



**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 14:00 OP DONDERDAG
5 FEBRUARIE 2015 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON THURSDAY, 5 FEBRUARY 2015
AT 14:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE

Me E Marthinus	Speaker
Mnr R G Mitchell	Uitvoerende Burgemeester
Mnr D Jantjies	Uitvoerende Onder-Burgemeester
Mnr R Mokotwana	Lid van die Uitvoerende Burgemeesterskomitee
Me P Atyhosi	Raadslid
Mnr A Coetzee	Raadsheer
Mnr W October	Raadslid
Mnr J Nieuwoudt	Raadsheer

AMPTENARE

Mnr D O'Neill	Munisipale Bestuurder
Mnr S Ngwevu	Direkteur: Korporatiewe Dienste
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr S Cooper	Nms Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur
Mnr G M Moelich	Bestuurder: Admin Ondersteuning

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadsheer Jantjies open die vergadering met gebed.

2. **AANSOEKE OM VERLOF TOT AFWESIGHEID**

Mnr D Burger Raadslid

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

3.1 **NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

3.1.1 9 Desember 2014

(Bogenoemde Notule word ingebind in meegaande Notule dokument.)

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

3.1.1 8 Desember 2014 (In Komitee)

(Bogenoemde Notule word ingebind in meegaande Notule dokument.)

BESLUIT 1/2015

Die Notules word as korrek en volledig bekragtig.

4. **NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR
BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE**

4.1 **NOTULES VAN UBK VERGADERINGS GEHOU OP:**

4.1.1 9 Desember 2014

(Bogenoemde Notule word ingebind in meegaande Notule dokument.)

BESLUIT 2/2015

Die Raad neem kennis van bogenoemde UBK Notules.

5. **NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME**

5.1 **WYKSKOMITEE VERGADERINGS GEHOU OP:**

5.1.1 WYK 1 : 25 November 2014

5.1.2 WYK 2 : 1 Desember 2014

5.1.3 WYK 3 : 20 November 2014

5.1.4 WYK 4 : 25 November 2014

5.1.5 WYK 5 : 26 November 2014

(Bogenoemde Notules word ingebind in meegaande Notule dokument.)

BESLUIT 3/2015

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

7. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**7.1 BRIEWE VAN DANK**

Skrywes ontvang word aangeheg op bladsy 1 tot 8.

7.2 FUNKSIES VIR DIE MAAND

Geen.

7.3 AANWYS VAN AFGEVAARDIGDES

Geen.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

Die Burgemeester versoek die Direkteur: Finansies om 'n voorlegging te doen insake die aanvullende begroting vir 2014/2015. Na 'n koukus van die ANC-lede word die aangeleentheid na 'n spesiale Raadsvergadering verwys wat sal plaasvind op 12 Februarie 2015 om 12:00.

9. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

9.1 Raadsheer Nieuwoudt gee terugvoer oor die nuwe kliniek te Napier. Konstruksie sal op 1 Januarie 2016 in aanvang neem.

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING**Bladsy: Agenda**

10.1	<u>MUNISIPALE BESTUURDER</u>	5
	10.1.1 Kwartaalverslag: Oudit- en Prestasieoudit Komitee	5
	10.1.2 Notule van 8 Des 2014: Oudit- en Prestasieoudit Komitee	6 - 7
	10.1.3 KAM: Operasionele Risiko Analize vir 2014/15	7
	10.1.4 KAM Strategiese Risiko Aksieplan Vordering - Desember 2014	8
	10.1.5 SDBIP Kwartaalverslag: 31 Desember 2014	8 - 9
10.2	<u>GEMEENSKAPSDIENSTE</u>	9
	10.2.1 Eksterne Beurstoekennings vir 2015	9 - 10
10.3	<u>KORPORATIEWE DIENSTE</u>	10
	10.3.1 Implementation: New Municipal Land Use Planning System	10 - 16
	10.3.2 Vervreemding: Ged erf 120, Waenhuiskrans	16 - 18
10.4	<u>FINANSIËLE DIENSTE</u>	18
	10.4.1 Maandverslag: Voorsieningskanaalbestuur Nov en Des 2014	18 - 19
	10.4.2 Finansiële Ondersteuning: Hartklop Christusfees	19 - 20
	10.4.3 Oudit Aksiepan (OPCAR): Maandelikse Vordering - Des 2014	20

Bladsy: Agenda

11. **AANVULLENDE ITEMS DEUR DIE RAAD HANTEER**
- | | | |
|------|---|---------|
| 11.1 | Oversight report of MPAC on the Annual Report vor 2013/14 | 21 - 23 |
| 11.2 | Establishment of Risk Management Shared Service | 23 - 24 |
| 11.3 | Payment of outstanding invoice: Kiosk renovations | 24 - 25 |
| 11.4 | Aanwys verteenwoordigers: SALGA National Members Assembly | 26 |
| 11.5 | Voorlegging: Veiligheids- en Gesondheids-Ouditverslag | 27 |
| 11.6 | Hersonering, Onderverdeling en Wysiging: Restant van erf 856, Sbaai | 27 - 32 |
| 11.7 | Suiderstrand Road: Memorandum of Understanding | 33 |
| 11.8 | Struisbaai 68/40 IRDP Grootmaatdienste | 33 - 34 |
| 11.9 | Instel van waterbeperkings | 34 - 35 |
12. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**
- Geen.
13. **ITEMS DEUR DIE UBK NA DIE RAAD VERWYS VIR OORWEGING**
- Geen.
14. **OORWEGING VAN KENNISGEWING VAN MOSIES**
- Geen.
15. **OORWEGING VAN KENNISGEWING VAN VRAE**
- Geen.
16. **OORWEGING VAN DRINGENDE MOSIES**
- Geen.
17. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIITE**
- 'n Lys van onafgehandelde besluite word aangeheg op bladsy 36 van Agenda.
18. **IN-KOMITEE VERSLAE**
- Die In-Komitee agenda word as 'n aparte dokument gemerk "In-Komitee" versprei.
19. **SLUITING**

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

10.1.1 KWARTAALVERSLAG OOR DIE OUDIT- EN PRESTASIEOUDIT KOMITEE SE WERKSAAMHEDE VIR DIE KWARTAAL GEËINDIG 31 DESEMBER 2014

DOEL VAN VERSLAG

Verslagdoening aan die Raad oor die Oudit- en Prestasieoudit Komitee se werksaamhede en die uitvoering van sy pligte vir die kwartaal geëindig 31 Desember 2014.

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 afdeling. 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 9 tot 11 uitbring vir die kwartaal geëindig 31 Desember 2014 en wat nou aan die Raad voorgelê word vir bespreking en oorweging.

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

"5.2 However, the Committee does have concerns on the following issues:

- i. The SDBIP findings highlighted by the Auditor-General to date still indicates a lack of review, in some instances, by senior staff of the monthly updates or commitment by the Directors to ensure complete and accurate completion thereof.*
- ii. The number of repeat items highlighted in the Auditor-General management report for 2013/14."*

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

Dat die Raad die inhoud van die Komitee se kwartaalverslag vir die tydperk geëindig 31 Desember 2014 bespreek en die verslag aanvaar word.

BESLUIT 4/2015

Dat die aanbeveling van die Oudit- en Prestasieoudit Komitee aanvaar word.

10.1.2 **NOTULE VAN DIE OUDIT- EN PRESTASIEOUDIT KOMITEE OOR DIE VERGADERING VAN 8 DESEMBER 2014**

DOEL VAN VERSLAG

Verslagdoening aan die Raad oor die Oudit- en Prestasieoudit Komitee se vergadering, besluite en aanbevelings van 8 Desember 2014.

AGTERGROND

Die komitee het op 8 September 2014 vergader, waarvan die goedgekeurde notule aangeheg word op bladsy 12 tot 15.

Die volgende notule items, besluite en aanbevelings word graag onder die Raad se aandag gebring:

• **Par. 5: Termyn van Komiteeledede - Besluit:**

1. Dat die lede sal aandui waar hulle op die lys van rotering sal val, met mnr Kok wat aandui dat hy homself beskikbaar stel om eerste geroteer te word.
2. Dat die munisipaliteit sal besluit wanneer die rotasie 'n aanvang sal neem.
3. Dat daar nogsteeds gepoog word om lede binne die KAM gebied te werf om te verseker dat die Komitee uit lede bestaan wat 'n werklike belang in die vooruitgang van die munisipaliteit het.

• **Par. 8: Komitee verslag vir die 2013/14 Jaarverslag - Besluit:**

Die verslag is opgestel voor die afhandeling van die OG oudit en moet aangepas word op grond van hulle finale verslag.

• **Par. 10: Risiko analise 2014/15 (operasioneel) - Besluit:**

1. Dat die plan vergelyk word met die vorige jaar se plan om te verseker dat vorige risiko's wat nog nie aangespreek is nie, ook in ag geneem word.
2. Dat die aangepaste plan en korrektiewe aksies aan die Komitee deurgestuurd word vir bespreking en goedkeuring in die eerste twee weke van Januarie 2015.

Ten opsigte van bogemelde items is die volgende uitgevoer:

Par. 5 - Verdere gesprekvoering is met die Komiteeledede gehou tydens 'n spesiale Ouditkomitee vergadering op 19 Januarie 2015 om 'n plan van rotering in plek te sit en verdere gesprekvoering en verfyning sal gedoen word in die komende maande.

Par. 8 - Die gewysigde Komiteeverslag sal aan MPAC voorgelê word tydens hulle oorsig vergadering oor die Jaarverslag vir aanvaarding van die gewysigde verslag en om die Jaarverslag dienooreenkomstig aan te pas. Die vergadering datum moet nog vasgestel word.

Par. 10 - 1. Die vergelyking is gedoen en die 2014/15 risiko register is uitgebrei waar nodig.
2. 'n Spesiale Ouditkomitee vergadering is op 19 Januarie 2015 gehou waar die aangepaste risikoregister en aksieplan bespreek en goedgekeur is.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

AANBEVELING: OUDIT- EN PRESTASIEOUDIT KOMITEE

- (i) Dat bogemelde items oorweeg word.
- (ii) Dat die Komitee se notule van hulle vergadering van 8 Desember 2014 aanvaar word.

BESLUIT 5/2015

Dat die aanbeveling van die Oudit- en Prestasieoudit Komitee aanvaar word.

10.1.3 KAAP AGULHAS MUNISIPALITEIT: OPERASIONELE RISIKO ANALISE VIR 2014/15**DOEL VAN VERSLAG**

Om die resultaat van die munisipaliteit se operasionele risiko analise asook die voorgestelde aksieplan aan die Raad voor te lê vir oorweging.

AGTERGROND

Die munisipaliteit het onlangs die risiko analise op potensiële operasionele risiko's afgehandel. Weens die Interne Ouditeur se huidige betrokkenheid by die risiko proses, is die analise uitgevoer deur die Risiko Bestuurder van Theewaterskloof Munisipaliteit om onafhanklikheid en objektiwiteit in die proses te verseker. Op 12 Desember 2014 is 'n Risikobestuurskomitee vergadering gehou waar die voorgestelde korrektiewe aksies ontwikkel is.

Die volgende dokumente, soos aangeheg op bladsy 16 tot 29 word nou aan die Raad voorgelê vir oorweging:

- Die risiko analise verslag.
- Die finale skedule van operasionele risiko's geïdentifiseer.
- Voorgestelde aksieplan om die risiko's aan te spreek.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Moontlike effek op die 2015/16 begroting.

WETLIKE IMPLIKASIES

Nakoming van wetgewing en riglyne rondom risikobestuur.

BESTUURSAANBEVELING

Dat die resultate van die operasionele risiko analise en voorgestelde aksieplanne oorweeg en aanvaar word.

BESLUIT 6/2015

Dat die Bestuursaanbeveling aanvaar word.

10.1.4 **KAAP AGULHAS MUNISIPALITEIT STRATEGIESE RISIKO AKSIEPLAN VORDERING – DESEMBER 2014**

DOEL VAN VERSLAG

Om die vordering met die strategiese risikoregister aksieplan soos op einde Desember 2014 aan die Raad voor te lê vir oorweging en bespreking.

AGTERGROND

Die vordering met die strategiese risiko aksieplan word op 'n maandelikse grondslag gemoniteer vir vordering of identifisering van aangeleenthede wat die vordering belemmer.

Die verslag wat aangeheg word op bladsy 30 en 31 is die vordering soos op einde Desember 2014 en word aan die Raad voorgelê vir oorweging en bespreking waar nodig geag.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Onbekend.

BESTUURSAANBEVELING

Dat die vordering met die strategiese risiko aksieplan soos op einde Desember 2014 oorweeg en aanvaar word.

BESLUIT 7/2015

Dat die Bestuursaanbeveling aanvaar word.

10.1.5 **SDBIP KWARTAALVERSLAG: 31 DESEMBER 2014 (2/9/2 - MB)**

DOEL VAN VERSLAG

Om kennis te neem van die inhoud van die verslag van die Dienslewings- en Begrotingsimplementeringsplan ("SDBIP - Service Delivery and Budget Implementation Plan") soos op 31 Desember 2014 en om oorweging te skenk aan die verslag.

AGTERGROND

Artikel 1 van die Munisipale Finansiële Bestuurswet (No 56 van 2003) beskryf die SDBIP "as 'n gedetailleerde plan wat deur die Burgemeester van 'n munisipaliteit ingevolge artikel 53(1)(c)(ii) goedgekeur is vir die implementering van die Munisipaliteit se lewering van munisipale dienste en van sy jaarlikse begroting. Verslae word kwartaalliks aan die Raad voorgelê vir besprekings en oorweging.

In terme van die voorskrifte moet die volgende inligtingstukke ingesluit word ten einde te voldoen aan die betrokke wetgewing soos hierbo uiteengesit (sien bladsy 32 tot 47):

- (a) Maandelikse projeksies van inkomste per bron wat geïm moet word.
- (b) Maandelikse projeksies van bedryfs- en kapitaalbestedings per begrotingspos.
- (c) Kwartaal projeksies van diensleweringsteikens en prestasie-aanwysers vir elke departement.

Die finansiële inligting vervat in bogemelde skedules is beperk en die artikel 71/52 verslae wat maandeliks aan die Raad voorgelê word, bevat al hierdie inligting in detail en is uitgebrei om aan die Raad se behoefte te voldoen. Derhalwe word slegs die SDBIP resultaat met hierdie item voorgelê en word die finansiële inligting per die artikel 71/52 verslag voorgelê en moet daarmee saamgelees word.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die Raad die kwartaalverslag ingevolge die Dienslewerings- en Begrotingsimplementeringsplan soos op 31 Desember 2014 oorweeg en aanvaar.

BESLUIT 8/2015

Dat die Bestuursaanbeveling aanvaar word.

10.2 **GEMEENSKAPSDIENSTE / COMMUNITY SERVICES**

10.2.1 **EKSTERNE BEURSTOEKENINGS VIR 2015 (DGD / MO)**

DOEL VAN VERSLAG

Om die Raad in kennis te stel van eksterne studiebeurs toekennings vir 2015.

AGTERGROND

Kaap Agulhas Munisipaliteit het 'n totaal van 10 beursaansoeke ontvang. Al die applikante kwalifiseer vir beurs toekennings volgens die eksterne beursbeleid van Kaap Agulhas Munisipaliteit.

Die applikante is soos volg:

APPLIKANT	STUDIEVELD	TERSIËRE INRIGTING	AKADEMIESE JAAR
Bernard Afrika	BCom (Bestuurs Wetenskappe)	Stellenbosch Universiteit	1
Yuwinn Kraukamp	BA- Stadsbeplanning	Universiteit van Weskaapland	1
Sulene Spandiel	BA- Toerisme	Universiteit van Weskaapland	3
Kelvin Murtz	Toerisme	CPUT	2
Cheslin Mert	Toerisme	CPUT	1
Patricia Denvili	Menslike Hulpbronne	CPUT	1
Zaber De Klerk	Menslike Hulpbronne	Northlink College	1
Eustin Adendorf	Menslike Hulpbronne	Northlink College	1
Kyle Jales	ICT	CPUT	1
Michaela Goliath	Omgewingsbestuur	Stellenbosch Universiteit	1

Bogenoemde studente sal toekennings volgens hul akedemiese prestasie ontvang soos bepaal deur die vermelde beursbeleid.

Die Beurskomitee het die toekennings volgens die voorgestelde glyskaal bereken:

40% - 54%	=	R4 500
55% - 64%	=	R5 500
65% - 74%	=	R6 500
75% - 84%	=	R7 500
85% - 100%	=	R9 000

FINANSIËLE IMPLIKASIES

'n Totaal van R53 000,00 word aan eksterne beurse toegeken.

PERSONEEL IMPLIKASIE

Geen.

BESTUURSAANBEVELING

Dat die Raad kennis neem van die bedrag wat aan eksterne beurse vir 2015 toegeken word.

AANBEVELING: GEMEENSKAPSDIENSTE KOMITEE / RECOMMENDATION: COMMUNITY SERVICES COMMITTEE

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat die Raad kennis neem dat twee persone onttrek het van die skema en die begroting nou R43 000,00 beloop.
- (iii) Dat die beleid weer hersien word [om spesifiek voorsiening te maak vir die toekenning van beurse gelykstaande aan die volle registrasiefooi van 'n spesifieke opleidingsfasiliteit.](#)

BESLUIT 9/2015

Dat die aanbeveling van die Gemeenskapdienste Komitee aanvaar word.

10.3 KORPORATIEWE DIENSTE / CORPORATE SERVICES**10.3.1 IMPLICATIONS OF THE IMPLEMENTATION OF THE NEW MUNICIPAL LAND USE PLANNING SYSTEM (BSSB)****PURPOSE**

The purpose of this report is to indicate the implications of the implementation of the new municipal land use planning system for Cape Agulhas Municipality.

EXECUTIVE SUMMARY

In accordance with the rights vesting on municipal level, with regards to "municipal planning", the municipality must put in place measures and by-laws to manage and regulate its executive function ("municipal planning"). This must be done with the adoption of by-law/s. The Department of Environmental Affairs and Development Planning, hereafter referred to as "DEADP", have drafted standard draft by-laws which can be used as a starting point for municipalities in the Western Cape.

This document indicates the actions to be taken to give effect to the prescriptions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), hereafter referred to as "SPLUMA"; Western Cape Land Use Planning Act (No. 3 of 2014), hereafter referred to as "LUPA", and draft by-laws.

DEADP have hosted workshops for the municipalities located in the Overberg District Municipality in conjunction with the Department of Rural Development and Land Reform, hereinafter referred to as "DRDLR". These workshops are designed to assist and support municipalities.

The following have been completed by officials of Cape Agulhas:

- Councillor and official workshop on draft land use planning by-law.
- Planning officials workshop on draft land use planning by-law.
- Draft land use planning by-law for Cape Agulhas Municipality was advertised for comment in the Suidernuus.

The following are further actions which are required (a detailed table is provided under "Effect of Law Reforms") in order for Cape Agulhas to operate in accordance with the prescriptions of the new municipal planning dispensation:

- Municipal Land Use Planning By-law
- Integrated Municipal Zoning Scheme By-law - Legal advice on transforming scheme into a by-law.
- Authorised employee (AE) ("Land Development Officer") – Official to be allocated.
- Delegations & categorisation of land use applications - Current system to be reviewed and submit report to Council.
- The constitutionality of tribunals making decisions on behalf of Council will be discussed with South African Local Government Association (SALGA).
- Members of the Municipal Planning Tribunal (MPT) – Members to be allocated.
- Administrative component of MPT - To be discussed with the Corporate Services Directorate.
- Costs of non-municipal members of the MPT – Funds be allocated on the 2015/16 adjustment budget.
- Joint Municipal Planning Tribunal (JMPT) – Discussions amongst Overberg Planners took place already.

Other points to be noted with regards to above-mentioned points:

- The Planning Department is responsible for the co-ordination of the various actions.
- Above-mentioned structures and processes must be in place when the municipal land use planning by-law comes into operation.
- Cost implications (R1093-1542 /person/h) of the non-municipal members of the MPT is not on the 2014/15 budget.
- DEADP and DRDLR could assist with these costs by being members of the MPT.
- The CFO to provide for costs of the MPT in the 2015/16 budget (vote number).
- The Planning Department will submit further reports on the progress in due course.

BACKGROUND

The Development Facilitation Act (No 67 of 1995), hereinafter referred to as the "DFA" was found to be outdated and unconstitutional in some respects. As a result the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), hereafter referred to as "SPLUMA", was introduced as a national framework act to replace the DFA and control land use planning

On provincial level the Western Cape Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), hereafter referred to as "LUPO" predates the current Constitution of the RSA and was also found to be unconstitutional in many respects. The Constitution confers "municipal planning" firmly as a municipal competency whilst in terms of LUPO many of these powers vest with the Minister.

The Western Cape Government has approved the new Western Cape Land Use Planning Act (No. 3 of 2014), hereafter referred to as "LUPA" and will be repealing LUPO. LUPA is aligned with SPLUMA.

EFFECT OF LAW REFORMS

It is important to note that both SPLUMA and LUPA are "framework" legislation, meaning that it sets a framework and certain minimum standards which municipalities must comply with in terms of their land use planning functions. This means that municipalities must "give effect to" the provisions of SPLUMA and LUPA via their own legislative powers.

In the past, there was no legislation on national level which made provision for the execution of municipal land use planning. This was done via old order legislation by means of provincial ordinances, such as LUPO.

LUPO does not recognise that municipal land use planning is a municipal competency. Besides other matters, LUPO controlled many aspects of municipal land use planning such as:

- The compilation and approval of town planning schemes and structure plans, which needed to be approved by the Minister.
- Approval of certain land use applications
- The manner in which subdivision approvals are confirmed
- Prescribing time frames and lapsing periods
- Consideration of appeals

These matters are not regulated in detail by the SPLUMA or LUPA as the said matters are regarded as municipal planning competencies.

In terms of Section 156(2) of the Constitution, municipalities have the right to make by-laws for the matters which they have the right to administer, in this case "municipal planning" as set out in Schedule 4 B of the Constitution, read with section 11(3)(e) and (m) of the Municipal Systems Act, 2000 (Act 32 of 2000). An effective means to regulate municipal planning would be to make, adopt and implement municipal planning by-laws.

The effect of the two pieces of law reform entails that Municipalities will now have full responsibility for land use planning in their areas of jurisdiction, which entails:

- drafting and approval of municipal spatial development frameworks,
- new integrated municipal zoning schemes,
- receive and consider all land use applications,
- decision making on land use applications by delegation to officials and to the Tribunals to be established.
- appeals against decisions of the delegated official or the Tribunal to the Council's appeal authority,
- regulating time frames, notifications, confirmation of subdivision arrangements,
- lapsing of rights, and
- transgressions and enforcements.

The following table summarizes, in more detail than under the executive summary, further actions to be taken in order to operate in accordance with the new municipal planning dispensation:

TO BE ESTABLISHED	ACTIONS	RESPONSIBLE DEPT/PARTNERS
Land Use Planning By-law	Advertise	Planning
	Evaluate comment and send to DEADP	Planning
	Final by-law to Council	Planning
	Advertise approval of by-law in Provincial Gazette and implementation date	Planning
	Cost to advertise in Provincial Gazette ±R150 000	CFO
Zoning Scheme By-law	Same process as for Land Use Planning By-law and thus the by-law must be in place within 5 years after approval of the Municipal Land Use Planning by-law. Legal advice to be obtained to convert Zoning Scheme.	Planning
Authorised employee (AE) ("Land Development Officer")	Proposal: Manager: Town and Regional Planning Division (current delegated official) Decisions by authorised employee is not ratified by a Tribunal or Council	Council
Delegations & Categorisation of land use applications	Review current system and submit report to Council	Municipal Manager & Planning
Municipal Planning Tribunal (MPT)	At least 3 municipal officials to be appointed Possible candidates: - Director: Technical Services - Director: Corporate Services - Director: Community Services At least 2 non-municipal members to be appointed Possible candidates: Planning officials from adjoining municipality Other government officials (National or Provincial) Private person, consultant or professional No Councillors Terms of office not longer than 5 years and not more than continuous period of 10 years	Municipal Manager & Director: Corporate Services Municipal Manager
	Administrator of Tribunal to be appointed by Municipal Manager. Use current administrative system. <u>Proposal:</u> Manager: Administrative Support Services	Municipal Manager, Corporate Services
	Cost implication for non-governmental members (between R1093-R1542 per person/hour) Estimate: 1 working day per month (8 hours) for 2 persons the cost would be R17488-R24672 (National Treasury Regulation TR20.2.2 can serve as guide)	Chief Financial Officer (CFO)

TO BE ESTABLISHED	ACTIONS	RESPONSIBLE DEPT/PARTNERS
	Tribunal determines rules for arrangements, proceedings and procedures of Tribunal. The current rules should be used as a basis.	Administrator & Tribunal members
Joint Municipal Planning Tribunal (JMPT)	Discussions took place with officials from other Local Municipalities within the Overberg	Planning & Corporate Services
	Local authorities should take decision to establish JMPT Written agreement between local authorities	Councils
	Share costs of 2 non-municipal members or municipal employee of adjoining municipality sits on the other municipal tribunal or request other government officials (National or Provincial)	Planning & Corporate Services
Appeal Authority	Executive Authority of the Council is the Appeal Authority The Executive Mayor & Mayoral Committee is the Executive Authority (MAYCO) (May not be Section 62 MSA or other committee)	MAYCO

IMPORTANT TO NOTE (READ IN CONJUNCTION WITH TABLE):

- The co-ordination of the various actions will be done by the Planning Department.
- Above-mentioned structures and processes must be in place on the date of the promulgation of the municipal land use planning by-law.
- The cost implications (between R1 093 and R1 542 per person per hour) of the non-municipal members of the Planning Tribunal have not been budgeted for in the 2014/15 financial year.
- The Chief Financial Officer would have to be requested to provide for the costs of the non-municipal members of the Municipal Planning Tribunal in the the next financial year 2015/16.
- A joint tribunal with Swellendam Municipality is not viable from a planning point of view.
- Further reports on the progress on the matters indicated in the table above will be submitted to the Council in due course.

FINANCIAL IMPLICATIONS

If Council decides to have its own dedicated tribunal then Council would be responsible for the payment of the 2 non-municipal members of the municipal tribunal. This would be between R1 093 R1 542 per person/hour. The draft by-law indicates at least 1 meeting per month. For 2 persons for one whole day (8 hours) this would come to R17 488 - R24 672 per month.

If Council decides to constitute a joint tribunal with, for example Swellendam Municipality, then costs could be minimised. This is due to the fact that the 2 Councils could share the services of the 2 non-municipal tribunal members. It is also noteworthy that a municipal employee of one Council sitting on a tribunal of another Council is regarded as a non-municipal member of such tribunal.

The Provincial Government (DEADP) and National Government (DRDLR) will be able to assist with non-municipal members on the Tribunal.

The Chief Financial Officer to allocate monies on the budget for the next (2015/16) financial year. This would also include the creation of a vote number specifically for this purpose.

LEGAL IMPLICATIONS

The constitutionality of decision making power, namely tribunals making decisions on behalf of Council, is still questioned and will be discussed with South African Local Government Association (SALGA).

The authorised employee or tribunal would be the decision making entities with regards to the approval of land use applications. Council is the appeal authority and would therefore take the final decision on the submission of an appeal.

If Council takes a decision on an appeal Council would be responsible, for any litigation against itself, stemming from such decision. In other words the Provincial Government (DEADP) is not the appeal authority anymore.

STAFF IMPLICATIONS

An authorised employee must be identified to sign off delegated decisions. An 'administrator' and administration component must be identified which will be responsible for the operational functioning of the tribunal. Discussions to be initiated with the Municipal Manager to discuss the administrative function.

The staff complement of the Planning department will be able to manage the additional workload subject to vacant and new posts being filled.

MANAGEMENT RECOMMENDATION

It is recommended that Council decide in principle that:

- (i) A Single Municipal Tribunal be established for the Cape Agulhas Municipality.
- (ii) The number of municipal and non-municipal members (persons outside the municipality be a minimum of 2) be a minimum of 5 members.
- (iii) That the following internal Municipal members be nominated to serve on the Planning Tribunal:
 - Director: Technical Services
 - Director: Corporate Services
 - Director: Community Services
- (iv) That the Municipal Manager take the necessary steps to identify non-municipal members to serve on the Planning Tribunal with knowledge and experience of spatial planning, land use management, land development and the law related thereto. (SPLUMA Section 36).
- (v) The Executive Authority (Executive Mayco) take note of their role as the Appeal Authority.
- (vi) An Authorised Official be identified to approve land use applications in the event of applications being categorized. Alternatively all land use applications to go to the MPT.
- (vii) All delegations related to land use applications be reviewed.
- (viii) A Registered Planner be required to sign off all planning reports.
- (ix) The Municipal secretariat take note of the additional MPT meetings to be incorporated in the schedule of meetings of the year and the provision of secretariat services.
- (x) The Council take note of the anticipated implementation of SPLUMA on 1 July 2015.
- (xi) The possible amendments to the Draft SPLUMA regulations in the period January - June 2015 be noted.

AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /
RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE

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

BESLUIT 10/2015

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling aanvaar word.

10.3.2 **VERVREEMDING VAN GEDEELTE VAN ERF 120, WAENHUISKRANS / ARNISTON (7/R - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van die eienaar van Erf 589, Waenhuiskrans / Arniston ten einde 'n gedeelte van Erf 120, Waenhuiskrans te vervreem (sien Bylaag A op bladsy 48).

AGTERGROND

Op 9 Desember 2014 het die Raad die volgende besluit (269/2014) geneem:

"Dat die markwaarde van die gedeelte eers vasgestel word, alvorens die Raad 'n besluit neem."

Die eienaar van Erf 589, Waenhuiskrans het op 23 September 2014 die volgende aansoek ingedien by die Raad:

Good Morning Dean

After a meeting held with you on the 21st July 2014 and attended by Riaan Griesel, Derick Burger and myself, you recommended that we apply to council for the following:

1.
2. *The possibility of purchasing the portion of Erf 120 in front of the Arniston Hotel, from the Municipality*

Die "Land Disposal" Komitee het op 9 Oktober 2014 die volgende besluit (LD110/2014) geneem:

1. Dat die Direkteur: Gemeenskapsdienste bevestig dat die "Land Disposal Committee" nie gedelegeerde mag het nie.
2. Dat die Direkteur: Korporatiewe Dienste bevestig dat die "Land Disposal Committee" slegs aanbevlings aan die Raad maak insake die vervreemding van munisipale grond.
3. Dat die Bestuurder: Stads- en Streekbeplanning aanbeveel dat Erf 120, Waenhuiskrans vervreem word aan Mnr Haarburger.
4. Dat 'n aanbeveling aan die Raad gemaak word vir oorweging.

Die huidige huurooreenkoms wat die Raad met die eienaar van Erf 589, Waenhuiskrans het is aangeheg as Bylaag B op bladsy 49 tot 51.

MARKWAARDASIE

Die waarde van die voorgestelde gedeelte is bepaal op R1.5 miljoen (sien Bylaag C op bladsy 52).

FINANSIËLE IMPLIKASIES

Vervreemding van die oopruimte sal vir die Raad 'n inkomste inbring.

WETLIKE IMPLIKASIES

Hierdie bate van die Raad word nie benodig vir die lewering van die minimum vlak van basiese dienste nie. Ondervinding het getoon dat 'n tender of ontwikkelingsvoorstel nie die gewenste uitwerking vir hierdie bepaalde projek het nie. Die onderstaande wetlike vereistes en gemeenskapsdeelname prosesse sal egter wel gevolg moet word:

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> 1. Sect 14(2)(a): asset not required for minimum level of basic services. 2. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. 3. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). 4. Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> 1. Definition of "high value asset": "fair market value of the capital asset exceeds any of the following amounts: <ol style="list-style-type: none"> a) R50 million; b) One percent of the total value of the capital assets of the municipality.... c) An amount determined by resolution of the council of the municipality which is less than (a) or (b). 2. Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. 3. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. 4. Regulation 5 (decision-making). 5. Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> (a) by displaying the documents at the municipality's head and satellite offices and libraries; (b) by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and (c) by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	As long as the proposed site is not being built upon, no rezoning, subdivision and environmental impact assessment is required. The owner of Erf 589 Waenhuiskrans to complete the rezoning and closure processes of the two stoeps.

BESTUURSAANBEVELING

Aangesien die eiendom nie ingevolge Art 14(2)(a) van die Plaaslike Regering: Munisipale Finansiële Bestuurswet vir die lewering van die minimum vlak van basiese dienste benodig word nie, die Raad in-beginsel-goedkeuring verleen vir die vervreemding van 'n Gedeelte van Erf 120, Waenhuiskrans aan die eienaar van Erf 589, Waenhuiskrans vir die gebruik daarvan vir twee stoepe (sitplek van die restaurant en eetkamer van die hotel), oopruimte en parking, vir 'n bedrag van R1.5 miljoen op voorwaarde dat:

1. Alle wetlike vereistes vir vervreemding nagekom word.
2. Die aansoek na afhandeling van die wetlike proses weer na die Raad verwys word vir finale oorweging.
3. Geen strukturele werk en opgraderings mag op die eiendom gedoen word nie, en enige kleinwerke moet voldoen aan die wetlike vereistes en moet met die toestemming van die Boubeheerafdeling opgerig word.
4. Alle stadsbeplanningsprosesse van die twee stoepe eers voltooi word voordat oordrag plaasvind.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /
RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

- (i) Dat die Bestuursaanbeveling nie aanvaar word nie.
- (ii) Dat die gedeelte van erf 120, Waenhuiskrans aanliggend aan erf 589 onderverdeel word sodat die hotel se bestaande stoepe deel word van erf 589.
- (iii) Dat die Raad oorweging skenk aan die verlenging van die huurkontrak vir die oorskryding ten opsigte van stoepe opgerig op Raadsgrond.

BESLUIT 11/2015

- (i) Dat die Raad kennis neem van 'n skrywe wat reeds aan die huurder gestuur is insake die verstryking van die vorige ooreenkoms.
- (ii) Dat die Raad oorweging kan skenk aan die verlenging van 'n huurkontrak vir die oorskryding ten opsigte van stoepe opgerig op Raadsgrond, nadat 'n versoek van die huurder in dié verband ontvang is.

10.4 FINANSIËLE DIENSTE / FINANCE SERVICES**10.4.1 MAANDVERSLAG: VOORSIENINGSKANAALBESTUUR VIR DIE MAANDE
GEËINDIG 30 NOVEMBER 2014 EN 31 DESEMBER 2014 (5/27 - DFD) (GEEN
WYKE)****DOEL VAN VERSLAG**

Om kennis te gee van:

1. Toekennings gemaak aan verskaffers van dienste en goedere ingevolge die Voorsieningskanaalbestuur Regulasies en Beleid en.
2. Tersaaklike verslae ingevolge die Voorsieningskanaalbestuur Regulasies en Beleid.

AGTERGROND

Die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003, Hoofstuk 11, die Munisipale Voorsieningskanaalbestuur Regulasies, soos afgekondig in die Staatskoerant op 30 Mei 2005 en die Raad se Voorsieningskanaalbestuur Bestuursbeleid soos aanvaar op 26 Junie 2014 bepaal dat verskeie verslae aan die Rekenpligtige beampste en die Hoof Finansiële Beampste voorgelê moet word. Ten einde 'n deursigtige beeld aan alle prosesse in die Voorsieningskanaalbestuursafdeling te skep, word 'n volledige verslag aan die Raad voorgelê.

BESTUURSAANBEVELING

Die ondergenoemde verslae soos aangeheg op bladsy 55 tot 119 word voorgelê vir kennisname:

1. Kleinkas Aankope (Regulasies 15(d)) : Kennisname
2. Finale toekennings gemaak bo R30 000 (Regulasies 5(4)) : Kennisname
3. Verslag: Nasionale Tesourie: Kontrakte bo R100 000 : Kennisname
4. Afwyking: Voorsieningskanaal Bestuursbeleid onder R30 000 (Regulasies 16(c). 17(c): Kennisname
5. Afwyking: Voorsieningskanaal Bestuursbeleid bo R30 000 (Regulasies 5(3), 5(4)(a) & (b)): Kennisname
6. Finale toekennings (alle toekennings) : Kennisname
7. Artikel 45 toekennings : Kennisname
8. Aantal registrasies van verskaffers op databasis : Kennisname

AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE

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

BESLUIT 12/2015

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling aanvaar word.

10.4.2 **AANSOEK OM FINANSIËLE ONDERSTEUNING: HARTKLOP CHRISTUSFEES (5/18/1 - DFD)****DOEL VAN VERSLAG**

Oorweging van 'n aansoek om finansiële ondersteuning aan die Hartklop Christusfees, soos per aangehegde skrywe op bladsy 120 tot 124.

AGTERGROND

Die Hartklop Christusfees is 'n nie-winsgewende organisasie gemik op die gesamentlike aanbidding van die Drie Enige God. Die Hartklop Christusfees is inter-denominaal en word nou reeds nege jaar met groot sukses aangebied.

Nie alleen is die Hartklop Christusfees 'n waardevolle meganisme in die regering se gestelde doelwit om morele herlewing in die Suid-Afrikaanse gemeenskappe aan te moedig nie, maar bevorder dit ook sosiale kohesie binne die Kaap Agulhas gemeenskappe. Gemeenskappe reik uit na mekaar en smee bande van versoening wat die gemeenskap op vele ander velde baat.

Die fees se aanbieding beloop nagenoeg R80 000 en word hierdie fondse vanuit die gemeenskap ge-in. Kaap Agulhas Munisipaliteit het in die verlede 'n finansiële bydrae tot die aanbied van die fees gemaak en het die Hartklop Christusfees die Raad genader om weer eens finansiële steun aan hul te bied.

Die Wet op Plaaslike Regering: Beheer oor Munisipale Finansies, 2003 (Wet No 56 van 2003) omskryf in artikel 67 die bepalings rondom die oordrag van fondse aan instansies buite die regeringsfeer.

FINANSIËLE IMPLIKASIE

Die Raad het die vorige boekjaar R40 000 vanuit die Bemarkingsfonds bewillig.

BESTUURSAANBEVELING

Dat die Raad dit oorweeg om weer 'n bydrae uit die Bemarkingsfonds te maak.

**AANBEVELING: FINANSIËLE- EN KORPORATIEWE DIENSTE KOMITEE /
RECOMMENDATION: FINANCE AND CORPORATIVE SERVICES COMMITTEE**

Dat die fees ondersteun word vir die bedrag van R40 000,00, voorsien uit die Bemarkingsfonds.

BESLUIT 13/2015

Dat die Finansiële- en Korporatiewe Dienste Komitee se aanbeveling aanvaar word.

10.4.3 **ODUIT AKSIEPLAN 2013/14 (OPCAR): MAANDELIKSE VORDERING - DESEMBER 2014****DOEL VAN VERSLAG**

Oorweging van die vordering met die goedgekeurde 2013/14 Oudit Bevindinge Aksieplan (OPCAR) soos en met Desember 2014.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit op die 2013/14 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die oudit bevindinge aksieplan opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieoudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaalike grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê. Die verslag wat hierby aangeheg is op bladsy 125, is 'n aanduiding van die vordering wat met hierdie aksieplan gemaak is tot en met Desember 2014.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Oorweging, bespreking en aanvaarding van die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan, voortspruitend uit die bevindings van die Ouditeur-Generaal vir die 2013/14 finansiële jaar vir die tydperk geëindig Desember 2014.

BESLUIT 14/2015

Dat die Bestuursaanbeveling aanvaar word.

11. AANVULLENDE ITEMS DEUR DIE RAAD HANTEER

11.1 OVERSIGHT REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE ON THE ANNUAL REPORT FOR 2013/14 (MM)

PURPOSE OF REPORT

The Annual Report is submitted to Council by the Accounting Officer and the Executive Mayor and is part of the process for discharging accountability by the executive and administration for their performance in achieving objectives and goals set by the municipality for the financial year. The Oversight Report is considered to be a report of the Municipal Council on the Annual Report.

Council is responsible to oversee the performance of the municipality as required by the Constitution, the Municipal Finance Management Act, Act No 56 of 2003 (MFMA), and the Municipal Systems Act. The oversight responsibility of council is particularly important for the process of considering annual reports. In terms of Section 129 (1) of the MFMA, the Council of a municipality must consider the annual report of the municipality and adopt an oversight report containing the council's comments on the annual report.

BACKGROUND

The 2013/14 Annual Report was tabled in Council on 9 December 2014, reporting on the Municipality's performance for the period 1 July 2013 to 30 June 2013. By doing so, Council complied with Section 133 of the MFMA that stipulates that the Executive Mayor must table the draft Annual Report in Council within 7 months after the end of the financial year, i.e. by the end of January 2015.

Council is legally compelled to engage with and finalise the Annual Report within 9 months after the end of the financial year, which is before 31 March 2015.

Tabling the draft Annual Report signifies the start of the public participation period stipulated in Section 127(5) of the MFMA and Section 21 of the Systems Act. The report was duly made public on the Council's website as well as municipal offices and the libraries and was duly advertised on 19 December 2014. The public was given until 31 January 2015 to submit any comments. No comments were received from the public by due date.

The Oversight Committee, appointed in terms of sections 33 and 79 of the Municipal Structures Act, 1998 to prepare an Oversight Report to Council before 31 March of a financial year, consists of:

- Ald D Jantjies (Independent) - Chairperson
- Cllr R Mokotwana (representing the ANC)
- Ald A Coetzee (representing the DA)

The oversight committee sat on 2 February 2015 to review the annual report and to compile the oversight report, including recommendations to Council on the adoption of the annual report.

The Oversight Committee has pleasure in submitting this Oversight Report to Council for consideration.

See page 5 and 6 for minutes of the Municipal Public Accounts Committee and page 7 to 15 for Oversight Report.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATION

None.

CONCERNS RAISED

The following concerns were raised in the Oversight Report:

- (i) The number of performance targets that have not been achieved. Even though it is accepted that some targets were nearly met, it still constitutes a non-compliance which needs to be rectified. It is recommended that a complete report be generated of all non-achievement items for the Committee for further evaluation.
- (ii) The keeping of adequate supporting documentation on construction contracts for actual performance achieved. It is recommended that appropriate steps be taken to ensure that adequate supporting documentation is accumulated and submitted to the AG at the start of their next audit in the format eventually submitted per contract during the audit.
- (iii) The current efforts to ensure the municipality's financial sustainability to ensure continuous service delivery must be maintained in view of the continuous decline in revenue and the CCR fund balance.
- (iv) The various challenges highlighted in the annual report are noted. Every effort must be made to eliminate these threats as they can have a serious impact on the municipality's performance in terms of service delivery.
- (v) The low percentage (4.2%) of expenditure spent on repairs and maintenance which well below the Treasury's expected norm of 8% of property, plant and equipment. This situation should be looked at and addressed as far as possible during the 2014/15 budget process. In view of this the various technical departments are urged to register for as many projects as possible for grants to receive as much funds as possible to maintain the infrastructure as it should be.
- (vi) The housing waiting list currently includes applicants that no longer qualify for housing which distorts the figure of the actual backlog in housing. The possibility of removing these cases to a separate list must be considered in order to determine the actual housing backlog.
- (vii) The statistics on basic services only relates to the services provided in the urban areas of the municipal district and excludes privately owned properties. Consideration should be given to the development of a policy on rebates for private land owners in rural areas if they provide basic services to their people that would normally be provided by the municipality.
- (viii) The current statistics on injuries only indicates the number of injuries and not the nature of the injury.
- (ix) There are various people on the EPWP program that has or sustained injuries during the execution of their duties. These injuries prevent the person from fully executing his/her duty and it should be considered to amend the EPWP policy to exclude these workers from being listed on the EPWP program in the future.
- (x) The Committee is concerned about the high increase (48%) of sick leave at the Directorate: Community Services. This matter should be investigated to determine the root cause and appropriate steps taken to rectify the situation.
- (xi) The Committee is concerned about staff going on training and then leaving the municipality. This is not only a loss of newly acquired skills but also a financial loss in terms of the return on investment for such training. Consideration should be given to possible amendments to the policy to retain the services of staff for a certain period after completing their training.

MANAGEMENT RECOMMENDATION

Council, having fully considered the Annual Report 2013/14 of Cape Agulhas Municipality and representations thereon, and subject to and with due regard to the observations and suggestions contained in the Oversight Report, the synopsis of findings and the recommendations contained in the concerns above, resolves:

- (i) That the inputs and recommendations for semantical corrections to the report given by the Committee be accepted;
- (ii) The Council adopts the oversight report; and
- (iii) Council approves the annual report without reservations.

BESLUIT / RESOLUTION 15/2015

That Management's recommendation be accepted.

11.2 **ESTABLISHMENT OF RISK MANAGEMENT SHARED SERVICE**

PURPOSE OF REPORT

To inform council about the current status of the proposed risk management shared service and to obtain approval for the implementation thereof.

BACKGROUND

The need for the sharing of services between the four local municipalities in the Overberg district as well as the District Municipality was identified approximately one year ago. After various discussions between the above stakeholders, risk management was identified as the service to be shared.

In this regard, only Theewaterskloof (TWK) Municipality had a dedicated official responsible for risk management. This person also subsequently resigned late in 2014 and the current situation is thus that none of the municipalities in the Overberg region have a risk manager. The provincial department of Local Government, who supports the notion of shared services for various reasons, the most prominent being, the significant cost savings for all municipalities involved, appointed a service provider, at their cost, to investigate the matter and make recommendations.

Attached hereto as annexure on page 16, is a summary of the investigation and the recommendations. At a meeting held between the Municipal Managers of all the municipalities within the region, except TWK, on 22 January 2015, it was agreed that the service must be implemented pending council approval. Thus the reason for this report.

The benefits of shared services are the following:

- Better value for money;
- Availability – improved continuous risk management services;
- Attracting better qualified staff within overall budget limitations;
- Improved and effective decision making;
- Management and staff will be able to focus on their core function and strategic risk management;
- Standardised procedures and ongoing risk awareness.

COST CONSIDERATIONS

According to the preliminary allocation of hours of work to each municipality, the percentages of time to be spent at each municipality are the following:

Overberg District Municipality (ODM)	:	15%
Cape Agulhas Municipality (CAM)	:	21%
Overstrand Municipality (OSM)	:	23%
Theewaterskloof Municipality (TWK)	:	22%
Swellendam Municipality (SM)	:	19%

The above allocations will be used to calculate the actual amounts that each municipality will be responsible for annually:

Municipality	Cost per annum	2014/15	2015/16	2016/17
ODM	106 789.92	35 596.64	117 468.91	129 215.80
TWK	179 093.77	59 697.92	197 003.14	216 703.46
SM	164 231.25	54 743.75	180 654.37	198 719.81
OSM	197 210.44	65 736.81	216 931.49	238 624.64
CAM	146 950.23	48 983.41	161 645.25	177 809.77

The Cost Benefit Analysis has shown that even though the estimated in-house cost currently is lower than the shared service model and the cost of outsourcing considerable more, each municipality will realise considerable cost savings with the shared service model. One should realise that the current costs are not reflective of the real costs as each municipality currently do not provide the full service.

ORGANISATION CONSIDERATIONS

It is proposed that the service be established by the ODM but managed by the DCF Tech, meaning all municipal managers within the region. ODM will accommodate the risk manager and interns at their offices and the appointment will be done by consensus between all MM's. The local municipalities will contribute the amounts as discussed above to the ODM for the service and the risk manager and interns will provide the services to the LM's as per the agreed hours.

FINANCIAL IMPLICATIONS

CAM would need to provide for the amounts as stipulated above within the financial years as stipulated.

PERSONNEL IMPLICATIONS

None for the CAM appointments will be allowed for on the ODM's organisational structure and budget.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the establishment of a risk management shared service between themselves, the ODM and three other LM's within the Overberg District.
- (ii) That Council approves the inclusion of the amounts per annum as stipulated above for the current financial year and the two outer years.

BESLUIT / RESOLUTION 16/2015

That Management's recommendation be accepted.

11.3 PAYMENT OF AN OUTSTANDING INVOICE: KIOSK RENOVATIONS 2012 (MR V VALENTINE)

PURPOSE OF REPORT

It is for Council to consider the report and resolve to make the payment to the claimant, mr V Valentine.

BACKGROUND

Cape Agulhas Municipality in 2012 has budgeted for the renovation of the old post office building into municipal staff kiosk. Tender were invited in and received in 2013 and a successful contractor was appointed, Mr V Valentine.

The contractor has received the tender specification. During the site meeting it was not yet established that the electrical connection was linked to the Bredasdorp Magistrate Offices. The contractor discovered during construction that the electrical connection was not provided for in the tender specification for connection.

According to the contractor he received an instruction to make connection from the Community Services Department and disconnected from the Magistrate building having installed a pre-paid meter.

An item for consideration of the outstanding payment of the invoice was tabled in 2014, however Council investigated as to what transpired with the non-payment of the outstanding invoice. The current Director: Community Services conducted interview with employees who were involved with the project and obtained emailed statement (See attached).

FINDINGS

The Director: Community Services had interviews with the following employees:

- Mr Heinrich Spandiel – Local Economic Development
- Mr Roberto Sefoor – Supply Chain Management (**No reply**)
- Mr Patrick Pietersen – Building Inspector
- Mr Myburgh Briers – Manager: Public Services
- Mr Piet Everson – Assistant Director: Electrical Services

Each of the above employees was requested to forward an email stating their involvement in the project and who issue the instruction to the contractor, Mr V Valentine. None of the employees accepted the responsibility of issuing the instruction to lay out the electrical cable to the contractor.

The laying of the electrical cable was not part of the tender specification (see attached specifications) however, the work has been completed. The invoice has been submitted by the contractor after the retention fees have been released and project completed.

FINANCIAL IMPLICATION

The amount on the invoice : R5 152,80

LEGAL IMPLICATIONS

The contractor is threatening legal action should the amount owed to him not be paid.

MANAGEMENT RECOMMENDATION

It is recommended that the amount of R5 152,80 be budgeted in the adjustment budget.

BESLUIT / RESOLUTION 17/2015

That Management's redommendation be accepted.

11.4 AANWYS VAN VERTEENWOORDIGERS: SALGA NATIONAL MEMBERS ASSEMBLY**DOEL VAN VERSLAG**

Om persone aan te wys wat die Raad kan verteenwoordig by die SALGA "National Members Assembly".

AGTERGROND

NOTIFICATION OF THE NEXT SITTING OF SALGA NATIONAL MEMBERS ASSEMBLY

In accordance with the provisions of the Constitution of the South African Local Government Association (SALGA), notice is hereby given that the next formal sitting of the SALGA National Members Assembly will be held as follows:

Date : 24 – 26 March 2015 (Registration to be on 23 March 2015)

Venue : Gallagher Convention Centre

Note that in complying with SALGA's constitutional provisions, the National Members Assembly will, inter alia, accord consideration to the following matters:

- The annual report for 2013/14 inclusive of audited annual financial statements and organisational performance
- The programme of action business plan and the budget for the 2015/16 financial year as approved by NEC
- Key policy and legislative matters impacting on local government; leading up to 2016 and beyond
- Reports from Working Groups and other oversight bodies.

Documentation for the National Members Assembly will be sent to all municipalities closer to the date of the event.

All member municipalities are entitled to be represented by up to six (6) delegates comprised of four (4) councillors (troika + 1 Councillor) and two (2) officials preferably the municipal manager and the chief financial officer.

The SALGA Constitution provides that every municipality shall have one (1) vote only at the National Members Assembly. We kindly request municipalities to specifically resolve who would be the councillor in the municipal delegation mandated to vote on behalf of that municipality. Such mandated Councillor will be required to register at the registration desk at the National Members Assembly to be able to ascertain attendance and quorum.

Member municipalities' attention is also drawn to the SALGA Constitutional provision that "a member who fails to pay levies shall remain a member with lesser rights, surrender voting rights and the right to have any of its councillors in executive positions of SALGA until all due membership levies have been paid".

On behalf of the National Executive Committee, the collective leadership of SALGA, we look forward to welcoming delegates to the National Members Assembly.

BESTUURSAANBEVELING

Vir oorweging.

BESLUIT 18/2015

Dat die Burgemeester en Munisipale Bestuurder die Raad sal verteenwoordig.

11.5 VOORLEGGING VAN VEILIGHEIDS- EN GESONDHEIDS-ODUITVERSLAG

DOEL VAN VERSLAG

Om die Veiligheids- en Gesondheids-Ouditverslag van November/Desember 2014 aan die Raad voor te lê.

AGTERGROND

In Maart 2014 is 'n interne Veiligheidsoudit vir Kaap Agulhas Munisipaliteit gedoen. Die doel van die oudit was om die Raad leiding te gee ten opsigte van die Veiligheid- en Gesondheidsaspekte binne die werksplek.

Die ouditverslag se implementering was gemonitor deur die Veiligheidskomitee en die Direkteure moes terugvoering gee oor die vordering. Die oudit aspekte wat uitgewys was, is in 'n groot mate afgehandel.

RAADSBELEID

Beroepsgesondheid en Veiligheidsbeleid.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Om sekere aspekte in die verslag te implementeer sal koste aangegaan moet word. Die koste impak is onbekend en sal elke Direkteur in sy begroting voorsiening moet maak vir die regstellings.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die Veiligheidsoudit wat gedoen was.
- (ii) Dat die Direkteure verantwoordelikheid neem vir die implementering van die verslag in hul onderskeie departemente.
- (iii) Dat die Veiligheidsoudit verslag deur die Veiligheidskomitee gemonitor word en verslagdoening by die Veiligheidskomitee vergaderings deur onderskeie departemente gedoen word.

BESLUIT 19/2015

Dat die Bestuursaanbeveling aanvaar word.

11.6 HERSONERING, ONDERVERDELING EN WYSIGING: RESTANT VAN ERF 856, STRUISBAAI (S856 - GIS) (WYK 5)

DOEL VAN VERSLAG

Die oorweging van bogenoemde aansoek ingevolge die bepalinge van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985). Die ligging van die eiendom word aangetoon op die plan aangeheg as Bylaag A op bladsy .

Bestaande Sonering	:	Onbepaald
Eienaar	:	Kaap Agulhas Munisipaliteit
Ligging	:	Noord-oos van Struisbaai-Noord Laerskool
Voorgestelde Sonering	:	Enkel Woonsone, Oopruimte en Straat
Oppervlakte van Erf	:	235ha

DIE EIENDOM

Die eiendom word ingevolge die Titelakte beskryf as “*stuk afgeskafte erfpag grond geleë soos hierbo, synde die restant van ERF 856 STRUISBAAI DORP: GROOT aan restant Tweehonderd Vier-en-Sewentig desimaal Twee Vyf Vyf Een (274.2551) Morge;*”

AGTERGROND

Die aansoek behels die volgende:

- Onderverdeling van 'n gedeelte van Erf 856, Struisbaai (Gedeelte A = ±1.9Ha) ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985.
- Hersonerig van Gedeelte A van Erf 856, Struisbaai ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 van Onbepaalde Sone na Onderverdelingsgebied.
- Onderverdeling van Gedeelte A in 76 Enkel Woonsone erwe, 1 Oopruimte en 1 Straat ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985.
- Wysiging van die Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk ingevolge die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

Die onderverdelingsplan word aangeheg as Bylaag B op bladsy .

ADVERTERING

Die aansoek is op 5 Desember 2014 in die Provinsiale Koerant en in die plaaslike koerant geadverteer. Skrywes is aan die omliggende eienaars, interne departemente, GPF, Estetiese en Bewaringskomitee, Departement van Gesondheid, Departement Grondeise, Departement van Waterwese en Bosbou, Southern Overberg Branch, Telkom, CapeNature, Flower Valley, Eskom, Departement van Minerale en Energiesake, Suidpunt Environmental Alliance, Suidpunt Belastingbetalersvereniging, KAM Sakekamer en Breede Overberg gestuur.

BESWARE

Geen besware is ontvang nie.

KOMMENTARE

Die volgende kommentare is ontvang:

Departement: Omgewingsake en Ontwikkelingsbeplanning

2. Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Government Notice (“GN”) No. R. 982, R. 983, R. 984 and R. 985 of 04 December 2014. **These Regulations came into effect on 08 December 2014.** All activities identified as listed activities in the NEMA EIA Regulations of 2014 that had not been commenced with on 08 December 2014, must not be undertaken without an Environmental Authorisation from the Competent Authority.

3. This Department has reviewed the correspondence and based on the information submitted, is of the opinion that the proposed establishment of 76 low cost housing Service Erven, a single Public Open Space Erf and associated roads and infrastructure on Portion of Erf 856, Struisbaai, triggers the listed activity in terms of the NEMA EIA Regulations, 2014:

Item 27 of GN No. R. 983:
"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-
 - (i) The undertaking of a linear activity; or*
 - (ii) Maintenance purposes undertaken in accordance with a maintenance management plan."*
4. The above listed activity is applicable as the development proposal requires the clearing of approximately 2.21 hectares of indigenous vegetation.
5. An Environmental Authorisation must therefore be obtained from the Competent Authority prior to the commencement of land clearing or construction work on the site.
6. In order for the Competent Authority to consider an application for Environmental Authorisation, the applicant must submit an Application Form for Environmental Authorisation prior to proceeding with the application process for Environmental Authorisation, so that the applicant may be advised accordingly.
7. The submission of the Application Form will initiate the application process for an Environmental Authorisation in accordance with the procedures stipulated in GN No. R. 982. This Directorate will only proceed with the consideration of the application upon receipt of the Application Form. The Application Forms are available and can be downloaded from this Department's website (<http://www.westerncape.gov.za/eacdp>).
8. The Application Form must be completed by the applicant or appointed Environmental Assessment Practitioner ("EAP") and submitted to the Directorate: Development Planning for consideration.
9. Please note that it is the applicant's responsibility to ensure that all statutory requirements relevant to the proposal are met. You are hereby informed that the onus is on the applicant (i.e. the plot owner/developer) to identify the listed activities that will be applicable to the proposal.
10. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Governance Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R5 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
11. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
12. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Overberg Distriksmunisipaliteit: Omgewingsgesondheid

Goewerments kennisgewing 363 van 22 Mei 2013 ("Regulations relating to the management of human remains") artikel 15(2), stel sekere voorwaardes waarvan een is dat 'n begraafplaas nie nader as 500m van die naaste woonplek mag wees nie (sien Bylaag C op bladsy).

Artikel 15(2) lees as volg:

- "(2) All burial sites must comply with the following environmental requirements-
- (a) be located outside the 100 year floodplain;
 - (b) be located at least 350 m from ground water sources used for drinking purposes and at least 500 m from the nearest habitable building;
 - (c) for a preferred burial site with a soil of sand-clay mix of low porosity and a small and finegrain texture, the water table should be at least 2.5m deep in order to allow for traditional grave depth of six feet (1.8 meters);
 - (d) for areas with higher water tables, the local government may determine a reasonable depth with additional walling recommendations to protect underground water; and
 - (e) the covering soil shall not be less than 1 m, should two bodies be buried in the same grave, 300mm of soil shall be maintained between the coffins."

Telkom

I hereby Confirm you that Telkom Approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after whgich reapplication must be made if the work has not been completed.

Brede-Gouritz

This office **cannot** support this application before the following have been addressed:

A Letter of confirmation from the Cape Agulhas Municipality acknowledging their support for the proposed development to connect to the Municipal services (water and sewage) and that water is available from their legal water allocation.

The Local Authority needs to ensure that the Sewage Tratment Facility produces a final effluent that is complaint to the set standard at all times. The Management/Monitoring need to be done as per Green Drop Requirements.

Furthermore the proposed development needs to be included in the Water Services Development Plan of Cape Agulhas Municipality. A copy of this plan needs to be submitted to this office.

DIREKTEUR: SIVIELE EN INGENIEURSDIENSTE**Reiniging en Suiwering**

Huidiglik geen invloed op Reinigingsdienste.

Water en Riool

Addisionele waterbronne sal in die nabye toekoms ontwikkel moet word om onder andere hierdie ontwikkeling moontlik te maak. Die rioolstyglyn na die rioolsuiweringswerke sal waarskynlik opgradeer moet word en moet in ag geneem word met die ontwerp van die siviele dienste

Strate en Stormwater

Voorsien geen probleem.

ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE

Eskom verspreidings gebied.

DIREKTEUR: GEMEENSKAPSDIENSTE

Word bespreek by Komiteevergaderings vir finale oorweging by die Raadsvergadering.

Beskermingsdienste

Geen beswaar teen aansoek nie.

DIREKTEUR: KORPORATIEWE DIENSTE**Boubeheer**

Die aansoek word ondersteun.

Bestuurder: Stads- en Streekbeplanning

Erf 856 Struisbaai is geleë op 'n gelyk topografie met min hellings wat op die eiendom voorkom. Die onderwerp eiendom is nie geleë in 'n vloedvlakte of vloedlyne nie. Die restant is tans vakant en onbenut. Omliggende gebuie is twee begraafplase, sportveld en 'n Laerskool.

Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk (KAM ROR)

Erf 856 Struisbaai is geormerk vir subsidiebehuising gebuie volgens die KAM ROR. Die ROR stel dat daar 'n bestaande behuisingsagterstand in Struisbaai is van ongeveer 207 eenhede. Gebied A1 waarvan die aansoekeiendom deel vorm, ten suide van Struisbaai-Noord, is geormerk om hierdie eenhede te akkommodeer. Die ROR stel dat die minimum erf grootte vir hierdie gedeelte 150m² is en dat gebied A1 vir hoër digtheid doeleindes ontwikkel moet word. Die voorgestelde subsidie behuising ontwikkeling val sodoende binne die doelwitte en riglyne soos vasgestel in die Kaap Agulhas ROR.

Die KAM ROR stel drie ruimtelike ontwikkelingstrategieë voor:

1. Gelyke toeganklikheid tot gemeenskapsfasiliteite
2. Ruimtelike integrasie van gemeenskappe
3. Bevordering / beperking van grondgebruikontwikkeling

Gegewe die historiese ontwikkelingspatroon en tekort aan ontwikkelbare munisipale grond binne hierdie gevestigde woonbuurtes, behoort meganismes ondersoek te word om integrasie van ras-gebaseerde woonbuurtes te bewerkstellig. In die lig van bogenoemde word die uitbreiding van Struisbaai Noord na die suide beskou as deel van die ruimtelike integrasie van gemeenskappe wat in hierdie geografiese gebied moet plaasvind. Die voorgestelde ontwikkeling sal sodoende bydra tot die realisering van die KAM ROR se ruimtelike ontwikkelingstrategieë.

Met inagneming van die huidige behuisingsnood en die krisis situasie waarin die huidige lae inkomste gebied geleë is, word die aansoek vanuit 'n Stadsbeplanningsoogpunt goedgekeur. Die karakter van die omliggende area sal nie nadelig beïnvloed word nie.

Goedkeuringsvoorwaardes:

- a) Dat geen aktiwiteite wat 'n openbare oorlas tot gevolg kan hê mag uitgeoefen word nie.
- b) Dat bouplanne van alle strukture by die Raad ingedien word vir goedkeuring voordat konstruksie in aanvang neem nadat dienste voltooi is en aanvaar is.
- c) Dat die nuutgeskepte erwe herwaardeer en dienooreenkomstig belas word.
- d) Dat die Raad voorsien word van die goedgekeurde Landmeter-Generaal diagramme en/of Algemene Planne.
- e) Dat gesondheidsvereistes aan voldoen word wat van tyd tot tyd deur die Raad neergelê mag word.
- f) Dat die aansoeker/ontwikkelaar verantwoordelik sal wees vir alle interne- en eksterne dienste wat uit hierdie aansoek mag voortspruit.
- g) Dat die aansoeker/ontwikkelaar kennis neem dat dat daar geen oordrag van enige erf binne hierdie ontwikkeling sal geskied voordat 'n dienste-ooreenkoms ten opsigte van die ontwikkeling in plek is nie.
- h) Dat enige bestaande serwitute wat uit die titelaktes mag voortspruit gehandhaaf word.
- i) Dat die dienste-ontwerp opgestel word en aan die Raad voorgelê word vir goedkeuring en dat die ontwerp volgens die riglyne van "Guidelines for the Provision of Engineering Services in Residential Townships" uitgegee deur die Departement van Openbare Werke en Grondsake, gedoen word.
- j) Dat die Raad voldoende geskikte water beskikbaar stel om die ontwikkeling te bedien, welke water deur die Raad op sodanige punt of punte op die grens van die ontwikkeling gelewer sal word wat die geskikste vir die Raad is, vir aansluiting by die eksterne verspreidingsstelsel wat die dorp bedien.
- k) Dat die Raad na die proklamasie van die ontwikkeling op sy koste alle huishoudelike vullis, in ooreenstemming met sy verordeninge, te verwyder en sal eie reëlings met die eienaars of kopers van erwe in die ontwikkeling vir die verwydering van sodanige vullis tref.
- l) Dat geen oordrag van 'n erf aan individue sal toegelaat word nie, voordat alle dienste, uitgesonderd septiese tenks, tot bevrediging van die Raad geïnstalleer is nie.
- m) Dat alle stormwater aansluit by die bestaande stelsel en indien nie moet dit weggevoer word na die see.

BESTUURSAANBEVELING

- (i) Dat die Raad goedkeuring ingevolge Artikel 25(1) en 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) verleen vir die volgende:
 1. Onderverdeling van 'n gedeelte van Erf 856 Struisbaai (Gedeelte A = ±1.9Ha) ingevolge Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985
 2. Hersonering van Gedeelte A van Erf 856 Struisbaai ingevolge Artikel 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 van Onbepaalde Sone na Onderverdelingsgebied.
 3. Onderverdeling van Gedeelte A in 76 Enkel Woonsone erwe, 1 Oopruimte en 1 Straat ingevolge Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985.
 4. Wysiging van die Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk ingevolge die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

Bogenoemde goedkeuring is onderhewig aan die voorwaardes, neergelê ingevolge artikel 42 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) soos onder Bestuurder: Stads- en Streekbeplanner se kommentaar uiteengesit.
- (ii) Dat die aansoeker/eienaar op hul reg tot appèl na die Raad gewys word, ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

BESLUIT 20/2015

Dat die Bestuursaanbeveling aanvaar word, nadat aanbeveling (ii) geskrap is.

11.7 **SUIDERSTRAND ROAD: MEMORANDUM OF UNDERSTANDING (M.O.U.) (16/3/R - DTS) (WARD 5)**

DOEL VAN VERSLAG / PURPOSE OF REPORT

For Council to take note of the attached M.O.U.

AGTERGROND / BACKGROUND

The Suiderstrand road is a municipal road. The maintenance of this road is a big challenge in that funding is limited and the existing gravel surface is unsuitable for continuous grading.

This M.O.U. seeks to inform and establish parameters to all adjacent affected landowners of the intention to tar this road.

Once this M.O.U. is signed by all parties it will strengthen the application for funding from national and provincial departments.

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

1. Sourcing of external funds.
2. Co-funding in future budgets.

BESTUURSAANBEVELINGS / MANAGEMENT RECOMMENDATION

That Council take note of the M.O.U. and grant the MM permission to sign on Council's behalf.

BESLUIT / RESOLUTION 21/2015

That Management recommendation be accepted.

11.8 **STRUISBAAI 68/40 IRDP GROOTMAATDIENSTE (16/3/6/R - DTD) (WYK 5)**

DOEL VAN VERSLAG / PURPOSE OF REPORT

Vir die Raad om kennis te neem van die bereidwilligheid van die implementeringsagent, Asla, om die grootmaatdienste naamlik (1) rioolpompstasie en (2) grootmaat stormwater van oorbruggingsfinansiering te voorsien totdat die Raad hiervoor kan begroot.

Council to note that the implementing agent, Asla, is willing to supply bridging funding for (1) sewer pump station and (2) bulk stormwater until the items can be budgeted for by Council.

AGTERGROND / BACKGROUND

Tydens die voorlopige beplanning van die Struisbaai-Noord IRDP was die nodigheid nie voorsien vir 'n rioolpompstasie nie. Met die finale ontwerp en die grondwerke vir Struisbaai 68/40 is bepaal dat die riool nie kan graveer na die bestaande rioolpylyne nie en het dit 'n rioolpompstasie genoodsaak. Geen voorsiening is in 2014/15 begroting hiervoor gemaak nie. Die projek is in proses om by MIG geregistreer te word en die fondse sal in die 2015/16 begroting voorsien word.

Dieselfde geld vir die grootmaat stormwater. Die projek is reeds by MIG geregistreer en net 'n gedeelte van R2.7m, naamlik R1.3m, is in die 2014/15 begroting voorsien.

Asla is bereid om oorbruggingsfinansiering vir beide projekte te voorsien met dien verstande dat die uitstaande betaling aan hulle gedoen word sodra die Raad daarvoor begroot.

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

1. Rioolpompstasie @ R1.206m vir 2015/16 MIG begroting.
2. Grootmaat stormwater @ R3.245m en R0.845m vir 2015/16 begroting.

BESTUURSAANBEVELINGS / MANAGEMENT RECOMMENDATION

Dat die voorstel in 'n skriftelike ooreenkoms tussen Kaap Agulhas Munisipaliteit en Asla vervat word. / *That the proposal between Cape Agulhas Municipality and Asla be formalised in an agreement.*

BESLUIT 22/2015

Dat die Bestuursaanbeveling aanvaar word.

11.9 **INSTEL VAN WATERBEPERKINGS (16/1/1 - DTD) (ALLE WYKE)****DOEL VAN VERSLAG / PURPOSE OF REPORT**

Ten einde waterbeperkings in te stel om wateraanvraag te beperk gedurende die droë somerseisoen. / *To impose water restrictions in order to limit water demand during the dry summer season.*

AGTERGROND/BACKGROUND

Damvlakke is laer as die voorafgaande twee jare vir dieselfde tydperk en bestaan geen waarborge dat reënval vroeg in die wintermaande of gedurende die somer sal voorkom nie. Derhalwe is dit raadsaam om waterverbruik te beperk. Grondwatervlakke daal ook in die somermaande.

Die Raad se goedkeuring vir die instel van die beperkings, soos per onderstaande kennisgewing, word versoek:

Kennis geskied hiermee dat in terme van Afdeling 184 van die Munisipale Ordonnansie 20 van 1974, asook Standaard Water Verordening Artikel 46, die Uitvoerende Burgemeester waterbeperkings instel vanaf 16 Februarie 2015 tot verdere kennisgewing weens beperkte waterbronne en hoë aanvraag.

Die volgende beperkings word ingestel:

1. Die besproeiing van tuine mag slegs Maandae, Woensdae en Vrydae vir persele met gelyke straatnommers en Dinsdae, Donderdae en Saterdag vir persele met ongelyke straatnommers tussen 07:00 en 08:00 vm en tussen 19:00 en 20:00 nm plaasvind.
2. Geen motoropritte of geplaveide areas mag afgespuit word nie.

Enige persoon wat die waterbeperkings oortree is aan 'n misdryf skuldig en kan met R500,00 per oortreding beboet word.

Die volgende waterbesparingswenke word ook deurgegee:

- Gebruik waswater om die tuin nat te maak.
- 'n Vinnige stort gebruik minder water as 'n bad.
- Moenie die kraan oop los terwyl u tandeborsel nie.
- Maak seker dat geen lekkasies op u perseel voorkom nie. (Die watermeter moet staan terwyl geen water verbruik word nie.)

Vir navrae kontak die plaaslike munisipale kantore.

PERSONEEL IMPLIKASIES / PERSONNEL IMPLICATIONS

Polisiëring moet deur wetstoepassers gedoen word.

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

Verlies aan inkomste is minimaal aangesien die uitgaande dienoooreenkomstig afneem.

BESTUURSAANBEVELINGS / MANAGEMENT RECOMMENDATION

Dat gemelde waterbeperkings ingestel word vanaf 16 Februarie 2015 tot verdere kennisgewing. / *That mentioned water restriction be imposed from 16 February 2015 until further notice.*

BESLUIT 23/2015

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Dat 'n deeglike kennisgewingsproses gevolg word om alle publiek in te lig van die maatreëls.

16. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
291/2012	Verhuring gedeelte meentgrond, Napier: Vierfontein Boerdery (7/1/3/1)	(i) Volstaan met besluit 153/2011 geneem op 31 Augustus 2011, met die weglating van (ix). (ii) Beswaarmaker dienooreenkomstig in kennis stel. (ii) Dat 'n opskortende voorwaarde gestel word m.b.t. nie-nakoming van die 40% swartbemaagtigingsgroep, soos gemoniteer deur LED.	Die verhuringskontrak is tans besig om gefinaliseer te word.	LED / MB
174/2014	Payment of outstanding invoice: Kiosk Renovating	Refer back to Community Services Department for full investigation.	<i>In proses.</i>	DGD
205/2014	Kantoorakkommodasie	(i) Raad die huur van die Nedbank gebou oorweeg. (ii) MB en DFD gemagtig word om verhuringsooreenkoms vir 'n tydperk van drie jaar te onderhandel, met die opsie om te verleng. (iii) In die aansuiweringsbegroting toegelaat word vir die kostes vir die huur. (iv) Dat erwe 581, 591 en 3652, Bdorp op 'n openbare veiling vervreem word met 'n insetwaarde gekoppel aan die markwaarde soos bepaal. (v) In gesprek getree word met 'n ontwikkelaar om die Raad te adviseer rakende die toekomstige moontlike gebruike van erwe 581, 591 en 3652. (vi) Moontlikheid om erwe 581, 591 en 3652, Bredasdorp op 'n openbare veiling te vervreem ondersoek word en verslag aan die Raad voorgelê word.	<i>In proses.</i>	MB
261/2014	Rekening: 4 ^{de} Aanvullende Waardasie vir 2012/2013 : De Kock Lloyd	Dat 'n volledige verslag rondom die aangeleentheid aan die Raad voorgelê word vir oorweging.		DFD
269/2014	Vervreemding: Ged erf 120, Waenhuiskrans	Dat die markwaarde van die gedeelte eers vasgestel word, alvorens die Raad 'n besluit neem.	<i>Markwaarde intussen bepaal.</i>	BSSB

BEKRAGTIG op hierdie

dag van

2015

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 24/2015_____
SPEAKER**DATUM:**

- (i) Dat die Bestuursaanbeveling aanvaar word.
- (ii) Raadsbesluit 174/2014 en 269/21014 dien tans voor die Raad.
- (iii) Raadsbesluit 205/2014 : Punte (i) en (ii) is reeds afgehandel - 'n Verslag oor punte (iv) tot (vi) sal weer aan die Raad voorgelê word.

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