



NOTULES VAN DIE / MINUTES OF THE

RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS GEHOU OP

12 DESEMBER / DECEMBER 2017

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COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD ON
12 DECEMBER 2017 IN THE CONFERENCE HALL OF LAMBERTS BAY HOTEL,
LAMBERTS BAY.**

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PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING

Rules of Order for Internal Arrangement

PART 3: MEETINGS

4. Commencement of meetings of Council

- 4.1 The meeting must commence precisely at a time it is convened for.
- 4.2 The Speaker must assume the chair provided that a quorum is constituted.
- 4.3 The business of the meeting must be outlined at the onset.

5. Quorum

- 5.1 The presence of a majority of the members constitutes a quorum.
- 5.2 In the event that no quorum is present at the time at which the meeting was convened, the commencement of the meeting may be delayed for no longer than 30 minutes on the basis that no quorum exists.
 - 5.2.1 Should a quorum exist within this period, the Speaker must assume the chair immediately upon establishing that the quorum exists.
 - 5.2.2 Should no quorum continue to exist at the end of this period, the meeting must be adjourned by the Speaker to an alternate date, time and if applicable venue at his/her discretion., In this instance, the names of members present must be recorded.
- 5.3 In the event that there is no quorum and the Speaker is absent, the commencement of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of this period, the meeting shall be cancelled. In this instance, the municipal manager must record the names of the members present.
- 5.4 A quorum is to be sustained during the course of proceedings of a meeting. Should there be a lack of quorum subsequent to the commencement of the meeting, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- 5.5 In any instance when a meeting is adjourned as a result of the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- 5.6 Names of absentee members are to be recorded and provided by the Speaker to the committee established in terms of section 6 for the purposes of an investigation of a breach of these rules.

At 10h00 the Chairperson, Cllr. W Farmer called the meeting to order and welcomed all present. Cllr. J Barnard opened the meeting with a prayer.

1.1 Announcement of Councillors birthdays

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY
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N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement

Part 3

7. Leave of absence

- 7.1 Leave of absence may be obtained from Municipal Council by a member who wishes to absent himself or herself from meetings. Should a member be prevented from obtaining leave of absence based on special circumstances, the Speaker has the discretion to on grant such leave.
- 7.2 A written application for leave of absence from a meeting of the Municipal Council or a Committee must be addressed to the Speaker by the Member applying for leave.
- 7.3 Written applications include emails sent to the Speaker.
- 7.4 In certain instances, the granting of applications for leave is deemed. These instance include:
 - 7.4.1 the Member is acting on behalf of the Municipal Council on other matters elsewhere based on instructions of Council or the Mayor.
 - 7.4.2 the Member is required to remove himself/herself from a meeting by the Municipal Council, Mayor or Committee in circumstances envisaged in item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 7.5 The Speaker may also grant leave of absence to a member for the following reasons:
 - 7.5.1 illness or any other valid reasonable reason making it impossible for the member to attend;
 - 7.5.2 business, personal commitments, or personal circumstances of the member.
 - 7.5.3 The failure to deliver notice of a meeting or the delivery of notice less than 72 hours prior to commencement provided that this does not relate to an ordinary meeting of the Council or Committees or changes of addresses of members.
 - 7.5.4 The lack of informing the Municipal Manager of a revised address for the service of documentation at least 7 days before the relevant meeting;
 - 7.5.5 Where circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act occur which prevent the Member from attendance;
 - 7.5.6 Other circumstances where the member is prevented from attending the meeting.

3.1 A blank Application for Leave of Absence form is enclosed

3.2 The Attendance Registers will be available at the meeting

Rules of Order for Internal Arrangement

Part 3

6. Attendance at meetings

- 6.1 An attendance register must be kept in relation to all meetings. Such register is to be signed by every member that attends the meeting/s.
- 6.2 Instances when a member may be absent from a meeting include the following:
 - 6.2.1 upon leave of absence being granted in terms of rule 7; and
 - 6.2.2 upon withdrawal on the basis of a legal requirement.

4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

Rules of Order for Internal Arrangement

Part 6

6. Deputations

Should deputations seek an interview with council, the municipal manager must be provided with ten working days written notice of the intent of the deputation with details of the representations that are to be made as well as its source. The notice must be submitted to the Speaker by the Municipal Manager with recommendations and comments. The Speaker has the discretion to then grant the interview and instate conditions.

RESOLVED:

- a) That all presentations thus far since August 2016 should be reviewed and addressed by Council and Exco.

5. CONFIRMATION OF MINUTES

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

Part Four

1. Minutes

- 1.1 Minutes of the proceedings of meetings must be recorded in writing in a minute book;
- 1.2 Such minutes shall be compiled in printed form and be confirmed by the council at the following meeting of Municipal Council and signed by the speaker.
- 1.3 The minutes shall be deemed to have been read for the purpose of confirmation provided a copy thereof was sent to each member within a reasonable period prior to the following meeting.
- 1.4 Discussions or motions in relation to the accuracy of minutes shall be entertained. No further discussion or motions in relation to any other matters forming part of the minutes shall occur.
- 1.5 Minutes shall consist of recordings of all business discussed as well as the names of members that were in attendance, absent, and granted leave of absence.
- 1.6 Should any member have requested that their dissent, abstention or support be recorded during voting, these are to be recorded in the minutes.
- 1.7 Audio recordings of all meetings of Municipal Council must be kept for a period of three years for administrative purposes.

RESOLVED

That in respect of the

CONFIRMATION OF MINUTES

discussed by Council at the Council Meeting held on 12 December 2017:

- a) That the following minutes which were sent to each Councillor at least 48 hours prior to the meeting, be taken as Read and Confirmed:

1. Minutes of Special Council Meeting held on 07 July 2017;
2. Minutes of Special Council Meeting held on 01 August 2017;
3. Minutes of Council Meeting held on 30 August 2017; and
4. Minutes of Special Council Meeting held on 10 November 2017;

Proposed: Cllr. R Pretorius

Seconded: Cllr. B Zass

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- a) The Speaker:

1. Wishes everyone a Merry Christmas and a Prosperous new year;
2. Informed the meeting of all activities planned for the festive season in which the Municipality is partially responsible of;
3. Also introduced the newly appointed Information Communication Technology (ICT) Manager, Mr. Reandro Meyers; and
4. Congratulated the Municipal Manager together with the Directors for the Clean Audit that Cederberg Municipality obtained from the Auditor General.

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

a) The Executive Mayor:

1. Gave a speech pertaining to obstacles and challenges overcome by the Municipality;
2. Wishes everyone a Merry Christmas and a Prosperous new year;
3. He informed all Councillors and Senior personnel of a function that his office has planned to partially celebrate the clean audit result of Cederberg Municipality.

8. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE

Rules of Order for Internal Arrangement

PART 3: MEETINGS

5. Order of business

- (1) The business of meetings of the Council will appear in the following order on the agenda
- (h) Report by the Executive Mayor on decisions taken by the Executive Mayor, the Executive Mayor together with the Deputy Executive Mayor, and the Executive Mayor together with the Mayoral Committee;
- 1) **The Executive Mayor reports to the municipal council on all decisions taken by the Executive Mayor (excluding Special Council Meetings).**
- 2) **The reports of the Executive Mayor shall be for information and nothing by council and no debate, question, motions, points for information, clarity or points of order on the report shall be allowed save where motions or questions are raised in compliance with the provisions of the Council's Rules of Order.**

RESOLVED

That in respect of the

REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE
discuss by Council at the Council Meeting held on 12 December 2017:

8.1 MAYCO MEETING HELD ON 28 SEPTEMBER 2017

MMC 3: CLLR. R WITBOOI

-DIRECTORATE CORPORATE & STRATEGIC SERVICES

RESOLVED

That in respect of **BETTER TOGETHER GAMES HOSTED BY WESTERN CAPE GOVERNMENT AT VREDENBURG 13 OCTOBER 2017**

discussed by the MAYCO at the Executive Mayoral Committee Meeting held on 28 September 2017:

1. The committee acknowledges the event.
2. Strict precautions will be taken on the day with regards to employees attending. Attendance registers has to be signed and supervision of staff.
3. Councillor R Witbooi will be present.

MMC 2: CLLR. B ZASS -DIRECTORATE COMMUNITY DEVELOPMENT SERVICES
.TOEKENNING VAN STAATSGESUBSIDEERDE HUISE IN CEDERBERG

- 1) Die raad dra kennis van die verslag.
- 2) Toevoeging aan bestaande beleid dat inwoners nie hulle wonings mag verkoop voordat die huis vir 8 jaar nie self bewoon was nie. Dit is 'n aanbeveling van provinsie.

MMC 2: CLLR. B ZASS -DIRECTORATE COMMUNITY DEVELOPMENT SERVICES

CEDERBERG INFORMAL SETTLEMENT MANAGEMENT AND CONTROL POLICY

- a) The committee acknowledges the report.
- b) The review was updated in 2014. Adjustments made to the policy has to be implemented by council. The strategy is not new, however it is now introduced to the new council. A request that the Head of Administration conduct a monthly Portfolio meeting to ensure that if changes occur, it is documented.

8.2 MAYCO MEETING HELD ON 30 NOVEMBER 2017

MMC 1: CLLR. J BARNARD -DIRECTORATE FINANCIAL SERVICES

PROGRESS: IMPLEMENTATION OF THE VESTA MSCOA SOFTWARE AND PROJECT PLAN PROGRESS

- a) That Mayco takes cognisance of the implementation of the VESTA MSCOA Software and Project Plan progress as on 31 October 2017

MMC 3: CLLR. R WITBOOI -DIRECTORATE CORPORATE & STRATEGIC SERVICES

EAGLE TOWERS

1. That Council to mandate and authorise the Municipal Manager to sign a lease agreement with the owner.
2. That Council consider entering into a lease agreement for a period of 5 years given the permanent nature of the structures.

MMC 4: CLLR. R PRETORIUS -DIRECTORATE TECHNICAL SERVICES

CEDERBERG SPATIAL DEVELOPMENT FRAMEWORK 2017 – 2022

- 1) Mayco resolved to recommend that:
 - a) That Council adopts the final concept of the Cederberg Municipality's Spatial Development Framework for the entire Cederberg Municipality's area of jurisdiction in terms of section 7(3) of the Cederberg Municipality: By-Law on Municipal Land Use Planning (PN137/2016) subject to the following:
 - b) The Council resolution must, within 14 days of decision making, give notice of its decision in the media and Provincial Gazette;

- c) Any stakeholder competing in the public participation process be informed by council's decision and reaction;
- d) All future development proposals be evaluated in accordance with the principles as set in the Cederberg Municipality's Spatial Development Framework;
- e) Action plans within Cederberg Municipality's Spatial Development Framework be annually submitted via the IDP process for budgeting;
- f) Special attempts to be made annually to address action plans within the Cederberg Municipality's Spatial Development Framework.

MMC 4: CLLR. R PRETORIUS -DIRECTORATE TECHNICAL SERVICES
APPEAL ON THE DECISION OF THE APPLICATION FOR REZONING, CONSENT USE AND AMENDMENT
OF THE CEDERBERG SPATIAL DEVELOPMENT FRAMEWORK FOR ERF 529 ELANDSBAAI

- a) That Mayco revoke BK369/17.12.2014 and withheld the appeal; and
- b) That Mayco approves the application for rezoning, consent use and amendment of the Cederberg Spatial Development Framework for Erf 529 Elandsbaai.

Proposed: Cllr. R Pretorius

Seconded: Cllr. B Zass

9. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an office to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this

Regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of

legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make and explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-
- 6.1.1 the matter and any amendments to that matter that is before the council;
- 6.1.2 any motion before the council;
- 6.1.3 to a matter or an amendment proposed or be proposed by himself or herself;
- 6.1.4 a point of order or a question of privilege,

unless authorised by the speaker or as provided for in terms of these rules.

- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

9.1 ITEMS SUBMITTED BY OFFICIALS OF COUNCIL

9.1.1 SUBMISSION AND TABLING OF AUDIT- AND ANNUAL REPORT

Ref.: 5/15/1/1*9/1/1/1

Municipal Manager: PL Volschenk

PURPOSE

For Council to take note of the Audit Report from Auditor General and Annual Report for Cederberg Municipality.

That the Audit Report and Annual Report for 2016/2017 financial year be referred to the Municipal Public Accounts Committee (MPACC).

BACKGROUND

The MFMA, Act 56 of 2003, art. 131, Issues Raised by the Auditor-General in audit reports stipulates that the Mayor of a municipality must table the Audit report to Council.

AUDITOR-GENERAL MANAGEMENT REPORT: 2016/2017

✓ Attached are the Audit Report for the past financial year.

This Audit report includes audit findings arising from the audit of the financial statements, reporting on predetermined objectives and compliance with laws and regulations for the year ended 30 June 2017 which were communicated to management and includes their response to these findings. The reports also include information on the internal control deficiencies that were identified. Addressing these deficiencies will assist in ensuring an improvement in the audit outcome.

THE AUDITOR-GENERAL'S RESPONSIBILITIES

As required by Section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and section 4 of the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), the AG's responsibility is to express an opinion on the financial statements and to report on findings related to their audit of the report on predetermined objectives and compliance with material matter in laws and regulations applicable to the entity.

Performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement, the report on predetermined objectives and compliance with laws and

regulations applicable to the entity. Considering internal controls relevant to the entity's preparation and fair presentation of the financial statement, the report on predetermined objectives and compliance with laws and regulations;

Evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management.

Evaluating the appropriateness of systems and processes that ensure the accuracy and completeness of the financial statement, the report on predetermined objectives and compliance with laws and regulations.

Section 127 of the MFMA:

Submission and tabling of annual reports:

- (1) The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year to the municipal manager of the entity's parent municipality.
- (2) The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.
- (3) If the mayor, for whatever reason, is unable to table in the council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must –
 - (a) promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and
 - (b) submit to the council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.
- (4) The Auditor-General may submit the financial statements and audit report –
 - (a) Of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2) of (3); or
 - (b) Of a municipal entity directly to the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the

province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (1).

- (5) Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of a municipality must –
- (a) In accordance with section 21A of the Municipal Systems Act –
- (i) make public the annual report; and
 - (ii) invite the local community to submit representations in connection with the annual report; and
- (b) submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.
- (6) Subsection (5), with the necessary modifications as the context may require, is also applicable if only components of the annual report are tabled in terms of subsection (3).

MANAGEMENT'S RESPONSIBILITIES

- The preparation and fair presentation of the financial statements in accordance with the standards of Generally Recognised Accounting Practice (GRAP)
- Planning, monitoring of and reporting on performance against predetermined objectives;
- Review and monitoring of compliance with laws and regulations and disclosing known instances of non-compliance or suspected non-compliance with laws and regulations;
- Designing, implementing and maintaining proper record keeping and internal controls necessary to enable the preparation of financial statements and the report on predetermined objectives that are free from material misstatements whether due to fraud, or error and compliance with laws and regulations;
- Designing and implementing formal controls over IT Systems to ensure that the reliability of the systems and the availability, accuracy and protection of information;
- Implementing appropriate risk management activities to ensure that regular risk assessment are conducted;

- Disclosing all matters concerning any risk, allegation or instance of fraud;
- Accounting for and disclosing related-party relationships and transactions.

FINANCIAL IMPLICATIONS

- Compilation of the Annual Report;
- Quality review on the Annual Financial Statements;
- Oversight from the Municipal Public Accounts Committee; and
- Audit fee for the said period 2016-2017 financial year.

APPLICABLE LEGISLATION / COUNCIL POLICY

Municipal Systems Act, 32 of 2000 (as amended)

Municipal Finance Management Act, 56 of 2003;

MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);

MFMA Circular 68 (Unauthorised, irregular, fruitless and wasteful expenditure); and

Comment of Directorates / Departments concerned:

Municipal Manager:	Recommendation Supported
Director: Corporate and Strategic Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported
Director: Engineering and Planning Services:	Recommendation Supported
Director: Community Development Services:	Recommendation Supported

RECOMMENDATIONS

That in respect of:

SUBMISSION AND TABLING OF AUDIT AND ANNUAL REPORT

discussed by Council at the Council meeting held on 12 December 2017:

- a) For Council to take note the Audit Report and Annual Report of Cederberg Municipality for the 2016/2017 financial year;
- b) That the Audit Report and Annual Report for 2016/2017 financial year be referred to the Municipal Public Accounts Committee (MPACC) for analysing and interrogation.

- c) That the administration submit an OPCAR (Operation Clean Audit Reports), related and relevant to this report to correct all audit findings to the Municipal Public Accounts Committee.
- d) That the Municipal Public Accounts Committee within two months from today in terms of Section 127 of the MFMA, submit an Oversight Report which must be adopted containing the Council's comments on the Annual Report.
- e) That the administration makes the Audit Report and Annual Report public.
- f) Invite the local community to submit representations in connection with the Audit Report and Annual Report.

RESOLVED

That in respect of:

SUBMISSION AND TABLING OF AUDIT AND ANNUAL REPORT

discussed by Council at the Council meeting held on 12 December 2017:

- a) For Council to take note the Audit Report and Annual Report of Cederberg Municipality for the 2016/2017 financial year;
- b) That the Audit Report and Annual Report for 2016/2017 financial year be referred to the Municipal Public Accounts Committee (MPACC) for analysing and interrogation.
- c) That the administration submit an OPCAR (Operation Clean Audit Reports), related and relevant to this report to correct all audit findings to the Municipal Public Accounts Committee.
- d) That the Municipal Public Accounts Committee within two months from today in terms of Section 127 of the MFMA, submit an Oversight Report which must be adopted containing the Council's comments on the Annual Report.
- e) That the administration makes the Audit Report and Annual Report public.
- f) Invite the local community to submit representations in connection with the Audit Report and Annual Report.

Proposed: Cllr. J Barnard

Seconded: Cllr. R Pretorius

9.1.2 CEDERBERG SPATIAL DEVELOPMENT FRAMEWORK 2017 - 2022

Ref: 15/5/4

Director Infrastructure and Technical Services: P Majeni
Compiled: AJ Booysen

PURPOSE

The Cederberg Municipality's Spatial Development Framework (SDF) 2017-2022 is a document that set out the necessary policy directives to guide spatial development in the municipal area in a desirable and sustainable manner.

The future growth, land development and land use planning in the municipal area is based on the vision and principles of sustainable and livable environments through the creation and support of socio-economic opportunities, creation and support for integration, as well as spatial challenges and problems.

An important aspect of the amendment of the Cederberg Municipality's SDF is to align its contents with national, provincial and local legislation and policy. These policies are as follows: the Spatial Planning Land Use Management Act (SPLUMA), Land Use Planning Act (LUPA), Cederberg Municipality: By-Law on Municipal Land Use Planning (CMBMLUP), and the Municipal Systems Act (MSA). This amendment will also align the SDF and the next generation of the Cederberg Municipality's Integrated Development Plan (IDP) in order to fulfill and portray the IDP proposals with spatial implications.

BACKGROUND/DISCUSSION

The Cederberg Council has taken cognisance of the Draft Cederberg Municipal Spatial Development Framework 2017 – 2022 (council decision number RB9.1.5/30-05-2017).

The publication of the Draft Cederberg Municipality's SDF 2017 - 2022 for public comments was approved (in terms of section 7(1)(b) of the CMBMLUP). The commenting period started from April and ended on Mei 2017 for public viewing in the towns of Cederberg Municipality. Furthermore, the Municipality has submitted the Draft Cederberg Municipality's SDF 2017 – 2022 to the Provincial Minister for comment.

PUBLIC PARTICIPATON PROCESS

The public participation process started on 20 January 2017 with a notice published in the media where stakeholders have been invited to partake in the process. The official closing date was 31 March 2017.

As part of the public participation process the conceptual document has been placed in various towns of the Cederberg and open days/meetings were held.

The conceptual document was been sent to various provincial and national departments as well as state owned companies and adjoining municipalities.

During the public participation process the following comments/inputs have been received:

Annexures will be separately attached to the agenda.

- a) *Department of Environmental Affairs and Development Planning (DEADP)*
- b) *Cape Nature*
- c) *Heritage Western Cape*
- d) *Cederberg Municipality, SDF Steering Committee*
- e) *Clanwilliam Chamber of Commerce*
- f) *Department of Rural Development and Land Reform*
- g) *Western Cape Department of Agriculture*

Hereto attached the feedback on the comments received during the public participation process of the Cederberg Municipality's Spatial Development Framework 2017-2022.

LEGISLATION

Municipal Systems Act, 2000, Spatial Planning and Land Use Management Act, 2013, Western Cape Land Use Planning Act, 2014, Cederberg Municipality: By-Law on Municipal Land Use Planning (PN137/2016, dated 15 April 2016).

ALIGNMENT TO THE IDP

The Cederberg Municipality's Spatial Development Framework forms an integral part of the Integrated Development Plan. Joint processes have been followed and complied with for both of these documents.

FINANCIAL IMPLICATION

This project has been budgeted for in the current financial year 2016/2017.

PERSONNEL IMPLICATION

Comment of Directorates/Departments concerned:

Municipal Manager:	Support recommendation
Director: Engineering and Planning Services:	Support recommendation
Director: Corporate Services	Support recommendation
Director: Financial Services	Support recommendation
Director: Community Services	Support recommendation

RECOMMENDATION

That in respect of the

CEDERBERG SPATIAL DEVELOPMENT FRAMEWORK 2017 – 2022

discuss by Council at the Council Meeting held on 12 December 2017

- a) That Council adopts the final concept of the Cederberg Municipality's Spatial Development Framework for the entire Cederberg Municipality's area of jurisdiction in

terms of section 7(3) of the Cederberg Municipality: By-Law on Municipal Land Use Planning (PN137/2016) subject to the following:

- b) The Council resolution must, within 14 days of decision making, give notice of its decision in the media and Provincial Gazette;
- c) Any stakeholder competing in the public participation process be informed by council's decision and reaction;
- d) All future development proposals be evaluated in accordance with the principles as set in the Cederberg Municipality's Spatial Development Framework;
- e) Action plans within Cederberg Municipality's Spatial Development Framework be annually submitted via the IDP process for budgeting;
- f) Special attempts to be made annually to address action plans within the Cederberg Municipality's Spatial Development Framework.

RESOLVED

That in respect of the

CEDERBERG SPATIAL DEVELOPMENT FRAMEWORK 2017 – 2022

discuss by Council at the Council Meeting held on 12 December 2017

- a) That Council adopts the final concept of the Cederberg Municipality's Spatial Development Framework for the entire Cederberg Municipality's area of jurisdiction in terms of section 7(3) of the Cederberg Municipality: By-Law on Municipal Land Use Planning (PN137/2016) subject to the following:
- b) The Council resolution must, within 14 days of decision making, give notice of its decision in the media and Provincial Gazette;
- c) Any stakeholder competing in the public participation process be informed by council's decision and reaction;
- d) All future development proposals be evaluated in accordance with the principles as set in the Cederberg Municipality's Spatial Development Framework;
- e) Action plans within Cederberg Municipality's Spatial Development Framework be annually submitted via the IDP process for budgeting;
- f) Special attempts to be made annually to address action plans within the Cederberg Municipality's Spatial Development Framework.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Witbooi

9.1.3 RESCISSION OF COUNCIL RESOLUTION RB9.1.10/30-05-2017: AGREEMENT OF SALE: PALEISHEUWEL –SALE OF PORTIONS OF REMAINDER OF FARM BERGVALLEY NO 408 AND TO OBTAIN COUNCIL CONSIDERATION FOR THE APPROVAL AND ACCEPTANCE TO PURCHASE THE FARM,PALEISHEUWEL FROM TRANSNET SOC LTD AS PER LETTER DATED 16 NOVEMBER 2017 TO THE MUNICIPALITY.

Ref.: 8/1/B

Chief Financial Officer: ER Alfred

PURPOSE

The purpose of the item is to obtain Council's approval to rescind council resolution RB9.1.10/30-05-2015: Agreement of Sale: Paleisheuvel –Sale of Portions of Remainder of farm Bergvalley no 408 and to obtain Council consideration for the approval and acceptance to purchase the farm, Paleisheuvel from Transnet Soc Ltd.

BACKGROUND

During the Council meeting of 30 May 2017, Council approved the purchase of farm Paleisheuvel from Transnet Soc Ltd to the value of R 15 500.00 excluding VAT.

A market related offer was send to Transnet on 01 June 2017 ("Annexure A"). Transnet responded on 16 November 2017 ("Annexure B") that the offer of R 15 500.00 was rejected and requested the municipality to improve the offer to R 22 000.00 excluding VAT. This was done after Transnet send their own valuer to the site.Find attached email correspondence between the Municipality and Transnet Soc Ltd.("Annexure C")

Paleisheuvel is located within the geographical boundaries of the Cederberg Municipality as per Municipal Demarcation Act. The RSA Constitution prescribes that Municipalities should serve all citizens within its boundaries. The poor socio economic conditions of the exclusive rural community dictate now that Cederberg Municipality speed up the purchasing of the above farm with specific reference to housing needs.

The geo-economical and historic realities of these communities are very complex, given the spread of the housing layout and the non-affordability by the rural community to pay for services rendered by the Municipality.

Transnet request that the Municipality submit a market related offer for the acquisition of property (Ptn 23, 24, 25, 26, 27, 28,36 of Farm No. 408 Clanwilliam RD & Ptn of Ptn 2 of Farm 408 Clanwilliam RD) in Paleishewel measuring 5.57 hectares in extent

LEGAL IMPLICATIONS

All legal requirements must be adhered to and the contract must make provision for termination thereof as well as dispute resolution mechanisms to resolve disputes.

FINANCIAL IMPLICATIONS

The offer purchase price for the property amounts to R 22 000.00 excluding VAT.

Comment of Directorates / Departments concerned:

Municipal Manager:	Recommendation Supported
Director: Corporate and Strategic Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported
Director: Engineering and Planning Services:	Recommendation Supported
Director: Community Development Services:	Recommendation Supported

RECOMMENDATION

That in respect of:

RESCISSION OF COUNCIL RESOLUTION RB9.1.10/30-05-2017:AGREEMENT OF SALE: PALEISHEUWEL –SALE OF PORTIONS OF REMAINDER OF FARM BERGVALLEY NO 408 AND TO OBTAIN COUNCIL CONSIDERATION FOR THE APPROVAL AND ACCEPTANCE TO PURCHASE THE FARM, PALEISHEUWEL FROM TRANSNET SOC AS PER LETTER DATED 16 NOVEMBER 2017 TO THE MUNICIPALITY

discussed by Council at the Council meeting held on 12 December 2017:

- a) Council rescind council resolution RB9.1..10/30-05-2017,
- b) That approval be granted to purchase the farm, Paleisheuwel from Transnet SOC Ltd to the value of R 22 000.00 excluding VAT,
- c) That all administrative and legal requirements be adhered to, and
- d) That the Municipal Manager be mandated and authorized to finalize the agreement of sale between Transnet and Cederberg Municipality, and all processes related to the purchasing of Paleisheuwel.

RESOLVED

That in respect of:

RESCISSION OF COUNCIL RESOLUTION RB9.1.10/30-05-2017: AGREEMENT OF SALE: PALEISHEUWEL –SALE OF PORTIONS OF REMAINDER OF FARM BERGVALLEY NO 408 AND TO OBTAIN COUNCIL CONSIDERATION FOR THE APPROVAL AND ACCEPTANCE TO PURCHASE THE FARM, PALEISHEUWEL FROM TRANSNET SOC AS PER LETTER DATED 16 NOVEMBER 2017 TO THE MUNICIPALITY

discussed by Council at the Council meeting held on 12 December 2017:

- a) Council rescind council resolution RB9.1..10/30-05-2017,
- b) That approval be granted to purchase the farm, Paleisheuwel from Transnet SOC Ltd to the value of R 22 000.00 excluding VAT,
- c) That all administrative and legal requirements be adhered to, and
- d) That the Municipal Manager be mandated and authorized to finalize the agreement of sale between Transnet and Cederberg Municipality, and all processes related to the purchasing of Paleisheuwel.

Proposed: Cllr. J Barnard

Seconded: Cllr. M Nel

9.1.4 CONSOLIDATION OF ERF 2609 WITH ERF 738 AND THE ALIENATION THEREOF TO SOMERKOELTE OLD AGED HOME, LAMBERTSBAY

Ref.: Erf 2609 X Erf 738 L/Bay

Director Corporate & Strategic Services: A McCallum

Compiled: C Sheldon

Purpose:

The purpose of this report is to solicit a Council decision on whether to donate the abovementioned property to Somerkoelte or whether they should purchase it in terms of a market related price from the municipality.

Background:

Corporate Services received an email from Technical Services pertaining to the alienation of the abovementioned stand between Somerkoelte Home for the Aged and Cederberg Municipality. (See attached all relevant documentation). Technical Services requested that Corporate Services conclude and finalise the matter in terms of Council decision: RB 2722/28.04.2011 and mayoral committee decision BK 346/01/10.2014. (See attached decisions)

- The Old Aged Home (Somerkoelte) brought an application for the alienation and closure of a portion of erf 168
- Rezoning of portion of erf 168 to an institutional Zone III and subdivision of erf 168, Lamberts Bay
- Erven 738 and portion of erf 168, Lamberts Bay to be consolidated into one stand.

The abovementioned erven have now been rectified by the surveyors and it should be that erf 2609 ought to be consolidated with erf 738 into one stand.(See attached letter of Koos Coetzee and relevant diagrams of CK Rumboll).

The relevant land use planning regulations pertaining to the alienation of the said property was already followed by the technical department.

In perusing the file it became apparent that Somerkoelte (Home for the aged) is a welfare organisation with limited funds and could not at the time of application afford to pay a market related purchase price for the above property. During the course of 2006 they made an offer to purchase the abovementioned property for R60 000.00

The municipal valuation according to our records at the time was R150 000.00..

Council should now decide in conjunction with the attached documentation whether the abovementioned erf should be purchased by the Old Aged Home at a market related price or a price which is the difference between the offered price of (R60 000.00) and the municipal valuation of (R150 000) at that time or whether it should be donated as being requested by their attorney acting on behalf of the Old Aged Home.

Councils' attention is drawn to the attached **bullet point** recommendations of the council decisions (BK346/01-10-2014 and RB 272/28-04-2011) as well as points **1 to 7** of the decision.

Councils' attention is also drawn to the request that the property be transferred to the Old Aged Home (Somerkoelte) or to ACVV, (according to Koos Coetzee attorneys the latter institution is the actual registered organisation running the affairs of the Old Aged Home).

The Old Aged Home is a legal entity in their own right, which means that the property could be registered in their own name should Council so decide.

Legal comments

Any disposal / transfer of land should be in accordance with sections 14, 90 and 117 of the MFMA, Regulation 36 of the Municipal Asset Transfer Regulations which sets clear requirements prior to the disposal of Council assets. The procedure requires that council in a meeting open to the public, should decide that the asset is not needed to provide the minimum level of basic municipal services and has considered the fair market value and the economic and community value to be received in exchange for the asset.

It should be acknowledged that the community will gain a great asset which is supposed to cater for the elderly in the entire jurisdictional area of Cederberg Municipality. Hence it should be noted that R60 000.00 does not reflect a fair market value in terms of section 14(2) of the MFMA.

It is therefore incumbent on Council in terms of section 14(2) of the MFMA, regulation 36 of the Municipal Asset Transfer Regulations and the SCM regulations to determine the fair market value to be received in exchange for the asset. This means that a standard purchase / sale agreement in the name of the Old Age Home (Somerkoelte) should be considered to give effect to council decision No. BK 346/01-10-2014.

Council should act within the scope of the MFMA and related SCM regulations and should be cautioned to agree to a donation of the abovementioned portion of land to the Old Age Home.

Comments by Municipal Manager

In support of the recommendation.

Comments by CFO

In support of the recommendation in terms of a fair market related price.

Comments by Technical Services

In support of the recommendation.

Comments by Community Services

The content of the report and recommendations are noted.

RECOMMENDATION

That in respect of the

CONSOLIDATION OF ERF 2609 WITH ERF 738 AND THE ALIENATION THEREOF TO SOMERKOELTE OLD AGED HOME, LAMBERTSBAY

discuss by Council at the Council Meeting held on 12 December 2017:

1. Council to consider alienation of the abovementioned portion of immovable land at a market related price to the Old Aged Home (Somerkoelte) in terms of the abovementioned legislative requirements
2. The administration be mandated and authorised to commence with the disposal process.
3. Council's decision to be communicated to Koos Coetzee Attorneys, acting on behalf of the Old Aged Home.

RESOLVED

That in respect of the

**CONSOLIDATION OF ERF 2609 WITH ERF 738 AND THE ALIENATION THEREOF TO
SOMERKOELTE OLD AGED HOME, LAMBERTSBAY**

discuss by Council at the Council Meeting held on 12 December 2017:

The Speaker made a ruling with no objections from the house.

1. Council takes note of the item;
2. The Town Planning Division be mandated to proceed as follows:
 - 2.1 obtain the Council Resolutions as referred to in the item and all documentation pertaining to this matter of Somerkoelte Old Age Home;
 - 2.2 The item or report pertaining all relevant documentation as indicated in 2.1 be tabled at the next Council Meeting in order for Council to make a final decision on this matter.

9.1.5 VERVREEMDING VAN GROND- UBUNTU KINDER ONTWIKKELING SENTRUM

Ubuntu Child Development Centre word vir die afgelope 8 jaar bedryf binne die informele nedersetting Citrusdal Riverview. Hulle verskaf onderwys en versorging aan die mees armste en behoevende kinders tussen die ouderdomme van 5 en 12jr van Citrusdal en omgewing. Tans kan hulle 55 kinders akkommodeer, terwyl die aanvraag soveel groter is.

Die kinders word na hulle verwys deur die SAPS, Maatskaplike Werkers en kerk organisasies. Hulle wil graag die skool se kapasiteit verdubbel, en moet nog klaskamers oprig, asook 'n Naskool Sentrum.

Ubuntu Kinder Ontwikkelingsentrum is 'n nie-winsgewende organisasie wie se uitsluitlike doel is om behoeftige kinders tussen die ouderdom van 5 en 12 jaar gereed te maak vir skool asook versorging te bied.

Ubuntu Kinder Ontwikkelingsentrum se huidige perseel is onvoldoende om in al die opvoedkundige behoeftes van die kinders te voorsien en kan ook nie die huidige aantal kinders ten volle akkommodeer nie .

FINANSIELE DIENSTE KOMMENTAAR

Die raad die redelike markwaarde van die bate, asook die ekonomiese en gemeenskapswaarde wat ontvang kan word in ruil vir die bate in aanmerking neem.

TEGNIIESE DIENSTE KOMMENTAAR

Die raad die tegniese afdeling mandateer om 'n volledige ondersoek na beskikbaarheid van dienste te doen..

REGSVERWANTE KOMMENTAAR

Die raad se aandag gevestig word op artikel 14(2) van die MFMA wat as volg stipuleer ten opsigte van vervreemding van munisipale grond:

Artikel 14(2) 'n Munisipaliteit mag eienaarskap van 'n kapitale bate anders soos bedoel in subartikel 1, oordra of andersins vervreem, maar slegs nadat die raad in 'n vergadering oop vir die publiek-

- a) Op redelike gronde besluit het dat die bate nie benodig word om die minimum vlak van basiese munisipale dienste te lewer nie; en
- b) Oorweging geskenk het aan die redelike markwaarde van die bate, asook die ekonomiese en gemeenskapswaarde wat ontvang kan word in ruil vir die bate

Enige oordrag van eienaarskap van 'n kapitale bate moet redelik, billik, deursigtig,

kompetierend en konsekwent met die voorsieningskanaal beleid van die raad wees.

KORPORATIEWE EN STRATEGIESE DIENSTE PORTFOLIO KOMITEE KOMMENTAAR:

Na indringende gesprekvoering en oorweging wens die Komitee die volgende aanbeveling te maak aan die Raad:

1. Die raad kennis neem van die nuwe aansoek
2. Die raad hou by sy vorige besluit en aanpas soos volg:
 - o Die raad besluit om die grond teen 'n redelike markwaarde aan die Ubuntu Kinderontwikkeling Sentrum te verkoop, soos gestipuleer word in Art 14 (2) (a) en (b) van die MFMA, die raad se Batebestuursbeleid en ander strategiese beleidsdokumente van die raad.
 - o Die raad oorweging skenk aan die verwydering van die onwettige strukture.

AANBEVELINGS

Ten opsigte van

VERVREEMDING VAN GROND- UBUNTU KINDER ONTWIKKELING SENTRUM

bespreek deur die Raad by die Raadsvergadering van 12 Desember 2017:

Dat:

1. Die raad kennis neem van die nuwe aansoek.
2. Die raad se vorige besluit van krag bly maar gewysig word soos aanbeveel deur die Korporatiewe en strategiese dienste portfolio komitee.

Proposed: Cllr. J White

Seconded: Cllr. R Pretorius

9.1.6 INTER-MUNICIPAL COOPERATION: REGIONAL SOLID WASTE DISPOSAL SITE

Ref:16/5/7/1

Director Technical Services: P Majeni

PURPOSE

To inform Council of progress on the Inter-Municipal Cooperation (IMC) between the West Coast District Municipality (WCDM), Cederberg Local Municipality and Matzikama Local Municipality on the establishment of a Regional Waste Landfill Site.

BACKGROUND

In preceding years, Council agreed in principle to continue with the investigation and development of an implementation plan for a regional solid waste disposal site through the West Coast Waste Management Inter-Municipal Cooperation model. A report was submitted to Council for approval in March 2013 (*RB378/28-03-2013*), subsequent to which an updated business case was tabled to Council on 27 February 2017 (*Item 9.1.1 Ref: 8/5/30*).

In November 2013, the municipality had entered into a Service Level Agreement pertaining to the IMC. During discussions between the West Coast District, Matzikama and Cederberg Municipalities, it was agreed that the said waste disposal agreement be amended and that the Escape Clause be removed. The meeting between the three municipalities held on 4 October 2017, resolved that a revised agreement be entered into.

Project Background

Both the Matzikama and Cederberg Municipalities have limited long term landfill capacity and the West Coast District Municipality's Waste Disposal Strategy, developed in 2001 has identified a regional landfill site to serve the two municipalities. The Cederberg municipal area has five waste disposal sites for general waste, all licenced for rehabilitation and closure.

According to a 2008 SRK report, important aquifers under most of the Cederberg municipal area made it an undesirable location for waste sites. Jan Palm Consulting Engineers was appointed by the West Coast District Municipality to identify a new landfill site location as well as providing detailed designs for landfill construction as well as associated infrastructure. Four possible identified sites within the Matzikama municipal area were

investigated for use at the new regional landfill that will serve Matzikama and Cederberg municipal areas. Following a lengthy Environmental Impact Assessment process a Waste Management Licence was obtained for the landfill to be located on Portion 2 (a portion of portion 1) of the Farm Vaderlandsche Rietkuil no. 308, Vanrhynsdorp.

Required Infrastructure at Regional Landfill

The waste licence issued makes provision for the landfilling of waste, chipping and composting of garden waste, crushing of builders' rubble and the recovery of recyclables. The site will also require the following infrastructure:

- Security Fence
- Leachate/ Contaminated stormwater dam
- Public drop-off area
- Office building
- Weighbridge and control building
- Workshop
- Landfill equipment shed
- Stormwater Drainage System

The Cederberg Municipality capital cost required to construct the required licenced and supporting infrastructure at the new regional landfill is estimated at R 16 723 636.00 as compared to the December 2014 cost of R14 587 357.00.

The activities to establish/construct the landfill must, in accordance with the Waste Management Licence, commence before 10 March 2019.

Required Other New Infrastructure for Cederberg Municipality

In order for the municipality to dispose waste at this new regional facility, several infrastructural modifications and additions have to be made since all existing waste disposal facilities within Cederberg will be in time be rehabilitated and closed.

All towns will have to be provided with a convenient facility where the public can bring their ad hoc waste to a public drop off facility. The town of Clanwilliam will have to be provided with a Waste Transfer Station where the waste collected throughout the municipal area can be transferred onto long haul vehicles for transport to the new regional waste disposal facility.

The capital costs to construct the required infrastructure have been estimated as follows:

Public Drop-off at:	
Lamberts Bay	R 2 012 806
Graafwater	R 1 892 806
Citrusdal	R 1 932 806
Elands Bay	R 1 932 806
Transfer Station at:	
Clanwilliam	R 10 000 000
Total	R 17 831 224

The capital cost required to construct the infrastructure at is estimated at R 17 831 224.00 as compared to the December 2014 cost of R14 000 000.00.

Due to the above modifications and additions in the waste management infrastructure it may also be economically beneficial to replace the collection fleet of the two municipalities to be compatible with the equipment at the public drop-offs and to be sufficiently flexible to accommodate the separation of recyclables at source.

Capital Cost of Required Collection Vehicles:	
2 x 19m³ REL	R 4 600 000
Total	R 4 600 000

The capital cost required for Collection Vehicles is estimated at R 4 600 000.00 as compared to the December 2014 cost of R 3 800 000.00.

Closure of existing Cederberg Landfills

The existing waste disposal sites within the Cederberg area will be closed in the short to medium term. Provisional costs to rehabilitate these sites were calculated on 30 June 2016 and are as follows:

Closure costs for:	
Clanwilliam	R 11 173 606
Lamberts Bay	R 10 188 275
Citrusdal	R 12 263 666
Graafwater	R 2 678 191
Elands Bay	R 3 060 732
Eselsbank	R 1 780 804
Algeria	R 2 088 695
Wupperthal	R 2 780 069
Leipoldtville	R 2 019 140
Total	R 48 033 178

Required Human Resources

In order for the municipality to operate the new waste management system, the following operational human resources are required, excluding the human resources allocated at the municipal offices and human resources allocated to the operation of the proposed new landfill:

Collection Human Resources:	
Drivers	2

Labourers	8
Transport Human Resources:	
Drivers	1
Labourers	1
Drop-off Human Resources:	
Labourers	4

Operational Costs

The following annual operating costs are applicable in order for the municipality to operate its facilities and render the refuse collection service:

Annual Operational Costs:	
Collection	R 2 249 955
Transport	R 1 570 497
Drop-offs	R 850 047
Landfill	R 1 060 848
Total	R 5 731 348

Legal Requirements

The Waste Act lists all the waste management activities that require a waste management license from the Department of Environmental Affairs and Development Planning (DEADP). The activities applicable to this proposed waste management system that trigger a waste management license are waste disposal, recycling and chipping of garden waste. These activities are already included in the waste management license for the regional landfill and a waste management license has been issued.

The construction of a transfer station at Clanwilliam as well as public drop-off facilities at all other towns does not trigger waste management licenses, but are listed under the Norms and Standards for storage facilities which means that these facilities, only if they individually

have more than 100m³ storage capacity, need to be registered with the department and operated in accordance with the applicable Norms and Standards.

Financial Affordability

The capital requirement for the Establishing the Regional Landfill plus Supporting Infrastructure can be summarised as follows:

Capital Cost Requirement:	
Regional Landfill	R 16 723 636
Municipal Infrastructure	R 17 831 224
Municipal Collection Fleet	R 4 600 000
Total	R 39 154 860

Over and above the capital requirement to implement the regional landfill project, Cederberg Municipality also has a capital requirement with respect to its existing landfills that must be rehabilitated. **The capital requirement for the rehabilitation and closure of existing landfill sites amounts to R 48 033 178.00 and should be phased in between 2019 and 2024.**

The Annual Operational requirement for the establishment of the Regional landfill and Operating Infrastructure can be summarised as follows:

Annual Operational Costs:	
Collection	R 2 249 555
Transport	R 1 570 497
Drop - offs	R 850 047
Landfill	R 1 060 848
Total	R 5 731 348

Considering the above capital and operational costs, the resulting cost per household per months still falls within the limits of realistic municipal refuse removal tariffs, but raising the

required capital could be problematic since it is likely that the two local municipalities could together contribute more than R 10 000 000.00 of their allocated MIG funding towards this project. Alternative sources of funding would therefore have to be obtained.

FINANCIAL IMPLICATIONS

- MTREF budget 2017-2020
- Construction of drop-offs in four towns and transfer station in Clanwilliam
- Rehabilitation and closure of all existing landfill sites in the Cederberg area

APPLICABLE LEGISLATION

- The Constitution of the Republic of South Africa
- Local Government: Municipal Structures Act No. 117, 1998
- Local Government: Municipal Systems Act No. 32, 2000
- Local Government: Municipal Finance Management Act No. 56, 2003
- National Environmental Management: Waste Act No. 59, 2008

Comment of Directorates / Departments concerned:

Municipal Manager:	Recommendation Supported
Director: Corporate and Strategic Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported

RECOMMENDATION

That in respect of the

**INTER-MUNICIPAL COOPERATION: REGIONAL SOLID WASTE DISPOSAL SITE
discuss by Council at the Council Meeting held on 12 December 2017**

It is recommended that:

1. Council takes cognisance of progress on the implementation of the Inter-Municipal Cooperation (IMC), Regional Waste Disposal Facility between the West Coast District, Matzikama and Cederberg Municipalities;

2. The feasibility study be conducted in the 17/18 financial year and that some of the implementation cost is considered as part of the 2018/19 Budget;
3. The Municipal Manager signs the Waste Disposal Agreement pertaining to the IMC.

RESOLVED

That in respect of the

**INTER-MUNICIPAL COOPERATION: REGIONAL SOLID WASTE DISPOSAL SITE
discuss by Council at the Council Meeting held on 12 December 2017**

It is recommended that:

1. Council takes cognisance of progress on the implementation of the Inter-Municipal Cooperation (IMC), Regional Waste Disposal Facility between the West Coast District, Matzikama and Cederberg Municipalities;
2. The feasibility study be conducted in the 17/18 financial year and that some of the implementation cost is considered as part of the 2018/19 Budget;
3. The Municipal Manager signs the Waste Disposal Agreement pertaining to the IMC with the following conditions:
 - 3.1 That the matter beforehand be discussed and addressed with the MEC of Local Government; and
 - 3.2 With regards to 3.1, the Municipal Manager be mandated to correspond with the MEC in the form of a written letter.

Proposed: Cllr. J Barnard

Seconded: Cllr. R Pretorius

9.1.7 QUARTERLY BUDGET AND SCM REPORTS

Ref.: 8/1/B

Chief Financial Officer: ER Alfred

PURPOSE

Submission of the Budget and SCM Reports of the 1st Quarter for the 2017/2018 Financial Year.

BACKGROUND

In terms of Section 52 of the Local Government Municipal Finance Management Act, 2003 (MFMA):

The mayor of a municipality—

- (a) must provide general political guidance over the fiscal and financial affairs of the municipality;
- (b) in providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;
- (c) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;
- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and
- (e) must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

In terms of Section 71 of the Local Government Municipal Finance Management Act, 2003 (MFMA):

- (1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:
 - (a) Actual revenue, per revenue source;

- (b) Actual borrowings;
 - (c) Actual expenditure, per vote;
 - (d) Actual capital expenditure, per vote;
 - (e) The amount of any allocations received;
 - (f) Actual expenditure on those allocations, excluding expenditure on—
 - (i) Its share of the local government equitable share; and
 - (ii) Allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
 - (g) When necessary, an explanation of—
 - (i) Any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) Any material variances from the service delivery and budget implementation plan; and
 - (iii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
- (2) The statement must include—
- (a) A projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) The prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance

must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

According to the Municipal Supply Chain Management Regulations (2005), paragraph 6(3) – Oversight role of council of municipality or board of directors of the municipal entity:

“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 of the municipality or the board of directors of the municipal entity, as the case may be.”

FINANCIAL IMPLICATIONS

None

APPLICABLE LEGISLATION / COUNCIL POLICY

Section 52 and Section 71 of the Local Government Municipal Finance Management Act, 2003.

Municipal Supply Chain Management Regulations (2005).

Comment of Directorates / Departments concerned:

Municipal Manager:	Recommendation Supported
Director: Corporate and Strategic Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported
Director: Engineering and Planning Services:	Recommendation Supported
Director: Community Development Services:	Recommendation Supported

RECOMMENDATION:

That in respect of:

QUARTERLY BUDGET AND SCM REPORTS

discussed by Council at the Council meeting held on 12 December 2017:

- a) Council takes cognisance and approve the:
 - 1. Quarterly Budget Statement,
 - 2. Virements Report and
 - 3. Supply Chain Management Report for the month of July 2017 – September 2017.

RESOLVED

That in respect of:

QUARTERLY BUDGET AND SCM REPORTS

discussed by Council at the Council meeting held on 12 December 2017:

- a) Council takes cognisance and approve the:
1. Quarterly Budget Statement,
 2. Virements Report and
 3. Supply Chain Management Report for the month of July 2017 – September 2017.

Proposed: Cllr. J Barnard

Seconded: Cllr. J Meyer

9.1.8 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

Ref.: 8/1/B

Chief Financial Officer: E Alfred

BACKGROUND

(1) The accounting officer may-

- (a) dispense with the official procurement processes and to procure any required goods or services through any convenient process in terms of Section 36 of the SCM Regulations.

Discussion:

In terms of Government Notice no 27636 dated 30 May 2005 the Supply Chain Management Regulations states the following to section 36:

(1) A supply chain management policy may allow the accounting officer-

- (a) To dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-
 - (i) in an emergency;
 - (ii) If such goods or services are produced or available from a single provider only;
 - (iii) For the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) Acquisition of animals for zoos; or
 - (v) In any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
- (b) To ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of subregulation (1)(a) and (b) and report them to the next meeting of the council, or board

of directors in the case of a municipal entity, and include as a note to the annual financial statements.

- (3) Subregulation (2) does not apply to the procurement of goods and services contemplated in regulation 11(2).

APPLICABLE LEGISLATION

The Municipal Supply Chain Management Regulations (2005).

FINANCIAL IMPLICATIONS

The attached transaction amounts was processed for the month of August 2017 till October 2017, and are therefore tabled in terms of Sec .36 (2) of SCM policy before Council for information.

Comment of Directorates / Departments concerned:

Municipal Manager:	Noted
Director: Corporate and Strategic Services:	Noted
Director: Financial Services:	Noted
Director: Engineering and Planning Services:	Noted
Director: Community Development Services:	Noted

RECOMMENDATION

That in respect of

DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

discussed by Council at the Council meeting held on 12 December 2017:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of August 2017 till October 2017.

RESOLVED

That in respect of

DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

discussed by Council at the Council meeting held on 12 December 2017:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of August 2017 till October 2017.

Proposed: Cllr. B Zass

Seconded: Cllr. R Pretorius

**9.1.9 ENDORSEMENT OF THE MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN CEDERBERG MUNICIPALITY AND THE NATIONAL SEA RESCUE
INSTITUTE (NSRI) REGARDING THE WATERWISE YAZI NGAMANZI
EDUCATION INITIATIVE**

Director Community Development Services: R. Bent

PURPOSE

The purpose of this report is to obtain the support and endorsement of Council for the Waterwise Yazi Ngamanzi education initiative instituted by the National Sea Rescue Institute (NSRI).

BACKGROUND

The WaterWise Yazi Ngamanzi project is the education initiative of the NSRI, and its vision is to proactively prevent drowning tragedies. Through this initiative the NSRI want to collectively change the lives of children by giving water safety lessons, teaching peer rescue and basic hands-only CPR at schools.

According to the Medical Research Council those most at risk from drowning are children from poor communities – peri-urban and rural. Hence the NSRI, through trained instructors, want to host a series of workshops in collaboration with the various municipalities within the West Coast district. The aim of the workshops is to teach children:

- how to be safe in and near water
- what to do in an emergency
- who to call
- and how to do initiate bystander hands-only CPR until the ambulance arrives.

By endorsing this initiative through entering into a MOU with the NSRI, Cederberg Municipality along with the five other West Coast municipalities will collectively fund the cost of hosting one (1) Instructor per annum for a period of 3 years.

Further in terms of the MOU, the six (6) District Municipalities in the West Coast and NSRI will agree to the following:

- Should the six (6) municipalities require workshops outside of the existing parameters additional costs may be incurred.
- The initial funding period will be three years after which the funding will be re-negotiated.
- The amount of funding will be:
 - R260 110.00 for the period 01 January 2018 to 31 December 2018. This funding should be received by NSRI within the first week of January 2018.
 - R286 120.00 for the period 01 January 2019 to 31 December 2019. This funding should be received by NSRI within the first week of January 2019.
 - R314 732.00 for the period 01 January 2020 to 31 December 2020. This funding should be received by NSRI within the first week of January 2020.

Once the MOU has been entered into, the:

- NSRI will advertise the vacancy in local newspaper in the West Coast Region
- NSRI will interview, appoint and train the successful candidate
- West Coast DM will be the coordinator between NSRI and the West Coast Municipalities.
- West Coast DM will take responsibility to coordinate the payments to NSRI..

LEGAL COMMENTS:

FINANCIAL IMPLICATION

The total cost for the period 01 January 2018 to 31 December 2018 amounts to R260 110.00. For the period 01 January 2019 to 31 December 2019, it amounts to R286 120.00 and for the period 01 January 2020 to 31 December 2020, it will amount to R314 732.00. It was expected that each municipality within the West Coast district will make an equal contribution to the total per period indicated.

This will amount to Cederberg Municipality funding the portion of R43 351.67 in 2018, R47 686.67 in 2019 and R52 455.33 in 2020.

PERSONNEL IMPLICATION

None

Comments of Directorates/Departments concerned:

Municipal Manager:	Support recommendation
Director: Engineering and Planning Services:	Support recommendation
Director: Corporate Services	Support recommendation
Director: Financial Services	Support recommendation
Director: Community Services	Support recommendation

RECOMMENDATION

That in respect of:

ENDORSEMENT OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CEDERBERG MUNICIPALITY AND THE NATIONAL SEA RESCUE INSTITUTE (NSRI) REGARDING THE WATERWISE YAZI NGAMANZI EDUCATION INITIATIVE discussed by Council at the Council Meeting held on 12 December 2017:

- a) That Council endorses the WaterWise Yazı Ngamanzi education initiative of the National Sea Rescue Institute (NSRI) and that Cederberg Municipality along with the other 5 (five) municipalities within the West Coast District enter into a Memorandum of Understanding (MOU) with the NSRI for the period 01 January 2018 till 31 December 2020.
- b) That the 2017/2018 budget be adjusted to make provision for the funding of this initiative to the amount of R43 351.67 to fund the contributing portion of Cederberg Municipality for 2018
- c) That provision be made in the 2018/2019 and 2019/2020 budgets to the amount of R47 686.67 and R52 455.33 respective to make provision for the contributing portion of Cederberg Municipality in 2019 and 2020

- d) That the Municipal Manager be mandated to enter into a MOU along with the other 5(five) municipalities in the West Coast District with the NSRI on behalf of Cederberg Municipality.

RESOLVED

That in respect of:

ENDORSEMENT OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN CEDERBERG MUNICIPALITY AND THE NATIONAL SEA RESCUE INSTITUTE (NSRI) REGARDING THE WATERWISE YAZI NGAMANZI EDUCATION INITIATIVE discussed by Council at the Council Meeting held on 12 December 2017:

- a) That Council endorses the WaterWise Yazı Ngamanzi education initiative of the National Sea Rescue Institute (NSRI) and that Cederberg Municipality along with the other 5 (five) municipalities within the West Coast District enter into a Memorandum of Understanding (MOU) with the NSRI for the period 01 January 2018 till 31 December 2020.
- b) That the 2017/2018 budget be adjusted to make provision for the funding of this initiative to the amount of R43 351.67 to fund the contributing portion of Cederberg Municipality for 2018
- c) That provision be made in the 2018/2019 and 2019/2020 budgets to the amount of R47 686.67 and R52 455.33 respective to make provision for the contributing portion of Cederberg Municipality in 2019 and 2020
- d) That the Municipal Manager be mandated to enter into a MOU along with the other 5(five) municipalities in the West Coast District with the NSRI on behalf of Cederberg Municipality.

Proposed: Cllr. R Pretorius

Seconded: Cllr. J Meyer

9.1.10 DRANKLISENSIES/LIQUOR LICENSES

Ref.: 1/2/1/37

Direkteur: Korporatiewe en Strategiese Dienste: A.McCallum
Saamgestel: H Slimmert

DOEL / AIM:

Voorlegging van Aansoek om binne verbruik dranklisensie: Neelsies Inn– Citrusdal, Erf.3215

Submission of Application for on-consumption Liquor license: Neelsies Inn- Citrusdal, Erf.3215

AGTERGROND / BACKGROUND:

Die Direktooraat versamel en lê informasie voor oor die aansoeke ingevolge die Drank Wetgewing. Aansoek om binne verbruik dranklisensie: 'n lisensie vir die verkoop van drank vir drink op die perseel waar drank verkoop word.

The Directorate compiles and submits information about the applications according to the Liquor Act. Application for on-consumption liquor licence: a licence for the sale of liquor for drinking on the premises where the liquor is sold.

FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION:

Aktiwiteite het geen finansiële implikasies nie.

Activities do not have financial implications.

PERSONEEL IMPLIKASIE / PERSONNEL IMPLICATION:

Geen. None.

REGSIMPLIKASIE / LEGISLATIVE IMPLICATION:

Alle wetlike vereistes word handhaaf gedurende die proses.

All legislative requirements are observed in the process.

BELEID / POLICY

Wets - Beleidsraamwerke word aan voldoen.

Act and Policy imperatives are adhered to.

KONSULTASIE MET ANDER PARTYE / CONSULTATION WITH OTHER PARTIES

Persone en partye wat geaffekteer word is deel van die proses.

Affected people and parties are made part of the process.

AANBEVELINGS / RECOMMENDATIONS:

- A. Dat die Raad kennis neem van die aansoek en insette.
- A. The Council take cognisance of the application and comments.
- B. Dat die Raad 'n aanbeveling maak.
- B. The Council make a recommendation.

BESLUIT / RESOLVED:

- A. Dat die Raad kennis neem van die aansoek en insette.
- B. Die Raad die aansoek om 'n dranklisensie vir Neelsies-Inn goedkeur.

Voorstel: Rdl. R Pretorius

Sekondant: Rdl. B Zass

9.1.11 DRANKLISENSIES/LIQUOR LICENSES

Ref.: 14/1/1/8

Direkteur: Korporatiewe en Strategiese Dienste: A.McCallum

Saamgestel: H Slimmert

DOEL / AIM:

Voorlegging van Aansoek om binneverbruik dranklisensie in terme van afdeling 36 van die Wes Kaapse Drank Wet, 2008 (Wet 4 van 2008): Micheal's on Park, Erf 138, Parkstraat 30, Clanwilliam.

Submission of Application for on –consumption Liquor licence in terms of section 36 of the Western Cape Liquor Act, 2008 (Act 4 of 2008): Micheal's on Park, Erf 138, 30 Park Street, Clanwilliam.

AGTERGROND / BACKGROUND:

Die Direkoraat versamel en lê informasie voor oor die aansoeke ingevolge die Drank Wetgewing. Die volgende inligting dien gemeld te word. Die tipe lisensie waarvoor aansoek gedoen word is Binneverbruik onder die naam Micheal's on Park. Die doel is die verkoop van alle tipe drank vir gebruik op die perseel soos aangedui. Die perseel is gelee te Parkstraat 30, Clanwilliam.

The Directorate compiles and submits information about the applications according to the Liquor Act. The following information needs to be mentioned. The type of licence applied for is on-consumption under the name Micheal's on Park. The aim is the sale of liquor for consumption on the premises where the liquor is sold. The premises is located in 30 Park Street, Clanwilliam.

FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION:

Aktiwiteite het geen finansiële implikasies nie.

Activities do not have financial implications.

PERSONEEL IMPLIKASIE / PERSONNEL IMPLICATION:

Geen. None.

REGSIMPLIKASIE / LEGISLATIVE IMPLICATION:

Alle wetlike vereistes word handhaaf gedurende die proses.

All legislative requirements are observed in the process.

BELEID / POLICY

Wets - Beleidsraamwerke word aan voldoen.

Act and Policy imperatives are adhered to.

KONSULTASIE MET ANDER PARTYE / CONSULTATION WITH OTHER PARTIES

Persone en partye wat geaffekteer word is deel van die proses.

Affected people and parties are made part of the process.

AANBEVELINGS / RECOMMENDATIONS:

- A. Dat die Raad kennis neem van die aansoek en insette.
- A. The Council take cognisance of the application and comments.
- B. Dat die Raad 'n aanbeveling maak.
- B. The Council make a recommendation.

BESLUIT / RESOLVED:

- A. Dat die Raad kennis neem van die aansoek en insette.
- B. Dat die Raad die aansoek om 'n dranklisensie vir Micheal's on Park goedkeur.

Voorstel: Rdl. B Zass

Sekondant: Rdl. R Pretorius

Teen Voorstel: Rdl. M Nel (Daar is baie besighede en instansies wat reeds alcohol verkoop)

Sekondant: Rdl. L Scheepers

STEM

GOEDKEURING	NIE-GOEDKEURING	BUTE STEMMING
Rdl. J Farmer Rdl. J Barnard Rdl. J Meyer Rdl. R Pretorius	Rdl. M Nel Rdl. L Scheepers Rdl. E Majikejela Rdl. N Qunta	-

Rdl. R Witbooi Rdl. B Zass	Rdl. J White	
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9.1.12 DECLARATION OF INTEREST FOR COUNCILLORS

Municipal Manager: PL Volschenk

Compiled: J Goeieman

AIM

To submit to the Council the disclosures of financial interests procedural code for Councillors for approval.

BACKGROUND

Schedule 1, Section 7 as well as Schedule 2, Section 5A of the Municipal Systems Act states that when a councillor is elected or appointed or a person appointed in terms of section 56 or a municipal manager, he or she must within 60 days declare in writing to the municipal manager or the chairperson of the municipal council the following financial interests held:

- shares and securities in any company;
- membership of any close corporation;
- interest in any trust;
- directorships;
- partnerships;
- other financial interests in any business undertaking;
- employment and remuneration;
- interest in property;
- pension; and
- subsidies, grants and sponsorships by any organisation.

Any change in the nature or detail of the financial interests of any councillor or official must be declared in writing to the municipal manager or to the chairperson of the municipal council annually. **The municipal council must determine which of the financial interests referred in the abovementioned list must be made public, having regard to the need for confidentiality and the public interest for disclosure.**

The following table lists the disclosure of financial interests of the strategic role players of the municipality which were deemed to be disclosed for public interest:

Disclosures of Financial Interests	
Name	Description of Financial interests*
Executive Mayor	
Jimmy Barnard	N/A
Member of Mayoral Committee / Executive Committee	

Disclosures of Financial Interests	
Name	Description of Financial interests*
Benjamin Ferdinand Zass	N/A
Rhoda Gladys Witbooi	N/A
Raymond Vernie Pretorius	N/A
Speaker	
William Josef Farmer	N/A - Boat that was declared in 2016/2017 was sold.
Councillor	
Marianne Nel	N/A
Jan Meyer	N/A
Nosiphiwo Sylvia Qunta	Senzwa Construction - Director
Evelyn Majikejela	Elands bay Employees Trust
Jonas White	N/A
Lorna Scheepers	N/A
<i>* Financial interests to be disclosed even if they incurred for only part of the year.</i>	

FINANCIAL IMPLICATIONS:

Yes

PERSONNEL IMPLICATIONS:

Internal Audit Department

LEGISLATIVE IMPLICATIONS:

Municipal Systems Act, 2000 (No. 32 of 2000),
Code of Conduct for Councillors

RECOMMENDATION:

That in respect of the

DISCLOSURES OF FINANCIAL INTERESTS FOR COUNCILLORS

discussed by the Council at the Council meeting held on 12 December 2017:

1. The Council to take note of the Financial interests to be disclosed even if they incurred for only part of the year as per the Annual Report directive from National Treasury;
2. That the Council approve the code on the following basis:
 - a. The Disclosures Financial Interests Register to have a confidential part and a public part;

b. Confidential part –

- i. The value of financial interests in a private or public company;
- ii. The amount of any remuneration for any employment outside Council;
- iii. The amount of any remuneration for any directorate or partnership;
- iv. Address of private residence;
- v. The value of any pension and any amount paid;
- vi. Details of all financial interests of a member's spouse, dependents, child or permanent companion to the extent that a members is aware of.
- vii. No person who has access to the confidential part of the Register, may disclose particulars of any entry in the confidential part except to the Speaker and the Municipal Manager, and also as part of a report in respect of an alleged irregularity or when a court so orders.

c. Public part –

- i. All relevant details other than those in b (i-vii) above, of the registrable interests as for the public interest for disclosure;
 - Councillor name
 - Councillor status
 - Political Party
 - Shares and securities in any company
 - Membership of any closed corporation
 - Interest in any trust
 - Directorships
 - Partnerships
 - Other financial interests in any business undertaking
 - Employment other than Cederberg Municipality
 - Interests in property
 - Pension
 - Subsidies, Grants and Sponsorships by any organisation
 - Interest in municipal contracts / suppliers
 - Gifts received above prescribed amount of R 350.00 for Municipal Manager and Directors
 - Gifts received above prescribed amount of R 1 000.00 for Councillors
 - ii. Any person has access to the public part of the Register on a working day during office hours at the office of the Municipal Manager in terms of the application procedure as required by the provisions of the Promotion of Access of Information Act.
- d. Councillors, Municipal Manager and Directors to disclose the financial interests annually between 01 July and 31 August; and
- e. Any time when a material change occurs.

RECOMMENDATION:

That in respect of the

DISCLOSURES OF FINANCIAL INTERESTS FOR COUNCILLORS

discussed by the Council at the Council meeting held on 12 December 2017:

1. The Council to take note of the Financial interests to be disclosed even if they incurred for only part of the year as per the Annual Report directive from National Treasury;
2. That the Council approve the code on the following basis:
 - a. The Disclosures Financial Interests Register to have a confidential part and a public part;
 - b. Confidential part –
 - i. The value of financial interests in a private or public company;
 - ii. The amount of any remuneration for any employment outside Council;
 - iii. The amount of any remuneration for any directorate or partnership;
 - iv. Address of private residence;
 - v. The value of any pension and any amount paid;
 - vi. Details of all financial interests of a member's spouse, dependents, child or permanent companion to the extent that a members is aware of.
 - vii. No person who has access to the confidential part of the Register, may disclose particulars of any entry in the confidential part except to the Speaker and the Municipal Manager, and also as part of a report in respect of an alleged irregularity or when a court so orders.
 - c. Public part –
 - i. All relevant details other than those in b (i-vii) above, of the registrable interests as for the public interest for disclosure;
 - Councillor name
 - Councillor status
 - Political Party
 - Shares and securities in any company
 - Membership of any closed corporation
 - Interest in any trust
 - Directorships
 - Partnerships
 - Other financial interests in any business undertaking
 - Employment other than Cederberg Municipality
 - Interests in property
 - Pension
 - Subsidies, Grants and Sponsorships by any organisation
 - Interest in municipal contracts / suppliers

- Gifts received above prescribed amount of R 350.00 for Municipal Manager and Directors
 - Gifts received above prescribed amount of R 1 000.00 for Councillors
- ii. Any person has access to the public part of the Register on a working day during office hours at the office of the Municipal Manager in terms of the application procedure as required by the provisions of the Promotion of Access of Information Act.
- d. Councillors, Municipal Manager and Directors to disclose the financial interests annually between 01 July and 31 August; and
- e. Any time when a material change occurs.

Proposed: Cllr. J White

Seconded: Cllr. M Nel

**9.1.13 TABLING OF THE COUNCIL RESOLUTION REPORT FOR THE 4TH
QUARTER, 01 APRIL 2017 TO 30 JUNE 2017 BEFORE COUNCIL**

REF.: 3/3/2/2

**Director Corporate and Strategic Services: A McCallum
Compiled: H Slimmert**

PURPOSE

Council to consider the Council Resolution Report for the 4th quarter, 01 April 2017 to 30 June 2017

BACKGROUND

In terms of the SDBIP it is required that Council resolutions be distributed to all effected departments within 5 working days.

Directors of each department must report quarterly on the progress made in completion / finalisation of Council Resolutions to Council.

FINANCIAL IMPLICATION

None

RECOMMENDATION

**That in respect of the
COUNCIL RESOLUTION REPORT FOR THE 4TH QUARTER
discussed by Council at the Council Meeting held on 12 December 2017**

- a) That Council take cognisance of the Council Resolution Report for the 4th Quarter, 01 April 2017 until 30 June 2017.

RESOLVED

**That in respect of the
COUNCIL RESOLUTION REPORT FOR THE 4TH QUARTER
discussed by Council at the Council Meeting held on 12 December 2017**

- a) That Council take cognisance of the Council Resolution Report for the 4th Quarter, 01 April 2017 until 30 June 2017.

9.1.14 ALLIENATION OF RAMSKOP NATURE GARDEN

Ref.: 17/16/1/2/1

Director Community Development Services: R Bent

Compiled: N Mercuur

PURPOSE

The purpose of this report is to inform the Council about the progress to date regarding the Ramskop Nature Garden, and to obtain a directive from council regarding the potential alienation of the property.

BACKGROUND

In February 2017, the municipality placed an advertisement for expressions of interest (EOI) in respect of the Ramskop Nature Garden (Notice 19/2017) on instruction of the former municipal manager. The municipality received only one application.

The rationale behind the expression of interest stems from council's concern regarding the long-term viability and financial sustainability of the garden. Furthermore, the Ramskop Nature Garden had experienced a gradual deterioration due to lack of proper maintenance, brought about by lack of funding and lack of personnel.

The Ramskop Nature Garden is only operational for 2-3 months (during flower season) each year, and does not generate sufficient income to justify its continued operation.

On 7 April 2017 a report was tabled before Council in respect of the Ramskop Nature Reserve and the possible leasing out thereof.

The resolution by Council in respect of the report was as follows:

"That:

- 1. Council takes cognisance of the report;*
- 2. The Ramskop Nature Garden is not required to provide the minimum level of basic services to the community;*
- 3. The Ramskop Nature Garden be leased out to suitably qualified interested parties, in accordance with the MFMA, Asset Management Policy and other relevant legislation;*
- 4. The proposed leasing of the Ramskop Nature Garden must support Council's objectives in respect of local economic development and tourism;*
- 5. All required public participation processes be followed as required by the MFMA."*

The legislative requirements in respect of long-term leasing of council property enable council to determine a lease period up to a maximum of 9 years and 11 months. Given the fact that any prospective bidder for the nature garden will have to make a sizeable investment to ensure a proper financial return, the above-mentioned lease period may not be adequate.

In July 2017 a report was tabled before the mayoral committee to consider a recommendation to council. The mayoral committee referred the matter to council to resolve on it.

Description of the Property, current utilisation

The property under discussion in this report is known as the Ramskop Nature Garden. The Ramskop Nature Garden is indicated as Remainder of Erf 357, Clanwilliam. The property is indicated on the attached map. The nature garden consists of a dwelling, offices, toilets, kitchen and a reception area. As can be seen on the attached zoning map, the It is currently zoned as a local nature reserve.

The nature garden was for many years considered as one of the key attractions of Clanwilliam, especially during the annual flower season. It boasts a wide variety of indigenous flower and plant species, and has always been a very popular destination to visit. There is also the occasional wedding ceremony, photo shoot or birthday party.

Over the past decade, however the Ramskop Nature Garden experienced a gradual decline, where maintenance became increasingly challenging and council's willingness to expend financial and human resources on the property became less.

LEGISLATIVE REQUIREMENTS

Section 14 and 90 of the MFMA clearly articulates the conditions for the transfer of municipal capital assets. The Cederberg Municipality (items 9.3 and 9.4) further elaborates of the processes that need to be followed when municipal assets are to be alienated or sold:

- A Municipality may not permanently dispose of a capital asset needed to provide the minimum level of basic municipal services;
- Where a council has decided than an asset is not needed to provide the minimum level of basic services, a transfer of ownership of an asset must be fair, equitable, transparent, competitive and consistent with the municipality's supply chain management policy.

Item 9.4 of the Asset Management Policy sets out the process to be followed.

Contribution to Developmental Objectives

As owner of the Ramskop Nature Garden, Council may set out certain criteria should it wish to alienate the garden. Some of the criteria may include: access to local citizens, affordability, contribution to local economic development, etc. These criteria can be included in the specifications should council wish to advertise for the alienation of the property.

PERSONNEL IMPLICATONS

Should the Ramskop Nature Garden be alienated, council will no longer have the added obligation to pay personnel and related costs. This will have an implication for the municipal organogram.

Comments by the CFO

It is important to determine the fair market value of the property. Call for proposals to be advertised. Council to mandate the administration to drive the process.

Comments by the Manager: Administration

In support of the recommendations. Should Council resolve to alienate land as per this report, there are legal prescripts that compel council to advertise its intentions.

Comments by the Directorate: Community and Development Services

The report is supported.

Comments by the Director: Engineering and Planning Services

The Ramskop Nature Garden is situated on Remainder Erf 357 Clanwilliam. The demarcated area of the nature reserve is ±65ha which includes portions of the Industrial

area of Clanwilliam (see attached map). In order to create a separate land unit for the nature reserve a land use application (subdivision application) must be lodged to the Cederberg Municipality for approval.

In principle, the subdivision of the Remainder Erf 357 Clanwilliam and/or the sale thereof will not be in conflict with the Spatial Development Framework for Clanwilliam. However, provisions must be made in the subdivision application to ensure a future road connects Graafwater Road to Old Cape Road as indicated in the SDF Clanwilliam map. Input and comments from Cape Nature will be required when such application is lodged at the Cederberg Municipality.

Comments by Legal Services

The recommendations are supported.

Comments by Director Corporate Services

The recommendations are supported

RECOMMENDATION

That in respect of the

ALLIENATION OF RAMSKOP NATURE GARDEN

Discuss by Council at the Council Meeting held on 12 December 2017

It is recommended that:

1. Council takes cognisance of the report;
2. The portion Remainder of Erf 357 (Ramskop Nature Garden) is not needed to provide the minimum level of basic services;
3. Council support the alienation of portion Remainder of Erf 357;
4. The fair market value of the property must be determined;
5. Council advertise a call for proposals for the sale of the property;
6. All cost relating to subdivisions/rezoning be borne by the applicant;
7. The administration be mandated to facilitate the process according to the prescripts provided by the MFMA and Council's Asset Management Policy;

For consideration

RESOLVED

That in respect of the

ALLIENATION OF RAMSKOP NATURE GARDEN

discuss by Council at the Council Meeting held on 12 December 2017

It is recommended that:

1. Council takes cognisance of the report;
2. The portion Remainder of Erf 357 (Ramskop Nature Garden) is not needed to provide the minimum level of basic services;
3. Council support the alienation of portion Remainder of Erf 357;
4. The fair market value of the property must be determined;
5. Council advertise a call for proposals for the sale of the property;
6. All cost relating to subdivisions/rezoning be borne by the applicant;
7. The administration be mandated to facilitate the process according to the prescripts provided by the MFMA and Council's Asset Management Policy;

Proposed: Cllr. B Zass

Seconded: Cllr. R Witbooi

Counter Proposal: Cllr. M Nel

Seconded: Cllr. Qunta

VOTE

FOR	AGAINST	ABSTAIN
Rdl. J Farmer	Rdl. M Nel	-
Rdl. J Barnard	Rdl. L Scheepers	
Rdl. J Meyer	Rdl. E Majikejela	
Rdl. R Pretorius	Rdl. N Qunta	
Rdl. R Witbooi	Rdl. J White	
Rdl. B Zass		

9.1.15 DEVELOPMENT PROPOSAL FOR LAMBERTS BAY LINKED TO OPERATION PHAKISA

Director Community Development Services: R Bent

Compiled: N Mercuur

PURPOSE

The purpose of this report is to solicit a resolution from Council about the call for proposals for the lease and alienation of land in Lambert's Bay linked to Operation Phakisa in order to create employment / export opportunities and to contribute to economic development in the region.

INTRODUCTION

On 13 July 2017 a presentation was made to Council regarding various development proposals linked to the Lambert's Bay harbour. These development proposals were linked to the Operation Phakisa Programme, which is a programme of the National Department of Public Works.

However, due to the slow pace of Operation Phakisa by the National Department of Public Works, Cederberg Municipality is considered to be in a more favourable position to support some of the proposed developments for Lambert's Bay, specifically on land and property owned by the municipality.

The development opportunities that can be implemented in Cederberg Municipality include the following:

- Planting of lavender and other high value agricultural commodities
- Production and distillation of essential oils
- Production of high quality alcoholic drinks / spirits from potato waste
- Salmon production
- Crayfish for international markets
- Transforming of starch from the potatoes into other products

The land identified for the potential developments will be the industrial area as per the Cederberg Municipality Spatial Development Framework (draft).

It is envisaged that the potential investment in the above developments may total in excess of R35 million and will create a number of direct job opportunities at various skill levels.

Description of the Properties linked to the Report

The properties under discussion include portions of the current industrial area in Lambert's Bay, (Portions 1 to 10 of Portion of Remainder Erf 168(commonage), as indicated on the enclosed spatial layout.

Economic Imperatives and benefits

According to the proposal, these initiatives will create direct capital investment in Lambert's Bay in the form of infrastructure as well as building and properties required to establish the various business entities in Lambert's Bay.

It is envisaged that potential investment will lead to the creation of a number of employment opportunities in Lambert's Bay, and spawn various other opportunities for local entrepreneurs to support these businesses by means of other SMME's, events and various other exciting initiatives.

The potential investments will also offer unique tourism experiences to a town that is strongly focused on tourism as the fastest growing sector in Lambert's Bay and Cederberg, taking into account the decline of the fishing industry in Lambert's Bay.

Investments of this nature inevitably lead to infrastructure development, which has the further benefit of demonstrating business confidence in the region.

FINANCIAL IMPLICATIONS

At this stage there are no financial implications for Council. However, Council stands to increase its ability to collect rates and taxes once the potential developments have been effected.

LEGAL IMPLICATIONS

Section 14 and 90 of the MFMA clearly articulates the conditions for the transfer of municipal capital assets. The Cederberg Municipality (items 9.3 and 9.4) further elaborates of the processes that need to be followed when municipal assets are to be alienated or sold:

- A Municipality may not permanently dispose of a capital asset needed to provide the minimum level of basic municipal services;
- Where a council has decided that an asset is not needed to provide the minimum level of basic services, a transfer of ownership of an asset must be fair, equitable, transparent, competitive and consistent with the municipality's supply chain management policy.

Item 9.4 of the Asset Management Policy sets out the process to be followed.

Given the nature of this initiative it would be advisable to follow the competitive bidding process and call for proposals in this regard. By doing this a transparent, fair, just and competitive process which will give all interested developers a fair chance to compete.

Comment from CFO

I will suggest that Council follows a call for proposals process linked to the Operation Phakisa Programme, on industrial land owned by the Municipality. The process will be in accordance with section 14 of the MFMA.

Comments from Planning and Engineering Department

Comments from the Director: Community and Development Services

The recommendation is supported.

Comment from Municipal Manager

Any development project within the legal and spatial guidelines to unlock economic development and local job creation in our area is supported. However, this must be done in accordance with relevant legislation, and care must be taken that all relevant processes are complied with.

RECOMMENDATIONS

That in respect of the

**DEVELOPMENT PROPOSAL FOR LAMBERTS BAY LINKED TO OPERATION PHAKISA
discuss by Council at the Council Meeting held on 12 December 2017**

It is recommended that:

1. Council takes cognisance of the Report;
2. Council supports, in principle, the initiative to support economic development initiatives in Lambert's Bay that are linked to Operation Phakisa;

3. Council approves a call for proposals for the lease and/or disposal of the identified immovable land (Portions 1 to 10 of Portion of Remainder Erf 168) in terms of section 14 of the MFMA and the Asset Transfer Regulations as well as the Supply Chain Management Policy and any other related legislative requirements;
4. Council to consider the fair market value of the asset(s) and the economic and community value to be received in exchange for the asset(s);
5. The accounting officer be mandated to drive the process further, ensuring that all legal and planning requirements in respect of the MFMA, Asset Management Policy and other relevant prescripts are met;
6. Council must be kept informed regarding the progress of the matter.

RESOLVED

That in respect of the

**DEVELOPMENT PROPOSAL FOR LAMBERTS BAY LINKED TO OPERATION PHAKISA
discuss by Council at the Council Meeting held on 12 December 2017**

1. Council takes cognisance of the Report;
2. Council supports, in principle, the initiative to support economic development initiatives in Lambert's Bay that are linked to Operation Phakisa;
3. Council approves a call for proposals for the lease and/or disposal of the identified immovable land (Portions 1 to 10 of Portion of Remainder Erf 168) in terms of section 14 of the MFMA and the Asset Transfer Regulations as well as the Supply Chain Management Policy and any other related legislative requirements;
4. Council to consider the fair market value of the asset(s) and the economic and community value to be received in exchange for the asset(s);
5. The accounting officer be mandated to drive the process further, ensuring that all legal and planning requirements in respect of the MFMA, Asset Management Policy and other relevant prescripts are met;
6. Council must be kept informed regarding the progress of the matter.

Proposed: Cllr. B Zass

Seconded: Cllr. R Pretorius

9.1.16 EAGLE TOWERS

Ref.: 6/3/R

Director Corporate and Strategic Services: A McCallum
Compiled: H Slimmert

AIM:

To get Council's approval for entering into a lease agreement between the Cederberg Municipality and Eagle Towers SA (Pty) Ltd, for the purpose of the obtaining and securing of suitable sites in the Cederberg Municipal area: to erect telecommunications structures in the following locations:

- 1) Graafwater Central – Erf 306 Graafwater
- 2) Elandsbaai Noord – Erf 212 Elandsbaai
- 3) Clanwilliam Reservoir – Erf 3457 Clanwilliam
- 4) Clanwilliam Industrial – Erf 470 Clanwilliam
- 5) Citrusdal North – Erf 2243 Citrusdal
- 6) Citrusdal Central – Erf 1427 Citrusdal
- 7) Citrusdal South – Erf 1477 Citrusdal

BACKGROUND

Eagle Towers SA (Pty) Ltd is in the business of erecting telecommunications structures for the use of its own antenna equipment and hosting those of other companies for their respective use. Eagle Towers is a level 1 BEE telecommunications company and provide services to telecommunication companies such as Mobile Network Operators, Wi-Fi and internet service providers. With the improvement of technology more towers are needed inside the urban edge to provide optimal service.

Eagle Towers will plan and facilitate the pre- approval process and obtain all relevant approvals from various governmental bodies prior to signing of a lease agreement with the municipality. Eagle Towers will also be responsible for the project management of the full installation.

All costs incurred for this process will be for the account of Eagle Towers.

DIRECTORATE INFRASTRUCTURE SERVICES

- 1) Graafwater Central – Erf 306 Graafwater – Property zoned Open Space Zone 1 – proposal as of right, however the base station needs to be relocated, there is a 5m statutory building line from the R364. Possible engineering services may be on the subject property (e.g. servitudes)
- 2) Elandsbaai Noord – Erf 212 Elandsbaai – Property zoned Institutional Zone 1 – Consent use to permit the proposal with applicable 10m building lines (street and common boundaries), i.e. consent use and regulation departure application required.
- 3) Clanwilliam Reservoir – Erf 3457 Clanwilliam – Open Space Zone 1 – proposal as of right. Possible engineering services may be on the subject property (e.g. servitudes)
- 4) Clanwilliam Industrial – Erf 470 Clanwilliam – Authority Zone – proposal as of right (positioning of base station is acceptable)
- 5) Citrusdal North – Erf 2243 Citrusdal – Authority property - proposal as of right (positioning of base station is acceptable)
- 6) Citrusdal Central – Erf 1427 Citrusdal – Authority property - proposal as of right (positioning of base station is acceptable)
- 7) Citrusdal South – Erf 1477 Citrusdal – Open Space property - proposal as of right (positioning of base station is acceptable)

LEGISLATIVE COMMENTS:

1. Council to consider an in principle decision to lease the identified portions of immovable land in terms of section 14 of the MFMA and the Asset Transfer Regulations as well as the Supply Chain Management Policy and any other related legislative requirements.

2. Subsequent to the above the proposed lease should be advertised for objections and thereafter Council can consider entering into a lease agreement for a period of 5 years given the permanent nature of the structures.
3. It should also be noted in terms of Section 14 of the MFMA that a market related valuation be obtained from Council's independent valuer;
4. The installation of all required services and the obtaining of required statutory approvals should be undertaken by the applicants and all related costs will be for the account of the said applicant.
5. It should also be noted that construction of temporary services must be approved by our Engineering Department;

FINANCIAL IMPLICATION

Notice in terms of the Local government: Municipal Finance Management Act – Municipal Asset Transfer Regulation section 34 (1) (3). Rental of commonage land for a term of nine (9) years and eleven (11) months.

RECOMMENDATIONS

That in respect of the

EAGLE TOWERS

discuss by Council at the Council Meeting held on 12 December 2017

It is hereby recommended that:

3. That Council mandates and authorise the Municipal Manager to sign a lease agreement with the owner.
4. That Council consider entering into a lease agreement for a period of 5 years given the permanent nature of the structures.

RESOLVED

That in respect of the

EAGLE TOWERS

discuss by Council at the Council Meeting held on 12 December 2017

1. That the Director responsible for this item be instructed to compile a more detailed report, which would include all or any documentation pertaining to this matter, for Council; and
2. That the owner of Eagle Towers be requested to do a presentation for Council at the next Council Meeting in order for Council to resolve on this matter.

Proposed: Cllr. J Meyer

Seconded: Cllr. J Barnard

9.2 Urgent matters submitted by the Municipal Manager

9.2.1 FREE ACCESS TO LOCAL CITIZENS AT CLANWILLIAM DAM RESORT: 01 JANUARY 2018

Ref.: 17/6/4/2

Municipal Manager: PL Volschenk

PURPOSE

The purpose of this report is to obtain Council's approval for free access for all local citizens at the Clanwilliam Dam Resort on 01 January 2018.

BACKGROUND

Over the past 4 years the Cederberg Municipality granted free entry to all local citizens (day visitors) at the dam resort. The concession by Council has generally been very well received with many people visiting the resort on the particular New Year's Day.

On average the resort stands to receive around 300 day visitors on New Year's Day. On this day there will also be increased presence of SAPD, law enforcement and life savers.

RECOMMENDATION

That in respect of the

**FREE ACCESS TO LOCAL CITIZENS AT CLANWILLIAM DAM RESORT: 01 JANUARY
2018**

discuss by Council at the Council Meeting held on 12 December 2018:

1. Council takes cognisance of the report;
2. Council approves the free access on vehicles and individuals for inhabitants of Cederberg Municipality on 01 January 2018 until 19h00 only;
3. The necessary measures be put in place to ensure the safety of all water users; and
4. All the rules pertaining to day visitors must be adhered to.

RESOLVED

That in respect of the

**FREE ACCESS TO LOCAL CITIZENS AT CLANWILLIAM DAM RESORT: 01 JANUARY
2018**

discuss by Council at the Council Meeting held on 12 December 2018:

1. Council takes cognisance of the report;
2. Council approves the free access on vehicles and individuals for inhabitants of Cederberg Municipality on 01 January 2018 until 19h00 only;
3. The necessary measures be put in place to ensure the safety of all water users; and
4. All the rules pertaining to day visitors must be adhered to.

Proposed: Cllr. M Nel

Seconded: Cllr. B Zass

9.2.2 DEVELOPMENT PROPOSAL FOR CLANWILLIAM ON PORTION OF COMMONAGE LAND ERF 279, CLANWILLIAM

Ref.: Erf 279 C/William

Director Corporate & Strategic Services: A McCallum
Compiled: C Sheldon

PURPOSE

The purpose of this report is to solicit a resolution from Council about the call for proposals for the lease and alienation of land in Clanwilliam adjacent to Khayelitsha informal settlement to combat the effect of illegal, informal housing structures on the land.

INTRODUCTION

The informal settlement of Khayelitsha in Clanwilliam has seen an unprecedented increase in the number of informal structures. This increase has led to a number of challenges, including health issues, specifically relating to lack of basic services, littering, etc. According to SAPPD statistics, there has been a huge increase in crime, ranging from minor offences to more serious offences like rape, murder, assault to do grievous bodily harm etc.,

Furthermore, the instructed nature of the informal area (especially the new shacks) has made it virtually impossible for the SAPD to do adequate policing in the settlement. This was highlighted during a recent meeting between the SAPD, community policing forum and Cederberg Municipality.

Furthermore, there appears to be a growing threat of violence erupting between various groupings within Khayelitsha, which may even lead to enormous loss of lives. Over the past few years the various road construction projects, and also the upcoming Clanwilliam dam construction project have the potential to attract more people to the town.

Despite various efforts by Council in conjunction with government departments, civil society organisations and other stakeholders, the situation at Khayelitsha continues to be a challenge for Council. An option that was identified comprises the utilisation of the land on which the informal settlement is located. Council is therefore requested to provide guidance on the desirability of leasing the land to interested private individuals for potential developments.

Current Utilisation of Land

The land is currently being occupied, with roughly 50 structures located on it. These structures have not been applied for to Council, therefore they are illegal.

FINANCIAL IMPLICATIONS

The financial implications to Council will involve the removal of the illegal structures. However, should the property be leased to an external organisation, the opportunity exists for council to earn rental income.

LEGAL IMPLICATIONS

Section 14 of the MFMA and all the relevant legal prescripts must be adhered to.

Comment from Municipal Manager

The Khayelitsha informal settlement is a big issue for Council. We need to think out of the box to rectify the Khayelitsha issue so that order and proper utilisation of the land be achieved. The recommendations are supported.

RECOMMENDATIONS

It is recommended that:

1. Council takes cognisance of the Report;
2. Council supports in principle, the initiative to call for proposals in respect of Portion of Erf 279, Clanwilliam;
3. Council mandate and authorise the Directorate: Corporate Services to put out an advert for the call for proposals for Portion of Erf 279, and to allow the public to comment or object to the proposed lease of that portion of land;
4. Council to consider the fair market value of the asset;
5. The Accounting Officer and Director Technical and Engineering Services be mandated to drive the process further, ensuring that all legal and planning requirements in respect of the MFMA, Asset Management Policy and other relevant prescripts are met.

RESOLVED

It is recommended that:

1. Council takes cognisance of the Report;
2. Council supports in principle, the initiative to call for proposals in respect of Portion of Erf 279, Clanwilliam;
3. Council mandate and authorise the Directorate: Corporate Services to put out an advert for the call for proposals for Portion of Erf 279, and to allow the public to comment or object to the proposed lease of that portion of land;
4. Council to consider the fair market value of the asset;
5. The Accounting Officer and Director Technical and Engineering Services be mandated to drive the process further, ensuring that all legal and planning requirements in respect of the MFMA, Asset Management Policy and other relevant prescripts are met.

Proposed: Cllr. R Pretorius

Seconded: Cllr. B Zass

9.3 Matters for notification

9.3.1 GOLDBLOCKS CRECHE: GRAAFWATER

Resolved:

- a) That Council provide temporary accommodation to be utilized for crèche purposes to Goldilocks Creche; and
- b) That the Executive Mayor will revert back to Council pertaining a suitable venue for Goldilocks Creche that can be used temporarily until a permanent solution for the problem can be addressed.

9.4 Consideration of notices of motion

Rules of Order for internal Arrangement

Part 4

4. Notice of motion

- (1) Unless contained otherwise in these Rules, written notice of intent by a member to introduce a motion must be provided accompanied with a motivation, signature of mover and member seconding the motion as well as the date. Such notice must be delivered to the Municipal Manager at least six working days prior to the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date. The speaker may not accept any motion other than motion/s of exigency or motion/s of course unless notice has been provided.

- Geen / None

9.5 Consideration of notices of questions

Rules of Order for internal Arrangement

Part 4

1. Notice of question

Unless contained otherwise in these Rules, written notice must be provided of intention by a member to introduce a question. Such notice shall be effected at least six working days before the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date.

- Geen / None

9.6 Consideration of motions of exigency

Rules of Order for internal Arrangement

Part 4

8. Motion of exigency

- 8.1 A motion of exigency exists when the attention of Municipal Council is directed to any matter not appearing on the agenda for which no notice was provided. The subject of the matter is briefly stated as well as reference to the fact that the motion to which attention has been directed be considered a matter of exigency.

- 8.2 The attention to the matter is drawn by a member. The matter is brought under the consideration of council by way of motion or question only if the motion is seconded and carried by a majority of the members present.

- Geen / None

10. CLOSURE

VOORSITTER / CHAIRPERSON

DATUM / DATE