Akkommodasie wat dit sedert 1 Junie 2013 vir 'n gastehuis aanwend. Die maandelikse huur het begin met R137,94 per maand met 'n styging van 10% per jaar. Die projek word as 'n LED-projek beskou. 'n Versoek, soos aangeheg op **bladsy 81 tot 85** is van me R Europa, eienaar van Southern Whales ontvang waarin sy vra vir korting op die bestaande huurbedrag.

**KONTRAKBEPALINGS**

Huur: Erf 214, Waenhuiskrans  
 Grootte: 1 509m<sup>2</sup>  
 Termyn: 1 Februarie 2019 tot 31 Januarie 2022

<b>HUURGELD</b>	<b>MARKVERWANTE HUUR</b>	<b>MINUS %</b>	<b>HUUR BETAALBAAR</b>
Jaar 1 Markverwant - 80%	4 800.00	3 840.00	960.00
Jaar 2 Markverwant - 60%	4 800.00	2 880.00	1 920.00
Jaar 3 Markverwant - 40%	4 800.00	1 920.00	2 880.00
Jaar 4 Markverwant - 20%	4 800.00	960.00	3 840.00
Jaar 5 Markverwant	4 800.00	4 800.00	4 800.00

Huurbedrag beloop tans R2 880,00 per maand (sien aangeheg op **bladsy 86 en 87**)

**BESTUURSAANBEVELING**

Dat die aansoek om korting nie ondersteun word nie, aangesien die Covid Ondersteuningsbeleid nie voorsiening maak vir die afskrywing/vermindering van huurgeld nie.

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

Dat die aangeleentheid terugverwys word vir verdere ondersoek. Sodanige ondersoek sal insluit: Alle besigheidsaansoeke vir "Covid-korting" en maandelike aanpassings aan die Covid Ondersteuningsbeleid.

**BESLUIT 75/2021**

Dat die aangeleentheid terugverwys word vir verdere ondersoek. Sodanige ondersoek sal insluit: Alle besigheidsaansoeke vir "Covid-korting" en maandelike aanpassings aan die Covid Ondersteuningsbeleid.

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

11.15 **HUUROOREENKOMS: VERLENGING MEENTGRONDE - KAM EN AGV BOERDERY (PTY) LTD****DOEL VAN VERSLAG**

Om die Raad te versoek om die bestaande ooreenkoms met AGV Boerdery te verleng.

**AGTERGROND**

Daar bestaan tans 'n huurooreenkoms tussen Kaap Agulhas Munisipaliteit en AGV Boerdery (Pty) Ltd (Regnr: 2015/314434/07) vir die huur van 'n gedeelte van erf 1148, Bredasdorp met 'n grootte van ongeveer 349 hektaar.

Die grond bestaan uit kampe 1 tot 11 asook kamp 13. Die ooreenkoms is op 23 Maart 2016 deur alle partye onderteken vir 'n huurtermyn van 5 jaar, beginnende op 1 Januarie 2016 tot 31 Desember 2020. Die gronde is aanvanklik aan AGV Boerdery verhuur sodat "opkomende boere" die geleentheid gegun kon word om onder "beheerde" toesig geleentheid te kry om te boer en om verdere vaardighede in die boerdery bedryf op te doen.

'n Skrywe, soos aangeheg op **bladsy 88 en 89** is van AGV Boerdery (Pty) Ltd ontvang waarin hulle die Raad versoek vir die verlening van die huurooreenkoms vir 9 jaar en 11 maande. In die skrywe dui hul ook aan die werk en verbeterings wat op die gronde aangebring is.

### **FINANSIËLE IMPLIKASIE**

Huuropbrengs word bepaal op die oesopbrengs van die vorige jaar.

### **REGSIMPLIKASIE**

Die bepalings van die ooreenkoms is duidelik.

### **PERSONEEL IMPLIKASIE**

Geen.

### **BESTUURSAANBEVELING: 17 NOVEMBER 2020**

- (i) Dat die Raad kennis neem van die versoek van AGV Boerdery (Pty) Ltd om kampe 1 - 11 en kamp 13 by die Raad te huur vir 9 jaar en 11 maande.
- (ii) Dat die Raad goedkeuring gee vir die verhuring van die genoemde grond vir 'n verdere termyn van 3 jaar (1 Januarie 2021 tot 31 Desember 2023).
- (iii) Dat die huidige huurtarief gewysig word met 'n jaarlikse eskalاسie van 5%, maar dat die opbrengswaarde van 3% tot 5% verhoog word.
- (iv) Dat AGV Boerdery die Raad voorsien van die volle samestelling van die Maatskappy asook die nuutste finansiële state.
- (v) Dat die ander voorwaardes soos vervat in AGV Boerdery se ooreenkoms, steeds van krag bly.
- (vi) Dat die eienaarskap van AGV Boerdery vanaf die "kommersiële-boere-vennote" na die "opkomende-boere-vennote" oorgedra word sodat die opkomende boere op hul eie volhoubaar kan boer.

### **AANBEVELING: FINANSIES- EN IT DIENSTE KOMITEE: 17 NOVEMBER 2020**

Dat AGV Boerdery versoek word om op 8 Desember 2020 'n voorlegging aan die Raad te doen.

### **BESLUIT 204/2020: 8 DESEMBER 2020**

Dat AGV Boerdery 'n volledige voorlegging aan die Raad doen alvorens 'n finale besluit geneem word.

### **BESTUURSAANBEVELING**

Dat die Finans- en IT Dienste Komitee die gesprek met AGV Boerdery so spoedig moontlik afhandel en na die Raad aanbeveel.

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

Dat die Bestuursaanbeveling aanvaar word.

### **VERGADERING / VOORLEGGING GEHOU OP 22 APRIL 2021**

'n Vergadering / voorlegging word op 22 April 2021 in die Raadsaal gehou wat onder andere deur verskeie Raadslede bygewoon is. AGV Boerdery (Pty) Ltd doen 'n volledige voorlegging wat insluit:

1. Die samestelling van die maatskappy.
2. 'n Volledige besigheidsplan.
3. Visie, misie asook beskrywings van die werkswynging van die maatskappy.
4. Produkte en boerdery praktyke wat toegepas word.



**Na die vergadering word die volgende aanbeveling aan die Raad gedoen:**

**AANBEVELING**

- (i) Dat die Raad kennis neem van die versoek van AGV Boerdery (Pty) Ltd om kampe 1 - 11 en kamp 13 (349 HA) by die Raad te huur vir 9 jaar en 11 maande.
- (ii) Dat die Raad goedkeuring gee vir die verhuring van die genoemde grond vir 'n termyn van 9 jaar en 11 maande (1 Januarie 2021 tot 30 November 2030).
- (iii) Dat die bestaande voorwaardes soos vervat in AGV Boerdery (Pty) Ltd se ooreenkoms, steeds van krag bly.
- (iv) Dat die opsie om die ooreenkoms vir 'n verdere termyn te verleng, onderhewig is aan Raads-goedkeuring.
- (v) Dat 'n nuwe ooreenkoms namens die Raad deur die Munisipale Bestuurder onderteken word.

**BESLUIT 76/2021**

- (i) Dat die Raad kennis neem van die versoek van AGV Boerdery (Pty) Ltd om kampe 1 - 11 en kamp 13 (349 HA) by die Raad te huur vir 9 jaar en 11 maande.
- (ii) Dat die Raad goedkeuring gee vir die verhuring van die genoemde grond vir 'n termyn van 9 jaar en 11 maande (1 Januarie 2021 tot 30 November 2030).
- (iii) Dat die bestaande voorwaardes soos vervat in AGV Boerdery (Pty) Ltd se ooreenkoms, steeds van krag bly.
- (iv) Dat die opsie om die ooreenkoms vir 'n verdere termyn te verleng, onderhewig is aan Raads-goedkeuring.
- (v) Dat 'n nuwe ooreenkoms namens die Raad deur die Munisipale Bestuurder onderteken word.

***(Raadslid Jacobs teken sy teenstem aan, aangesien die markwaarde per hektaar laer is as die bestaande markprys.)***

**11.16 CLEARLAKE CAPITAL (EDMS) BPK: PORTION (12,29HA) OF ERF 1256, STRUISBAAI**

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

**PURPOSE OF REPORT**

To discuss the current situation of the land (Portion of Erf 1256), Clearlake Capital is interested in to invest for future development.

**BACKGROUND**

A (ROD) Record of Decision was taken by Provincial Department of Environment during 2017, which included a condition that the whole of Erf 1256 (approximately 90ha), be rezoned to Open Space to maintain the ecological connectivity and to prohibit any kind of future development.

A meeting was held with Shandre Laven from National Department Environment Forestry and Fisheries for assistance. Her proposal was to assist CAM and to arrange a meeting with Provincial Department of Environment, which was held on the 31<sup>st</sup> of March 2021.

**DISCUSSION**

**Provincial Department of Environment indicated to CAM that there are 2 options:**

**Option 1:**

Let the ROD lapse in 2022 and re-start the process focussing only on the portion of Clearlake.

**Option 2:**

- Apply to amend the ROD to take remove Condition 18
- Apply for extension of current decision
- Proposed the possibility of instituting a biodiversity offset, allocating another similar property or area for conservation.

**Before we could decide which option to choose:**

- Nick Helme who did the Botanical study should give us his motivation and reasons for his conclusion as stipulated in Condition 18 of the decision.
- If we decide on Option 2 It will take 6-8 months from the date the application for amendment is submitted with the Department.
- Public Participation will form part of the process.
- If we decide on Option 1, the ROD will lapse in June 2022. The whole process will start from the beginning with an EIA, and if necessary, a Botanical study.

**FINANCIAL IMPLICATIONS**

Option 1: Full EIA process that might include a Botanical study, and same answer from Environment.

Option 2: The area allocated for biodiversity offset should also undergo a full EIA. The ratio is approximately 1:3. Meaning the offset area should be 3 times bigger than 12ha.

**MANAGEMENT RECOMMENDATION**

- (i) **ENVIRO-EAP** will meet with us next week 14/15 April 2021. Discussion concerning conclusions made in the Botanical study.
- (ii) Recommended to take **Option 1**. Start fresh with new EIA application. If we take Option 2 we will always refer to the old application. We still need to do a full EIA for the proposed land for offset. Decision may remain the same.
- (iii) The current Industrial erven consist of 12 erven and could not be extended to include more erven, according to the ROD taken in 2017.

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

That the matter be referred back for further investigation.

**RESOLUTION 77/2021**

That the matter be referred back for further investigation and that the Municipal Manager consults with Council's legal advisors and re-submitted to the Finance- and IT Services Committee.

11.17 **DUIKER STREET TO STRUISBAAI HARBOUR PRECINCT DEVELOPMENT PLAN****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION****PURPOSE OF REPORT**

To provide a progress report on the Duiker Street to Harbour Precinct Plan and evaluate whether the project should be continued or cancelled.

**BACKGROUND**

The Duiker Street to Struisbaai Harbour Precinct Development Plan with proposed land uses was commissioned at the request of council. Tenders were called for the project and it was awarded to Coastal and Environmental Services in July 2019. The total cost of the project was R 698 913,50 excluding VAT.

The project was divided into 3 phases, namely:

Phase	Deliverables	Status
Phase 1: Inception	<ul style="list-style-type: none"> <li>• Signed-off Inception Report setting out the implementation of the project, site visits, an internal workshop and meetings.</li> </ul>	Complete
Phase 2: Public Participation, Data Collection and Reporting	<ul style="list-style-type: none"> <li>• Desktop review and synthesis:               <ul style="list-style-type: none"> <li>○ Environmental documents and reports</li> <li>○ Planning documents and reports</li> <li>○ Stakeholder Engagement Plan</li> </ul> </li> <li>• PST meeting 3</li> <li>• Stakeholder engagement and the Stakeholder Perceptions and Preferences Report</li> <li>• Draft Duiker Street to Struisbaai Harbour Precinct options analysis and initial development plan</li> <li>• PST meeting 4 and DSH TC meeting 1</li> <li>• Economic analysis of preferred options</li> <li>• Presentation of the draft development plan to stakeholders</li> </ul>	Complete except for comments from some Provincial Departments which would have been obtained on draft plan if generally acceptable to the community.
Phase 3: Final reporting	<ul style="list-style-type: none"> <li>• PST meeting 5</li> <li>• Final Precinct development plans.</li> <li>• All final reports in soft and hard copy</li> <li>• All final maps and plans in soft and hard copy</li> <li>• PST meeting 6</li> </ul>	Not started

## DISCUSSION

The project should have been concluded in March 2020. Phase 1 was included within timeframes. The bulk of phase 2 was also completed within timeframes but challenges arose with the final completion of this phase that required presentation of a draft plan to stakeholders for comment and input which could not be done effectively due to lockdown.

Internal and external stakeholder meetings were scheduled for March 2020, but had to be cancelled which resulted in the stakeholder presentation being postponed. When alert level 2 was announced, it was decided to reschedule a stakeholder engagement albeit on a limited basis due to prohibitions on gatherings. Invitees included officials, ward committee members and other local stakeholders with whom the consultants previously engaged. We also streamed this engagement live in a bid to engage with more stakeholders.

Unfortunately, the draft plan that was presented to officials prior to the engagement, and the public reaction to the proposals presented was unprecedented and predominantly negative. This was worsened by misconceptions that were perpetuated amongst the community in a time where full public meetings could not be held, and we relied on press releases to placate the public.

The question now is whether it is feasible to continue with final phase of the project, given the amount of R462 180 (Excl VAT) that has been spent as well as further unpaid invoice of R40 362 which is partially disputed, weighed up against the cost of R236 733,00 to complete the project full well knowing that the public are not in favour of any development in the subject area, and that further attempts to promote the project may well lead to another negative outcry.

Correspondence from CES in this regard is attached on **page 90 and 91**. They confirm that there were approximately 2000 comments. They also propose that the project be discontinued and further indicate that in order to salvage the project it would require additional funding to restart the public engagement process which I do not believe would be feasible.

## LEGAL IMPLICATIONS

SCM contract of appointment.

**FINANCIAL IMPLICATIONS**

An amount of R462 180 (Excl VAT) has been spent on the project. The final phase of the project will cost a further R236 733. All work done to date becomes our property and can be used should we wish to embark on a similar process in future. This has been discussed with the CFO who is not opposed to the termination providing we received the deliverables paid for.

**PERSONNEL IMPLICATIONS**

None.

**MANAGEMENT RECOMMENDATION**

- (i) That the Committee take note that the recommendations of the service provider was considered.
- (ii) That the Committee take note that recommendations will not be viable.
- (iii) That the Duiker Street Precinct Plan project be discontinued due to the overwhelming opposition thereto by the public.

**COMMENTS: WARD COMMITTEE**

The Ward Committee supports the management's recommendation.

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

That the management recommendation be accepted.

**RESOLUTION 78/2021**

- (i) That the Committee take note that the recommendations of the service provider was considered.
- (ii) That the Committee take note that recommendations will not be viable.
- (iii) That the Duiker Street Precinct Plan project be discontinued due to the overwhelming opposition thereto by the public.

11.18 **BYDRAE TOT DIE WATER- EN RIOOLAANSLUITING: UNITED OUTREACH MINISTRIES****DOEL VAN VERSLAG**

Om oorweging te skenk daaraan om 'n bydrae te lewer tot die aansluitingsfooie vir 'n water- en riool-aansluiting.

**AGTERGROND**

Die United Outreach Ministries beplan om met die bou van hulle kerk te begin op erf 766, Waenhuiskrans. In die lig van die hoë kostes rig hulle 'n versoek aan die Raad om moontlike ondersteuning te gee in die vorm van die kwytstelling van die aansluitingsfooie vir die wateraansluiting (R8 987,25) en die rioolaansluiting (R8 036,20) - Skrywe aangeheg op **bladsy 92 ent 93**.

**FINANSIËLE IMPLIKASIE**

R17 023,45

**BESTUURSAANBEVELING**

Dat die versoek nie ondersteun word nie, aangesien dit toekomstige aansluitingskoste negatief kan beïnvloed.

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

Dat die aangeleentheid na die Sosiale-Ontwikkelingsfonds verwys word vir oorweging.

**BESLUIT 79/2021**

Dat die aangeleentheid na die Sosiale-Ontwikkelingsfonds verwys word vir oorweging.

11.19 **DISASTER RECOVERY (DR) PLAN REVIEW****REPORT COMPILED BY: IT DEPARTMENT****PURPOSE OF REPORT**

To set out the mitigation, preparation, warning, response and business continuity arrangements for the Municipality in the event of a catastrophic failure of its ICT systems.

**BACKGROUND**

In 2016 the Municipality adopted and approved the Municipal Corporate Governance of Information and Communication Technology Policy.

Since then, various policies and procedures were adopted in line with the policy and the ICT DR plan was one of the final governance documents aligned thereto.

In June 2019, the first DR plan was adopted and since then various changes in the environment as well as risks identified, lead to the review and updating of this plan.

The DR Plan *is available on request* by approved officials and will be stored in the archives of Cape Agulhas Municipality.

**FINANCIAL IMPLICATIONS**

None.

**LEGISLATIVE REQUIREMENTS**

- Constitution of the Republic of South Africa Act, Act No. 108 of 1996.
- Copyright Act, Act No. 98 of 1978.
- Electronic Communications and Transactions Act, Act No. 25 of 2002.
- Minimum Information Security Standards, as approved by Cabinet in 1996.
- Municipal Finance Management Act, Act No. 56 of 2003.
- Municipal Structures Act, Act No. 117 of 1998.
- Municipal Systems Act, Act No. 32, of 2000.
- National Archives and Record Service of South Africa Act, Act No. 43 of 1996.
- Promotion of Access to Information Act, Act No. 2 of 2000.
- Protection of Personal Information Act, Act No. 4 of 2013.
- Regulation of Interception of Communications Act, Act No. 70 of 2002.
- Treasury Regulations for departments, trading entities, constitutional institutions and public entities, Regulation 17 of 2005.

**ICT COMMITTEE RECOMMENDATION**

- (i) The Committee accept the Disaster Recovery review plan.
- (ii) That Council approves the Disaster Recovery Plan.

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

That the management recommendation be accepted.

**RESOLUTION 80/2021**

That Council approves the Disaster Recovery review Plan.

11.20 **APPROVAL OF REVIEWED ESSENTIAL MOTOR ALLOWANCE SCHEME POLICY****PURPOSE OF REPORT**

To present to Council the reviewed Essential Motor Allowance Scheme Policy.

**BACKGROUND**

As determined during the recent Municipal Risk Management exercise, the adoption and regular review of policies has been identified as a risk. The identification of new policies and policy amendments and review, has been brought about the outcome of certain disciplinary cases and legislative amendments.

To ensure that risks identified are mitigated and fully addressed and also in order to avoid Auditor-General findings in the future. The amended policy, attached on **page 94 to 107** has been taken through an internal policy review with both SAMWU and IMATU on 4 March 2021. The policy was also distributed to all Directors, Managers, Unions, Portfolio Councillors and Councillors that serve on the LLF Committee on 18 February 2021 for discussion and input.

**COUNCIL POLICY**

1. Risk Management Policy
2. Risk Register

**PERSONNEL IMPLICATIONS**

None.

**FINANCIAL IMPLICATIONS**

Unknown.

**OTHER ROLE-PLAYERS / UNIONS / MANAGERS**

Accepted at a LLF meeting on 23 March 2021.

**MANAGEMENT RECOMMENDATION**

- (i) That Council approves the reviewed Essential Motor Allowance Scheme Policy.
- (ii) That Council approves the change of the fixed cost tariffs of the 1600 bakkie to the cheapest 1600 bakkie as suggested in die SALGA HR Working Committee.

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

That the management recommendation be accepted.

**RESOLUTION 81/2021**

- (i) That Council approves the reviewed Essential Motor Allowance Scheme Policy.
- (ii) That Council approves the change of the fixed cost tariffs of the 1600 bakkie to the cheapest 1600 bakkie as suggested in die SALGA HR Working Committee.

**11.21 REKORDBESTUURSBELEID EN REGISTRASIE PROSEDURE HANDLEIDING (MB)****DOEL VAN VERSLAG**

Om oorweging te skenk om die Rekorbestuursbeleid en die Registrasie Prosedure Handleiding van die Raad te oorweeg en te aanvaar.

**AGTERGROND**

Ingevolge die "Western Cape Records Management Policy of 2017" moet die Raad die volgende dokumente en beleid jaarliks hersien, aanvaar en goedgekeur:

1. Rekorbestuursbeleid 2 (aangeheg op **bladsy 108 tot 125**)
2. Registrasieprosedure Handleiding (aangeheg op **bladsy 126 tot 151**)

**FINANSIËLE IMPLIKASIE**

Geen.

**REGSIMPLIKASIE**

Nasional Archives Act and Western Cape Records Management Policy of 2017.

**PERSONEEL IMPLIKASIE**

Geen.

**BESTUURSAANBEVELING**

- (i) Dat die Rekorbestuurbeleid as beleid van Kaap Agulhas Munisipaliteit goedgekeur en aanvaar word.
- (ii) Dat die Registrasie Prosedure Handleiding van Kaap Agulhas Munisipaliteit goedgekeur en aanvaar word.

**BESLUIT 82/2021**

- (i) Dat die Rekorbestuurbeleid as beleid van Kaap Agulhas Munisipaliteit aanvaar word.
- (ii) Dat die Registrasie Prosedure Handleiding van Kaap Agulhas Munisipaliteit aanvaar word.

**11.22 QUARTERLY REPORTS ON COMMUNITY POLICE FORUM (CPF) MEETINGS****REPORT BY: MANAGER PROTECTION SERVICES****PURPOSE OF REPORT**

To submit quarterly reports on activities of the Community Police Forums (CPFs) in all towns within the Cape Agulhas Municipal (CAM) area to the Management Services Portfolio Committee.

**BACKGROUND**

The police stations within the CAM area to report on the CPF's is Bredasdorp, Struisbaai and Napier. Struisbaai Police Station had CPF meetings every month during the first quarter which is January, February and March 2021. Napier Police Station had only one meeting in March 2021 and Bredasdorp Police Station had no CPF meetings for the same period. The minutes of all the CPF meetings is attached to this report on **page 152 to 161**.

**LEGAL IMPLICATION**

None.

**FINANCIAL IMPLICATION**

None.

**MANAGEMENT RECOMMENDATION**

That the quarterly report submitted to the Management Services Portfolio Committee be accepted as reported for the third quarter.

**RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE**

That the management recommendation be accepted.

**RESOLUTION 83/2021**

That the quarterly report submitted to the Management Services Portfolio Committee be accepted as reported for the third quarter.

11.23 **CAPE AGULHAS MUNICIPALITY - DISASTER MANAGEMENT PLAN: 2021****REPORT BY THE MANAGER PROTECTION SERVICES****PURPOSE OF REPORT**

To present Council with the Reviewed Disaster Management Plan for its municipal area.

**LEGAL FRAMEWORK**

Section 53 of Disaster Management Act, 57 of 2002

**BACKGROUND**

In order for the Municipality to comply with legislative requirements by reviewing and updating its Disaster Management Plan on an annual basis to prevent and mitigate the occurrence or re-occurrence of disasters. No change is made to the CAM Disaster Management Plan during the 2020/2021 book year the last update was the adding of the Disaster Risk Assessment that was conducted within the area of jurisdiction to ensure that decision makers are responsible for managing disaster risks and reducing losses during disaster incidents.

The amendment to Section 53 of the principal Act is amended and taken up into the Disaster Management Plan of the municipality. The municipality will regularly review an update its plan. No changes is made to the reviewed Disaster Management Plan for the current year.

**DISCUSSION**

Cape Agulhas Municipality must update the DMP on a yearly basis and need to work in collaboration with the Overberg District Municipality and supported by the Western Cape Provincial Disaster Management Centre (WCDMC). The last review of the CAM DMP was done and approved in 2020.

**FINANCIAL IMPLICATIONS**

None.



**ANNEXURES**

Draft Review: Disaster Management Plan 2020 (*Document was already distributed*).

**MANAGEMENT RECOMMENDATION**

That the Disaster Management Plan for 2021 be approved.

**RESOLUTION 84/2021**

That the Disaster Management Plan for 2021 be approved.

11.24 **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE PERIOD ENDED 30 DECEMBER 2020**

**REPORT COMPILED BY THE MANAGER: SUPPLY CHAIN MANAGEMENT****PURPOSE OF REPORT**

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

The purpose is to report to the Mayor in terms of section 6(3) of the Supply Chain Management Regulations on the implementation of the Supply Chain Management Policy for the first quarter from **1 October 2020 - 30 December 2020**, in order to strengthen Council's oversight role.

**Implementation of Supply Chain Management Policy**

The Supply Chain Management Policy was revised and adopted by Council in December 2019 to fully comply with the SCM Regulations. The SCM Policy has been reviewed by incorporating the legislative amendments and recommendations by the Auditor-General and Provincial Treasury to give effect to the compliance aspect. This will enable the Supply Chain Management Unit (SCMU) to further streamline procedures and processes to promote more efficient and effective service delivery to all internal and external stakeholders.

**Committees**

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

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

For detailed information on the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 December 2020, see **page 162 to 188**.

**MANAGEMENT RECOMMENDTION**

That Council take note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 December 2020.

**RESOLUTION 85/2021**

That Council take note of the Quarterly Supply Chain Management Implementation and Oversight Report for the period ended 30 December 2020.

11.25 **SUPPLY CHAIN MANAGEMENT DEVIATIONS REPORT FOR THE 3<sup>RD</sup> QUARTER: 1 JANUARY 2021 - 31 MARCH 2021**

**PURPOSE OF REPORT**

To report on deviations for the 3<sup>rd</sup> quarter from 1 January 2021 - 31 March 2021.

**BACKGROUND**

The Act on Local Government: Municipal Finance Management Act, 2003, Chapter 11, the Municipal Supply Chain Management Regulations, as published in the Government Gazette on 30 May 2005 and the Council's Supply Chain Management Policy as adopted on 10 December 2020 states that the Accounting Officer must, record the reasons for any deviations in terms of section 36(1) (a) & (b) & 36 (2) of the Supply Chain Management Regulations & paragraph 18.6.3 of the Council's Supply Chain Management Policy to the next meeting of Council.

**The following reports are attached as Annexures:**

Deviations from Minor Breaches of the Supply Chain Management Policy [SCM Regulations 36 (1) (a), (b) & (c)]:

1. Under R 30 000 : Annexure A (page 189)
2. Above R 30 000 : Annexure B (page 191)
3. Above R200 000 : Annexure C (page 192)

**MANAGEMENT RECOMMENDATION**

That Council notes the Deviation Report for the 3<sup>rd</sup> quarter from of the 2020/21 financial year, **1 January 2021 - 31 March 2021**.

**RESOLUTION 86/2021**

That Council notes the Deviation Report for the 3<sup>rd</sup> quarter from of the 2020/21 financial year, **1 January 2021 - 31 March 2021**.

11.26 **QUARTERLY PERFORMANCE REPORT FOR QUARTER 3: 1 JANUARY 2021 - 31 MARCH 2021**

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

**PURPOSE OF REPORT**

To present the quarterly performance report of the Municipality for the third quarter of the financial year (1 January 2021 - 31 March 2021). The report is attached as **Annexure on page 193 to 210**.

**BACKGROUND**

The Performance Management System is an internet-based system that uses the approved Service Delivery Budget Implementation Plan (SDBIP) as its basis. The Executive Mayor approved the Top Layer SDBIP for 2020/21 on 25 June 2020. The SDBIP is a layered plan comprising a Top Layer SDBIP and Departmental SDBIPs.

Any amendments to the Top Layer SDBIP must be approved by Council following the submission of the Mid-year Budget and Performance Assessment Report and the approval of the adjustment budget. The SDBIP amendments were approved by Council on 26 January 2021.

**LEGAL IMPLICATIONS**

This Performance Report is submitted in compliance with MFMA Circular 13 which requires the Municipality to report quarterly on its Service Delivery Budget Implementation Plan (SDBIP).

This report must be read in conjunction with the Quarterly Budget Report, as attached on **page 211 to 236** which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, which requires the Mayor to within 30 days of the end of each quarter; submit a report to Council on the implementation of the budget and the financial state of affairs of the Municipality.

**MANAGEMENT RECOMMENDATION**

- (i) That the quarterly performance report for the quarter (1 January 2021 to 31 March 2021) be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.

**RESOLUTION 87/2021**

- (i) That the quarterly performance report for the quarter (1 January 2021 to 31 March 2021) be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.

11.27 **KWARTAALVERSLAG OOR DIE OUDITKOMITEE SE WERKSAAMHEDE VIR DIE KWARTAAL GEËINDIG 31 MAART 2021 (MB)**

**DOEL VAN VERSLAG**

Verslagdoening aan die Raad oor die Ouditkomitee se werksaamhede, die uitvoering van sy pligte en aanbevelings gemaak vir die kwartaal geëindig 31 Maart 2021.

**AGTERGROND**

In terme van Nasionale Tesourie se Omsendskrywe 65 van 2003 moet die Komitee op 'n kwartaallikse basis verslag aan die Raad doen oor die uitvoering van hulle funksies en werksaamhede asook werksaamhede van die interne oudit aktiwiteit. Hierdie omsendskrywe is in 2012 aangepas om by die jongste verwikkelinge en verwagtinge rondom die Komitee, interne oudit en risiko bestuur aan te pas.

Op grond van hierdie skrywe het die Komitee sy kwartaalverslag, soos aangeheg op **bladsy 237 tot 241** opgestel vir bogemelde kwartaal en wat nou aan die Raad voorgelê word vir bespreking en oorweging.

**Die Raad se aandag word graag op die volgende pertinente punte in die verslag gevestig:**

- Par 5(a) : Areas waarmee die komitee hulle tevredenheid uitspreek.
- Par 5(b) : Areas van bekommernisse met pertinente aandag op item (b)(ii).
- Par 5(c) : Ouditverslae wat deur die Komitee oorweeg is.
- Par 6 : Aanbevelings deur die Komitee gemaak.

**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIE**

Geen.

**WETLIKE IMPLIKASIE**

Volvoening aan die Munisipale Beplannings- en Prestasiebestuursregulasies, 2001 en Tesourie Omsendskrywe 65 van 2003.

**AANBEVELING: OUDIT- EN PRESTASIE-UDIT KOMITEE**

Dat die Raad die inhoud van die Komitee se kwartaalverslag vir die kwartaal geëindig 31 Maart 2021 oorweeg en aanvaar.

**BESLUIT 88/2021**

Dat die Raad die inhoud van die Komitee se kwartaalverslag vir die kwartaal geëindig 31 Maart 2021 aanvaar.

11.28 **EKSTERNE OUDIT AKSIEPLAN 2019/20 (OPCAR): MAANDELIKSE VORDERING - APRIL 2021 (DFD)****DOEL VAN VERSLAG**

Oorweging van die vordering met en afhandeling van die goedgekeurde 2019/20 Oudit Bevindinge Aksieplan (OPCAR) soos op einde April 2021.

**AGTERGROND**

Na aanleiding van die Ouditeur-Generaal se oudit van die munisipaliteit se 2019/20 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan, aangeheg op **bladsy 242 tot 250** opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek. Hierdie aksieplan is op 30 Maart 2021 deur die Raad goedgekeur.

Die vordering met die plan word verder op 'n kwartaallike grondslag aan die Wes-Kaapse Provinsiale Tesourie en die munisipaliteit se Ouditkomitee voorgeleë.

Op hierdie stadium is daar geen aksies wat oor die sperdatum gegaan het nie.

**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIES**

Geen.

**WETLIKE IMPLIKASIES**

Geen.

**BESTUURSAANBEVELING**

Dat die Raad die vordering met die 2019/20 Ouditeur-Generaal aksieplan soos op 30 April 2021 oorweeg en aanvaar.

**BESLUIT 89/2021**

Dat die Raad die vordering met die 2019/20 Ouditeur-Generaal aksieplan soos op 30 April 2021 aanvaar.

11.29 **IMPLEMENTATION OF FEEDING SCHEMES****PURPOSE OF REPORT**

To request Council to approve the implementation of the feeding schemes for the 2020/2021 financial year.

**BACKGROUND**

The Human Development department has a budget of R165 900,00 for the implementation of feeding schemes in Bredasdorp, Struisbaai, Napier, Elim, Waenhuiskrans, Klipdale and Protem for the 2020/2021 financial year for the vulnerable communities.

**Soup kitchens will be managed by the following organizations:**

<b>ORGANIZATION</b>	<b>AREA</b>
Bredasdorp Nutrition Centre	Selfbou / Kleinbegin / Simunye /Tussen treine / Protem / Klipdale
Liefdesnessie	Mill Park / Parkview / Paddy's Park / Broader ward 2
Concern Mothers	Polar Park / Kalkoonde / Refuse dump
Meals on Wheels	Struisbaai-North
Geluksoord	Elim
Nuwerus Nasorg	Napier

**OPERATIONS OF SOUP KITCHENS**

<b>BREDASDORP NUTRITION AND DEVELOPMENT CENTRE</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
c/o Kort- and Gonnabos Street Kleinbegin	<b><u>Kleinbegin/ Selfbou</u></b> Mondays / Wednesday / Friday	12h30 - 13h30
20 Impala Street Simunye	<b><u>Simunye / Tussen Treine</u></b> Tuesdays and Thursdays	12h30 - 13h30
12 Bontebok Avenue Volstruiskamp	<b><u>Volstruiskamp</u></b> Tuesday / Thursday	12h30 - 13h30
11 Kraanvoël Street Bergsig	<b><u>Bergsig</u></b> Monday / Wednesday	12h30 - 13h30

<b>LIEFDESNESSIE</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Public open space in Papawer Street - Parkview	Parkview community	12h30 - 13h30
Public open Space in Ou Meule Way	Mill Park	12h30 - 13h30

<b>CONCERN MOTHERS</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
A1132 Malibongwe Drive Zwelitsha	Polarpark / Refuse dump / Simunye Monday / Wednesday / Friday	15h00 - 17h00

<b>NAPIER NASORG CENTRE</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Geelstraat 34	Napier / Hopland / Die Gaatjie / Informal Settlement Monday / Wednesday / Friday	16h00 - 17h00

<b>GELUKSOORD ELIM</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Geluksoord die Werf Elim	Elim Monday / Friday	11h30 - 12h30

<b>MEALS ON WHEEL</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Hoofweg Struisbaai	Struisbaai-Noord Tuesday / Thursday	12h30 - 13h30

<b>ARNISTON VISSERSUNIE</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Arniston Community Hall	Arniston Monday - Thursday	13h00 - 14h00

<b>KLIPDALE</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Klipdale Community Hall	Klipdale Community Monday / Wednesday / Friday	12h00 - 13h30

<b>PROTEM</b>		
<b>Address</b>	<b>Location of Beneficiaries</b>	<b>Serving Time</b>
Protem Community Hall	Protem Community Tuesday / Wednesday / Thursday	12h00 - 13h00

### **FUNDING ALLOCATIONS**

<b>ORGANIZATION</b>	<b>FUNDING</b>
Bredasdorp Nutrition and Development Centre	R22 500
Liefdesnessie	R22 500
Concern Mothers	R22 500
Nuwerus Nasorg Napier	R20 000
Struisbaai Meals on Wheels	R20 000
Arniston Vissersunie	R20 000
Geluksoord	R20 000
Protem	R9 200
Klipdale	R9 200
<b>TOTAL</b>	<b>R165 900</b>

### **FEEDING SCHEME EXPENDITURE**

#### **1. BREDASDORP FEEDING AND NUTRITION CENTRE**

<b>ITEM</b>	<b>EXPENSES FOR 3 MONTHS</b>
Food Products	R11 400.00
Transport	R 1 500.00
Electricity	R 600.00
Gas	R 3 000.00
Stipends for 4 cooks	R 6 000.00
<b>Total</b>	<b>R22 500.00</b>

**2. CONCERN MOTHERS**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R11 700.00
Transport	R 1 500.00
Electricity	R 300.00
Gas	R 3 000.00
Stipends for 4 cooks	R 6 000.00
<b>Total</b>	<b>R22 500.00</b>

**3. LIEFDESNESSIE**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R10 800.00
Transport	R 1 800.00
Electricity	R 900.00
Gas	R 3 000.00
Stipends for 4 cooks	R 6 000.00
<b>Total</b>	<b>R22 500.00</b>

**4. ARNISTON VISSERSUNIE**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R11 300.00
Transport	R 2 400.00
Electricity	R 300.00
Gas	R 3 000.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R20 000.00</b>

**5. MEALS ON WHEELS, STRUISBAAI**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R11 300.00
Transport	R 2 400.00
Electricity	R 300.00
Gas	R 3 000.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R20 000.00</b>

**6. GELUKSOORD, ELIM**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R10 700.00
Transport	R 2 400.00
Electricity	R 900.00
Gas	R 3 000.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R20 000.00</b>

**7. NUWERUS NASORG, NAPIER**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R10 700.00
Transport	R 1 800.00
Electricity	R 1 500.00
Gas	R 3 000.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R20 000.00</b>

**8. KLIPDALE**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R 4 400.00
Transport	R 1 500.00
Electricity	R 300.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R 9 200.00</b>

**9. PROTEM**

ITEM	EXPENSES FOR 3 MONTHS
Food Products	R 4 400.00
Transport	R 1 500.00
Electricity	R 300.00
Stipends for 2 cooks	R 3 000.00
<b>Total</b>	<b>R 9 200.00</b>

**FINANCIAL IMPLICATIONS**

The total cost for the implementation of the feeding schemes amounts to **R165 900.00** over a period of three months.

**STAFF IMPLICATION**

Staff is only involved with the facilitation and monitoring process of the project.

**MANAGEMENT RECOMMENDATION**

- (i) That Council approves the funding allocation to the organizations.
- (ii) That Council grant permission that the feeding scheme for Arniston, be accommodated at the Waenhuiskrans Community Hall for the duration of the project.
- (iii) That a Memorandum of Understanding be signed between CAM and the organizations, for the implementation of the feeding schemes.
- (iv) Monthly reports regarding the operations and financial management of the project to be submitted to the Human Development Manager.

**RESOLUTION 90/2021**

- (i) That Council approves the funding allocation to the organizations.
- (ii) That Council grant permission that the feeding scheme for Arniston, be accommodated at the Waenhuiskrans Community Hall for the duration of the project.



- (iii) That a Memorandum of Understanding be signed between CAM and the organizations, for the implementation of the feeding schemes.
- (iv) Monthly reports regarding the operations and financial management of the project to be submitted to the Human Development Manager.
- (v) That further investigation be done to extend the services to Klipdale and Proteem as well as more service providers.

### 11.30 **DEFERRED OWNERSHIP PILOT HOUSING PROJECT: MILL PARK, BREDASDORP**

#### **PURPOSE OF REPORT**

To obtain a Council resolution on the Property Management related process as part of project implementation.

#### **BACKGROUND**

The Department has in terms of the Western Cape Appropriation Act 2 of 2002 (read together with Provincial Gazette Extraordinary 8217, Provincial Notice 21 of 2020, 10 March 2020) allocated an amount of R10 000 000,00 (Ten Million Rand) to the Municipality for purposes of the development of housing in accordance with the deferred ownership model.

The Deferred Ownership Project in Bredasdorp, Cape Agulhas Municipality, is based on the concept of the Finance Linked Individual Subsidy Programme (FLISP).

Households with an income between R3 501 to R22 000 per month may qualify for the FLISP subsidy if they meet all the criteria.

In Bredasdorp, Cape Agulhas Municipality, a project proposal has been submitted for a pilot project with a number of up to 60 units that would be constructed and made available for qualifying beneficiaries.

On Site F in Bredasdorp, 60 units will be developed for the Deferred Ownership Project. 30 units will be sold within the FLISP programme, 30 units will be made available for rental for a maximum of three years, after which the tenant will have the first option to purchase, according to the Deferred Ownership concept. During the rental period, part of the rent can be reserved towards the payment of the bond.

In those years, the beneficiaries will have the opportunity to increase their creditworthiness status and have the opportunity to qualify for a bond from a financial institution.

Beneficiaries who already are considered credit worthy can apply for their bond immediately and receive the FLISP subsidy to buy their house.

#### **LEGAL AND POLICY IMPLICATIONS**

The mandate of the Department of Human Settlements (DHS) is set out in the Housing Act (No 107 of 1997). Section 2 of the Housing Act compels all three spheres of government to give priority to the needs of the poor in respect of housing development. In addition, all three spheres of government must ensure that housing development:

1. Provides as wide a choice of housing and tenure options as is reasonably possible.
2. Is economically, fiscally, socially, and financially affordable and sustainable.
3. Is based on integrated development planning.
4. Is administered in a transparent, accountable, and equitable manner.
5. Upholds the practice of good governance.

MFMA and MoA signed between the Municipality and Department Human Settlements

**FINANCIAL IMPLICATIONS**

R10 000 000,00 (Ten Million Rand) already received by Municipality

**PROPERTY MANAGEMENT**

- **Option 1 Internal Property Management**
- **Option1 Estate Agency**

A Comprehensive presentation was presented to Council on the Property Management proposal on a special council meeting held on 13 April 2021, as part of the successful implementation of the project and to minimise the possible risk to the Municipality it is recommended to the Municipality that the Property Management implementation of the deferred ownership project be outsourced to a local Estate Agency appointed through a procurement process.

It was also reported where Municipalities have rental stock, only 15 -25% of income of rental stock are being collected.

**METHODOLOGY**

The methodology will require a strong interactive relationship between the Estate Agent and the Municipality and should include details on the following:

People residing in the Cape Agulhas Municipality will be prioritised

Demonstrate the model on the sale of the first 30 units under the FLISP programme and the second group of 30 units under the rent-to-buy system, where tenants will have a first option to purchase. The costs need to be included into this model.

- Develop a cooperation agreement ensuring that the project functions within the relevant legislation. This agreement should include legal, accounting and facilities management service providers to provide their services where necessary.
- Assisting potential buyers to engage with financial institutions to obtain access to a mortgage loan
- Ensuring that units are provided for rental, sold, transferred, and occupied as it becomes available.
- Ensuring that part of the rental fees is reserved in a separate account towards the purchase of the unit.
- The methodology should also contain:
  - (i) A budget, Strategy and Action Plan.
  - (ii) A demonstrated understanding of the property market demographic catered for by the Deferred Ownership project.
  - (iii) A fee and commission structure to the rental and the sale of the units within sector norms, based on a percentage of the rental and/or selling price.

**QUALIFICATION CRITERIA**

It is anticipated that the Estate Agent must possess the following qualifications:

- Registered with the Estate Agent Affairs Board as a Qualified Principal and Estate Agent maintained over a 5-year period.
- Registered with the Fidelity Fund and in possession of a valid Fidelity Fund Certificate.
- A demonstrated understanding and track record in property marketing and sales to the low and middle-income market over a ten-year period.
- Demonstrated experience in marketing and selling properties in a project consisting of at least 50 units.

- Estate Agents from the Overberg Region (Bredasdorp, Napier, Struisbaai, Arniston) are encouraged to respond.
- Three personal letters of reference of satisfied sellers demonstrating the abilities of the Estate Agent to operate:
- Within the available budget confines.
- The agreed timeframes; and
- With the agreed project specifications.

**Option 1: Internal Property Management by the Municipality should comply with all administrative duties as above**

**Option 2: External service provider should comply with all the above administrative duties**

### **INTERNAL ASSESSMENT FINDINGS**

Our Human Settlements function does not have the current capacity and staff complement to render the following functions:

- Facilities management.
- Assisting potential buyers to engage with financial institutions to obtain access to a mortgage loan.
- Ensuring that units are provided for rental, sold, transferred, and occupied as it becomes available.
- Assist beneficiaries to become credit worthy while parting in deferred ownership.
- Also do not have the capacity to do the administrative task as above.

### **MANAGEMENT RECOMMENDATION**

- (i) Based on the presentation made to Council and all risk identified by the Department Human Settlements it is recommended that the Property Management Function be outsourced to a local Estate Agency.
- (ii) That the service provider adheres to all compliance conditions with regards to the project and report to the Municipality and Departmental officials allocated to oversee the successful implementation of the project.
- (iii) That a SCM process be followed to appoint a suitable local service provider.
- (iv) That the service provider adheres to all compliance conditions with regards to the project and report to the Municipality and allocated Departmental officials allocated to oversee the successful implementation of the project.

### **RESOLUTION 91/2021**

- (i) Based on the presentation made to Council and all risk identified by the Department Human Settlements it is recommended that the Property Management Function be outsourced to a local Estate Agency.
- (ii) That the service provider adheres to all compliance conditions with regards to the project and report to the Municipality and Departmental officials allocated to oversee the successful implementation of the project.
- (iii) That a SCM process be followed to appoint a suitable local service provider.
- (iv) That the service provider adheres to all compliance conditions with regards to the project and report to the Municipality and allocated Departmental officials allocated to oversee the successful implementation of the project.

***(Raadsheer Jantjies teken sy teenstem aan en versoek die Raad om self die volledige funksie binnenshuis af te handel.)***

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

Geen.

13. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

14. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

15. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

16. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**

Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 53 en 54** van hierdie Notule.

17. **IN-KOMITEE VERSLAE**

In Komitee items word apart voorsien.

18. **SLUITING**

Die vergadering verdaag om 13:05

**ONAFGEHANDELDE RAADSBESLUIE**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2020	Vervreemding (koop): Oopruimte langs erf 528, Waenhuiskrans	(i) Goedkeuring verleen vir die verkoop van gedeelte erf 403, Waenhuiskrans. (ii) Landmeter aanwys wat gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper. (iii) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.	<b>Markwaarde is aangevra.</b>	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. (ii) Die munisipale waardasie sal as reserwe prys dien. (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.	<b>Erf is gelys vir veiling.</b>	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 geormerk vir GAP-Behuising?; (3) Middelklas groepsbehuisingsprojek en volledige verslag aan die Raad voorgelê word.	<b>Direkteur: Bestuursdienste sal verslag voorberei vir volgende Komitee Vergadering.</b>	Behuising
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.	<b>Verslag by volgende Komitee Vergadering.</b>	Sosiale Ontwikkeling
129/2020	Registrasie Serwituut, versoek vir kompensasie: Mnr Roderick Roberts	Dat die aangeleentheid terugverwys word vir verdere ondersoek.	<b>Verslag by volgende Komitee Vergadering.</b>	Finansies / Masakhane
200/2020	Vervreemding (huur): Ged erf 513, Napier	Dat 'n terreinbesoek deur alle rolspelers so spoedig moontlik afgelê word.	<b>Verslag by volgende Komitee Vergadering.</b>	Eiendoms-administrasie
201/2020	Vervreemding (koop): Erf 3957, Struisbaai	(i) Aangeleentheid terugverwys word. (ii) Stadsbeplanning 'n volledige ondersoek doen rakende die toekenning van geloofsones aan kerkorganisasies in alle dorpe binne die regsgebied.		Stadsbeplanning
202/2020	Vervreemding (koop): erf 2838, Struisbaai	(i) Aangeleentheid oorstaan. (ii) Stadsbeplanning 'n ondersoek doen oor bestaande groensones/publieke oop areas en 'n volledige verslag aan die Raad voorlê ten opsigte van die voortbestaan van die genoemde gebiede.		Stadsbeplanning
203/2020	Vervreemding (huur): Erf 2008, Struisbaai	Dat daar eers 'n terreinbesoek afgelê word, alvorens 'n aanbeveling aan die Raad gedoen word.	<b>Ooreenkoms is onderteken en gefinaliseer.</b>	Eiendoms-administrasie
204/2020	Huurooreenkoms: Verlenging meentgronde - KAM / AGV Boerdery	AGV Boerdery 'n volledige verslag aan die Raad doen alvorens 'n finale besluit geneem word.	<b>Voorlegging moet aan staande Komitee gedoen word.</b>	Eiendoms-administrasie
205/2020	Vierfontein Boerdery: Vervreemding van grond	(i) Bestuursaanbeveling, in-beginsel aanvaar word. (ii) Finale toekenning van die geskikte perseel ondersoek en weer aan die Raad voorgelê word.	<b>Finale voorlegging aan Raad 30 Mrt 2021.</b>	Eiendoms-administrasie
206/2020	Huurooreenkoms: Meentgronde - KAM / Change Agri: Huurtariewe	Change Agri 'n volledige verslag aan die Raad doen alvorens 'n finale besluit geneem word.	<b>Voorlegging moet aan staande Komitee gedoen word.</b>	Eiendoms-administrasie

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
207/2020	Huurooreenkoms: Meentgronde - KAM / Nampo Kaap	Nampo Kaap 'n volledige verslag aan die Raad doen alvorens 'n finale besluit geneem word.	<b>Voorlegging moet aan staande Komitee gedoen word.</b>	Eiendoms-administrasie
214/2020	Waardasie Appèlraad: Aanwysiging van lede vir aanstelling	(i) Aangeleentheid oorstaan. (ii) Dat die vakature weer geadverteer word.	<b>Staan oor (loop saam met aanstelling van Ouditkomitee lid).</b>	Bestuurder: Admin Ondersteuning
22/2021	Vervreemding (Huur): Ged Erf 1148, Bredasdorp (Concern Mothers)	Dat 'n gedeelte van erf 1148, Bredasdorp wel aan Concern Mothers verhuur word en wel op die volgende voorwaardes: 1. 'n Markverwante huur; 2. Die huurder betaal vir die installering van munisipale dienste; 3. Dat verhuring deur 'n publieke deelname proses geadverteer word.		Eiendoms-administrasie
23/2021	Vervreemding (Huur): Ged Erf 1747, Bredasdorp (Metropolitan Kerk)	Dat die aangeleentheid terug verwys word sodat gesprekvoering met die aansoeker sowel as omliggende eienaars gevoer kan word.		Eiendoms-administrasie
24/2021	Vervreemding (Koop): Ged Erf 4329, Bredasdorp (Ministry of Christ United)	Dat die aangeleentheid terugverwys word vir verdere ondersoek.		Eiendoms-administrasie
25/2021	Vervreemding (Koop): Ged Erf 5585, Bredasdorp (Z Tonisi)	Dat die aangeleentheid terugverwys word sodat uitklaring verkry kan word ten opsigte van die spesifieke gedeelte aangevra, bestaande infrastruktuur en terugrapportering aan die Wykskomitee.		Eiendoms-administrasie
33/2021	Afskrywing Van Uitstaande Rekening: Haasbekkie Speelskool	Dat die aangeleentheid terug verwys word na die Menslike Ontwikkeling- en Finansies Afdelings ten einde die bestaande beleid moontlik aan te pas.		Finansies / Menslike Ontwikkeling

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

**BESLUIT 92/2021**

- (i) Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.
- (ii) Dat Stadsbeplanning terugvoer gee aangaande die nuutste verwikkelinge ten opsigte van erf 599, Waenhuiskrans ('n nuwe konsultant is reeds aangestel en moet 'n volledige verslag binne 5 weke aan die Raad voorlê).

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

BEKRAGTIG op hierdie

dag van

2021

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**SPEAKER**