




**Raadslede van die Raad van die  
Langeberg Munisipaliteit**

Kennis geskied hiermee van 'n Raadsvergadering  
van die Raad van Langeberg Munisipaliteit wat gehou sal word op  
**04 DESEMBER 2019 om 10H00**  
in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson  
om oorweging te verleen aan die items op die aangehegte agenda.

...

**Councillors of the Council of the  
Langeberg Municipality**

Notice is hereby given of a Council Meeting  
of the Municipal Council of the Langeberg Municipality to be held on  
**04 DECEMBER 2019 at 10H00**  
in the Council Chamber, Municipal Offices,  
Church Street, Robertson to discuss the items on the appended agenda.

  
**RDH / ALD S.W. VAN EEDEN**  
**SPEAKER**

# AGENDA

~ 04 DECEMBER 2019 ~

1. Opening / Opening
2. Attendance / Bywoning
3. Applications for leave of Absence / Aansoeke vir verlof tot afwesigheid
4. Approval of Minutes / Goedkeuring van Notule
  - 4.1 Confirmation of the Minutes of a Special Meeting of Council of the Langeberg Municipality held on 01 October 2019 at 14h00 in the Council Chambers Municipal Offices, Church Street, Robertson 05 - 07  
*Bekräftiging van die Notule van 'n Spesiale Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 01 Oktober 2019 om 14h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.*
  - 4.2 Confirmation of the Minutes of a Special Meeting of Council of the Langeberg Municipality held on 25 October 2019 at 10h00 in the Council Chambers Municipal Offices, Church Street, Robertson 08 - 13  
*Bekräftiging van die Notule van 'n Spesiale Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 25 Oktober 2019 om 10h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.*
  - 4.3 Confirmation of the Minutes of an Ordinary Meeting of Council of the Langeberg Municipality held on 29 October 2019 at 10h00 in the Council Chambers Municipal Offices, Church Street, Robertson 14 - 26  
*Bekräftiging van die Notule van 'n Gewone Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 29 Oktober 2019 om 10h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson.*
5. Statements & Announcements by the Speaker / Verklarings & Mededelings deur die Speaker
6. Interviews with Delegations / Onderhoude met Afvaardigings  
*None / Geen*
7. Statements & Announcements by the Mayor / Verklarings & Mededelings deur die Burgemeester

8. Urgent Matters & Reports, Statements & Announcements submitted by the Municipal Manager  
 Dringende Aangeleenthede & Verslae, Verklarings & Mededelings voorgelê deur die Munisipale Bestuurder

- 8.1 Matters which must be handled in terms of Section 30(5) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended. Aforesaid stipulation reads as follows: (5) Before a municipal council takes a decision on any of the following matters it must first require its executive committee or executive mayor, if it has such a committee or mayor, to submit to it a report and recommendation on the matter: (1) any matter mentioned in Section 160(2) of the Constitution; (2) the approval of an integrated development plan for the municipality, and any amendment to that plan; and (3) the appointment and conditions of service of the municipal manager and a head of a department of the municipality. *Sake wat hanteer moet word in terme van Artikel 30(5) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig. Voormelde bepaling lees as volg: (5) Alvorens 'n munisipale raad 'n besluit oor enige van die volgende aangeleenthede neem, moet hy eers sy uitvoerende komitee of uitvoerende burgemeester, indien hy so 'n komitee of burgemeester het, versoek om 'n verslag en aanbeveling oor die aangeleentheid aan hom voor te lê: (1) enige aangeleentheid genoem in Artikel 160(2) van die Grondwet; (2) die goedkeuring van 'n geïntegreerde ontwikkelingsplan vir die munisipaliteit, en enige wysigings van daardie plan; (3) die aanstelling en diensvoorwaardes van die munisipale bestuurder en 'n hoof van 'n departement van die munisipaliteit.*
- 8.2 Matters which must be handled in terms of Section 32(1) and (2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) as amended, and approved per Council Resolution A82 of 19 March 2001. / *Sake wat hanteer moet word in terme van die delegasies toegestaan ingevolge Artikel 32(1) en (2) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No 117 van 1998), soos gewysig en aanvaar per Raadsbesluit A82 van 19 Maart 2001.*
- 8.3 Report on matters of concern by representatives at the Cape Winelands District Municipality. / *Rapportering aangaande sake van belang deur verteenwoordigers by die Kaapse Wynland Distrikmunisipaliteit.*
- 8.4 Other Matters / *Ander Sake*

9. Consideration of Notice of Motions / Oorweging van Kennisgewing van Mosies  
 None / Geen

10. Consideration of Notice of Questions / Oorweging van Kennisgewing van Vrae  
 None / Geen

11. Consideration of Urgent Motions / Oorweging van Dringende Mosies  
 None / Geen

12. Consideration of Reports / Oorweging van Verslae

12.1	Reports submitted to Council for consideration (A Items) Verslae voorgelê aan die Raad vir oorweging (A Items)	27
12.2	Reports submitted to Council for consideration (AA Items) Verslae voorgelê aan die Raad vir oorweging (AA-Items)	---
12.3	Reports dealt with in terms of the delegated powers by the Mayoral Committee (B & BB Items) Verslae afgehandel deur die Burgemeesterskomitee in terme van gedelegeerde bevoegdhede (B & BB-Items)	111

**MINUTES OF A SPECIAL MEETING OF COUNCIL OF THE LANGEBERG MUNICIPALITY**  
**HELD ON 01 OCTOBER 2019 AT 14H00 IN THE COUNCIL CHAMBERS**  
**MUNICIPAL OFFICES, CHURCH STREET, ROBERTSON**

1. **Opening**

The Speaker welcomed everyone to the meeting.

2. **Attendance**

Ald Van Eeden, SW .....	Speaker
Ald Jansen, HM.....	Executive Mayor
Cllr Joubert, GD .....	Deputy Executive Mayor
Ald Burger, JD.....	Councillor (Member of the Mayco)
Cllr Janse, DB .....	Councillor (Member of the Mayco)
Cllr Scheffers, EMJ .....	Councillor (Member of the Mayco)
Cllr Beginsel, NJ.....	Councillor
Cllr Bosjan, E .....	Councillor
Cllr Du Plessis, S .....	Councillor
Cllr Grootboom, CJ .....	Councillor
Cllr Hess, P .....	Councillor
Cllr Januarie, JJ .....	Councillor
Cllr Mafilika, JS .....	Councillor
Cllr Kriel, J .....	Councillor
Cllr Kuhn, DJW.....	Councillor
Cllr Mangenengene, HF .....	Councillor
Cllr Nteta, BH .....	Councillor
Cllr Shibili, AJ .....	Councillor
Cllr Simpson, OC .....	Councillor
Cllr Swanepoel, LM .....	Councillor
Cllr Van Zyl, JDF .....	Councillor
Mr Mokweni, SA .....	Municipal Manager
Mr Everson, AWJ .....	Director Corporate Services
Mr Brown, B .....	Chief Financial Officer
Ms Matthys, CO .....	Director Strategy & Social Development
Mr Mgajo, M.....	Director Community Services

3. 3.1 **Applications for leave of absence / Aansoek om verlof tot afwesigheid**

Cllr Strauss, SW .....	Councillor (Member of the Mayco)
Cllr Van der Merwe, TM .....	Councillor

3.2 **Absent without leave / Afwesig sonder verlof**

None / Geen

12. **Oorweging van Verslae / Consideration of Reports:**

12.1 **Reports submitted to Council for consideration (A Items)**  
**Verslae voorgelê aan die Raad vir oorweging (A-items)**



**A3884 COST CONTAINMENT POLICY (1/1/B) (MUNICIPAL MANAGER)**

This item served before a Special Meeting of Council on 01 October 2019

Hierdie item het gedien voor 'n Spesiale Vergadering van die Raad op 01 Oktober 2019

Eenparig Besluit / Unanimously Resolved

That the draft Cost Containment Policy as amended, be approved and adopted as the interim Cost Containment Policy for Langeberg Municipality, applicable from the date of approval by Council.

**A3885 VARIOUS DEVELOPMENTAL & INFRASTRUCTURAL CHALLENGES (16/3) (MUNICIPAL MANAGER)**

This item served before a Special Meeting of Council on 01 October 2019

Hierdie item het gedien voor 'n Spesiale Vergadering van die Raad op 01 Oktober 2019

Eenparig Besluit / Unanimously Resolved

1. That the various challenges which the Municipality are faced with as outlined in the workshop with Councillors held on 01 October 2019, be noted.
2. That the necessary applications be submitted to Eskom for the transfer of surplus electricity in Ashton to Bonnievale and Robertson, but with the clear understanding that not *all* surplus MVA at this stage be moved as Langeberg Ashton Foods has already paid for this electricity and may request the provision thereof at any stage.

**A3886 UTILIZATION OF MIG FUNDING FOR 2020/ 2021 AND 2021 / 2022 (17/8/3/5/3) (MANAGER PROJECT MANAGEMENT)**

This item served before a Special Meeting of Council on 01 October 2019

Hierdie item het gedien voor 'n Spesiale Vergadering van die Raad op 01 Oktober 2019

Eenparig Besluit / Unanimously Resolved

1. That this report supersedes report A3800
2. That the MIG allocations for Langeberg Municipality for the 2020 / 2021 and 2021 / 2022 financial years be utilised as follows and that CRR funding be budgeted for:

2020 / 2021 (R 23 008 000):

Upgrading of Roads & Stormwater: Montagu, Ashbury	(R6 983 000.00)
Upgrading of Roads & Stormwater: Ashton, Zolani & Cogmanskloof	(R2 600 000.00)
Upgrading of Roads & Stormwater: Bonnievale, Happy Valley & Mountain View	(R4 257 019.00)

3. That MIG applications be lodged for the following projects to be implemented in 2020/2021

McGregor Sports Field – Pavilion	R3 000 000.00
Secured Boundary Wall & Gates – Van Zyl Sports Field	R4 581 240.00
Secured Boundary Wall & Gates – Bonnievale Sports Field	R1 418 760.00

4. 2021 / 2022 (R 24 482 000):

That a MIG application be lodged for the following project to be implemented in 2021/2022 and 2022/2023

Upgrading of WWTW – Robertson (Implementation 2022/23, 2023/24)	R37 755 520.51
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**A3900    SALGA WESTERN CAPE CIRCULAR 13 OF 2019 / 2020 - MUNICIPAL COUNCILLORS' PENSION FUND**

The Speaker tabled *SALGA Western Cape Circular 13 of 2019 / 2020* dealing with the discussion of the Municipal Councillors' Pension Fund (MCPF) that will be discussed at the SALGA Provincial Members Assembly on 15 October 2019.

The circular requests a mandate from the current members of the Fund to investigate how the current members may move their funds from the MCPF to another fund.

**This item served before a Special Meeting of Council on 01 October 2019**  
**Hierdie item het gedien voor 'n Spesiale Vergadering van die Raad op 01 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That Council notes the contents of the SALGA Western Cape Circular 13 of 2019 / 2020, dated 30 September 2019.
2. That it is up to the current members / councillors of Langeberg Municipality to decide and provide a mandate to SALGA as requested.
3. That Council notes that this is a matter for the members of the Municipal Councillors' Pension Fund and not for the Municipality, and that there will be no costs for the Municipality.

The meeting ended at 16h30

\_\_\_\_\_  
SPEAKER

\_\_\_\_\_  
DATE

**MINUTES OF A SPECIAL MEETING OF COUNCIL OF THE LANGEBOEG MUNICIPALITY**  
**HELD ON 25 OCTOBER 2019 AT 10H00 IN THE COUNCIL CHAMBERS**  
**MUNICIPAL OFFICES, CHURCH STREET, ROBERTSON**

1. **Opening**

The Municipal Manager asked the Deputy Mayor to start the proceedings with a prayer, who did so.

2. **Attendance**

Cllr Joubert, GD .....	Deputy Executive Mayor
Ald Burger, JD .....	Councillor (Member of the Mayco)
Cllr Janse, DB .....	Councillor (Member of the Mayco)
Cllr Scheffers, EMJ .....	Councillor (Member of the Mayco)
Cllr Strauss, SW .....	Councillor (Member of the Mayco)
Cllr Beginsel, NJ .....	Councillor
Cllr Du Plessis, S .....	Councillor
Cllr Grootboom, CJ .....	Councillor
Cllr Hess, P .....	Councillor
Cllr Januarie, JJ .....	Councillor
Cllr Kriel, J .....	Councillor
Cllr Kuhn, DJW .....	Councillor
Cllr Mangenengene, HF .....	Councillor
Cllr Nteta, BH .....	Councillor
Cllr Shibili, AJ .....	Councillor
Cllr Simpson, OC .....	Councillor
Cllr Swanepoel, LM .....	Councillor
Cllr Van der Merwe, TM .....	Councillor
Cllr Van Zyl, JDF .....	Councillor
Mr Mokweni, SA .....	Municipal Manager
Mr Everson, AWJ .....	Director Corporate Services
Mr Brown, B .....	Chief Financial Officer
Ms Matthys, CO .....	Director Strategy & Social Development
Mr Mgajo, M .....	Director Community Services
Ms Burger, E .....	Chief Clerk General Administration

3. 3.1 **Applications for leave of absence / Aansoek om verlof tot afwesigheid**

Ald Van Eeden, SW .....	Speaker
Ald Jansen, HM .....	Executive Mayor
Cllr Mafilika, JS .....	Councillor
Ms Kotzé, S .....	Manager Administrative Support

3.2 **Absent without leave / Afwesig sonder verlof**

Cllr Bosjan, E .....	Councillor
Mr Johnson, M .....	Director Engineering Services

4. **Election of a Chairperson for the meeting / Verkiesing van 'n Voorsitter vir die vergadering**

The Municipal Manager said that in the absence of the Speaker who is at another meeting in the Southern Cape, the Structures Act states that when a speaker is not available, the councillors present must elect a speaker for that meeting from amongst themselves. He then called for proposals for a name to chair the meeting for today.

Cllr JDF van Zyl proposed Cllr GD Joubert. The proposal was seconded by Cllr NJ Beginsel. Proposal 1

Cllr BH Nteta proposed Cllr AJ Shibili. The proposal was seconded by Cllr JJ Januarie Proposal 2

As there were two proposals on the table, the Municipal Manager requested Council to vote on the proposals.

### Result of the voting process

<u>Proposal</u>	<u>Number of Votes</u>	<u>Voters</u>
Proposal 1	10 Votes	Cllrs NJ Beginsel, Ald JD Burger, P Hess, DB Janse, GD Joubert, J Kriel, HF Mangenengene, EMJ Scheffers, SW Strauss, JDF van Zyl.
Proposal 2	06 Votes	Cllrs S du Plessis, JJ Januarie, DJW Kuhn, BH Nteta, AJ Shibili, OC Simpson
Abstained	03	CJ Grootboom, TM van der Merwe. LM Swanepoel
Absent	04	Ald SW van Eeden, Ald HM Jansen, Cllrs E Bosjan, JS Maflika

Proposal 1 carried and Cllr GD Joubert took the chair as Speaker for the meeting. He called on the Director Financial Services to brief Council on the report, which Mr Brown did.

Mr Brown said to be compliant with the timeframes set out in Regulation 23(1) of the Municipal Budget & Reporting Regulations, the Municipality must table this Adjustments Budget within 60 days (today) as was approved on 28 August 2019. If the report was tabled on Tuesday, 29 October 2019, it would have been 62 days and it would have been 2 days outside the compliance bracket and the Municipality would have been non-compliant. Therefore, the unspent amount of R1.3 million must be approved today to be taken up into the budget in order for the amount to be spent on this year's budget. This is a normal process; the grant is for to Provincial Treasury, who gave the approval, the letter is attached to the report and Council must approve the additional amount within 60 days.

The acting Speaker asked for any question of comments. Cllr J Grootboom wanted to know on page 4 of the agenda, under point 23, point 3 about the following paragraph, which he read out loud:

(3)<sup>13</sup> If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of the municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the municipal council to appropriate these additional revenues.

Cllr Grootboom continued by asking whether in the absence of the Mayor the decision to be taken will be legal and whether Council can take such a decision in the absence of the Mayor when he did not technically table the Adjustment budget.

The Municipal Manager said that the acting Mayor is in the Council Chamber and he is the Deputy Mayor and therefore the Council is legally competent to take the decision.

Cllr S du Plessis said that this is a challenges because the acting Mayor is not part of Council as he is acting as the Speaker. So how does this situation legally bind Council to make the decision.

The Municipal Manager said that even the Speaker is the chairman of the Council and he is part of the Council, he participates in the decision making of the Council, he even votes; he does everything. So, its not that the Speaker is not part of the Council and there is no contradiction as far as this is concerned.

The Municipal Manager said the other thing that needs to be understood is that the law is written in such a way that it gives certain responsibilities. When it says a mayor must present a budget it is because a mayor is the political head of a municipal council, but the mayor does not really participate in the preparation of the budget. It is the administration that does that and therefore the administration would submit the report and the mayor would obviously concur with the report of the administration and then it is submitted. That's why all reports normally would take the route via the Mayoral Committee to come to the Council. When we read "*mayor*" there, we must read into that "*the administration*" as well, because it is Administration's responsibility to prepare these things and put it before Council.

The same you would see with the Systems Act - it would say the Municipal Manager must prepare the IDP, but in actual fact there is a certain municipal official designated to prepare the IDP in the oversight of the Municipal Manager. So when

we see the law designate certain responsibilities so that we can understand where the responsibility lies and where the buck stops but it does not necessarily mean the person who does the work is the person who is so designated.

Cllr JJ Januarie said that he did not get what the Municipal Manager is saying because in terms of section 28 of the MFMA the Municipal Budgeting & Reporting Regulations (MBRR) states as follows; and then he wanted to quote what Cllr Grootboom was highlighting for Council. In this Act it does not stipulate what you are saying Mr Mokweni. It says that the mayor must table and in the absence of the mayor the deputy mayor will be the mayor, but the Deputy Mayor now is the Speaker, so we don't have a deputy mayor. So is this legitimate, is it right?

And then Cllr Januarie also wanted to know if this Adjustment Budget was so important, why is the Mayor not here? Council could have waited until later in the day until the Mayor is back, but it seems clear that the Mayor is not serious about his responsibility in this Council.

Cllr NJ Beginsel said that he had just 2 questions about the report A3903. He was a bit confused about the address of the letter: *Die Munisipale Bestuurder, Langeberg Munisipaliteit, Privaatsak X3046, Worcester 6849*. His second question also pertains to the letter and refers to the last paragraph which reads: *"The Provincial Treasury together with the relevant provincial department will continue to monitor the spending of provincial conditional grants allocated to the Municipality"*. He said that they were going to monitor the Municipality and wanted to know whether money has been returned in the past.

Cllr Januarie says the letter was dated 28 August 2019. Why is it so urgent to do it now? Why did Administration not ask for an earlier Special Council meeting?

In response to the question by Cllr Beginsel, Mr Brown said that the Municipality report on a monthly basis to National and Provincial Treasury in terms of Section 71 of the MFMA. This includes reporting on the grants. If money was returned to National and Provincial Treasury. If the spending is not in line with the conditions of the grant you have to return it to National / Provincial Treasury and you can't roll over an amount for the second time. If your roll-over application is approved once, it won't be approved for the second year. In those instances, you have to return the money. In the instance of this letter, the R82 000 must be returned to Provincial Government.

In terms of the question by Cllr Januarie, Mr Brown said that the letter was in the period of the annual financial statement, hence Administration is bringing it to Council today. If they do it at a later stage, it will be non-compliant from the Municipality's side. Mr Brown apologized for submitting it at this point and said that when they became aware of it they tried to be proactive and bring it to this meeting in order to be in the legal time line.

Cllr Du Plessis said that when a letter says *"must"* it is not *"may"*. He would like to know because according to his understanding if it is *"may"* then it can still be turned around, but it is *"must"* so it must happen. He would like to know according to this *"must"* of the Mayor, which structure, which Financial Management Act says the Deputy Mayor *may* act in line with this *"must"*. Because if the Municipality is going to take this decision and it is lawful then the Municipality must also have the lawful Systems or Structures Act and sections in it to say *'Yes, he is entitled to act today in the absence of the Mayor'* when this report says it *must* be tabled by the Mayor.

The Municipal Manager said it is the second time Cllr Du Plessis is asking this question. The first time he (the Municipal Manager) pointed it out to him that (he did not have the Act with him) it is in the Structures Act: when the Mayor is not present the Deputy Mayor becomes the acting Mayor and therefore all the powers and delegations given to the Mayor can be exercised by the Deputy Mayor. Now, obviously the Mayor as far as the Municipal Manager knows, is not well and has not been at work for the last 3 days as far as he knows, so he cannot be at the meeting this morning. And therefore Council has now resolved to appoint the Deputy Mayor as interim Speaker for today but the Deputy Mayor is in the Chamber. He is of the opinion that it is a quagmire that Council has put itself into by appointing the Deputy Mayor to be the acting Speaker as well.

Cllr Swanepoel asked the Director Financial Services whether the R82 000 is included in the R1.3 million or not. Mr Brown replied that it is not.

Cllr Januarie said that he heard what the Municipal Manager said - that the Mayor is off-sick. However, the previous day the Mayor was at Jakes Gerwel School, how is that possible? Cllr Januarie requested a caucus

Cllr Grootboom interjected and said that before the Speaker allowed for the caucus, it is factual that the acting Speaker is now sitting with two caps on and that is a technical point. And on that technical point he is glad that his fellow colleague asked for a caucus. If he retracts then I am asking for a caucus of all the smaller parties with the ANC for 10 minutes.

The acting Speaker granted the caucus from 10h20 - 10h32.

Upon return, Cllr Grootboom said that they still had a few questions in terms of the technicality. They tried to do some research but unfortunately could not get an answer so they ask for the assistance of the Administration, specifically regarding the position of the acting Mayor and as acting Speaker. If they could get a clear answer, he would proceed with the next question.

Cllr J Kriel had a request and when allowed by the Speaker, he asked that the Speaker vacate the Speaker's Chair in order for the meeting to sort out the technical problems of the meeting and he proposed that Cllr AJ Shibili take the chair as Speaker for this meeting. Cllr GD Joubert can then take his chair as acting Mayor. Cllr Joubert replied that he was prepared to withdraw. Cllr Grootboom said that before the acting Speaker did this, he was still awaiting Administration's answer to his question.

The Municipal Manager answered that it is correct that it is difficult that a mayor can be a speaker at the same time. The reason is that the mayor is the head of the executive and the speaker is the head of the legislature and because of the two different rows, it becomes very difficult.

Cllr Grootboom said that he thought the Speaker should still sit in that position as the matter is not finished yet, because the meeting was going in a new direction. Allow Cllr Shibili to say whether he still wants the position *"because you were so eager when you were nominated to take the position, so please sit there. I just want to thank Mr Mokweni also for the answer he gave. That is why I said in the beginning it is very technical, but it was a very great answer, Mr Mokweni. So please be calm in your position and allow Cllr Shibili to give his input. Thank you."*

Cllr Shibili said that procedurally it is not supposed to be Cllr Joubert who preside over the election of a new speaker and he thought the process should start afresh with the head of Administration calling for nominations. It cannot be Cllr Joubert who presides over this session of electing a new speaker.

The Municipal Manager took the Speaker's Chair. He said that the Deputy Mayor has withdrawn himself and asked whether Council can agree that he is withdrawing from the seat, so that the process can start.

The Municipal Manager said Councillors we are now back in the market for a speaker. Can we get a nomination to be the speaker for the day?

Cllr GD Joubert nominated Cllr JDF van Zyl. The proposal was seconded by Cllr SW Strauss. Proposal 1

Cllr CJ Grootboom nominated Cllr NJ Beginsel. Cllr Beginsel does not accept the nomination and as there was not another nomination, Cllr Van Zyl was duly elected as Speaker for the day.

Upon taking the chair, the Speaker wondered whether Council was busy with a meeting or some kind of a circus, but that he believed it was a council meeting. There were many questions put to Bradley Brown and he thinks all were answered. He asked whether there were any more questions.

He allowed Cllr Shibili, who said that Cllr Van Zyl should first suspend his arrogance because he is arrogant to ask whether this is a circus. *"We are adults here; we have kids just like you. We are not here for a circus, we are here for a council meeting and if we want to ask questions we have the full right to do so. Don't bulldoze us with your funny nonsense."* Cllr Van Zyl replied that he had asked whether there are any other questions.

Cllr Shibili said that before he raises a question he must address Cllr Van Zyl to stop being arrogant. That is the first part. The second part that they have debated is that they wanted the Speaker to be removed as the Speaker because he is the Mayor today. The adjustment budget must be tabled by him for us to deliberate on it and that is the correct process, so the Deputy Mayor must now table the adjustment budget.

The Deputy Mayor said that it is his privilege to put to the Council this adjustment budget and he hopes that Council can approve it for the next financial year.

Cllr Shibili said that this was not a tabling of a budget and that details of the budget must be given after which a decision can be taken. The Deputy Mayor must mention figures and say what is happening. He cannot just say he is wishing and wishing.

The Deputy Mayor said that he had nothing in front of him except for the report. Cllr Januarie said that if the Deputy Mayor knew that the Mayor won't be present today, he is unprepared. And he expects for us to just accept what he is putting on the table. It cannot work like that. This governing party must for once take control of the Municipality and if they can't they must let us know so that we can do that.

Cllr Du Plessis said he would not echo what his colleague was saying but it was really not looking good for the Deputy Mayor because the Act just told us now that there is a "must" and a "may" so he may act as a mayor. So, if he acts as a mayor he, according to the law, he was supposed to be prepared and table for us because we cannot take any decisions on this adjustment budget if he has not tabled for us any information.

Cllr Januarie said that what he also wanted to establish was what was going to happen - the letter from the Provincial office came on 28 August 2019. Somewhere, somehow, somebody was not doing his work and we need to keep people accountable for not doing their work. What is the Deputy Mayor going to do about that?

Cllr Grootboom said that it seems that the acting Mayor is not prepared on this point and it gave him a bit of a sour taste in his mouth because it seems that the cooperation between the official Mayor and the Deputy Mayor is not really good. Because he was supposed to be prepared. He (Cllr Grootboom) used to be a deputy mayor and with the mayor at that time, when he knew that he will be absent, he spoke to me and told me "Cllr Grootboom, prepare yourself for this and that and that." So I don't know the cooperation between the two of them, sitting here with an unprepared acting Mayor. It tells me that we are sitting here with a difficult situation. He did not know whether the Deputy Mayor will take the responsibility, but to take a decision today, meaning the Deputy Mayor is unprepared, he was of the opinion that it will not be right.

Cllr Grootboom made the observation that the Municipal Manager had just given some information to the Deputy Mayor, and remarked that the acting Speaker will maybe allow the Deputy Mayor to respond.

Die Waarnemende Burgemeester sê dat die bedrag van R1.357 254.54 miljoen oorgedra word en ingegee word as 'n adjustment budget. Hy stel so voor.

Rdl Januarie sê dat die Waarnemende Burgemeester hom nog nie geantwoord het oor wat met die mense gaan gebeur wat nie hul werk gedoen het nie.

Die Waarnemende Burgemeester antwoord dat hy die saak met die Burgemeester sal bespreek en dit dan verder sal vat. Op 'n vraag van die Waarnemende Speaker of hy tevrede is, antwoord Rdl Januarie dat hy nie tevrede is nie omdat dit 'n antwoord in die lug is. Hy wil graag hê dat die Waarnemende Burgemeester moet sê wanneer hy gaan terugkom om te sê watter korrektiewe aksies geneem is en of hy hom commit om terugvoer te gee. Die Waarnemende Burgemeester antwoord dat daar eerskomende Maandag 'n vergadering met die Burgemeester is wanneer die saak volledig bespreek sal word, waarna terugvoer aan die Raad gegee sal word.

Cllr Du Plessis said that he would like a straight answer from the Deputy Mayor about the provincial letter - did the Mayor ever discuss the letter, why is it only tabled now, did they attend to it, did they keep people responsible or accountable for only bringing it to Council now?

The acting Speaker asked the Deputy Mayor whether this will form part of the discussion the coming Monday with the Mayor and the Mayor. The Deputy Mayor answered in the affirmative.

Cllr Du Plessis said that he would like an answer now and if the Deputy Mayor cannot answer now, he must come back with the answer and also with corrective measures.

Cllr Grootboom said that maybe the Municipal Manager can assist - we are having two senior Councillors - the Mayor and the Speaker that are not here and there are some other colleagues that are not here. It seemed to him that Council will have to vote on the matter. He asked "What is the ratio in terms of percentage of councillors who have to be present before we do a vote on the adjustment budget?" The Municipal Manager said that the Constitution says it must be the majority of the Council, so that is half plus 1, that is 12 Councillors, for the sake of this Council. The majority of those 12 councillors must vote in favour to pass the resolution, if not a decision cannot be taken.

Cllr Grootboom said that his following input would be that he does not feel comfortable with the council resolution and he is making a proposal and he don't know what the other parties feel.

He thinks from the PDM's side, the other parties can speak for themselves, that the meeting recuse the PDM. Thank you. Cllr CJ Grootboom of the PDM left the Council Chambers at 10h50.

Die Waarnemende Burgemeester sê dat hy 'n voorstel gemaak het dat die verslag so aanvaar word.

Cllr BH Nteta said from the ANC's side they also request that the meeting recuse them. The members of the ANC PDM left the Council Chambers at 10h51.

Cllr S du Plessis said "The same with ICOSA, we also wish to recuse ourselves."

COPE, EFF and LIP followed suit.

The Municipal Manager said that with the recusal of the parties there are 10 Councillors left which means that a decision cannot be taken. He suggested that it be recorded that the other Councillors walked out or recused themselves from the meeting and let this item be referred to the Council meeting of 29 October 2019. He thinks that will comply that it was before the Council; it was tabled.

The Director Financial Services said that he agreed with Mr Mokweni.

The Speaker asked whether everyone agreed that the item was tabled within the specific time and there was general agreement. He said that the item will be dealt with at the next general council meeting.

Cllr Beginsel said that when we say 60 days, should it not be Tuesday? The Municipal Manager said, no as today was day 58 so Sunday is Day 60. But it does not say the item must be *approved*, it just says the item must be *tabled*, so it was tabled today. Cllr EMJ Scheffers asked whether it was only weekdays or whether weekends were included. The Municipal Manager said that the reference is to calendar days.

5. **Oorweging van Verslae / Consideration of Reports:**

**A3903 COMPILING OF THE 2019 / 2020 ADJUSTMENT BUDGET (2019/2020) (CHIEF FINANCIAL OFFICER)**

**This item served before a Special Meeting of Council on 25 October 2019**

**Hierdie item het gedien voor 'n Spesiale Vergadering van die Raad op 25 Oktober 2019**

After long deliberations, the following political parties recused themselves from the meeting at 10h50: ANC, ICOSA, PDM, COPE, EFF and LIP.

This recusal was a result of a dispute about the Deputy Mayor who was elected acting Speaker for the meeting and, in the absence of the Executive Mayor these past few days, he has also been the acting Mayor. It was in this last capacity that he had to table the Adjustment Budget to Council. This resulted in a difficulty as he could not act as Speaker *and* Mayor at the same time.

With the recusal of the parties the remaining number of DA members came to 10. As this was not a quorum, a resolution could not be taken for the report to be finalized and consequently the report is to be resubmitted at the Ordinary Council meeting of 29 October 2019.

The meeting ended at 10h54

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SPEAKER

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DATE



**MINUTES OF AN ORDINARY MEETING OF COUNCIL OF THE LANGEBERG MUNICIPALITY**  
**HELD ON 29 OCTOBER 2019 AT 10H00 IN THE COUNCIL CHAMBERS**  
**MUNICIPAL OFFICES, CHURCH STREET, ROBERTSON**

1. **Opening**

The Speaker welcomed the Executive Mayor, the Deputy Executive Mayor, Councillors and the Administration to the meeting. Reverend Clive Sparkes of the Methodist Church in Robertson opened the meeting with a message that doing small things acts of kindness for those in need can make a huge difference in the life of the recipient and the giver. He encouraged the Councillors to be of good faith, to have heart and to never lose hope.

2. **Attendance**

Ald Van Eeden, SW .....	Speaker
Ald Jansen, HM.....	Executive Mayor
Cllr Joubert, GD .....	Deputy Executive Mayor
Ald Burger, JD.....	Councillor (Member of the Mayco)
Cllr Janse, DB .....	Councillor (Member of the Mayco)
Cllr Scheffers, EMJ .....	Councillor (Member of the Mayco)
Cllr Strauss, SW.....	Councillor (Member of the Mayco)
Cllr Beginsel, NJ.....	Councillor
Cllr Bosjan, E .....	Councillor
Cllr Du Plessis, S .....	Councillor
Cllr Grootboom, CJ .....	Councillor
Cllr Hess, P .....	Councillor
Cllr Januarie, JJ .....	Councillor
Cllr Kriel, J .....	Councillor
Cllr Kuhn, DJW.....	Councillor
Cllr Maflika, JS .....	Councillor
Cllr Mangenengene, HF .....	Councillor
Cllr Nteta, BH .....	Councillor
Cllr Shibili, AJ .....	Councillor
Cllr Simpson, OC .....	Councillor
Cllr Swanepoel, LM .....	Councillor
Cllr Van der Merwe, TM .....	Councillor
Cllr Van Zyl, JDF .....	Councillor
Mr Mokweni, SA .....	Municipal Manager
Mr Everson, AWJ .....	Director Corporate Services
Mr Brown, B .....	Chief Financial Officer
Mr Johnson .....	Director Engineering Services
Mr Mgajo, M.....	Director Community Services
Ms Matthys, CO .....	Director Strategy & Social Development
Ms Kotzé, S.....	Manager Administrative Support
Ms Burger, E .....	Chief Clerk General Administration

3. 3.1 **Applications for leave of absence / Aansoek om verlof tot afwesigheid**

None / Geen

3.2 **Absent without leave / Afwesig sonder verlof**

None / Geen

4. **Goedkeuring van Notule / Approval of Minutes:**

- 4.1 That the Minutes of an Ordinary meeting of the Council of the Langeberg Municipality held on 28 May 2019 at 10h00 in the Council Chambers Municipal Offices, Church Street, Robertson be approved and confirmed.

*Dat die Notule van 'n Gewone Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 28 Mei 2019 om 10h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson goedgekeur en bekragtig word.*

- 4.2 That the Minutes of an Ordinary Meeting of Council of the Langeberg Municipality held on 25 September 2019 at 10h00 in the Council Chambers Municipal Offices, Church Street, Robertson be approved and confirmed.

*Dat die Notule van 'n Gewone Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 25 September 2019 om 10h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson goedgekeur en bekragtig word.*

- 4.3 That the Minutes of a Special Meeting of Council of the Langeberg Municipality held on 01 October 2019 at 14h00 in the Council Chambers Municipal Offices, Church Street, Robertson be approved and confirmed.

*Dat die Notule van 'n Spesiale Vergadering van die Raad van die Langeberg Munisipaliteit wat gehou was op 01 Oktober 2019 om 14h00 in die Raadsaal, Munisipale Kantore, Kerkstraat, Robertson goedgekeur en bekragtig word.*

5. **Verklarings en Mededelings deur die Speaker / Statements and Announcements by the Speaker**

The Speaker congratulated Cllrs P Hess and EMJ Scheffers with their birthdays in October. He wished them a year of good health and happiness. He also wished the Springboks success with their participation in the final game of the Rugby World Cup 2019.

6. **Onderhoude met Afvaardigings / Interviews with Delegations**

None / Geen

7. **Verklarings en Mededelings deur die Burgemeester / Statements and Announcements by the Mayor.**

Die Uitvoerende Burgemeester het gesê dat hy van plan is om met die Wes-Kaapse Premier te praat oor die padwerke in Langebergstreek. Hy wil die gemeenskap se dankbaarheid uitspreek vir die opgraderings, maar ook sy diepe kommer oor die hoë padsterftesyfer, veral op die Robertson Worcesterpad. Die meeste lewensverlies is uit die Langeberggemeenskap, veral die afgelope jaar. Die rede vir die hoë padongeluksyfer is omdat daar géén verkeersbeheer op die pad is nie. Mense raak gefrustreerd met die lang wagperiodes by die stop-rypunte en op die oop stukke ry hulle dan te vinnig en maak ongelukke. Hy gaan versoek dat meer verkeerspersoneel toegewys word aan dié paaie om die verkeer te beheer.

Die Burgemeester het ook gesê met die naderende feesseisoen en die warm somer, ontstaan brande baie maklik. Brande in plakkerskampe is altyd 'n groot bekommernis en die Minister van Menslike Nedersettings, Tertuis Simmers, het gesê daar is materiaal en hulp beskikbaar, die Munisipaliteit moet net daarvoor aansoek doen. Raadsheer Jansen het 'n beroep op die Administrasie gedoen om proaktief aansoek te doen vir dié materiaal en hulp sodat dit in voorraad is en behoewendes dadelik gehelp kan word in tye van nood.

RdI JJ Januarie wou by die Burgemeester weet waarom hy nie uitgenooi was na die besoeke van twee provinsiale ministers in die onlangse verlede in Wyk 4 Bonnievale nie. Hy het sy teleurstelling uitgespreek omdat hy nie uitnodigings ontvang het na die funksies nie. Die Burgemeester sê dat sy Kantoor nie die funksies gereël het nie en dat hy ook net 'n genooide gas was.

The Speaker asked the Mayor whether he wished to answer a question that Cllr AJ Shibili had for him. When the Mayor agreed to hear the question, Cllr Shibili said that in the last Engineering Services Portfolio Committee meeting the Chairperson, Cllr J Kriel, alluded to the fact that Mr Maynard Johnson is an acting director and that he has not yet been appointed on a permanent basis. This rumour is in the corridors but, said Cllr Shibili, his understanding was that Mr Johnson has been appointed as a full director. The Mayor said that Mr Johnson's appointment as full director is subject to the result of his psychometric test. The Municipal Manager said the competency requirement is in line with The Regulations for the Appointment of

Senior Managers. It has to be done in order to protect the Municipality and appointments are only confirmed after competency assessments have been finalized. Mr Johnson's competency assessment have been received and his contract of employment is being finalised. In order to ease off the work load of the Director Corporate Services who was acting as Director Engineering Services as well, at the time, he thought it practical for Mr Johnson to occupy the position while the contract is being finalized

8. **Dringende Aangeleenthede en Verslae, Verklarings & Mededelings voorgelê deur die Munisipale Bestuurder. Urgent Matters and Reports, Statements & Announcements submitted by the Municipal Manager.**

The Municipal Manager will deal with 2 urgent reports (A3903 & A3906) as part of the main agenda.

9. **Consideration of Notice of Motions / Oorweging van Kennisgewing van Mosies**

None / Geen

10. **Oorweging van Kennisgewing van Vrae / Consideration of Notice of Questions**

None / Geen

11. **Oorweging van Dringende Mosies / Consideration of Urgent Motions**

None / Geen

12. **Oorweging van Verslae / Consideration of Reports:**

12.1 **Reports submitted to Council for consideration (A Items)**  
**Verslae voorgelê aan die Raad vir oorweging (A-Items)**

**A3887 QUARTERLY REPORTING ~ LOCAL TOURISM ASSOCIATIONS – TOURISM PROJECTS & SMME DEVELOPMENT IN PRECEDING FINANCIAL QUARTER – 01 JULY 2019 TO 30 SEPTEMBER 2019 (12/2/3/3) (MANAGER: SOCIAL DEVELOPMENT)**

The Deputy Mayor said that the latter part of the recommendation (*"and the next quarter - October, November & December 2019"*) should be removed from the resolution as a report cannot be accepted before something has happened. Cllr BH Nteta asked the Tourism Offices to inform Councillors of their programmes so that they can become part of the tourism events.

A heated discussion ensued about Councillors right to speak at Council meetings and Cllr S du Plessis said that the Speaker never allows Councillors enough time to voice their opinions. He said this creates animosity and requested to be treated with respect. The Speaker served Cllr S du Plessis with his first warning to stop talking and order was restored.

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That the presentations made by the Local Tourism Offices for the previous quarter (July, August & September 2019) be accepted.
2. That the Tourism Offices inform Councillors of their programmes so that the Councillors may become part of the tourism events

**A3888 MONTHLY REPORTING ~ LOCAL TOURISM ASSOCIATIONS – AUGUST 2019 (12/2/3/3) MANAGER: SOCIAL DEVELOPMENT**

Cllr JJ Januarie raised a concern that the entrance fees at a large number of the festivals are so high that the local communities cannot afford to attend. Yet, the Municipality annually makes large contributions towards these festivals, be it in monetary value or in the form of labour or other municipal-related services. He requested that an investigation be done to determine how the local festivals can be made more accessible for the ordinary citizens. One way would be to set a special entrance fee for local residents. He would also like to see that Councillors and senior managers receive complimentary tickets to such tourism events.

Cllr S du Plessis said that it was important to note that the Montagu Ashton Tourism Association reports on activities other than just their own. He wished Council to take note of the Herb Festival organized by the Montagu Museum as reflected in the report. He is Chairman of the Montagu Museum Board of Trustees and as such, wished to bring to Council attention the wide reporting format of Montagu Ashton Tourism.

The Speaker said that when Councillors receive written invitations to tourism events they must be sure to RSVP their attendance.

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

That the reports from the Local Tourism Associations for August 2019 be noted.

**A3889 QUARTERLY REPORTING ~ LOCAL TOURISM RELATED EVENTS IN THE LANGEBERG MUNICIPAL AREA FROM 01 JULY 2019 TO 30 SEPTEMBER 2019 (12/2/3/3) (MANAGER: SOCIAL DEVELOPMENT)**

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

That Council notes the contents of the report

**A3890 CLOSING OF MUNICIPAL OFFICES: DECEMBER 2019 / JANUARY 2020 (4/7/1) (DIRECTOR CORPORATE SERVICES)**

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That approval be granted that the municipal offices may close on Friday, 20 December 2019 at 13h00 and re-open on 06 January 2020.

*Dat goedkeuring verleen word vir die sluiting van die munisipale kantore op Vrydag, 20 Desember 2019 om 13h00 en heropen op 06 Januarie 2020.*

2. That the December 2019 salaries be paid by the latest on 16 December 2019.

*Dat die Desember 2019 salarisse nie later nie as 16 Desember 2019 betaal word.*

3. That normal standby, refuse removal and emergency services still be rendered during the period mentioned under point 1 above.

*Dat die normale bystand, vullisverwydering en nooddienste steeds gedurende die periode soos onder punt 1 hierbo gemeld, gelewer word.*

4. That proper notice of the closure of the municipal offices be given to the public.

*Dat behoorlike kennis oor die sluiting van die kantore aan die publiek gegee word.*

5. That in the event of some officials not wanting to take leave for the entire period mentioned above, they be allowed to return to work in the period 02 and 03 January 2020 on condition that there is official work for them to be done during this period.

*Dat in die geval waar amptenare nie vir die volle periode soos bo genoem verlof wil neem nie, hulle toegelaat sal word om terug te keer werk toe gedurende 02 tot 03 Januarie 2020, op voorwaarde dat daar amptelike werk vir hulle sal wees om gedurende die tyd te doen.*

6. That the authority be delegated to the Municipal Manager to consider and approve any future closing of municipal offices.

*Dat die bevoegdheid aan die Munisipale Bestuurder gedelegeer word om enige toekomstige sluiting van munisipale kantore te oorweeg en goed te keur.*

**A3891 QUARTERLY REPORTING ~ LOCAL ECONOMIC DEVELOPMENT: APRIL – JUNE 2019  
(9/2/19), DIRECTOR STRATEGY & SOCIAL DEVELOPMENT**

Cllr S du Plessis said that he would like to recognize that the SEDA is working well for entrepreneurs who want to work. Following a question by Cllr JJ Januarie, the Municipal Manager said that the vacant post of *Manager LED* will not be filled and that a portfolio consisting of Tourism & LED has been created, which now falls under the jurisdiction of the Manager Social Development.

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

That Council notes the contents of the report for the period July to September 2019.

**A3892 RESUBMISSION: PERMISSION REQUESTED TO BURY THE SKULL OF MR KOOS SAS IN  
DONKERKLOOF, MONTAGU MOUNTAIN RESERVE (ACT. MANAGER PARKS & AMENITIES)**

A discussion took place about burial of the remain of Mr Sas. Cllr S du Plessis said it will enhance social cohesion as it will acknowledge the Khois and the San. Cllr CJ Grootboom inquired whether the space in Donkerkloof will have to be rezoned. A discussion took place and the Municipal Manager said that the current recommendation is a transgression Council's own policy. He is also worried as there is no official letter from the Department of Cultural Affairs & Sport in which they agree to carry the cost of the interment. In the proposed resolution we are committing on the strength of an email by a Dr Boesak who is not employed by the Province. It is only the CFO or the HOD of that Department who may give a letter committing the Department for the cost.

Cllr S du Plessis said that he spoke with Dr Boesak who told him that he had a letter from the Department, so why was this departmental letter not part of the report from the beginning?

Cllr JJ Januarie proposed that Council approves the request of Dr Boesak in principle, pending the resolving of the legal and cost issues. Cllr S du Plessis seconded the proposal.

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That Council approves the request for the burial of the skull of Mr Koos Sas in the rock face in the Montagu Mountain Reserve of Donkerkloof in principle, subject to the legal and cost issues being sorted out with the relevant provincial departments.
2. That once the issues mentioned in paragraph 1 have been resolved, the report be resubmitted to Council for consideration.

**A3893 CLOSURE OF DIRKIE UYS SWIMMING POOL ON 30 MARCH 2020 & CLOSURE OF THE  
POOL ON PUBLIC HOLIDAYS IN DECEMBER 2019 & JANUARY 2020 (MANAGER:  
COMMUNITY FACILITIES)**

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That Council notes that the Dirkie Uys Swimming Pool will close earlier in 2020 (on 30 March 2020) in order to allow sufficient time to complete the refurbishment of the swimming pool sand filter.

2. That the Dirkie Uys Swimming Pool close on the respective public holidays in the upcoming festive season to minimize the result of any incidents that may occur due to overcrowdedness on the public holidays.

**A3894    PROGRESS REPORT ON JOB OPPORTUNITIES CREATED FOR THE PERIOD JULY-SEPTEMBER 2019 (LED DEPARTMENT) (9/2/19)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That Council notes the contents of the progress report on job opportunities for the period July to September 2019.

**A3895    RESUBMISSION: DRAFT LANGEBERG MUNICIPALITY AIR QUALITY BY-LAW (17/1/5/1) (MANAGER: SOCIAL DEVELOPMENT)**

Cllr SW Strauss proposed that the report be approved however, Cllr S du Plessis asked that the report be referred back so that Councillors will have time to discuss the penalties that have been attached to the offences as it has only now been distributed to Councillors. Upon discussion and clarification by the Director, Cllr Strauss retracted her proposal and Cllr D Plessis' proposal stood.

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That the report be referred back in order for Councillors to consider the penalties that have been attached to the various offences and also to allow enough time for the translation into Afrikaans of the By-Law, where after the report be resubmitted to Council for consideration.

**A3896    PROGRESS REPORT ON ASLA - ALLOCATED HUMAN SETTLEMENTS PROJECTS WITHIN LANGEBERG MUNICIPALITY**

Cllr AJ Shibili said that with the visit of the Minister of Human Settlements the previous week it transpired that the houses will no longer be built in Nkqubela and Bodorp this financial year, except for 68 units in McGregor. He requested the Mayor to inform Council what the Minister said about these projects. He said that afterwards in the legislature, the Minister was asked by ANC representatives why the projects were changed and that he will relay *that* answer to Council as well.

The Mayor reiterated that his Office did not send out the invitations or organize this visit of the Minister. During the visit Min Simmers said that in *all* the municipalities a lot of the projects' monies have been withdrawn, the reason being that there is no money available. The Mayor said that these are approved projects so why are they being taken back? The only project that will be completed is the partially finished housing project in McGregor. The Minister was then informed that Langeberg has projects that are completely ready for the constructing of houses to start - the infrastructure is ready and waiting, e.g. the project in Nkqubela. The Minister said that he will be back early in January 2020 and will provide Council with a comprehensive report.

Cllr Shibili said that in an ANC Portfolio meeting it was reported that the Minister said houses cannot be build in Nkqubela because Langeberg Municipality is not ready and will not be able to utilize the money before the end of the financial year. It was also said that Langeberg Municipality has no implementing agent. For these two reasons the money was withdrawn in order to not make Langeberg Municipality look bad. Clearly what was said to the Mayor and the Councillors during the Minister's visit and what he said in the legislature are two different things. This needs to be corrected by submitting a letter to the Minister before the November 2019 Community Services Portfolio Community meeting, stating the reasons why the Municipality is, in fact ready to proceed with the construction of houses e.g. the project in Nkqubela. The letter should also state clearly that Langeberg Municipality retains the services of an implementing agent - *Asla Construction (Pty) Ltd*. If Administration has difficulty in doing this, they may provide him with all the details and documentation and he shall do it himself. The Speaker agreed with Cllr Shibili that if the Minister did indeed say these things in the legislature, then Langeberg Municipality should act in accordance with Cllr Shibili's remarks.

Cllr Du Plessis said that Strydom Street Housing is a ministerial project and in the Memorandum of Understanding (MOU) the promise was made to the community that the project will be finalized this year. Was this mentioned to the Minister and what was his response? At the last Community Services Portfolio Community meeting Councillors were informed that the Minister will not commit himself to extra costs for the Strydom Street project. Cllr Du Plessis wants this information as he urgently needs to inform his constituents of this long-overdue matter.

About the implementing agent, the Director Community Services said that he has prepared a presentation outlining all the projects on the Langeberg Municipality Housing Pipeline and the status of projects in terms of its readiness. The presentation also states the fact that the Municipality is implementing the housing projects based on the implementing agent, which is Asla. There could have been no misunderstanding as there was also a council decision in this regard. As the Mayor said, the Minister will visit again in January 2020 for the other projects. When it comes to Strydom Street, the Municipality has communicated in writing to the Department and the Minister spoke in length as it was also presented to him as part of the pipeline and there was an agreement that the amount that was made available this financial year will be moved to the next financial year to become an amount available as a planning fee amount, not for construction because of the complexity of the issues and the fact that there's more money that will be required on top of that so that whenever it is ready after the full complete planning process has been done, then a request for the construction of the top structure will then be considered at that stage. And that now does not only mean for the 14 houses, but it's all the other affected similar houses in the area. That was clearly communicated.

Cllr Shibili said that this was bad news for Langeberg at large as Uitsig won't get houses now. He has postponed 2 of his committee meetings because there was nothing to tell them but he shall probably have a meeting with them on Thursday. He thinks it is only fair that those that had the meeting with the Minister should accompany him to the meeting to inform the community about what was said about this issue. The other matters they will deal with politically in the legislature. The Mayor indicated that he will attend Cllr Shibili's meeting.

Cllr Du Plessis said about the Strydom Street project he was part of a meeting with the community where the progress of the project was put to them. Since then, things have changed and the Municipality must inform the community about the new status of the project. People were even informed in writing that they will be removed for the duration of the renovations. The Municipality must take responsibility and go back to the people and tell them of the newest outcome and that it will not happen this year.

Cllr JJ Januarie agreed with Cllr Du Plessis and said that there might be an uprising amongst the community and therefore Council must take responsibility as a collective. He also wanted to put it on record about the discretionary funds for the emergency kits and the fact that Minister Simmers who committed himself about the defective houses - did Administration already submit the request? Alternatively, when will they submit it and how long will it take? The Director said that a report was being compiled for the discretionary funds for the fire kits. It will be submitted by the Office of the Municipal Manager to the MEC. Regarding the defects of the houses, a comprehensive report including all defective houses is being compiled. Cllr Januarie expressed his deep concern about the state some of the houses are in and said that some walls may actually collapse on the inhabitants. The matter should therefore be handled with urgency.

Cllr BH Nteta said that at the last budget workshop about Heidiland, Bruwersland, Zandvliet, there was a person from the Department who was going to visit Langeberg to make a submission in November. So far, there is nothing about this in the agendas.

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

That Council takes cognisance of the current progress housing pipeline report for the Langeberg Municipality.

**A3897 MONTHLY REPORTING FROM THE LOCAL TOURISM ASSOCIATIONS – SEPTEMBER 2019  
(12/2/3) MANAGER: SOCIAL DEVELOPMENT**

**This item served before an Ordinary Meeting of Council on 29 October 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019**  
**Eenparig Besluit / Unanimously Resolved**

That the reports from the Local Tourism Associations for September 2019 be noted.

**A3898 REPORT FROM THE MAYORS OFFICE REGARDING HIS DISCRETIONARY FUND SPENDING FOR THE PERIOD 1 JULY 2018 TO 30 JUNE 2019**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

1. That the contents of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

2. That the Grant-in-Aid Policy be distributed to all Councillors.

*Dat die Beleid vir Hulptoekennings aan alle Raadslede voorsien word.*

**A3899 FINANCIAL REPORTING IN TERMS OF SECTION 71 FOR THE MONTHLY BUDGET STATEMENT & SECTION 52 (D) FOR THE QUARTERLY BUDGET ASSESSMENT STATEMENT FOR SEPTEMBER 2019 (9/2/1/3) (CHIEF FINANCIAL OFFICER)**

The Executive Mayor presented the Executive Summary to Council.

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**A3901 EXPENDITURE OF THE 2019/2020 BUDGET MEASURED BY THE TOP LEVEL SDBIP FOR THE FIRST QUARTER (MID YEAR) (5/1/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**A3902 APPLICATION TO LEASE DASSIESHOEK HOUSE 2 SITUATED IN DASSIESHOEK, ROBERTSON (7/2/3/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION) ~ Was B5544 ~**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

1. That it be confirmed that the municipal building, Dassieshoek House 2 situated in Dassieshoek, Robertson is not needed for the provision of the minimum level of basic municipal services (s14 of the MFMA 2003, act 56 of 2003)

*Dat dit bevestig word dat die munispale gebou, Dassieshoek Huis 2 geleë te Dassieshoek, Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese dienste nie. (S14 van die MFMA, Wet 56 van 2003)*

2. That the application received from Ms C Visser for the lease of the municipal building, Dassieshoek House 2 situated at Dassieshoek, Robertson for a guest house not be approved.



*Dat die aansoek vanaf van Me C Visser vir die huur vir die munisipale gebou, Dassieshoek Huis 2 geleë te Dassieshoek, Robertson vir 'n gastehuis nie goedgekeur word nie.*

3. That the municipal building, Dassieshoek House 2 situated at Dassieshoek, Robertson be leased "voetstoots" by way of public tender for a period of 9 years 11 months subject to the following conditions:

*Dat die munisipale gebou, Dassieshoek Huis 2 geleë te Dassieshoek, Robertson voetstoots verhuur word vir 'n periode van 9 jaar 11 maande by wyse van 'n publieke tender onderworpe aan die volgende voorwaardes:*

- 3.1 That the intention of the Municipality to lease the property for a period of 9 years 11 months be advertised for comments.

*Dat die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande geadverteer word vir kommentaar.*

- 3.2 That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the property for a period of 9 years 11 months be communicated to National Treasury and if no written views or objections were received, the property be leased by way of public tender.

*Dat na die tydperk vir kommentare verstryk het en geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande aan Nasionale Tesourie gekommunikeer word en indien geen geskrewe opinies en besware ontvang word nie, daar voortgegaan word om die eiendom per openbare tender te verhuur.*

- 3.3 That the Dassieshoek House 2 situated at Dassieshoek, Robertson be leased at a market related tariff. The rental amount will escalate annually with a percentage that will be determined by the yearly CPIX.

*Dat die Dassieshoek Huis 2 geleë te Dassieshoek, Robertson verhuur word teen 'n markverwante tarief. Die huurtarief sal jaarliks eskaleer met 'n persentasie wat bepaal word deur die VPI.*

- 3.4 That the Lessee is responsible for the payment of the insurance of the building, which is calculated as a percentage of the municipal insurance portfolio and will be billed monthly.

*Dat die Huurder verantwoordelik is vir die betaling van die versekering van die gebou wat bereken word as 'n persentasie van die munisipale versekeringsportefeulje en sal maandeliks gehef word.*

- 3.5 That the Lessee is responsible for the payment of all services rendered to the facility.

*Dat die Huurder verantwoordelik is vir die betaling van alle dienste aan die perseel.*

- 3.6 That the Lessee is responsible for the maintenance and repairs to the building, for their own account.

*Dat die Huurder verantwoordelik sal wees vir die instandhouding en herstelwerk aan die gebou, vir hul eie onkoste.*

- 3.7 No water sport (boating, canoeing etc), swimming or fishing activities are allowed on the dam.

*Geen watersport (roei, kanovaart, ens.) swem of visvangaktiwiteite word op die dam toegelaat nie.*

3.8 The Lessee may not use any water from the dam for irrigation purposes.

*Die Huurder mag geen water uit die dam vir besproeiingsdoeleindes gebruik nie.*

3.9 That no structures may be erected on the premises without written approval of the Municipality.

*Dat geen strukture op die perseel opgerig mag word sonder skriftelike goedkeuring van die Munisipaliteit nie.*

3.10 That no alterations may be done to the building without the written consent of Council.

*Dat geen veranderinge aan die gebou gemaak mag word sonder die skriftelike toestemming van die Raad nie.*

3.11 That no portion of the property may be sublet without the written approval of Council.

*Dat geen gedeelte van die eiendom onderverhuur mag word sonder die skriftelike goedkeuring van die Raad nie.*

3.12 That the Municipality will have unrestricted access to the property if there is any maintenance to be done.

*Dat die Munisipaliteit onbeperkte toegang tot die eiendom sal hê indien daar enige herstelwerk gedoen moet word.*

**A3903 COMPILING OF THE 2019 / 2020 ADJUSTMENT BUDGET (2019/2020) (CHIEF FINANCIAL OFFICER)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That the Adjustments budget for 2019 / 2020 as submitted be approved.

**A3904 KEY PERFORMANCE INDICATORS TO BE AMENDED - THE TOP LAYER SDBIP (2019 / 2020) (DIRECTOR: STRATEGY & SOCIAL DEVELOPMENT)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That Council approves the amendment to the KPI's on the Top level SDBIP's for 2019 / 2020, as reflected in the report.

**A3905 ADDITIONAL INFORMATION REGARDING INCREASE ON INDUSTRIAL / BULK CONSUMER ELECTRICITY TARIFFS BASED ON NERSA APPLICATION APPROVED IN JULY 2019 (CHIEF FINANCIAL OFFICER)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019

Cllr J Kriel of the DA said that when the budget was discussed and before it was approved, it was said that all electricity tariffs will increase with an average of 16%. The budget was approved and now, when consumers received their account, the 11kv consumers (our big consumers such as factories, cellars etc) saw that their kilowatt hour increased with more than 28%. The average increase is between 21 - 26 % depending on various factors. The Municipality has approximately 45 x 11kv consumers of which just one is not agricultural based.

As in the rest of the country, the Langeberg Municipality is experiencing one of the worst droughts in 50 years and we are hitting our agricultural clients with an electricity rate increase of more than 20%. He said that he was contacted by 2 or 3 cellars, and that he has them and a pump scheme and a factory on hold as they wanted to contact the media. They said the information on Langeberg's web site is 16% and now their accounts are much higher, so they wanted to go to the newspapers. He told them to wait for today's Council meeting and they will phone him this afternoon.

Cllr Kriel continued and said that the government has just permitted any consumer to buy electricity directly from Eskom. Langeberg already has users that buy directly from Eskom even though they fall within our license area. The individuals who contacted me said that because of the increase they will lay their own electricity lines to meet up with Eskom's and will then buy their electricity from Eskom. This will have big financial implications for the Municipality in future. Agriculture is the biggest economy and provider of work in the Langeberg. He made some calculations and between 500 - 1 000 workers will become jobless should these electricity tariffs be introduced. The Municipality buys approximately 50 - 60% of its Montagu water from the CBR pump scheme. That cost is going to increase with between 25 - 27% which means that the Municipality is shooting itself in the foot. NERSA said that all the rural areas must be transferred to Eskom - we have taken a decision "*No, we are going to court, it cannot happen.*" When NERSA made a recommendation to the Municipality to say this is what you should charge your customers, the Municipality said "yes", because it suited us. The Municipality must be careful about vacillating like this between two choices.

Cllr Kriel proposed:

That the average electricity tariff increase for all Langeberg Municipality's consumers be no more than 16%.

Cllr Kriel proceeded by saying that this 16% was according to Council's decision in the budget and this was what all the Councillors assumed. Administration withheld information from Council - intentionally or unintentionally and it bothers him a lot.

The Speaker called for comments from the floor.

Cllr AJ Shibili asked Cllr Kriel what his interest was and Cllr Kriel said that he is the Ward Councillor of Ward 7 of which a large part is agricultural based. He also represents Cogmanskloofs Irrigation Board who provides a large amount of water to the Municipality and as all of the other Councillors, he sat there as a representative of the people outside. If this decision causes people to become unemployed in the Langeberg, all Councillors are responsible. He does not benefit personally from such a decision; his electricity increased with 16%. He will receive less from the cellar the same as any farmer, he will get less at Langeberg for the products he supply to them, his water will not increase with 16% as budgeted for but rather with 23%. This situation is the same for all farmers. Referring to the drought he mentioned De Hoop, Dassieshoek, Keisie and Poortjieskloof Dam is empty. Our farmers are on their knees, along with our workers. Our communities are suffering. He is not here for his own benefit, but for the benefit of the Langeberg community.

Cllr S du Plessis wanted to know whether it would be legal to lay one's own electricity lines to meet up with Eskom's and to then buy electricity from Eskom. Is the Municipality indemnified against such a wrongful act, should it be unlawful? To him it feels like a threat - *if you don't decrease we will go our own route.*

Mr B Brown put the entire report in context by giving the background and detail as contained in the report. He also explained the tariff increases with special reference to the effects of the 16% increase on the 11kv consumers.

Following a question by Cllr Du Plessis, Cllr Kriel said that it was not the *farmers* that were going to pay more, but the large industries. When you look at the entire package and at the average increase, that is what it amounts to. He added that he did not propose that *no* increase should take place, only that it should be phased in over 4 or 5 years. One cannot allow that the average account increases by more than 20% when the Municipality announced that the increase will be 16%.

Cllr Shibili said that the big consumers make more money and should therefore pay more for electricity. Also, farmers can no longer complain about losing jobs for farm workers as they are already on a campaign of only appointing foreigners such as Sotho's and Zimbabweans. So, if they want to go to Eskom, let them go, but they cannot threaten us.

Cllr CJ Grootboom said that Council must apply its mind with the information before them. What Cllr Kriel has mentioned, no one has that information at hand. Therefore, in terms of freedom of choice he agreed with Cllr Shibili that those consumers are free to go to Eskom. Council has to bear in mind, however, that the Municipality will lose some revenue.

The Municipal Manager gave his insights and said that he scrutinized the entire tariff book and is quite comfortable with the report and its recommendations as submitted by the CFO.

Cllr J Kriel proposed that all the tariffs of the 11kv increase with 16% and that these increases be phased in over 5 years and that the advantages, disadvantages and results of the increase be provided to Council in writing. The proposal was seconded by Cllr GD Joubert. Proposal 1

Cllr JJ Januarie proposed that the report's recommendation be accepted. The proposal was seconded by Cllr AJ Shibili. Proposal 2

As there were two proposals on the table, the Speaker requested Council to vote on the proposals.

#### Result of the voting process

<u>Proposal</u>	<u>Number of Votes</u>	<u>Voters</u>
Proposal 1	12 Votes	Cllrs NJ Beginsel, Ald JD Burger, P Hess, DB Janse, Ald HM Jansen, GD Joubert, J Kriel, HF Mangenengene, EMJ Scheffers, SW Strauss, Ald SW van Eeden, JDF van Zyl.
Proposal 2	08 Votes	Cllrs E Bosjan, S du Plessis, CJ Grootboom, JJ Januarie, JS Maflika, BH Nteta, AJ Shibili, OC Simpson,
Abstained	03	Cllrs TM van der Merwe, LM Swanepoel, DJW Kuhn
Absent	00	

Proposal 1 carried.

#### Besluit / Resolved

1. That Council notes and accepts the reasons provided for the increase above the average of 16% for the Energy Charge (kwh) for Industrial / Bulk Consumer Electricity (11kv) that is a component within the tariff.
  2. That Council notes the average tariff increase per tariff is 16%.
  3. That Council, however, implements the increased component to a maximum of 16% within the tariffs for Industrial / Bulk Consumers (Large Power User 11kV Connection).
- \* The ANC requested that its disagreement with the resolution be noted.
  - \* Cllr Grootboom said that if there is a loss of revenue because of this council resolution, the DA Councillors who voted for this item should take responsibility for the loss and if it impacts on their purse, they should take note.

#### **A3906 FEEDBACK TO COUNCIL: EXECUTION OF COUNCIL RESOLUTIONS: JULY TO SEPTEMBER 2019 (3/2/1/3) (MUNICIPAL MANAGER)**

This item served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

12.2      Reports submitted to Council for consideration (AA Items)  
Verslae voorgelê aan die Raad vir oorweging (AA-Items)

None / Geen

12.3      Reports dealt with in terms of the delegated powers by the Mayoral Committee (B & BB Items)  
Verslae afgehandel deur die Burgemeesterskomitee in terme van gedelegeerde bevoegdhede (B & BB-Items)

These items served before an Ordinary Meeting of Council on 29 October 2019  
Hierdie items het gedien voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019  
Eenparig Besluit / Unanimously Resolved

That Council notes the B and BB reports that were dealt with by the Executive Mayoral Committee in terms of the delegated powers.

*Dat die Raad kennis neem van die B en BB verslae wat deur die Uitvoerende Burgemeesterkomitee in terme van gedelegeerde bevoegdhede hanteer is.*

The meeting ended at 12h36

\_\_\_\_\_  
SPEAKER

\_\_\_\_\_  
DATE

# A ITEMS

A3907	LB BRUWER EN SEUNS BOERDERY (PTY) LTD: APPLICATION TO PURCHASE A PORTION OF MUNICIPAL LAND (2.5 HA) SITUATED ON PORTION OF PORTION 22 (PORTION OF PORTION 4) FARM OVER HET ROODEZAND NO 112, ROBERTSON (7/2/3/2/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	28
A3909	RE-DRAFTING OF THE LANGEBERG LOCAL MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (LSDF): (MANAGER: TOWN PLANNING)	33
A3910	RESUBMISSION: UMSIZA PLANNING: APPLICATION TO CLOSE AND LEASE A PORTION OF ROBERTSON STREET (561M <sup>2</sup> ), ROBERTSON (7/2/3/2/5 17/3/1/6/3/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	35
A3911	ESTABLISHMENT OF A GENDER COMMISSION IN LANGEBERG MUNICIPALITY (12/2/1/10) (DIRECTOR STRATEGY & SOCIAL DEVELOPMENT)	43
A3912	ROBERTSON WINERY (PTY) LTD: APPLICATION TO PURCHASE A PORTION OF MUNICIPAL LAND SITUATED ON ERF2 (±5.5 HA) KNOWN AS "EILANDE", ROBERTSON (7/2/3/2/5: 7/2/3/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	45
A3913	RESUBMISSION 2: UMSIZA PLANNING: APPLICATION FOR REGISTRATION OF A FUTURE PIPELINE SERVITUDE OVER MUNICIPAL LAND OVER PORTIONS 44 OF FARM ROODEHOOGTE 47 (±40M LONG) & PORTION 45 OF FARM ROODEHOOGTE 47 (±406M LONG), ROBERTSON (15/4/12/R) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	53
A3914	PROGRAMME OF DATES FOR MEETINGS 2020 ~ SECTION 79 COMMITTEES, EXECUTIVE MAYORAL COMMITTEE AND COUNCIL ~ JANUARY TO DECEMBER 2020 (3/2/3/1) (DIRECTOR CORPORATE SERVICES)	60
A3915	AMENDMENT OF MIG DETAILED PROJECT IMPLEMENTATION PLAN - 2019 / 2020, 2020 / 2021 AND 2021 / 2022 (17/8/3/5/3) (MANAGER PROJECT MANAGEMENT)	70
A3916	PROGRESS REPORT - ASLA ALLOCATED HUMAN SETTLEMENTS PROJECTS WITHIN LANGEBERG MUNICIPALITY – OCTOBER 2019 (DIRECTOR COMMUNITY SERVICES)	72
A3917	EXPENDITURE OF THE 2019 / 2020 BUDGET MEASURED BY THE TOP LEVEL SDBIP FOR THE FIRST QUARTER (5/1/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)	73
A3918	RESUBMISSION 2: DRAFT LANGEBERG MUNICIPALITY AIR QUALITY BY-LAW (17/1/5/1) (MANAGER: SOCIAL DEVELOPMENT)	74
A3919	FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – OCTOBER 2019 (9/2/1/3) (CHIEF FINANCIAL OFFICER)	77
A3920	TABLING OF THE DRAFT ANNUAL REPORT FOR 2018 / 2019 (5/14/1/1) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)	78
A3921	KEY PERFORMANCE INDICATORS TO BE AMENDED - THE TOP LAYER SDBIP (2019 / 2020) (DIRECTOR: STRATEGY & SOCIAL DEVELOPMENT)	80
A3922	RESUBMISSION - TENDER T59/2018: UPGRADING OF MCGREGOR / BOESMANSRIVIER 11kV LINE (MANAGER: ELECTRICAL SERVICES)	83
A3923	COUNCILLORS APPOINTED ON PORTFOLIO COMMITTEES (3/1/2 + 3/1/4)(DIRECTOR CORPORATE SERVICES)	87
A3924	COMPILING OF THE 2019 / 2020 ADJUSTMENT BUDGET ~ DECEMBER 2019 (5/1/1 - 2019 / 2020) (CHIEF FINANCIAL OFFICER)	89
A3925	DELAYED CLAIMS GUARDRISK – PAYMENT OF PREMIUM: INSURANCE TENDER 1/2019: SHORT TERM INSURANCE PORTFOLIO 01 JULY 2019 – 30 JUNE 2020	96
A3926	REVIEWING OF THE MAYOR'S DISCRETIONARY FUND POLICY - REWARDING OF TOP MATRIC LEARNERS (OFFICE OF THE MAYOR)	100
A3927	AUDIT & PERFORMANCE COMMITTEE: – SUBMISSION OF THE QUARTERLY REPORT (5/14/R) (AUDIT & PERFORMANCE COMMITTEE CHAIRPERSON)	101

**LB BRUWER EN SEUNS BOERDERY (PTY) LTD: APPLICATION TO PURCHASE A PORTION OF MUNICIPAL LAND (2.5 HA) SITUATED ON PORTION OF PORTION 22 (PORTION OF PORTION 4) FARM OVER HET ROODEZAND NO 112, ROBERTSON (7/2/3/2/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**Purpose of report**

To submit a report to Council for consideration regarding an application received from Mr GF Bruwer on behalf of LB Bruwer Seuns Boerdery (Pty) Ltd.

**Background**

The following letter was received from Mr GF Bruwer:

*"Met verwysing na bogemelde aangeleentheid bevestig ons dat LB bruwer en Seuns Boerdery (PTY) Ltd hiermee aansoek doen vir die aankoop van 2.5 hektaar grond soos uiteengesit op die aangehegte lugfoto.*

*Die redes vir die aankoop van die grond is as volg:*

*Op 27 Februarie 1985 is 'n huurkontrak gesluit tussen LB Bruwer en Seuns Boerdery (PTY) Ltd en die destydse Munisipaliteit van Robertson. Ludwig Bruwer Boerdery het die grond sedertien bewerk en geboer terwyl huur betaal is vir gebruik daarvan. Die grond is ononderbroke bewerk en geboer deur LN Bruwer Boerdery (PTY) Ltd sedert 1985.*

*Huidiglik is die grond beplant met 2.5 hektaar wingerd en dit is verbeter met 'n opleistelsel en besproeiing. Ek bied ook aan om die grond teen 'n gewaardeerde prys (gewaardeer sonder die verbeteringe en aanplantings) te koop.*

*Verder bied ek ook aan om die koste van die aansoek aan die Minister van Landbou vir goedkeuring van die onderverdeling, die Munisipaliteit se goedkeuring en die koste van 'n Landmeter vir die afsny van die grond te betaal. Normaal sal die transportkoste vir die oordrag van die grond ook vir my rekening wees en aanvaar ek dit so.*

*Ek vertrou dat ek spoedig van u sal verneem in die verband."*

**Comments:**

A location map was attached.

***The Directors and relevant Managers were requested to comment not later than 30 August 2019. The following comments were received:***

**Comments: Manager: Electrical Engineering Services**

Geen siviele dienste word geaffekteer nie en het ons dus geen beswaar nie.

**Comments: Manager: Town Planning**

The zoning of the land in question is Agricultural Zone I in terms of the Langeberg Integrated Zoning Scheme, 2018. There is no objection to the proposal to sell portion of Portion 22 of the Farm Roodezand No. 112, Robertson for continued agricultural use, subject to compliance with the procedures for the subdivision of agricultural land in terms of the LLUP Bylaw, 2015 and The Subdivision of Agricultural Land Act 70/1970.

#### **Comments: Chief Financial Officer**

Alienation of any capital asset takes place in compliance with Section 14 of the Municipal Finance Management Act, 2004. The Act states that the municipality may not alienate any capital asset required to provide a minimum level of service. The municipality may alienate any other capital asset, provided the Council has considered the fair market value and the economic and community value to be received in exchange for the asset. In the event of alienation or leasing it must take place in accordance with Section 14 of the MFMA as the asset must not be used to provide a minimum level of service. The process must be fair, open, competitive, transparent and market related rates must be used and

If the lease agreement was done through the SCM process, Section 116 (3) of the MFMA is applicable which states:

- (3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after—
  - (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
  - (b) the local community—
    - (i) has been given reasonable notice of the intention to amend the contract or agreement; and
    - (ii) has been invited to submit representations to the municipality or municipal entity.

#### **Comments: Director: Community Services**

Not supported due high demand for housing and economic development opportunities.

#### **Comments: Manager: Electrical Engineering Services**

The Electrical Department has no objection to the application.

#### **Comments: Director: Strategy & Social Development**

A price needs to be determined for the land taking into consideration the vineyards planted there

#### **Comments: Cllr Shibili**

The application to purchase the land is supported. This is well informed by the fact that this land is adjacent to the farm and have been utilised already for the past 30 years.

#### **Comments: Manager: Administrative Support**

No formal documentation was available with regards to the leasing of the said property to Mr Bruwer. Cllr Burger mentioned the leasing of municipal land to Mr Bruwer during various occasions and indicated that he would provide the administration with the documentation. Cllr Burger provided the lease agreement between Robertson Municipality and Mr Bruwer only after a report on all leased municipal property was submitted to the Corporate Services Portfolio meeting on 10 July 2019.

According to the lease agreement provided, was the lease agreement entered in between Robertson Municipality and Mr Bruwer on 27 February 1985 with an initial lease period of one (1) year. No further agreements have been provided to this office.

Taking into consideration the period Mr Bruwer has utilized this portion of land, is it recommended that the property be alienated to him at a market related price subject to all conditions applicable for the alienation of municipal property.



### Recommendation/ Aanbeveling

1. That it be confirmed that the portions of land are not needed for the provision of the minimum level of basic municipal services. (S14 of MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes grond nie benodig word vir verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 of MFMA 2003, Wet 56 van 2003)*

2. That a portion of municipal land (2.5 ha) situated on portion of portion 22 (portion of portion 4) Farm Over Het Roodezand No 112, Robertson be alienated to LB Bruwer & Seuns Boerdery (PTY) Ltd subject to the following conditions:

*Dat 'n gedeelte munisipale grond (2.5 ha) geleë op 'n gedeelte van gedeelte 22 (gedeelte van gedeelte 4) Plaas Over Het Roodezand No.112, Robertson aan LB Bruwer & Seuns Boerdery (PTY) Ltd vervreem word onderhewig aan die volgende voorwaardes:*

- 2.1 That a portion of municipal land (2.5 ha) situated on portion of portion 22 (portion of portion 4) Farm Over Het Roodezand No 112, Robertson be alienated at a market related price. The buyer will be responsible for the cost of the market related certificate.

*Dat 'n gedeelte munisipale grond (2.5 ha) geleë op 'n gedeelte van gedeelte 22 (gedeelte van gedeelte 4) Plaas Over Het Roodezand No.112, Robertson verkoop word teen 'n markverwante prys. Die Koper sal verantwoordelik wees vir die koste verbonde aan die verkryging van die billike markwaarde sertifikaat.*

- 2.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.

*Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die kooporeenkoms en dat die restant van die koopsom betaalbaar is by registrasie.*

- 2.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.

*Dat die koper verantwoordelik sal wees vir alle aansluitingsfooie vir munisipale dienste gelewer aan die perseel.*

- 2.4 That the portion of land be suitably fenced and that the fencing cost as well as the maintenance thereof be for the Buyer.

*Dat die gedeelte grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*

- 2.5 That the buyer obtains the necessary approval from the Department of Agriculture & Department of Environmental Affairs and Development and once approval has been obtained, the buyer must adhere to all the conditions stipulated by the Department of Environmental Affairs and Development.

*Dat die koper die nodige goedkeuring verkry vanaf die Departement Landbou en Departement Omgewingsake en Ontwikkeling en nadat goedkeuring verkry is, moet die koper aan alle voorwaardes voldoen soos uiteengesit deur die Departement Omgewingsake en Ontwikkeling.*

2.6 That the buyer be responsible for the cost involved for subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name.  
*Dat die koper verantwoordelik sal wees vir alle kostes van onderverdeling, konsolidasie, landmeter, registrasie van die servitude en registrasie van die eiendom in sy/haar naam.*

2.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

*Dat die kooptransaksie binne 'n periode van 8 maande vanaf datum van toekenning van die erf afgehandel word, by versuim waarvan, die aanbod onherroeplik verval.*

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 12 November 2019 (pg. 34 – 35)

**This item served before the Corporate Services Portfolio Committee on 12 November 2019**

**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 12 November 2019**

**Recommendation / Aanbeveling**

1. That it be confirmed that the portions of land are not needed for the provision of the minimum level of basic municipal services. (S14 of MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes grond nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 of MFMA 2003, Wet 56 van 2003).*

2. That a portion of municipal land (2.5 ha) situated on portion of portion 22 (portion of portion 4) Farm Over Het Roodezand No 112, Robertson be alienated by way of public tender.

*Dat 'n gedeelte van munisipale grond (2.5 ha) geleë op 'n gedeelte van gedeelte 22 (gedeelte van gedeelte 4) Plaas Over Het Roodezand No.112, Robertson vervreem word per openbare tender.*

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

1. That it be confirmed that the portions of land are not needed for the provision of the minimum level of basic municipal services. (S14 of MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes grond nie benodig word vir verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 of MFMA 2003, Wet 56 van 2003)*

2. That a portion of municipal land (2.5 ha) situated on portion of portion 22 (portion of portion 4) Farm Over Het Roodezand No 112, Robertson be alienated to LB Bruwer & Seuns Boerdery (Pty) Ltd subject to the following conditions:

*Dat 'n gedeelte munisipale grond (2.5 ha) geleë op 'n gedeelte van gedeelte 22 (gedeelte van gedeelte 4) Plaas Over Het Roodezand No.112, Robertson aan LB Bruwer & Seuns Boerdery (Edms) Bpk vervreem word onderhewig aan die volgende voorwaardes:*

2.1 That a portion of municipal land (2.5 ha) situated on portion of portion 22 (portion of portion 4) Farm Over Het Roodezand No 112, Robertson be alienated at a market related price. The buyer will be responsible for the cost of the market related certificate.

*Dat 'n gedeelte munisipale grond (2.5 ha) geleë op 'n gedeelte van gedeelte 22 (gedeelte van gedeelte 4) Plaas Over Het Roodezandt No.112, Robertson verkoop word teen 'n markverwante prys. Die Koper sal verantwoordelik wees vir die koste verbonde aan die verkryging van die billike markwaarde sertifikaat.*

- 2.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.

*Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die koopoorreenskoms en dat die restant van die koopsom betaalbaar is by registrasie.*

- 2.3 That the buyer be responsible for all the connection fees for municipal services rendered to the property.

*Dat die koper verantwoordelik sal wees vir alle aansluitingsfooie vir munisipale dienste gelewer aan die perseel.*

- 2.4 That the portion of land be suitably fenced and that the fencing cost as well as the maintenance thereof be for the Buyer.

*Dat die gedeelte grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*

- 2.5 That the buyer obtains the necessary approval from the Department of Agriculture & Department of Environmental Affairs and Development and once approval has been obtained, the buyer must adhere to all the conditions stipulated by the Department of Environmental Affairs and Development.

*Dat die koper die nodige goedkeuring verkry vanaf die Departement Landbou en Departement Omgewingsake en Ontwikkeling en nadat goedkeuring verkry is, moet die koper aan alle voorwaardes voldoen soos uiteengesit deur die Departement Omgewingsake en Ontwikkeling.*

- 2.6 That the buyer be responsible for the cost involved for subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name.

*Dat die koper verantwoordelik sal wees vir alle kostes van onderverdeling, konsolidasie, landmeter, registrasie van die servitute en registrasie van die eiendom in sy/haar naam.*

- 2.7 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

*Dat die kooptransaksie binne 'n periode van 8 maande vanaf datum van toekenning van die erf afgehandel word, by versuim waarvan, die aanbod onherroepelik verval.*

**RE-DRAFTING OF THE LANGEBERG LOCAL MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (LSDF): (MANAGER: TOWN PLANNING)**

**PURPOSE OF REPORT**

To submit a report regarding the re-drafting of the Langeberg Spatial Development Framework (LSDF).

**BACKGROUND**

Council originally approved the LSDF (NOV, November 2015) in terms of the Municipal Systems Act, 2000, (Act 32 of 2000) and adopted the LSDF in terms of Section 20(1) SPLUMA, Act no 16 of 2013 by notice in the Provincial Gazette.

During 2017 Council unanimously resolved to approve and to recommend a minor Amendment to the LSDF (with specific reference to the Urban Edge in Bonnievale) to make provision for the building of the Jakes Gerwel School.

On 28 May 2019 Council also unanimously resolved:

*That the proposed amendments to the SDF and the associated amendments to the IDP be temporarily withdrawn and that the current unchanged SDF be approved by Council and be submitted to the Minister for approval*

*That all the procedural requirements for any amendments to the SDF/IDP as set in the letter from the Minister be followed in order to be compliant and that the report in this regard be submitted to Council after all the required processes have been completed.*

**COMMENTS**

The re-drafting process will start during the 2019 / 2020 Financial Year and roll-over for completion during the 2020 / 2021 Financial Year.

**RECOMMENDATION**

1. That Council notes that the re-drafting of the Langeberg Spatial Development Framework be done in terms of section 28(3) and 29 of the Municipal Systems Act, 2000 (Act 32 of 2000), section 20 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013), section 11 of the Western Cape Land Use Planning Act 2014 (Act 13 of 2014) and section 3(2)(a) of the Langeberg Municipality: Land Use Planning By-Law, 2015.
2. That Council notes that the re-drafting process of the Langeberg Spatial Development Framework will start during the 2019 / 2020 Financial Year and roll-over for completion during the 2020 / 2021 Financial Year.
3. That Council notes that the re-drafted Langeberg Spatial Development Framework will be included as part of the Fifth Generation IDP (2022 – 2027).

**This item served before an Engineering Services Portfolio Committee on 12 November 2019**  
**Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 12 November 2019**  
**Recommendation / Aanbeveling**

1. That Council notes that the re-drafting of the Langeberg Spatial Development Framework be done in terms of section 28(3) and 29 of the Municipal Systems Act, 2000 (Act 32 of 2000), section 20 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013), section 11 of the Western Cape Land Use Planning Act 2014 (Act 13 of 2014) and section 3(2)(a) of the Langeberg Municipality: Land Use Planning By-Law, 2015.
2. That Council notes that the re-drafting process of the Langeberg Spatial Development Framework will start during the 2019 / 2020 Financial Year and roll-over for completion during the 2020 / 2021 Financial Year.
3. That Council notes that the re-drafted Langeberg Spatial Development Framework will be included as part of the Fifth Generation IDP (2022 – 2027).

**This item served before the Executive Mayoral Committee on 27 November 2019**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**  
**Aanbeveling / Recommendation**

1. That Council notes that the re-drafting of the Langeberg Spatial Development Framework be done in terms of section 28(3) and 29 of the Municipal Systems Act, 2000 (Act 32 of 2000), section 20 of the Spatial Planning and Land Use Act, 2013 (Act 16 of 2013), section 11 of the Western Cape Land Use Planning Act 2014 (Act 13 of 2014) and section 3(2)(a) of the Langeberg Municipality: Land Use Planning By-Law, 2015.
2. That Council notes that the re-drafting process of the Langeberg Spatial Development Framework will start during the 2019 / 2020 Financial Year and roll-over for completion during the 2020 / 2021 Financial Year.
3. That Council notes that the re-drafted Langeberg Spatial Development Framework will be included as part of the Fifth Generation IDP (2022 – 2027).

**RESUBMISSION: UMSIZA PLANNING: APPLICATION TO CLOSE AND LEASE A PORTION OF ROBERTSON STREET (561M<sup>2</sup>), ROBERTSON (7/2/3/2/5 17/3/1/6/3/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**Purpose of report**

To re-submit a report to the Mayoral Committee for consideration regarding an application received from Umsiza Planning on behalf of Satinsky 139 (Pty) Ltd.

**Background**

The following letter was received from Umsiza Planning:

*"Erven 173-175, Robertson are owned by Satinsky 139 (Pty) Ltd (short Title Deeds attached) and consist of the Shoprite shopping centre on the corner of Barry and Van Reenen Streets in Robertson.*

*Satinsky 139 (Pty) Ltd had submitted an application to your office to use a portion of Robertson Street as a delivery zone for Shoprite trucks and waste areas (dry and wet) to your offices in May 2017. You requested some additional information such as the precise location, extend, purpose, as well as on the intention to purchase or hire.*

*This letter serves to provide the additional information.*

*The power of attorney to Umsiza Planning is attached.*

*Please find attached a location plan indicating the proposed area to be closed – the north-eastern part of Robertson Street between the bowling greens / clubhouse (erf 4525) & public open space with old museum/ training centre and the Shoprite shopping centre (erven 173-175 Robertson) and between Piet Retief Street and Barry Street.*

*Robertson street extends from Paul Kruger Street (north-east and adjacent to the central NG Church) to Barry Street. The area between Paul Kruger and Piet Retief Street is a one way street that allows for parking at both sides of the road.*

*The area between Piet Retief and Barry Street is 18m wide with two lanes/ two directional vehicular flow. It is proposed to close the north-eastern half of the two-directional portion of Robertson Street, an area of 9m x 91m =819m<sup>2</sup>, to be sold to Satinsky 139 (Pty) Ltd and consolidated with the adjacent Shoprite shopping centre (erven 173-175).*

*If approved by the Council, a land use application will be submitted to the Municipality in terms of Section 15(n) of the Langeberg Municipality Land Use Planning Bylaw 2015 (closure of public place or part thereof). The street block is small (only half the size of most surrounding blocks) and the fact that the other half of the street is already one way, it is the opinion that the impact of the proposed closure on the surrounding traffic will be minimal.*

*Currently there are no demarcated delivery area's or waste area's on the Shoprite premises. It is the intention to use the northern portion of Robertson Street for this purpose. The existing parking area can then be used more functionally/ effectively. It is therefore requested that the 819m<sup>2</sup> street be bought from the municipality. This will be consolidated with the erven adjacent, if required.*

*Six additional street parking bays will be provided in the closed street. The proposed Site Development Plan attached for your perusal, as well as a more detailed layout plan prepared by Viglietti. For your consideration please."*

**Comments**

A location map was attached.

***The Directors and relevant Managers were requested to comment not later than 16 February 2018. The following comments were received:***

**Comments: Manager: Civil Engineering Services**

If the street is changed to a one way, the application is supported.

**Comments: Director: Strategy & Social Development**

I am not sure but I am of the opinion that the municipality should perhaps investigate the possibility of doing a traffic study.

### **Comments: Manager: Electrical Engineering Services**

The Electrical Department has no objection to the application  
The applicant is responsible for the cost to relocate the electrical LT cables and minisub on the pavement.

### **Comments: Manager: Town Planning**

Hierdie sal behoorlik deur 'n proses van publieke deelname moet gaan. Dit is moeilik om op so 'n vroeë stadium goedkeuring te gee, sonder 'n behoorlike evaluasie van 'n grondontwikkingsaansoek.  
Indien die Raad besluit om wel die grond te verkoop, behoort dit duidelik onderhewig daaraan te wees dat die wenslikheid van die voorgestelde gebruik ook oorweeg moet word (dmv 'n formele grondontwikkingsaansoek) en dat laasgenoemde deurslaggewend sal wees om te bepaal of die grond wel so gebruik mag word. Die verkoop van die grond behoort dus onderhewig te wees daaraan dat 'n grondontwikkingsaansoek ingevolge die Langeberg Munisipale Verordening op Grondgebruikbeplanning, 2015 geloods word en dat die grond slegs verkoop word indien die aansoek goedgekeur is.

### **Comments: Chief Financial Officer**

Municipal assets not providing minimum basic services in terms of S 14 of the MFMA can be sold on condition that it is an open, fair and transparent process and at market related prices.

### **Comments: Superintendent: Traffic Services**

It is important for Traffic Services to recognize the interests of the general public, for this reason, the use of the property must not compromise the use for its primary purpose, as the primary uses are limited to the existing lawful uses.

Furthermore, the following site access requirements shall apply:

1. The Municipality may require compliance with standard municipal or provincial access spacing guidelines.
2. No vehicular entrance or exit shall be closer than 10m from an intersection defined by the street boundaries, except for industrial-zoned properties, 15m.
3. The Municipality may restrict or prohibit access if pedestrian or traffic hazards are created.

The following parking layout requirements shall apply:

1. The layout of any parking area shall ensure that vehicles can readily leave the site without reversing across any sidewalk.
2. The bays shall be clearly demarcated and accessible and preferably grouped together.
3. The parking areas shall be used for the parking of vehicles which are lawfully required on them.
4. Any activity which causes an obstruction for vehicular traffic or use of the sidewalk is prohibited.
5. The parking area shall be maintained for the parking and movement of vehicles.
6. From a traffic point of view, the Municipality may impose conditions of approval, and must be satisfied that the requirements regarding parking are adhered to, and that there are compliance with any other standard condition e.g. Aesthetics, noise, traffic safety etc.

### **Comments: Cllr Burger**

Hiermee gee ek my toestemming vir die een rigting straat in Robertsonstraat vanaf Barrystraat na Piet Retief straat.

Ek gee nie my toestemming vir die vervreemding van die straat aan die aansoeker nie.

### **Comments: Manager: Administrative Support**

The Administration of Immoveable Property Policy determine in clause 45 that closed streets and lanes, public open spaces and odd lots of land which can be of no practical use to any other person may be sold/leased out of hand to adjoining property owners, provided that:

- (1) *Written notice have been served on all adjoining property owners; and*
- (2) *The selling price/rental shall be at fair market value, provided that the Municipality will determine the rental of land for garden purposes.*

Taking the afore mentioned as well as the comments received into consideration is it recommended that permission be granted to the applicant to submit a land use application in terms of the relevant sections of the Langeberg Municipal: Land Use Planning By-Law, 2015 and that once the aforementioned process has been finalized, the application referred back to Council for a formal decision in this regard.

#### **Recommendation/ Aanbeveling**

1. That it be confirmed that a portion of municipal land, a portion of Robertson Street, ( $\pm 819\text{m}^2$ ) Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
2. That the application of Statinsky 139 (Pty) Ltd to close and purchase a portion of municipal land, a portion of Robertson Street ( $\pm 819\text{m}^2$ ) Robertson be approved in principle subject to the following conditions:
  - 2.1 That written notices have been served on all adjoining property owners.
  - 2.2 That if no legal and/or valid objections have been received, permission be granted to the applicant to submit a land use application in terms of the relevant sections of the Langeberg Municipal: Land Use Planning By-Law, 2015 and that once the aforementioned process has been finalized, the application referred back to Council for a formal decision in this regard.

**This item served on 15 May 2018 under Item A 3604 before the Executive Mayoral Committee and was the following decision taken:**

*That the report be referred back for resubmission at a next Corporate Services Portfolio Committee meeting and that Cllr JD Burger provide further comments as referred to in the Mayoral Committee meeting.*

#### **Further Comments: Cllr Burger**

Robertsonstraat is 'n straat wat swaar verkeer dra soos voertuie en voetgangers veral oor naweke. Besighede soos FNB en Nedbank se OTM's is gelee in Piet Retiefstraat en is daar nie genoeg parkeer plek daar naby nie en word daar dan in 'n gedeelte van Robertsonstraat geparkeer. Voetgangers kom af in Barrystraat en drai links in Robertsonstraat oor Hamilton Barry Park na besighede in Kerkstraat, Hoopstraat en af na Spar.

Saterdag 19 Mei 2018 was daar 11 voertuie geparkeer in die linkerkant van Robertsonstraat en 51 voetgangers was getel in 'n uur se tyd. Ons sal moet versigtig wees om 'n prisedent te wil skep vir ander besighede wat ook strate sal wil toemaak vir hul voordeel. Hier is 'n klaar 'n te kort aan parkering in ons dorp.

My aanbeveling is dat die ander gedeelte van Robertsonstraat in 'n eenrigting straat omskep moet word vanaf Barrystraat na Piet Retiefstraat. Shoprite se vragmotors sal dan in Barrystraat op kom en regs draai in Robertsonstraat dan kan hul die helfte van die straat en sypaadjie gebruik om hul goedere af te laai op die laai sone wat aangebring sal word in die linkerkant se baan. Wanneer die vragmotors klaar is, kan hul regs drai in Piet Retiefstraat en so ook dan die dorp verlaat. Ander voertuie sal dan in die regterkant se baan deur beweeg vanaf Barrystraat na Piet Retiefstraat. Daar kan ook gekyk word om tussen die bome inhame vir skuinsparkering te maak.

#### **Submitted for consideration / Voorgelê ter oorweging**

**This item served before an Ordinary Meeting of Council on 31 July 2018 under Item A3657 and was the following decision taken:**

1. That it be confirmed that a portion of municipal land, a portion of Robertson Street, ( $\pm 819\text{m}^2$ ) Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)



2. That the application of Statinsky 139 (Pty) Ltd to close and purchase a portion of municipal land, a portion of Robertson Street (±819m<sup>2</sup>) Robertson be approved in principle, subject to the following conditions:
  - 2.1 That written notices have been served on all adjoining property owners and that the Municipality's intention to alienate this portion of Robertson Street be advertised in a local newspaper in order to inform all the resident in the Langeberg municipal area.
  - 2.2 That if no legal and / or valid objections have been received, permission be granted to the applicant to submit a land use application in terms of the relevant sections of the Langeberg Municipal: Land Use Planning By-Law, 2015 and that once the aforementioned process has been finalized, the application referred back to Council for a formal decision in this regard.

**Comments: Manager: Administrative Support:**

Written notices have been served on all adjoining property owners and the Municipality's intention to alienate the portion of Robertson Street were advertised in the Gazette. No comments and/or objections have been received. In terms of the land use application, various objectives were received. The following letter was sent to the Town Planning department on behalf of the applicant:

*"Your e-mail dated 16 January 2019 with objections on the above mentioned application refers.*

*A meeting was held between Mr Kosie Burger (objector), Mr Frikkie Kriel (organiser of petition), Mr Hennes Schreuder (representing Shoprite and owner of erf 173, Robertson) as well as myself on 8 February 2019.*

*Mr Kriel responded with the petition after the publication of the advertisement in the newspaper for the closure and alienation of Robertson Street with no knowledge of the site plan or details of the application. Mr Burger was also under the impression that the application entails the closure and alienation of the whole Robertson Street.*

*At the meeting they indicated that they have no objections to Shoprite using a demarcated portion of Robertson Street for loading purposes subject that the area be leased on a long term basis (10 years) with a further option to lease the application site.*

*The following was agreed upon by all parties:*

- *That the application site as per SDP attached be leased on a long term basis with a further option to lease;*
- *The consolidation application is therefore not applicable anymore;*
- *That only the area that is required by Shoprite be leased (area of 561m<sup>2</sup> i.e the application site) therefore the parking bays are excluded and can be used by the public as previously proposed in the application*
- *That the area to be leased is fenced off with palisade fencing for security reasons; and*
- *That the parking bays in the southern part of Robertson Street (along the park and bowling area) be reserved for trucks (i.e farmer's trucks) – no taxi's will be allowed as they will be provided for on the corner of Piet Retief and Van Reenen Streets by the applicant.'*

The following feedback was received from Mr J van Zyl from the Town Planning department:

*"Dit word bevestig dat geen appelle teen die Langeberg Beplanningstribunaal se goedkeuring ontvang is nie. Die goedkeuringsbrief aan Umsiza, wat Me Redelinghuys vir jou aangestuur het, is die korrekte een. Die besluit mag dus uitgevoer word ooreenkomstig die voorwaardes van goedkeuring."*

Taking the aforementioned into consideration, is the application to lease a portion of Robertson Street and to close it, supported subject to the normal conditions applicable.

## Recommendation/ Aanbeveling

1. That it be confirmed that a portion of municipal land, a portion of Robertson Street, (561m<sup>2</sup>) Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson nie nodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

3. That the application received from Umsiza Planning on behalf of Satinsky 139 (Pty) Ltd to lease and close a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>) Robertson for a period of 9 years 11 months be approved in principle and the intention of the Municipality to lease the property for a period of 9 years 11 months be advertised for comments.

*Dat die aansoek vanaf Umsiza Planning namens Satinsky 139 (Pty) Ltd vir die huur en sluit van 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson vir 'n periode van 9 jaar 11 maande in beginsel goedgekeur word en dat die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande, geadverteer word vir kommentaar.*

4. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the property for a period of 9 years 11 months be communicated to National Treasury and if no written views or objections were received lease be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande aan Nasionale Tesourie gekommunikeer word en indien geen geskrewe opinies en besware ontvang word nie, daar voort gegaan word met die verhuring, onderworpe aan die volgende voorwaardes:*

- 4.1 That a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>), Robertson be leased and closed at a market related price.

*Dat 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson verhuur en gesluit word teen 'n markverwante prys.*

- 4.2 That the repairs and maintenance of a portion of Robertson Street (561m<sup>2</sup>), Robertson be the owner responsibility.

*Dat die herstel en onderhoud van 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson die verantwoordelikheid van die eienaar is.*

- 4.3 That the Lessee be responsible for all the connection fees for municipal services rendered to the property.

*Dat die Huurder verantwoordelik sal wees vir alle aansluitingsfooie vir munisipale dienste gelewer aan die perseel.*

- 4.4 That any improvements to be done be in accordance with the minimum specifications set down by Council.

*Dat enige verbeterings wat aangebring word, in ooreenstemming sal wees met minimum spesifikasies deur die Raad daargestel.*

- 4.5 That the area (561m<sup>2</sup>) be fenced off with palisade fencing and that the maintenance and fencing thereof will be for the account of the Lessee.

*Dat die gedeelte (561m<sup>2</sup>) omhein word met palisade heining en dat onderhoud en omheining daarvan vir die rekening van die Huurder sal wees.*

- 4.6 That should it be necessary to upgrade, repair or install, municipal services on the portion of street, the Council then has a right to do so without being liable for damages.

*Dat sou dit noodsaaklik wees om munisipale dienste op te gradeer, te herstel en te installeer op die gedeelte straat, dat die Raad die reg daartoe het, sonder dat die Raad verantwoordelik gehou sal word vir skade.*

- 4.7 That the Lessee be responsible for the cost involved for surveying, closing of a portion of the street (561m<sup>2</sup>), rezoning from Transport zone II to Business zone I (for the use of loading zone) as well as subdivision for the registration of 'n long term lease agreement regarding the said portion.

*Dat die koper verantwoordelik sal wees vir alle kostes van opmeting, sluiting van die gedeelte straat (561m<sup>2</sup>), hersonering vanaf Vervoersone II na Sakesone I (om te gebruik as laaisone) asook onderverdeling vir die registrasie van 'n langtermyn huurooreenkoms ten opsigte van die betrokke gedeelte.*

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 12 November 2019 (pg. 48)

**This item served before the Corporate Services Portfolio Committee on 12 November 2019**  
**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 12 November 2019**  
**Recommendation / Aanbeveling**

1. That it be confirmed that a portion of municipal land, a portion of Robertson Street, (561m<sup>2</sup>) Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Umsiza Planning on behalf of Satinsky 139 (Pty) Ltd to lease and close a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>) Robertson for a period of 9 years 11 months be approved in principle and the intention of the Municipality to lease the property for a period of 9 years 11 months be advertised for comments.

*Dat die aansoek vanaf Umsiza Planning namens Satinsky 139 (Pty) Ltd vir die huur en sluit van 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson vir 'n periode van 9 jaar 11 maande in beginsel goedgekeur word en dat die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande, geadverteer word vir kommentaar.*

3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the property for a period of 9 years 11 months be communicated to National Treasury and if no written views or objections were received the lease be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande aan Nasionale Tesourie gekommunikeer word en indien geen geskrewe opinies en besware ontvang word nie, daar voort gegaan word met die verhuring, onderworpe aan die volgende voorwaardes:*

- 3.1 That a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>), Robertson be leased and closed at a market related price.

*Dat 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson verhuur en gesluit word teen 'n markverwante prys.*

- 3.2 That the repairs and maintenance of a portion of Robertson Street (561m<sup>2</sup>), Robertson be the owner responsibility.

*Dat die herstel en onderhoud van 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson die verantwoordelikheid van die eienaar is.*

- 3.3 That the Lessee be responsible for all the connection fees for municipal services rendered to the property.

*Dat die Huurder verantwoordelik sal wees vir alle aansluitingsfooie vir munisipale dienste gelewer aan die perseel.*

- 3.4 That any improvements to be done be in accordance with the minimum specifications set down by Council.

*Dat enige verbeterings wat aangebring word, in ooreenstemming sal wees met minimum spesifikasies deur die Raad daargestel.*

- 3.5 That the area (561m<sup>2</sup>) be fenced off with palisade fencing and that the maintenance and fencing thereof will be for the account of the Lessee.

*Dat die gedeelte (561m<sup>2</sup>) omhein word met palisade heining en dat onderhoud en omheining daarvan vir die rekening van die Huurder sal wees.*

- 3.6 That should it be necessary to upgrade, repair or install, municipal services on the portion of street, the Council then has a right to do so without being liable for damages.

*Dat sou dit noodsaaklik wees om munisipale dienste op te gradeer, te herstel en te installeer op die gedeelte straat, dat die Raad die reg daartoe het, sonder dat die Raad verantwoordelik gehou sal word vir skade.*

- 3.7 That the Lessee be responsible for the cost involved for surveying, closing of a portion of the street (561m<sup>2</sup>), rezoning from Transport zone II to Business zone I (for the use of loading zone) as well as subdivision for the registration of 'n long term lease agreement regarding the said portion.

*Dat die koper verantwoordelik sal wees vir alle kostes van opmeting, sluiting van die gedeelte straat (561m<sup>2</sup>), hersonering vanaf Vervoersone II na Sakesone I (om te gebruik as laaisone) asook ondervreemdeling vir die registrasie van 'n langtermyn huurooreenkoms ten opsigte van die betrokke gedeelte.*

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

1. That it be confirmed that a portion of municipal land, a portion of Robertson Street, (561m<sup>2</sup>) Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Umsiza Planning on behalf of Satinsky 139 (Pty) Ltd to lease and close a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>) Robertson for a period of 9 years 11 months be approved in principle and the intention of the Municipality to lease the property for a period of 9 years 11 months be advertised for comments.

*Dat die aansoek vanaf Umsiza Planning namens Satinsky 139 (Pty) Ltd vir die huur en sluit van 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson vir 'n periode van 9 jaar 11 maande in beginsel goedgekeur*

word en dat die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande, geadverteer word vir kommentaar.

3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to lease the property for a period of 9 years 11 months be communicated to National Treasury and if no written views or objections were received the lease be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te verhuur vir 'n periode van 9 jaar 11 maande aan Nasionale Tesourie gekommunikeer word en indien geen geskrewe opinies en besware ontvang word nie, daar voort gegaan word met die verhuring, onderworpe aan die volgende voorwaardes:*

- 3.1 That a portion of municipal land, a portion of Robertson Street (561m<sup>2</sup>), Robertson be leased and closed at a market related price.

*Dat 'n gedeelte munisipale grond, 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson verhuur en gesluit word teen 'n markverwante prys.*

- 3.2 That the repairs and maintenance of a portion of Robertson Street (561m<sup>2</sup>), Robertson be the owner responsibility.

*Dat die herstel en onderhoud van 'n gedeelte van Robertsonstraat (561m<sup>2</sup>), Robertson die verantwoordelikheid van die eienaar is.*

- 3.3 That the Lessee be responsible for all the connection fees for municipal services rendered to the property.

*Dat die Huurder verantwoordelik sal wees vir alle aansluitingsfooie vir munisipale dienste gelewer aan die perseel.*

- 3.4 That any improvements to be done be in accordance with the minimum specifications set down by Council.

*Dat enige verbeterings wat aangebring word, in ooreenstemming sal wees met minimum spesifikasies deur die Raad daargestel.*

- 3.5 That the area (561m<sup>2</sup>) be fenced off with palisade fencing and that the maintenance and fencing thereof will be for the account of the Lessee.

*Dat die gedeelte (561m<sup>2</sup>) omhein word met palisade heining en dat onderhoud en omheining daarvan vir die rekening van die Huurder sal wees.*

- 3.6 That should it be necessary to upgrade, repair or install, municipal services on the portion of street, the Council then has a right to do so without being liable for damages.

*Dat sou dit noodsaaklik wees om munisipale dienste op te gradeer, te herstel en te installeer op die gedeelte straat, dat die Raad die reg daartoe het, sonder dat die Raad verantwoordelik gehou sal word vir skade.*

- 3.7 That the Lessee be responsible for the cost involved for surveying, closing of a portion of the street (561m<sup>2</sup>), rezoning from Transport zone II to Business zone I (for the use of loading zone) as well as subdivision for the registration of 'n long term lease agreement regarding the said portion.

*Dat die koper verantwoordelik sal wees vir alle kostes van opmeting, sluiting van die gedeelte straat (561m<sup>2</sup>), herosering vanaf Vervoersone II na Sakesone I (om te gebruik as laaisone) asook onderverdeling vir die registrasie van 'n langtermyn huurooreenkoms ten opsigte van die betrokke gedeelte.*

**ESTABLISHMENT OF A GENDER COMMISSION IN LANGEBERG MUNICIPALITY (12/2/1/10) (DIRECTOR STRATEGY & SOCIAL DEVELOPMENT)**

**Purpose of Report**

To submit a report to Council for consideration regarding:

- The establishment of a gender commission in Langeberg Municipality
- That all female Councillors and Managers may serve on this gender commission

**Background**

**The following item served as A3395 at a Statutory Meeting of Council on 28 March 2017**

**"NOMINATION OF POLITICAL REPRESENTATIVE TO THE PROVINCIAL SALGA WOMEN'S COMMISSION (12/2/1/10) (MANAGER: GOVERNANCE SUPPORT)"**

**Purpose of the report**

*To submit a report to Council for consideration regarding the nomination of a political representative to the Provincial SALGA Women's Commission.*

**Background**

*The SALGA Women's Commission was established at the 2010 Women in Local Government Summit. The mandate of the Commission is to co-ordinate, promote and advocate for appropriate strategies and practices within member / municipalities. Its objectives are to:*

*"Evaluate the representation of women within the local governance structures*

- *Identify and assess the relevance of policies and legislation designed to address and promote increased women's participation and gender inequality in local government structures.*
- *Identify specific social, economic, political, legal and cultural constraints hindering the full participation of women in local government structures.*
- *Advocate for access to training and capacity building by women in local government leadership positions.*
- *Participate in national and regional fora to promote the united voice of women in local government*
- *Make recommendations on appropriate remedies and identify specific challenges to improve the status of women so as to contribute to the achievement of gender equality in local government structures."*

*A letter was received from SALGA requesting municipalities to nominate a political representative to serve on the commission. The Terms of Reference make provision for each municipality to nominate a political representative to serve on the Provincial SALGA Women's Commission.*

**Hierdie item het voor 'n Statutêre Vergadering van die Raad gedien op 28 Maart 2017**

**This item served before a Statutory Meeting of Council on 28 March 2017**

**Besluit / Resolved**

*That Cllr SW Strauss be appointed to serve on the Provincial SALGA Women's Commission."*

## Comments

Women play important social, economic and reproductive roles, maintaining stability in the household and community and contributing actively to economic, cultural and social development of the society. However, women from all levels of society are under-represented in the positions of political authority and socio-economic decision making.

It therefore behoves Langeberg Municipality and pursuant to the establishment of the Provincial SALGA Women's Commission in 2017, to establish its own Women's Commission in order to:

1. Evaluate the representation of women within the local governance structures.
2. Identify and assess the relevance of policies and legislation designed to address and promote increased women's participation and gender inequality in local government structures.
3. Identify specific social, economic, political, legal and cultural constraints hindering the full participation of women in local governance structures.
4. Advocate for building and strengthening of partnerships with civil society, especially women empowerment groups.
5. Advocate for access to training and capacity building by women in local government leadership positions.
6. Participate in national and regional forums to promote the united voice of women in local government.
7. Make recommendations on appropriate remedies and identify specific challenges to improve the status of women in order to contribute to the achievement of gender equality in local governance structures.

## Recommendation

1. That Council approves the establishment of a Gender Commission for Langeberg Municipality.
2. That Council approves that all female Councillors and Managers may serve on this Gender Commission of Langeberg Municipality.

**This item served before the Strategy & Social Development Portfolio Committee on 12 November 2019.**

**Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 12 November 2019**  
**Aanbeveling / Recommendation**

1. That Council approves the establishment of a Gender Commission for Langeberg Municipality.
2. That Council approves that all female Councillors and Managers who so wish, may serve on the Gender Commission of Langeberg Municipality.

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**  
**Aanbeveling / Recommendation**

1. That Council approves the establishment of a Gender Commission for Langeberg Municipality.
2. That Council approves that all female Councillors and Managers who so wish, may serve on the Gender Commission of Langeberg Municipality

**ROBERTSON WINERY (PTY) LTD: APPLICATION TO PURCHASE A PORTION OF MUNICIPAL LAND SITUATED ON ERF2 (±5.5 HA) KNOWN AS "EILANDE", ROBERTSON (7/2/3/2/5: 7/2/3/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**Purpose of report**

To submit a report to the Mayoral Committee for consideration regarding an application received from Mr C Swart on behalf of Robertson Winery (Pty) Ltd.

**Background**

The following letter was received from Mr C Swart:

*"Graag verwys ons na skrywe verwysingsnommer 7/2/R, gedateer 11 Maart 2019, ontvang vanaf Langeberg Munisipaliteit, waarin verwys word na die vervaldatum van die huurooreenkoms tussen Langeberg Munisipaliteit en Robertson Winery (Pty) Ltd op 30 Junie 2019, ten opsigte van die Gedeelte Munisipale grond geleë te Erf2 bekend as "Eilande"(±5.5ha), Robertson.*

*In terme van die skrywe, doen Robertson Winery dus skriftelik aansoek vir die verdere huur van bogenoemde Erf2, "Eilande"vir die tydperk wat dan begin op 01 Julie 2019 en onderhewig aan bepalinge van huidige huurooreenkoms soos ooreengekom en onderteken was deur beide partye daartoe op 06 & 12 Oktober 2016.*

*Vir verdere oorweging, wil Robertson Winery ook van die geleentheid gebruik maak om 'n opsie aan te vra vir die koop van Erf2 sodra sodanige geleentheid beskikbaar word.*

*Hoop u vind so in orde."*

**Comments:**

A location map was attached.

***The Directors and relevant Managers were requested to comment not later than 29 March 2019. The following comments were received:***

**Comments: Manager: Town Planning**

There are no objection from a land use planning point of view, to the extension of the lease agreement for the purpose of irrigation of waste water subject to the applicant being in possession of a compliant with, all authorisation/ licences as may be required by the Breede Gouritz Catchment Management Agency (BGCMA) in terms of the National Water Act No.36 of 1998. The sites are located an aquatic Critical Biodiversity Area (Breede River) and no pollution or surface or underground water sources may occur.

Note. The dams are located in an area known locally as "Eilande" – the actual property description is "portions of erf2, Robertson."

The application to purchase is also supported subject to Langeberg Municipality authorising the applicant to lodge all applications in terms of the Langeberg Land Use Planning By-Law, 2015

**Comments: Director: Civil Engineering Services**

It was resolved at the SMT that Robertson Winery should first be invited for a presentation to the SMT on their proposed plans before a report is submitted to Council.

**Comments: Manager: Civil Engineering Services**

No civil services will be effected therefore no objection from the civil engineering department



#### **Comments: Director: Community Services**

No objection, that the lessee be responsible for the control of alien invasive plant species on the rented property. The department does not support the purchase of the property without following due processes as directed by the MFMA.

#### **Comments: Manager: Electrical Engineering Services**

The Electrical Department has no objection to the application.

#### **Comments: Director: Strategy Development**

If we do not have use for the land I would recommend the renewal but not approve the selling of the land directly. It must follow a public participation process

#### **Comments: Manager: Social Development**

Various portions of the Remainder of Erf 2, Robertson, are utilized by Robertson Winery (), Robertson Co-Op, Roodezandt Cellar, Distell and Clairvaux Cellar to dispose of waste/wash water from the cellars.

These evaporation ponds are situated in the middle of the Robertson Small Scale Farmer Project (Cattle) as per attached site plan.

In terms of item 10 of the previous agreement, Robertson Winery (PTY) LTD should have submitted an alternative plan for the disposal of the effluent within 2 years of the signing of the agreement. During the 3<sup>rd</sup> year of the agreement they should have commenced with the implementation of this alternative plan. This has not been done.

The following is therefore proposed:

That the present lease agreement not be renewed due to the non-compliance of the conditions set out in the agreement,

or

That each portion of land not yet alienated, be sold to the cellar presently utilizing the land for the disposal of waste water. The following conditions would then apply:

- That the cellars suitably fence the entire area to control the access to the evaporation ponds
- That the disposal of all waste water by the cellars be in line with environmental legislation and licensing.
- That fly/mosquito breeding addressed on a continual basis
- That the control of odours be addressed on a continual basis

Alienating all the portions of land utilized by the cellars to dispose of waste water will remove the legal responsibility from Langeberg Municipality.

#### **Comments: Chief Financial Officer**

Alienation of any capital asset takes place in compliance with Section 14 of the Municipal Finance Management Act, 2004. The Act states that the municipality may not alienate any capital asset required to provide a minimum level of service. The municipality may alienate any other capital asset, provided the Council has considered the fair market value and the economic and community value to be received in exchange for the asset. In the event of alienation or leasing it must take place in accordance with Section 14 of the MFMA as the asset must not be used to provide a minimum level of service. The process must fair, open, competitive, transparent and market related rates must be used and

If the lease agreement was done through the SCM process, Section 116 (3) of the MFMA is applicable which states:

- (3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after—
- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
  - (b) the local community—
    - (i) has been given reasonable notice of the intention to amend the contract or agreement; and
    - (ii) has been invited to submit representations to the municipality or municipal entity.

**Comments: Cllr Shibili**

I support on the basis that it is for lease and not purchase.

**Comments: Manager: Administrative Support**

Roodezandt Wine Cellars also leased a portion of Municipal land, erf 2 (±7.7 ha) known as die Eilande as well as the Nestle Dam. When their lease agreement expired, a similar request was received from them to either renew their lease agreement or to purchase the portion of land. The Mayoral Committee resolved on 20 February 2018 that the portion of land must be alienated by way of public tender.

Taking into consideration that the application is exactly the same as the one of Roodezandt Wind Cellar, is it recommended that it be alienated by way of public tender subject to the normal conditions applicable.

**Recommendation/ Aanbeveling**

1. That it be confirmed that a portion of municipal land situated on Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond geleë te Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Mr C Swart on behalf of Robertson Winery (Pty) Ltd to purchase a portion of municipal land, Erf 2 (±5.5 ha) known as the "Eilande", Robertson not be approved.

*Dat die aansoek ontvang van Mnr C Swart namens Robertson Winery (Pty) Ltd vir die koop van 'n gedeelte munisipale grond, Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson nie goedgekeur word nie.*

3. That a portion of municipal land, erf2 (±5.5ha) known as the "Eilande", Robertson be alienated by way of public tender subject to the following conditions applicable for the alienation of municipal property:

*Dat 'n gedeelte munisipale grond, erf2 (±5.5 ha) bekend as "Eilande", Robertson vervreem word by wyse van publieke tender onderworpe aan die volgende voorwaardes vir die vervreemding van munisipale eiendom:*

- 3.1 That the portion of municipal land, erf 2 (±5.5 ha) known as "Eilande", Robertson be alienated at a market related price.

*Dat die gedeelte munisipale grond, erf 2 (±5.5 ha) bekend as „Eilande“, Robertson vervreem word teen 'n markverwante prys.*

- 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.

*Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die koopvooreenkoms en dat die restant van die koopsom betaalbaar is by registrasie.*

- 3.3 That the Buyer be in possession of, and compliant with, all authorisations / licences as may be required by the Breede Gouritz Catchment Management Agency (BGCMA) in terms of the National Water Act No. 36 of 1998.

*Dat die Koper in besit wees en onderhewig wees met alle goedkeurings / lisensies wat moontlik benodig word deur die Breede Gouritz Catchment Management Agency (BGCMA) in terme van die Nasionale Water Wet No 36 van 1998.*

- 3.4 That no pollution of surface or underground water sources may occur seeing that the sites are located within an aquatic Critical Biodiversity Area (Breede River)

*Dat geen besoedeling van die bo-grondse sowel as ondergrondse water mag voorkom nie aangesien die gedeeltes geleë is binne die Kritiese Biodiversiteits Area van die Breede Rivier.*

- 3.5 That the portion of land only be used for the purposes of irrigation of waste water.

*Dat die gedeelte grond alleenlik gebruik word vir die besproeiing van afloopwater.*

- 3.6 That the Buyer be responsible for the payment of all services rendered to the portion of land.

*Dat die Koper verantwoordelik is vir die betaling van alle dienste gelewer aan hierdie gedeelte grond.*

- 3.7 That the portions of land be suitable fenced and that the fencing cost as well as the maintenance thereof be for the Buyer.

*Dat die gedeeltes grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*

- 3.8 That the Buyer be responsible for the cost involved for rezoning, subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name.

*Dat die koper verantwoordelik sal wees vir alle kostes van hersonering, onderverdeling, konsolidasie, landmeter, registrasie van die servitute en registrasie van die eiendom in sy/haar naam.*

***This Item served before the SMT on 04 November 2019.***

#### **Recommendation of SMT**

1. That it be confirmed that a portion of municipal land situated on Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond geleë te Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Mr C Swart on behalf of Robertson Winery (Pty) Ltd to purchase a portion of municipal land, Erf 2 (±5.5 ha) known as the "Eilande", Robertson be approved in principle and the intention of the Municipality to alienate the property be advertised for comments.

*Dat die aansoek vanaf Mnr C Swart namens Robertson Winery (Pty) Ltd vir die koop van 'n gedeelte munisipale grond, Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson goedgekeur word in beginsel en dat die voorneme van die Munisipaliteit om die eiendom te verkoop, geadverteer word vir kommentaar.*

3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to alienate the property be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te vervreem voort gegaan word onderworpe aan die volgende voorwaardes:*

- 3.1 That the portion of municipal land, erf 2 ( $\pm 5.5$  ha) known as "Eilande", Robertson be alienated at a market related price.

*Dat die gedeelte munisipale grond, erf 2 ( $\pm 5.5$  ha) bekend as „Eilande“, Robertson vervreem word teen 'n markverwante prys.*

- 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.

*Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die koop-ooreenkoms en dat die resant van die koopsom betaalbaar is by registrasie.*

- 3.3 That the Buyer being in possession of, and compliant with, all authorisations / licences as may be required by the Breede Gouritz Catchment Management Agency (BGCMA) in terms of the National Water Act No. 36 of 1998.

*Dat die Koper in besit wees en onderhewig wees met alle goedkeurings / lisensies wat moontlik benodig word deur die Breede Gouritz Catchment Management Agency (BGCMA) in terme van die Nasionale Water Wet No 36 van 1998.*

- 3.4 That no pollution of surface or underground water sources may occur seeing that the sites are located within an aquatic Critical Biodiversity Area (Breede River)

*Dat geen besoedeling van die bo-grondse sowel as ondergrondse water mag voorkom nie aangesien die gedeeltes geleë is binne die Kritiese Biodiversiteits Area van die Breede Rivier.*

- 3.5 That the portion of land only be used for the purposes of irrigation of waste water.

*Dat die gedeelte grond alleenlik gebruik word vir die besproeiing van afloopwater.*

- 3.6 That the Buyer be responsible for the payment of all services rendered to the portion of land.

*Dat die Koper verantwoordelik is vir die betaling van alle dienste gelewer aan hierdie gedeelte grond.*

- 3.7 That the portions of land be suitable fenced and that the fencing cost as well as the maintenance thereof be for the Buyer.

*Dat die gedeeltes grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*

- 3.8 That the Buyer be responsible for the cost involved for rezoning, subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name where applicable.

*Dat die Koper verantwoordelik sal wees vir alle kostes van hersonering, onderverdeling, konsolidasie, landmeter, registrasie van die servitute en registrasie van die eiendom in sy/haar naam waar van toepassing.*

- 3.9 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

*Dat die kooptransaksie binne 'n periode van 8 maande vanaf datum van toekenning van die erf afgehandel word, by versuim waarvan, die aanbod onherroeplik verval.*

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 12 November 2019 (pg. 54)

**This item served before the Corporate Services Portfolio Committee on 12 November 2019**

**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 12 November 2019**

**Recommendation / Aanbeveling**

1. That it be confirmed that a portion of municipal land situated on Erf 2 ( $\pm 5.5$  ha) bekend as die "Eilande", Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond geleë te Erf 2 ( $\pm 5.5$  ha) bekend as die "Eilande", Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Mr C Swart on behalf of Robertson Winery (Pty) Ltd to purchase a portion of municipal land, Erf 2 ( $\pm 5.5$  ha) known as the "Eilande", Robertson be approved in principle and the intention of the Municipality to alienate the property be advertised for comments.

*Dat die aansoek vanaf Mnr C Swart namens Robertson Winery (Pty) Ltd vir die koop van 'n gedeelte munisipale grond, Erf 2 ( $\pm 5.5$  ha) bekend as die "Eilande", Robertson goedgekeur word in beginsel en dat die voorneme van die Munisipaliteit om die eiendom te verkoop, geadverteer word vir kommentaar.*

3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to alienate the property be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te vervreem voort gegaan word onderworpe aan die volgende voorwaardes:*

- 3.1 That the portion of municipal land, erf 2 ( $\pm 5.5$  ha) known as "Eilande", Robertson be alienated at a market related price.

*Dat die gedeelte munisipale grond, erf 2 ( $\pm 5.5$  ha) bekend as „Eilande“, Robertson vervreem word teen 'n markverwante prys.*

- 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.

*Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die koopvooreenoms en dat die resant van die koopsom betaalbaar is by registrasie.*

- 3.3 That the Buyer being in possession of, and compliant with, all authorisations / licences as may be required by the Breede Gouritz Catchment Management Agency (BGCMA) in terms of the National Water Act No. 36 of 1998.

*Dat die Koper in besit wees en onderhewig wees met alle goedkeurings / lisensies wat moontlik benodig word deur die Breede Gouritz Catchment Management Agency (BGCMA) in terme van die Nasionale Water Wet No 36 van 1998.*

- 3.4 That no pollution of surface or underground water sources may occur seeing that the sites are located within an aquatic Critical Biodiversity Area (Breede River)

*Dat geen besoedeling van die bo-grondse sowel as ondergrondse water mag voorkom nie aangesien die gedeeltes geleë is binne die Kritiese Biodiversiteits Area van die Breede Rivier.*

- 3.5 That the portion of land only be used for the purposes of irrigation of waste water.

*Dat die gedeelte grond alleenlik gebruik word vir die besproeiing van afloopwater.*

- 3.6 That the Buyer be responsible for the payment of all services rendered to the portion of land.

*Dat die Koper verantwoordelik is vir die betaling van alle dienste gelewer aan hierdie gedeelte grond.*

- 3.7 That the portions of land be suitable fenced and that the fencing cost as well as the maintenance thereof be for the Buyer.

*Dat die gedeeltes grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*

- 3.8 That the Buyer be responsible for the cost involved for rezoning, subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name where applicable.

*Dat die Koper verantwoordelik sal wees vir alle kostes van hersonering, onderverdeling, konsolidasie, landmeter, registrasie van die servitude en registrasie van die eiendom in sy/haar naam waar van toepassing.*

- 3.9 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.

*Dat die kooptransaksie binne 'n periode van 8 maande vanaf datum van toekenning van die erf afgehandel word, by versuim waarvan, die aanbod onherroeplik verval.*

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

1. That it be confirmed that a portion of municipal land situated on Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat 'n gedeelte munisipale grond geleë te Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the application received from Mr C Swart on behalf of Robertson Winery (Pty) Ltd to purchase a portion of municipal land, Erf 2 (±5.5 ha) known as the "Eilande", Robertson be approved in principle and the intention of the Municipality to alienate the property be advertised for comments.

*Dat die aansoek van Mnr C Swart namens Robertson Winery (Pty) Ltd vir die koop van 'n gedeelte munisipale grond, Erf 2 (±5.5 ha) bekend as die "Eilande", Robertson goedgekeur word in beginsel en dat die voorneme van die Munisipaliteit om die eiendom te verkoop, geadverteer word vir kommentaar.*

3. That after the period for comments has lapsed and if no objections were received, the intention of the Municipality to alienate the property be proceeded with, subject to the following conditions:

*Dat na die tydperk vir kommentare verstryk het geen besware ontvang is nie, die voorneme van die Munisipaliteit om die eiendom te vervreem voort gegaan word onderworpe aan die volgende voorwaardes:*

- 3.1 That the portion of municipal land, erf 2 (±5.5 ha) known as "Eilande", Robertson be alienated at a market related price.

*Dat die gedeelte munisipale grond, erf 2 (±5.5 ha) bekend as „Eilande“, Robertson vervreem word teen 'n markverwante prys.*

- 3.2 That a deposit of 10% be payable with the signing of the deed of sale and that the remainder of the purchase price be payable with registration.
- Dat 'n deposito van 10% betaalbaar sal wees met ondertekening van die koopvooreenoms en dat die restant van die koopsom betaalbaar is by registrasie.*
- 3.3 That the Buyer being in possession of, and compliant with, all authorisations / licences as may be required by the Breede Gouritz Catchment Management Agency (BGCMA) in terms of the National Water Act No. 36 of 1998.
- Dat die Koper in besit wees en onderhewig wees met alle goedkeurings / lisensies wat moontlik benodig word deur die Breede Gouritz Catchment Management Agency (BGCMA) in terme van die Nasionale Water Wet No 36 van 1998.*
- 3.4 That no pollution of surface or underground water sources may occur seeing that the sites are located within an aquatic Critical Biodiversity Area (Breede River)
- Dat geen besoedeling van die bo-grondse sowel as ondergrondse water mag voorkom nie aangesien die gedeeltes geleë is binne die Kritiese Biodiversiteits Area van die Breede Rivier.*
- 3.5 That the portion of land only be used for the purposes of irrigation of waste water.
- Dat die gedeelte grond alleenlik gebruik word vir die besproeiing van afloopwater.*
- 3.6 That the Buyer be responsible for the payment of all services rendered to the portion of land.
- Dat die Koper verantwoordelik is vir die betaling van alle dienste gelewer aan hierdie gedeelte grond.*
- 3.7 That the portions of land be suitable fenced and that the fencing cost as well as the maintenance thereof be for the Buyer
- Dat die gedeeltes grond behoorlik omhein word en die koste hiervan sowel as die instandhouding daarvan deur die Koper gedra word.*
- 3.8 That the Buyer be responsible for the cost involved for rezoning, subdivision, consolidation, surveying, registration of servitudes and registration of the property in his/her name where applicable.
- Dat die Koper verantwoordelik sal wees vir alle kostes van hersonering, onderverdeling, konsolidasie, landmeter, registrasie van die servitute en registrasie van die eiendom in sy/haar naam waar van toepassing.*
- 3.9 That the purchase deal be finalized within a period of 8 months after allocation of the property, failing which the offer will expire irrevocably.
- Dat die kooptransaksie binne 'n periode van 8 maande vanaf datum van toekenning van die erf afgehandel word, by versuim waarvan, die aanbod onherroeplik verval.*

**RESUBMISSION 2: UMSIZA PLANNING: APPLICATION FOR REGISTRATION OF A FUTURE PIPELINE SERVITUDE OVER MUNICIPAL LAND OVER PORTIONS 44 OF FARM ROODEHOOGTE 47 (±40M LONG) & PORTION 45 OF FARM ROODEHOOGTE 47 (±406M LONG), ROBERTSON (15/4/12/R) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**Purpose of report**

To resubmit a report to Council for consideration regarding an application received from Umsiza Planning on behalf of Olyvendaal Smuts Plase (Pty)Ltd.

**Background**

The following letter was received from Umsiza Planning

*"An application for the registration of existing and proposed water pipe line and pump servitudes over various farms were submitted to the Municipality in terms of the Land Use By-Law for approval in February 2018.*

*One of the proposed water pipeline servitudes will traverse municipal land, and Tracy Brunnings requested authorisation from the Langeberg Municipality, as the owner of Portion 44 and 45 Roodehoogte No.47 to lodge an application for the construction of a water pipeline and registration of related servitude.*

*The owner of Portion 6 of farm Over Het Roode Zand No 112 is Olyvendaal Smuts Plase (Pty) Ltd and is registered for 1 ha water at the Central Breede River Water Users Association. Although the land has registered water, there is no pipeline connected from their other nearest farm i.e. Portion 1 of farm Klipbosch Laagte No 113 to Portion 6/112. Portions 44 and 45 of farm Roodehoogte are located in the middle of the two private farms and therefore the proposed pipeline needs to traverse these properties.*

*The existing pipeline of Olyvendaal Smuts Plase is 160mm in diameter and 1 meter deep. The proposed pipeline over Portions 44 and 45 will be similar. It is requested that a 6m wide pipe servitude be registered over Portions 44/47 (±40m long) and Portion 45/47 (±406m long) in favour of Portion 6 of Farm 112. This servitude will be approximately 3m from the road reserve.*

*For your consideration please."*

**Comments**

A location map was attached to this report.

***The Directors and relevant Managers were requested to comment not later than 21 December 2018. The following comments were received:***

**Comments: Manager: Civil Engineering Services**

No civil services will be affected by the servitude. We have no objections.

**Comments: Manager: Electrical Engineering Services**

The Electrical Department has in principle no objection to the application.  
The applicant must indicate whether there are any municipal electrical services within the proposed servitude.

**The following feedback was received from applicant:**

*"Daar loop geen kraglyn oor die grond nie. Die munisipale hooflyn na Ashton loop wel langs die hoofpad".*

**Further Comments: Manager: Electrical Engineering Services**

The Electrical Department has no objection to the application.



### Comments: Chief Financial Officer

From a finance perspective there is no objection to the application.

### Comments: Director: Community Services

Our department has no objection.

### Comments: Manager: Town Planning

1. An application for servitudes for water pipelines was received by the Town Planning Department in terms of the Langeberg Land Use Planning Bylaw, 2015. The application was incomplete and the attached letter was sent to the applicant. In terms of Section 15(2)(d)\*1 of LLUP Bylaw 2015, this application can only be processed if authorised by the owner. Portions 44 and 45 of Roode Hoogte 47 are municipal-owned properties, and therefore authorisation is required from the Langeberg Municipality for the application to be lodged.
2. There is no objection from a land use planning point of view to the applicant being authorised to lodge such application. It is recommended that the applicant be asked to confirm the purpose of the proposed water supply to Ptn 6 of Over Het Roode Zand 112 (currently natural veld).
3. The desirability of the proposed pipelines; comments from neighbours and relevant Departments; and the applicability of other legislation (EIA regulations), will be determined and assessed as part of the Land Use Planning process.
4. Note: The plans submitted by Umsiza incorrectly refer to Ptn 44 & 45 of Farm 112 in the title box – should be Farm Roode Hoogte 47.

5.

\*1 Extract of Section 15(2)(d) from the Langeberg Land Use Planning Bylaw, 2015:

30 June 2015

Province of the Western Cape, Provincial Gazette Extraordinary 7461

17

(2) The owner of land or his or her agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:

(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement:

The following feedback was received from applicant:

*“Op hierdie stadium beplan ons geen ontwikkeling op hierdie grond nie maar het besluit om al die moontlikhede by hierdie aansoek in te sluit agv die tydsduur daarvan en om kostes moontlik te bespaar. Dit sal dus vir ons sinneloos wees om nou 'n EIA teen geweldige kostes te laat doen.”*

### Further Comments: Manager: Town Planning

I cannot comment further from a land use point of view, as the owner does not know what the proposed water supply to Ptn 6/112 will be used for (currently Ptn 6/112 is natural veld, and effectively part of the Robertson airfield site).

### Comments: Cllr Shibili

The application is supported

### **Comments: Manager: Administrative Support**

Taking the comments received into consideration, the application is supported.

### **Recommendation/ Aanbeveling**

1. That approval be granted for the erection of a 6m wide pipeline over municipal land, Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson, subject to the following conditions:
  - 1.1 That it be confirmed that the portions over municipal land situated over Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)
  - 1.2 That the portions of municipal land (±600m x 40m over Portion 44 of Farm Roodehoogte 47 and ±600m x 406m over Portion 45 of Farm Roodehoogte 47) be alienated at a market related price.
  - 1.3 That the necessary approval be obtained from the relevant Departments and once approval has been obtained, and the applicant must adhere to all conditions stipulated.
  - 1.4 That the applicant be responsible to register a servitude of ±600m x 40m over Portion 44 of Farm Roodehoogte 47 and ±600m x 406m over Portion 45 of Farm Roodehoogte 47 for this purpose and that the future maintenance of this servitude area be for the account of the applicant.
  - 1.5 That all costs involved with finalization of this transaction and registration of the servitude be for the account of the applicant.

**This item served before the Executive Mayoral Committee on 16 April 2019 under Item B 5485 and was the following decision taken:**

That the report be referred back in order to be amended where after it be resubmitted.

### **Additional comment from Cllr Burger at the Executive Mayoral Committee on 16 April 2019:**

*"Ald JD Burger said that the proposed erection of a 6m wide pipeline is very wide and that the land should be leased on a long term basis in order for the Municipality to still access municipal services if needs be.*

### **Additional comments from Umsiza Planning on behalf of Olyvandal Smuts Plase (PTY) Ltd**

*" Umsiza Planning bevestig hiermee dat hul aansoek vir die installering van 6 wye pyplyn oor munisipale grond na 4m wye pyplyn verander moet word."*

### **Recommendation/ Aanbeveling**

1. That approval be granted for the erection of a 4m wide pipeline over municipal land, Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson, subject to the following conditions:

*Dat goedkeuring verleen word vir die installering van 'n 4m wye pyplyn oor munisipale grond oor Gedeelte 44 van die Plaas Roodehoogte 47 (±40m lank) & Gedeelte 45 van plaas Roodehoogte 47 (±406m lank), Robertson onderworpe aan die volgende voorwaardes:*

  - 1.1 That it be confirmed that the portions over municipal land situated over Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes oor Munisipale grond geleë oor Gedeelte 44 van diePlaas Roodehoogte 47 (±40m lank) & Gedeelte 45 van Plaas Roodehoogte 47 (±406m lank) Robertson nie*

*benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, /wet 56 van 2003)*

- 1.2 That the portions of municipal land ( $\pm 600\text{m} \times 40\text{m}$  over Portion 44 of Farm Roodehoogte 47 and  $\pm 600\text{m} \times 406\text{m}$  over Portion 45 of Farm Roodehoogte 47) be alienated at a market related price.

*Dat die gedeeltes Munisipale grond ( $\pm 600\text{m} \times 40\text{m}$  oor Gedeelte 44 van Plaas Roodehoogte 47 en  $\pm 600\text{m} \times 406\text{m}$  oor Gedeelte 45 van Plaas Roodehoogte 47) vervreem word teen 'n markverwante prys.*

- 1.3 That the necessary approval be obtained from the relevant Departments and once approval has been obtained, and the applicant must adhere to all conditions stipulated.

*Dat die nodige goedkeuring vanaf die relevante Departemente verkry word en nadat goedkeuring verkry is moet die aansoeker aan al die voorwaardes soos gestipuleer, voldoen.*

- 1.4 That the applicant be responsible to register a servitude of  $\pm 600\text{m} \times 40\text{m}$  over Portion 44 of Farm Roodehoogte 47 and  $\pm 600\text{m} \times 406\text{m}$  over Portion 45 of Farm Roodehoogte 47 for this purpose and that the future maintenance of this servitude area be for the account of the applicant.

*Dat die aansoeker verantwoordelik sal wees om 'n servituut van  $\pm 600\text{m} \times 40\text{m}$  oor Gedeelte 44 van Plaas Roodehoogte 47 en  $\pm 600\text{m} \times 406\text{m}$  oor Gedeelte 45 van Plaas Roodehoogte 47 vir hierdie doel te registreer en dat alle toekomstige onderhoud van die servituut area vir die rekening van die applikant sal wees.*

- 1.5 That all costs involved with finalization of this transaction and registration of the servitude be for the account of the applicant.

*Dat alle kostes met betrekking tot die finalisering en registrasie van die servituut vir die rekening van die applikant sal wees.*

**This item served before the Corporate Services Portfolio Committee on 10 July 2019**

**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 10 Julie 2019**

**Eenparig Besluit / Unanimously Resolved**

That the report be referred back and that a site visit be arranged in order to inspect the area where the pipeline of 4m wide will be constructed.

**Comments: Manager: Administrative Support**

A site meeting was held on Friday, 25 October 2019. The following councillors and officials attended the site meeting.

Cllr N Beginsel  
Cllr B Jansen  
Cllr O Simpson  
Ald J Burger  
Cllr C Grootboom  
Cllr S du Plessis  
Mr A Everson  
Mr M Johnson  
Mrs S Kotzé

After the application was discussed, it was unanimously resolved that the application be recommended subject to the following conditions:

## Recommendation/ Aanbeveling

1. That it be confirmed that the portions over municipal land situated over Portion 44 of Farm Roodehoogte 47 ( $\pm 40\text{m}$  long) & Portion 45 of Farm Roodehoogte 47 ( $\pm 406\text{m}$  long), Robertson not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes oor Munisipale grond geleë oor Gedeelte 44 van die Plaas Roodehoogte 47 ( $\pm 40\text{m}$  lank) & Gedeelte 45 van Plaas Roodehoogte 47 ( $\pm 406\text{m}$  lank) Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, /wet 56 van 2003)*

2. That approval be granted for the erection of a 4m wide pipeline over municipal land, Portion 44 of Farm Roodehoogte 47 ( $\pm 40\text{m}$  long) & Portion 45 of Farm Roodehoogte 47 ( $\pm 406\text{m}$  long), Robertson, subject to the following conditions:

*Dat goedkeuring verleen word vir die installering van 'n 4m wye pyplyn oor munisipale grond oor Gedeelte 44 van die Plaas Roodehoogte 47 ( $\pm 40\text{m}$  lank) & Gedeelte 45 van plaas Roodehoogte 47 ( $\pm 406\text{m}$  lank), Robertson onderworpe aan die volgende voorwaardes:*

- 2.1 That the portions of municipal land ( $\pm 600\text{m} \times 40\text{m}$  over Portion 44 of Farm Roodehoogte 47 and  $\pm 600\text{m} \times 406\text{m}$  over Portion 45 of Farm Roodehoogte 47) be alienated at a market related price.

*Dat die gedeeltes Munisipale grond ( $\pm 600\text{m} \times 40\text{m}$  oor Gedeelte 44 van Plaas Roodehoogte 47 en  $\pm 600\text{m} \times 406\text{m}$  oor Gedeelte 45 van Plaas Roodehoogte 47) vervreem word teen 'n markverwante prys.*

- 2.2 That the necessary approval be obtained from the relevant Departments and once approval has been obtained, and the applicant must adhere to all conditions stipulated.

*Dat die nodige goedkeuring vanaf die relevante Departemente verkry word en nadat goedkeuring verkry is moet die aansoeker aan al die voorwaardes soos gestipuleer, voldoen.*

- 2.3 That the applicant be responsible to register a servitude of  $\pm 600\text{m} \times 40\text{m}$  over Portion 44 of Farm Roodehoogte 47 and  $\pm 600\text{m} \times 406\text{m}$  over Portion 45 of Farm Roodehoogte 47 for this purpose and that the future maintenance of this servitude area be for the account of the applicant.

*Dat die aansoeker verantwoordelik sal wees om 'n serwituut van  $\pm 600\text{m} \times 40\text{m}$  oor Gedeelte 44 van Plaas Roodehoogte 47 en  $\pm 600\text{m} \times 406\text{m}$  oor Gedeelte 45 van Plaas Roodehoogte 47 vir hierdie doel te registreer en dat alle toekomstige onderhoud van die serwituut area vir die rekening van die applikant sal wees.*

- 2.4 That all costs involved with finalization of this transaction be for the account of the applicant.

*Dat alle kostes met betrekking tot die finalisering van die transaksie vir die rekening van die applikant sal wees.*

**NOTE:** The annexure was distributed as part of the agenda for the Corporate Services Portfolio Committee meeting of 12 November 2019 (pg. 60)

**This item served before the Corporate Services Portfolio Committee on 12 November 2019**

**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 12 November 2019**

## Recommendation / Aanbeveling

1. That it be confirmed that the portions over municipal land situated over Portion 44 of Farm Roodehoogte 47 (4m wide x  $\pm 40\text{m}$  long) & Portion 45 of Farm Roodehoogte 47 (4m wide x  $\pm 406\text{m}$  long), Robertson are not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes oor Munisipale grond geleë oor Gedeelte 44 van die Plaas Roodehoogte 47 (4m breed x ±40m lank) & Gedeelte 45 van Plaas Roodehoogte 47 (4m breed x ±406m lank) Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That approval be granted to the owner of Olyvandal Smuts Plase (Pty) Ltd to erect a 4m wide pipeline over municipal land, Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson, subject to the following conditions:

*Dat goedkeuring verleen word aan die eienaar van Olyvandal Smuts Plase (Pty) Ltd om 'n 4m wye pyplyn oor munisipale grond oor Gedeelte 44 van die Plaas Roodehoogte 47 (±40m lank) & Gedeelte 45 van plaas Roodehoogte 47 (±406m lank), Robertson te installeer onderworpe aan die volgende voorwaardes:*

- 2.1 That the portions of municipal land (4m wide x ±40m long) over Portion 44 of Farm Roodehoogte 47 and (4m wide x ±406m long) over Portion 45 of Farm Roodehoogte 47 be alienated at a market related price.

*Dat die gedeeltes Munisipale grond (4m breed x ± 40m lank) oor Gedeelte 44 van Plaas Roodehoogte 47 en (4m breed x ±406m lank) oor Gedeelte 45 van Plaas Roodehoogte 47 vervreem word teen 'n markverwante prys.*

- 2.2 That the purchaser be responsible to register a servitude of 4 m wide x ± 40m long over Portion 44 of Farm Roodehoogte 47 and 4m wide x ± 406m long over Portion 45 of Farm Roodehoogte 47 for this purpose and that the future maintenance of this servitude area be for the account of the applicant.

*Dat die koper verantwoordelik sal wees om 'n serwituut van 4m breed x ± 40m lank oor Gedeelte 44 van Plaas Roodehoogte 47 en 4m breed x ± 406m lank oor Gedeelte 45 van Plaas Roodehoogte 47 vir hierdie doel te registreer en dat alle toekomstige onderhoud van die serwituut area vir die rekening van die aplikant sal wees.*

- 2.3 That all costs involved with finalization of this transaction be for the account of the purchaser.

*Dat alle kostes met betrekking tot die finalisering van die transaksie vir die rekening van die koper sal wees.*

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

1. That it be confirmed that the portions over municipal land situated over Portion 44 of Farm Roodehoogte 47 (4m wide x ±40m long) & Portion 45 of Farm Roodehoogte 47 (4m wide x ±406m long), Robertson are not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeeltes oor Munisipale grond geleë oor Gedeelte 44 van die Plaas Roodehoogte 47 (4m breed x ±40m lank) & Gedeelte 45 van Plaas Roodehoogte 47 (4m breed x ±406m lank) Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That approval be granted to the owner of Olyvandal Smuts Plase (Pty) Ltd to erect a 4m wide pipeline over municipal land, Portion 44 of Farm Roodehoogte 47 (±40m long) & Portion 45 of Farm Roodehoogte 47 (±406m long), Robertson, subject to the following conditions:

*Dat goedkeuring verleen word aan die eienaar van Olyvandal Smuts Plase (Pty) Ltd om 'n 4m wye pyplyn oor munisipale grond oor Gedeelte 44 van die Plaas Roodehoogte 47 (±40m lank) & Gedeelte 45 van plaas Roodehoogte 47 (±406m lank), Robertson te installeer onderworpe aan die volgende voorwaardes:*

- 2.1 That the portions of municipal land (4m wide x ±40m long) over Portion 44 of Farm Roodehoogte 47 and (4m wide x ±406m long) over Portion 45 of Farm Roodehoogte 47 be alienated at a market related price.

*Dat die gedeeltes Munisipale grond (4m breed x  $\pm$  40m lank) oor Gedeelte 44 van Plaas Roodehoogte 47 en (4m breed x  $\pm$  406m lank) oor Gedeelte 45 van Plaas Roodehoogte 47 vervreem word teen 'n markverwante prys.*

- 2.2 That the purchaser be responsible to register a servitude of 4 m wide x  $\pm$  40m long over Portion 44 of Farm Roodehoogte 47 and 4m wide x  $\pm$  406m long over Portion 45 of Farm Roodehoogte 47 for this purpose and that the future maintenance of this servitude area be for the account of the applicant.

*Dat die koper verantwoordelik sal wees om 'n serwituut van 4m breed x  $\pm$  40m lank oor Gedeelte 44 van Plaas Roodehoogte 47 en 4m breed x  $\pm$  406m lank oor Gedeelte 45 van Plaas Roodehoogte 47 vir hierdie doel te registreer en dat alle toekomstige onderhoud van die serwituut area vir die rekening van die applikant sal wees.*

- 2.3 That all costs involved with finalization of this transaction be for the account of the purchaser.

2.4

*Dat alle kostes met betrekking tot die finalisering van die transaksie vir die rekening van die koper sal wees.*

**PROGRAMME OF DATES FOR MEETINGS 2020 ~ SECTION 79 COMMITTEES, EXECUTIVE MAYORAL COMMITTEE AND COUNCIL ~ JANUARY TO DECEMBER 2020 (3/2/3/1) (DIRECTOR CORPORATE SERVICES)**

**Purpose of Report**

To submit for consideration, a programme of proposed dates for the 2020 meetings of the Section 79 Committees, the Executive Mayoral Committee and Council.

**Background**

The following dates are proposed for the meetings of the Section 79 Committees, the Executive Mayoral Committee and Council from January to December 2020.

**Aanbeveling / Recommendation**

1. That the following dates for the meetings of the Section 79 Committees, MPAC, the Executive Mayoral Committee and Council for 2020 be approved.

*Dat die vergaderingsdatums soos hieronder aangedui, van die Artikel 79 Komitees, MORK, die Uitvoerende Burgemeesterskomitee en Raad vir 2020 goedgekeur word.*

2. That the proposed dates be compared with other known dates of meetings that Councillors regularly attend throughout the year, in order to avoid the clashing of meetings.
3. That in the event there is a need for a Council meeting in June or December 2020 to address any compliance matters, statutory council meetings be arranged on dates as determined by the Municipal Manager and the Speaker.

<b><u>ART 79 COMMITTEES</u></b> Corporate Services, Strategy + Social Development, Community Services, Engineering Services, MPAC & Finance	<b><u>EXECUTIVE MAYORAL COMMITTEE</u></b> At 10h00	<b><u>COUNCIL MEETING</u></b> At 10h00	<b><u>STATUTORY COUNCIL MEETING</u></b> (Urgent matters) At 10h00
<b>JANUARY 2020</b>			
14 January 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 January 2020 = Finance Committee	21 January 2020	28 January 2020	
01 January 2020 = New Year's Day. Schools reopen on 15 January 2020 for Term 1			
<b>FEBRUARY 2020</b>			
11 February 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 18 February 2020 = Finance Committee	18 February 2020	25 February 2020	
<b>MARCH 2020</b>			
10 March 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC	17 March 2020	31 March 2020	

17 March 2020 = Finance Committee			
21 March 2020 = Human Rights Day. Schools close 20 March 2020 and re-open on 31 March 2010 for Term 2			
<b>APRIL 2020</b>			
07 April 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 April 2020 = Finance Committee	14 April 2020	28 April 2020	
Good Friday = 10 April 2020, Family Day = 13 April 2020 (Easter Weekend = 10 – 13 April), Freedom Day = 27 April 2020			
<b>MAY 2020</b>			
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Workers' Day = 01 May 2020			
<b>JUNE 2020</b>			
No Portfolio meetings in June 2020	No Mayco meeting in June 2020	No Council meeting in June 2020	12 June 2020
12 June 2020 = Schools close, Youth day = 16 June 2020.			
<b>JULY 2020</b>			
07 July 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 July 2020 = Finance Committee	21 July 2020	28 July 2020	
07 July 2020 = Schools re-open for Term 3			
<b>AUGUST 2020</b>			
11 August 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 18 August 2020 = Finance Committee	18 August 2020	25 August 2020	
09 August 2020 = National Women's Day (Monday 10 Aug = Public Holiday)			
<b>SEPTEMBER 2020</b>			
08 September 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee	15 September 2020	29 September 2020	



11h00 - 11h45 = MPAC 16 September 2020 = Finance Committee			
24 Sept 2020 = Heritage Day. Schools close on 18 Sept and re-open on 29 September for Term 4.			
<b>OCTOBER 2020</b>			
06 October 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 16 October 2020 = Finance Committee	20 October 2020	27 October 2020	
Schools reopen on 01 Oct 2020			
<b>NOVEMBER 2020</b>			
10 November 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 November 2020 = Finance Committee	24 November 2020	No Council meeting	
<b>DECEMBER 2020</b>			
December 2020	---	01 December 2020	---
Schools close on 02 December 2020. 16 Dec 2020 = Day of Reconciliation. 25 Dec 2020 = Christmas Day. 26 Dec 2020 = Day of Goodwill. Schools re-open in mid-January 2021 ( <i>date to be confirmed</i> ).			

**This item served before the Corporate Services Portfolio Committee on 12 November 2019**

**Hierdie item het gedien by die Korporatiewe Dienste Portefeulje Komitee op 12 November 2019**

**Recommendation / Aanbeveling**

1. That the following dates for the meetings of the Section 79 Committees, MPAC, the Executive Mayoral Committee and Council for 2020 be approved.  
  
*Dat die vergaderingsdatums soos hieronder aangedui, van die Artikel 79 Komitees, MORK, die Uitvoerende Burgemeesterskomitee en Raad vir 2020 goedgekeur word.*
2. That the proposed dates be compared with other known dates of meetings that Councillors regularly attend throughout the year, in order to avoid the clashing of meetings.
3. That in the event there is a need for a Council meeting in June or December 2020 to address any compliance matters, statutory council meetings be arranged on dates as determined by the Municipal Manager and the Speaker.

<b><u>ART 79 COMMITTEES</u></b> Corporate Services, Strategy + Social Development, Community Services, Engineering Services, MPAC & Finance	<b><u>EXECUTIVE MAYORAL COMMITTEE</u></b> At 10h00	<b><u>COUNCIL MEETING</u></b> At 10h00	<b><u>STATUTORY COUNCIL MEETING</u></b> (Urgent matters) At 10h00
<b>JANUARY 2020</b>			
14 January 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development	21 January 2020	28 January 2020	

09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 January 2020 = Finance Committee			
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<b>FEBRUARY 2020</b>			
11 February 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 18 February 2020 = Finance Committee	18 February 2020	25 February 2020	
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Good Friday = 10 April 2020, Family Day = 13 April 2020 (Easter Weekend = 10 – 13 April), Freedom Day = 27 April 2020			
<b>MAY 2020</b>			
12 May 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 19 May 2020 = Finance Committee	19 May 2020	26 May 2020	
Workers' Day = 01 May 2020			
<b>JUNE 2020</b>			
No Portfolio meetings in June 2020	No Mayco meeting in June 2020	No Council meeting in June 2020	12 June 2020
12 June 2020 = Schools close, Youth day = 16 June 2020.			
<b>JULY 2020</b>			
07 July 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee	21 July 2020	28 July 2020	

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11 August 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 18 August 2020 = Finance Committee	18 August 2020	25 August 2020	
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24 Sept 2020 = Heritage Day. Schools close on 18 Sept and re-open on 29 September for Term 4.			
<b>OCTOBER 2020</b>			
06 October 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 16 October 2020 = Finance Committee	20 October 2020	27 October 2020	
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<b>DECEMBER 2020</b>			
December 2020	---	01 December 2020	---
Schools close on 02 December 2020. 16 Dec 2020 = Day of Reconciliation. 25 Dec 2020 = Christmas Day. 26 Dec 2020 = Day of Goodwill. Schools re-open in mid-January 2021 (date to be confirmed).			

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

1. That the following dates for the meetings of the Section 79 Committees, MPAC, the Executive Mayoral Committee and Council for 2020 be approved.

*Dat die vergaderingsdatums soos hieronder aangedui, van die Artikel 79 Komitees, MORK, die Uitvoerende Burgemeesterskomitee en Raad vir 2020 goedgekeur word.*

2. That the proposed dates be compared with other known dates of meetings that Councillors regularly attend throughout the year, in order to avoid the clashing of meetings.
3. That in the event there is a need for a Council meeting in June or December 2020 to address any compliance matters, statutory council meetings be arranged on dates as determined by the Municipal Manager and the Speaker.

<b>ART 79 COMMITTEES : Wednesdays</b> Corporate Services, Strategy + Social Development, Community Services, Engineering Services, MPAC  Financial Services at 10h00 (Wednesdays & Fridays)	<b><u>EXECUTIVE MAYORAL</u></b> <b><u>COMMITTEE</u></b> At 10h00	<b><u>COUNCIL</u></b> <b><u>MEETING</u></b> At 10h00	<b><u>STATUTORY</u></b> <b><u>COUNCIL MEETING</u></b> (Urgent matters) At 10h00
<b>JANUARY 2020</b>			
15 January 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 January 2020 = Financial Services Committee (Friday)	21 January 2020	28 January 2020	
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Good Friday = 10 April 2020, Family Day = 13 April 2020 (Easter Weekend = 10 – 13 April), Freedom Day = 27 April 2020			
<b>MAY 2020</b>			
13 May 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee	19 May 2020	26 May 2020	

10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 20 May 2020 = Financial Services Committee			
Workers' Day = 01 May 2020			
<b>JUNE 2020</b>			
No Portfolio meetings in June 2020	No Mayco meeting in June 2020	No Council meeting in June 2020	12 June 2020
12 June 2020 = Schools close, Youth day = 16 June 2020.			
<b>JULY 2020</b>			
08 July 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 July 2020 = Financial Services Committee (Friday)	21 July 2020	28 July 2020	
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09 August 2020 = National Women's Day (Monday 10 Aug = Public Holiday)			
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18 November 2020 = Financial Services Committee			
<b>DECEMBER 2020</b>			
December 2020	---	01 December 2020	---
Schools close on 02 December 2020. 16 Dec 2020 = Day of Reconciliation. 25 Dec 2020 = Christmas Day. 26 Dec 2020 = Day of Goodwill. Schools re-open in mid-January 2021 ( <i>date to be confirmed</i> ).			

### **Further Comments : Director Corporate Services**

After discussions with the Municipal Manager and considering the impact on Administration in finalizing agendas of the Mayoral Committee meetings following the Portfolio Committee meetings, it is proposed that the Portfolio Committee meetings be moved back to Mondays.

The following programme is recommended:

<b>ART 79 COMMITTEES : Mondays</b> Corporate Services, Strategy + Social Development, Community Services, Engineering Services, MPAC  <u>Financial Services</u> <b>10h00 (Wednesdays &amp; Fridays)</b>		<b><u>EXECUTIVE MAYORAL</u></b> <b><u>COMMITTEE</u></b> At 10h00	<b><u>COUNCIL</u></b> <b><u>MEETING</u></b> At 10h00	<b><u>STATUTORY</u></b> <b><u>COUNCIL</u></b> <b><u>MEETING</u></b> <i>(Urgent matters)</i> At 10h00
<b>JANUARY 2020</b>				
13 January 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 January 2020 = Finance Committee (Friday)	21 January 2020	28 January 2020		
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Workers' Day = 01 May 2020			
<b>JUNE 2020</b>			
No Portfolio meetings in June 2020	No Mayco meeting in June 2020	No Council meeting in June 2020	12 June 2020
12 June 2020 = Schools close, Youth day = 16 June 2020.			
<b>JULY 2020</b>			
06 July 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 17 July 2020 = Finance Committee (Friday)	21 July 2020	28 July 2020	
07 July 2020 = Schools re-open for Term 3			
<b>AUGUST 2020</b>			
11 August 2020 (10 Aug Public Holiday) 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 19 August 2020 = Finance Committee (Wednesday)	18 August 2020	25 August 2020	
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24 Sept 2020 = Heritage Day. Schools close on 18 Sept and re-open on 29 September for Term 4.			

<b>OCTOBER 2020</b>			
05 October 2020 08h00 - 08h45 = Corporate Services Committee 08h45 - 09h30 = Strategy + Social Development 09h30 - 10h15 = Community Services Committee 10h15 - 11h00 = Engineering Services Committee 11h00 - 11h45 = MPAC 16 October 2020 = Finance Committee (Friday)	20 October 2020	27 October 2020	
Schools reopen on 01 Oct 2020			
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December 2020	---	01 December 2020	---
Schools close on 02 December 2020. 16 Dec 2020 = Day of Reconciliation. 25 Dec 2020 = Christmas Day. 26 Dec 2020 = Day of Goodwill. Schools re-open in mid-January 2021 ( <i>date to be confirmed</i> ).			



**AMENDMENT OF MIG DETAILED PROJECT IMPLEMENTATION PLAN - 2019 / 2020, 2020 / 2021 AND 2021 / 2022 (17/8/3/5/3) (MANAGER PROJECT MANAGEMENT)**

**Purpose of report**

To obtain approval from Council for the amendment of the Langeberg Municipality MIG Detailed Project Implementation Plan (DPIP) utilization of MIG funding for the 2019 / 2020, 2020 / 2021 and 2021 / 2022 financial years.

**Background**

The allocated MIG funding for Langeberg Municipality for the 2019 / 2020, 2020 / 2021 and 2021 / 2022 financial years as published in the DORA are as follows:

2019 / 2020.....R 21 983 000  
 2020 / 2021.....R 23 008 000  
 2021 / 2022.....R 24 482 000

Relevant documentation was attached to an email.

Approved MIG projects for 2019 / 2020 and 2020 / 2021 to be implemented as per council decision A3800 are as follows:

PROJECT	MIG AMOUNT REGISTERED
Upgrading of Roads & Stormwater - Montagu: Ashbury	R21 983 000.01
Upgrading of Roads & Stormwater - Ashton: Zolani & Cogmanskloof	R7 255 200.01
Upgrading of Roads & Stormwater - Bonnievale: Happy Valley & Mountain View	R6 584 819.10

The before mentioned projects are to be implemented within 2019/20 and completed with 2020/21

It is the intention that the MIG DPIP 2019/20 and subsequent budget be amended to include the completion of Upgrading of Roads & Stormwater Robertson Project (JVZ / UDS contract) and that the before mentioned project budgets be reduced accordingly and that the DPIP be amended as such:

PROJECT	2019 / 2020
Upgrading of Roads & Stormwater - Montagu: Ashbury	R14 055 746.77
Upgrading of Roads & Stormwater - Ashton: Zolani & Cogmanskloof	R3 710 946.77
Upgrading of Roads & Stormwater - Bonnievale: Happy Valley & Mountain View	R1 383 546.77
Upgrading of Roads & Stormwater Robertson	R 2 832 759.70 (excluding roll-over applied for 2018 / 2019)
<b>2019 / 2020 MIG BUDGET</b>	<b>R21 983 000.00</b>

As per council decision A3800, the other identified projects remain unchanged.

**Recommendation**

That the *Upgrading of Roads & Stormwater Robertson Project* be included within the MIG DPIP for 2019 / 2020 and that the budget for these projects be amended for 2019 / 2020 and 2020 / 2021 accordingly.

**NOTE:** The annexure was distributed per email for the agenda for the Engineering Services Portfolio Committee meeting of 12 November 2019.

**This item served before an Engineering Services Portfolio Committee on 12 November 2019**  
**Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 12 November 2019**  
**Recommendation / Aanbeveling**

That the *Upgrading of Roads & Stormwater Robertson Project* be included within the MIG DPIIP for 2019 / 2020 and that the budget for these projects be amended for 2019 / 2020 and 2020 / 2021 accordingly.

**This item served before the Executive Mayoral Committee on 27 November 2019**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**  
**Aanbeveling / Recommendation**

That the *Upgrading of Roads & Stormwater Robertson Project* be included within the MIG DPIIP for 2019 / 2020 and that the budget for these projects be amended for 2019 / 2020 and 2020 / 2021 accordingly.

**PROGRESS REPORT - ASLA ALLOCATED HUMAN SETTLEMENTS PROJECTS WITHIN LANGEBERG MUNICIPALITY – OCTOBER 2019 (DIRECTOR COMMUNITY SERVICES)**

**Purpose**

To update Council of developments on the Langeberg Municipal Housing Pipeline.

**Background**

Council has approved a housing pipeline for the 2016 – 2021 IDP term and beyond, to guide planning and implementation in collaboration with the Department of Human Settlements in the Province of the Western Cape.

ASLA was appointed as implementing agent for the projects as reflected on the housing pipeline that was attached.

The priority of the housing projects on the current Housing Pipeline may be adapted due to restriction on funds from the Department of Human Settlements, project readiness and also the providing of bulk services.

**Recommendation**

That Council takes cognisance of the October 2019 progress report of the Housing Pipeline for Langeberg Municipality.

**NOTE:** The annexure was distributed as part of the agenda for the Community Services Portfolio Committee meeting of 12 November 2019 (pg. 74 – 76)

**This item served before the Community Services Portfolio Committee on 12 November 2019**  
**Hierdie item het gedien by die Gemeenskapsdienste Portefeulje Komitee op 12 November 2019**  
**Recommendation / Aanbeveling**

That Council takes cognisance of the October 2019 progress report of the Housing Pipeline for Langeberg Municipality.

**This item served before the Executive Mayoral Committee on 27 November 2019**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**  
**Aanbeveling / Recommendation**

That Council takes cognisance of the October 2019 progress report of the Housing Pipeline for Langeberg Municipality.

**Additional Comments**

**Find attached** a copy of a 5-Year Housing Projects Delivery Plan for Langeberg Municipality as provided by the Department Of Human Settlement Western Cape. **(The Delivery Plan will be emailed with the agenda)**

The Municipality is requested to review the attached spread sheet and confirm that the amounts, timeframes and projects listed are correct and whether it reflect the Municipality's plans for the next 5 years.

**Submitted for Consideration**

**EXPENDITURE OF THE 2019 / 2020 BUDGET MEASURED BY THE TOP LEVEL SDBIP FOR THE FIRST QUARTER (5/1/3) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)**

**Purpose of report**

To submit a report to Council regarding the expenditure on the 2019 / 2020 budget for the first quarter as measured by the approved Top level SDBIP

**Background**

Section 52 (d) of the Municipal Finance Management Act, 56 of 2003, requires that a Mayor 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.

This report informs Council on a quarterly basis of the expenditure and performance in the Budget.

**Comments**

The relevant documentation was attached to the report and also transmitted per email **as part of the addendum for the MPAC Committee meeting of 12 November 2019.**

**Recommendation / / Aanbeveling**

That Council notes the contents of the report

*Dat die Raad kennis neem van die inhoud van die verslag*

**This item served before the Municipal Public Accounts Committee (MPAC) on 12 November 2019**  
**Die item het voor die Munisipale Openbare Rekeninge Komitee (MORK) gedien op 12 November 2019**  
**Recommendation / Aanbeveling**

That Council notes the contents of the report.

*Dat die Raad kennis neem van die inhoud van die verslag.*

**This item served before the Executive Mayoral Committee on 27 November 2019**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**  
**Aanbeveling / Recommendation**

That Council notes the contents of the report.

*Dat die Raad kennis neem van die inhoud van die verslag.*

**RESUBMISSION 2: DRAFT LANGEBERG MUNICIPALITY AIR QUALITY BY-LAW (17/1/5/1) (MANAGER: SOCIAL DEVELOPMENT)**

**Purpose of the Report**

To resubmit a report to Council regarding the draft Langeberg Municipality Air Quality By-law.

**Background**

This item served before Council as item A3895 on 29 October 2019 and is being resubmitted for consideration.

This item served before Council as per item A3833

This item served before an Ordinary Meeting of Council on 30 July 2019

Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 30 Julie 2019

Eenparig Besluit / Unanimously Resolved

1. That Council approve the draft Langeberg Municipality Air Quality By-law.
2. That a Public Participation Process be supported by Council, after which the Langeberg Municipality Air Quality By-law be resubmitted to Council for final adoption.
3. That the following Public Participation Processes be supported by Council:
  - 3.1. Advertising in the local press
  - 3.2. Making the draft Langeberg Municipality Air Quality By-law available at Municipal Offices and Libraries
  - 3.3 Providing copies of the draft Langeberg Municipality Air Quality By-law to all Ward Committees and requesting their comments

**Comments**

The following public participation process for the Langeberg Municipality Air Quality By-law was adhered to:

1. Placed at all libraries and Municipal offices on the 14 August 2019
2. Placed in the Gazette on the 20 August 2019
3. Placed on the Municipal web site on the 26 August 2019
4. Sent to the Cape Winelands District Municipality: Air Quality Officer, on the 13 August 2019, for comments.
5. Sent to the Department: Environmental Affairs and Development Planning – Directorate: Air Quality Management / Air Quality Regulatory Services, for comments.
6. Was made available to all Ward Committees

All proof of the above, and a copy of the Langeberg Municipality Air Quality By-law, was attached to this report

The only comments on the draft Langeberg Municipality Air Quality By-law were received from the following Ward Committees.

**Kommentaar: Draft By-Law: Air Pollution**

**Wyke 1 en 3**

1. *Besproeiing op plase is 'n probleem, daar word tussen die werkers gespuit. Dit hou 'n gesondheidsrisiko in vir die werkers en kinders op die plaas. Die veiligheidsreëls word nie toegepas nie.*
2. *Sal hierdie verordening ook die probleem aanspreek oor besighede in residensiële areas wat motors spuitverf met die giftige dampe wat afgegee word.*
3. *Wie gaan verantwoordelik wees by die Munisipaliteit om die bepalings af te dwing?*
4. *Wat is die rol van die gesondheidsinspekteurs.*
5. *Word lugbesoedeling deur die rook van sigarette, dagga en oka pyp in die openbaar by sport geleenthede ook deur hierdie "by-law" aangespreek?*
6. *Wat is die vasgestelde boete / gevangenisstraf vir nie-nakoming? Moet dit nie ingevoeg word nie?*

#### Wyk 5

7. *Bespuiting vir pesbeheer op plase is 'n gesondheidsgevaar vir landelike inwoners en behoort in meer detail omskryf te word in die verordening.*

#### Wyk 7

8. *Wie gaan die bepalings afdwing en inspekteur, behoort daardie owerheid / amptenare nie ook in die verordening omskryf te word nie?*

#### Comments / Response to the questions raised by the Ward Committees:

Questions 1 and 7: The Department: Agriculture, Forestry and Fisheries controls the spraying of crops under the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act 36 of 1947). This is managed in partnership with the following legislation

- o Section 24 of The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- o Medicines and Related Substances Control Act, 1965 (Act 101 of 1965)
- o Hazardous Substances Act, 1973 (Act 15 of 1973)
- o The Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act 54 of 1972)
- o The Occupational Health and Safety Act, 1993 (Act 85 of 1993)

The control of spraying of crops, this includes aerial spraying as well, is a function of the National Department: Agriculture, Forestry and Fisheries. Chapter 9 of the by-law refers to this matter.

Question 2: The spraying of motor vehicles in residential areas can be addressed under this by law, however, the complaint should be addressed by the Langeberg Municipality Integrated Zoning Scheme Regulations.

Question 3 and 8: Langeberg Municipality has appointed an Air Quality Officer who will deal with related air quality matters

Question 4: Environmental Health Practitioners (Health Inspectors) render a Municipal Health function and this function has been delegated to the District Municipalities. The Langeberg Municipality do not employ Environmental Health Practitioners (Health Inspectors)

Question 5: Air pollution caused by the smoking of tobacco and other products is controlled by The Tobacco Products Control Amendment Act, 2007 (Act 23 of 2007) and not through this by-law.

Question 6: These matters are determined in section 51 and 52 of the National Environment Management: Air Quality Act, 2004 (Act 39 of 2004)

#### Recommendations

That the Langeberg Municipality Air Quality By-law be approved

NOTE: The annexure was distributed as part of the agenda for the Strategy & Social Development Portfolio Committee meeting of 08 October 2019 (pg. 64 – 83)

This item served before the Strategy & Social Development Portfolio Committee on 08 October 2019.

Hierdie item het gedien by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 08 Oktober 2019  
Aanbeveling / Recommendation

That the Langeberg Municipality Air Quality By-law be approved, subject to the inclusion of penalties as determined in the National Environmental Management Air Quality Act, 2004 (Act 39 of 2004).

#### Further comments

The penalties for any offences in terms of this by-law cannot be determined in terms of the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004).

The Langeberg Municipality Air Quality By-law must determine its own penalties.

#### Process

Once Council has approved the Langeberg Municipality Air Quality By-law, it will be submitted for promulgation.

After this has been completed the attached *Offences & Penalties List* will be submitted to all the local magistrates for their approval. After approval the fines as approved will be applicable for all offences.

Local magistrates may make amendments to the proposed fines as set out in the *Offences & Penalties List*, which will be submitted to local magistrates for approval.

This item served before the Executive Mayoral Committee on 22 October 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 22 Oktober 2019

Aanbeveling / Recommendation

1. That the Langeberg Municipality Air Quality By-law be approved subject to the inclusion of penalties as determined in the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004).
2. That the By-law also be translated into Afrikaans.

This item served before an Ordinary Meeting of Council on 29 October 2019

Hierdie item het gediens voor 'n Gewone Vergadering van die Raad op 29 Oktober 2019

Eenparig Besluit / Unanimously Resolved

That the report be referred back in order for Councillors to consider the penalties that have been attached to the various offences and also to allow enough time for the translation into Afrikaans of the By-Law, where after the report be resubmitted to Council for consideration.

This item served before the Strategy & Social Development Portfolio Committee on 12 November 2019

Hierdie item het gediens by die Strategiese & Sosiale Ontwikkeling Portefeulje Komitee op 12 November 2019

Aanbeveling / Recommendation

1. That the proposed fines as set out in Langeberg Municipality Air Quality By-law be approved.
2. That the Langeberg Municipality Air Quality By-law be submitted for promulgation.

Relevant documentation is attached to the email of the agenda

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gediens op 27 November 2019

Aanbeveling / Recommendation

That the Langeberg Municipality Air Quality By-law be approved and submitted for promulgation.

**FINANCIAL REPORTING IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 – OCTOBER 2019 (9/2/1/3) (CHIEF FINANCIAL OFFICER)**

**Purpose of report**

To submit a report in terms of the Monthly Budget Statement of the Local Government: Municipal Finance Management Act, 2003 to Council for information.

**Comments**

The report, as submitted to the Executive Mayor, National Treasury and Provincial Treasury, was attached to this report.

**Aanbeveling / Recommendation**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**NOTE:** The annexure was distributed as part of the agenda for the Finance Services Portfolio Committee meeting of 18 November 2019 (pg. 06 – 98)

**This item served before the Finance Portfolio Committee on 18 November 2019**

**Hierdie item het gedien voor die Finansies Portefeulje Komitee op 18 November 2019**

**Recommendation / Aanbeveling**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Aanbeveling / Recommendation**

That the content of the report be noted.

*Dat kennis geneem word van die inhoud van die verslag.*



**TABLING OF THE DRAFT ANNUAL REPORT FOR 2018 / 2019 (5/14/1/1) (DIRECTOR: STRATEGY AND SOCIAL DEVELOPMENT)**

**PURPOSE**

To obtain support from the Council for the 2018 / 2019 annual report.

**STRATEGIC INTENT**

This report supports the Strategic Intent to achieve Good Governance, as well as facilitating the accomplishment of Council's other 5 strategies.

**FOR DECISION BY**

Council.

**EXECUTIVE SUMMARY**

In terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA), the following action is necessary:

the mayor of a municipality must, within seven months after the end of a financial year (i.e. by the end of January), table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control [Section 127. (2)];

immediately after the annual report is tabled, the report must, inter alia, be made public and representations invited from the local community [Section 127. (5)]; and

Council must consider the annual report of the municipality / municipal entity and by no later than two months from the date on which the annual report was tabled in Council (i.e. by the end of March), adopt an oversight report containing the Council's comments [Section 129. (1)].

Accordingly, the annual report for 2018 / 2019 was prepared based on the format contained in MFMA.

***The latest version of the draft Annual Report is available at the drop box link mailed to Councillors.***

**DISCUSSION / CONTENTS**

**Constitutional and Policy Implications**

The annual report process is currently driven by legislation.

**Legal Implications**

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (Chapter 12) (MFMA).

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Chapter 6), as read with the Local Government: Municipal Systems Amendment Act, 2003 (Act 44 of 2003) (hereinafter referred to as the Systems Act).

**Background**

In terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA), the following action is necessary:

- (a) the mayor of a municipality must, within seven months after the end of a financial year (i.e. by the end of January), table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control [Section 127. (2)];

- (b) immediately after the annual report is tabled, the report must, *inter alia*, be made public and representations invited from the local community [Section 127. (5)]; and
- (c) Council must consider the annual report of the municipality / municipal entity and by no later than two months from the date on which the annual report was tabled in Council (i.e. by the end of March), adopt an oversight report containing the Council's comments [Section 129. (1)].

According to Section 121. (2) of the MFMA, the purpose of an annual report is:

- (a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;
- (b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and
- (c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.

Section 121. (3) of the MFMA prescribes the contents of the annual report, which must include:

- (a) the annual financial statements of the municipality, and in addition, if section 122(2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126(1);
- (b) the Auditor-General's audit report in terms of section 126(3) on those financial statements;
- (c) the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Systems Act;
- (d) the Auditor-General's audit report in terms of section 45(b) of the Systems Act;
- (e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;
- (f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17(3)(b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;
- (g) Particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);
- (h) Any explanations that may be necessary to clarify issues in connection with the financial statements;
- (i) Any information as determined by the municipality;
- (j) Any recommendations of the municipality's audit committee; and
- (k) Any other information as may be prescribed.

## **RECOMMENDATIONS**

That the Draft Annual Report for 2018 / 2019 be approved in principle by Council and that for oversight purposes, the report be advertised for public comment.

*Dat die Konsep Jaarverslag vir 2018 / 2019 in beginsel deur die Raad goedgekeur word en dat dit vir oorsigdoeleindes geadverteer word vir publieke kommentaar.*

**KEY PERFORMANCE INDICATORS TO BE AMENDED - THE TOP LAYER SDBIP (2019 / 2020) (DIRECTOR: STRATEGY & SOCIAL DEVELOPMENT)**

**Purpose of the Report**

To submit a report to Council to consider the amendment of KPI's to the 2019 / 2020 Top Layer SDBIP (Service Delivery Budget Implementation Plan).

**Background**

The adjustment budget will be compiled and submitted to Council on for consideration.

**Legal Framework**

Section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates as follows:

**Municipal adjustments budgets**

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

**S54 “Budgetary Control and early identification of financial problems”**

On receipt of a statement or report submitted by the Accounting Officer of the municipality in terms of S71 and 72 the Mayor must: -

- (a) Consider the report;
- (b) Check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
- (c) **Consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;**
- (d) Issue any appropriate instructions to the accounting officer to ensure-
  - (i) That the budget is implemented in accordance with the service delivery and budget implementation plan; and
  - (ii) That spending of funds and revenue collection proceed in accordance with the budget;

## Comments

The 2019 / 2020 TOP LAYER SDBIP was approved by the Executive Mayor on 07 June 2019. There are KPI's that must be amended and Council's approval is requested to change these KPI's in the TL SDBIP for 2019 / 2020.

The following KPI's must be amended:

Reason for the following recommended amendments: Targets and KPI wording was reviewed and targets compared to actual performance for the 2018/19 financial year.

### KPI'S TARGETS TO BE AMENDED ON THE TLSDBIP:

KPI Ref.	Directorate	Sub directorate	KPI	Actual 2018/19	Current Annual Target	Recommended Target
TL55	Finance	Income Services	Number of residential properties which are billed for water or have pre-paid meters	14,142	14 000	14 500
TL56	Finance	Income Services	Number of residential properties which are billed for electricity or have pre-paid meters (Excluding Eskom areas)	15,201	15 000	15 500
TL57	Finance	Income Services	Number of residential properties which are billed for sanitation/sewerage	14,619	14 000	14 500
TL58	Finance	Income Services	Number of residential properties which are billed for refuse removal	14,664	14 000	14 500
TL59	Finance	Income Services	Number of indigent households receiving free basic water	6,665	5 000	6000
TL60	Finance	Income Services	Number of indigent households receiving free basic electricity	6,954	5 000	6800
TL61	Finance	Income Services	Number of indigent households receiving free basic sanitation services	6,828	5 000	6800
TL62	Finance	Income Services	Number of indigent households receiving free basic refuse removal services	6,836	5 000	6800
TL63	Finance	Budget Office	% of debt coverage	2.20%	60.00%	5.00%
TL68	Finance	Income Services	Achieve a debtor payment percentage of 98% as at 30 June 2020 ((Gross Debtors Opening Balance + Billed Revenue - Gross Debtors Closing Balance - Bad Debts Written Off)/Billed Revenue) x 100	93.46%	98.00%	95.00%
TL5	Strategy and Social Development	Local Economic Development	Create job opportunities through the Expanded Public Works Programme (EPWP) by 30 June 2020	447	400	450
TL49	Corporate Services	Governance Support	Arranged and attend the monthly meetings of ward committees	102	120	110
TL14	Engineering	Solid Waste Collections	Recycle 1200 tons of domestic waste by 30 June 2020	1900.2	1 200	2000

1.

KPI Ref.	Directorate	Sub directorate	KPI
TL 14	Engineering	Solid Waste Collections	Recycle 1200 tons of domestic waste by 30 June 2020

To change to

KPI Ref.	Directorate	Sub directorate	KPI
TL 14	Engineering	Solid Waste Collections	Recycle 2000 tons of domestic waste by 30 June 2020

2.

KPI Ref.	Directorate	Sub directorate	KPI	Unit of Measurement	Target
TL 70	Community Services	Housing	Submit 200 completed signed offer to purchase contracts to the attorneys for registration of title deeds by 30 June 2020	Number of completed signed offer to purchase registered	200

To change to

KPI Ref.	Directorate	Sub directorate	KPI	Unit of Measurement	Target
TL 70	Community Services	Housing	Submit 150 completed signed offer to purchase contracts to the attorneys for registration of title deeds by 30 June 2020	Number of completed signed offer to purchase registered	150

3.

KPI Ref.	Directorate	Sub directorate	KPI
TL 73	Community Services	Community facilities	Replace Sand Filter System at Dirkie Uys Swimming Pool by 31 December 2019

To change to

KPI Ref.	Directorate	Sub directorate	KPI
TL 73	Community Services	Community facilities	Replace Sand Filter System at Dirkie Uys Swimming Pool by 30 June 2020

**Recommendation / Aanbeveling**

That Council approve the amendment to the KPI's on the Top level SDBIP's for 2019 / 2020, as reflected in the report.

**RESUBMISSION - TENDER T59/2018: UPGRADING OF McGREGOR / BOESMANSRIVIER 11kV LINE (MANAGER: ELECTRICAL SERVICES)**

**Purpose**

To revise Council Resolution A3877 regarding compensation to Mr J Malherbe for the construction of a new 11 kV power line over his farm.

**Background**

Mr. Malherbe requested the Municipality to replace a transformer at his manager's house and upgrade the supply point from a 50 kVA to a 100 kVA as compensation for the new line that is to be built on his farm.

His request served before an Ordinary Council meeting on September 25, 2019, when Council resolved as follows per item A3877:

1. That Mr J Malherbe's request to upgrade his farm's existing 50 kVA transformer to a 100 kVA transformer as a *quid pro quo* compensation for the Municipality to construct a section of the new McGregor / Boesmansrivier 11 kV line over his land, not be approved.
2. That the new McGregor / Boesmansrivier 11 kV line be upgraded on the existing route.

Mr. Malherbe requested a meeting with the Deputy Mayor to discuss the council's decision. He indicated that he has reconsidered his request. He will allow the new line route as originally planned without compensation and that the upgrading of the supply point from 50kVA to 100kVA will be dealt with as a separate issue.

1. **Attached as annexure A:** Mr. J Malherbe's approval for the line to be built on the new route according to Tender T59/2018 specifications.
2. **Attached as annexure B:** Council Resolution A 3877.

**Recommendation**

That Council Resolution A3877 be revised as follows:

1. That the new McGregor / Boesmansrivier 11 kV line be constructed on the farm Bovlei of Mr J Malherbe near McGregor as per tender T59/2018 specifications.
2. That Mr J Malherbe sign a letter of approval, after the surveyor has pegged the exact pole positions, indicating that his approval is without compensation.



## **RHEBOKSKRAAL**

Rhebokskraal • Postbus 20 • McGregor • 6708

12 November 2019

Langeberg Munisipaliteit

### **NUWE OORHOOFSE KRAGLYN**

Geagte mnr. Mokweni / C. Voster

Hiermee my skrywe dan aan u dat ek dit goedkeur dat die nuwe 11kV oorhoofse lyn oor my plaas op die nuwe roete opgerig kan word. Met dien verstande dat ek vooraf bewus gemaak word waar die pale staan en die presiese roete van die lyn ens.

Groete  
Die uwe

**J H MALHERBE**

## Annexure B

(A 3877)

### TENDER T59/18: UPGRADING OF MCGREGOR / BOESMANSRIVIER 11kV LINE (DIRECTOR ENGINEERING SERVICES)

#### Purpose

To obtain Council's approval for a *quid pro quo* transaction regarding compensation to a landowner for the construction of a new 11 kV power line over his farm.

#### Background

One of the electrical engineering services capital projects funded by the external loan comprises the upgrading of the McGregor / Boesmansrivier 11 kV power line of which a section of 5.58 km is on the farm Bovei of Mr J Malherbe near McGregor. The existing line route on the farm = 5.27 km

The location of the existing line on Mr. Malherbe's farm is currently through his vineyards and is on a route that is not easily accessible for maintenance work and it is planned to reroute this section of the line along an existing road over the farm that is easily accessible for maintenance of the line. It is for the benefit of the municipality and Mr Malherbe if the line is rerouted.

During 2011, Mr Malherbe requested that the following supply points at his farm, 15 kVA, 16 kVA and 25 kVA, be removed and that the capacity be transferred to an existing 50 kVA point to be upgraded to 100 kVA. A cost estimate was sent to Mr Malherbe and the 3 transformers were removed as requested.

Relevant documentation was attached to this report.

The cost estimate, dated 29 November 2011, was sent to Mr J Malherbe to transfer the capacity of the removed transformers to the 50 kVA supply point as requested. Mr J Malherbe failed to pay for the upgrading of the supply point.

The basic levies he should have paid to maintain the capacity during the period he requested to remove the supply points until the end of June 2018 are as follows:

Transformer 1: 16 kVA : tariff 1320	Transformer 2 :15 kVA: tariff 1320	Transformer: 25 kVA: tariff 1320
2011/2012 -2018/2019	2011/2012 -2018/2019	2011/2012 -2018/2019
R88 128,36	R88 128,36	R88 128,36

Total = R 264 385,08.

The transformers were sold at auction because of the age of the transformers.

- 16 kVA trf: 1977
- 15 kVA trf: 1935
- 25 kVA trf: 1983

The current cost of upgrading the 50 kVA point to 100kVA = R 252 190.14 (VAT included). This amount includes the following:

- The credit for the existing 50 kVA transformer and
- The bulk supply levy of the removed transformers (55 kVA x R3034.00 = R170 408.00, VAT included)



The Langeberg Municipality Standard By-Law Relating to Electricity Supply determines that such landowner must be paid compensation as follows:

#### **11. STATUTORY SERVITUDE**

*The Langeberg Municipality Standard By-Law Relating to Electricity Supply determines that such landowner must be paid compensation as follows:*

- (2) *If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.*

#### **RECOMMENDED**

That the existing 50 kVA transformer on the farm Bovlei of Mr J Malherbe be upgraded to a 100 kVA transformer as compensation for the construction of a section of the new McGregor / Boesmansrivier 11 kV line over his land as a *quid pro quo* transaction.

**NOTE:** The annexure was distributed as part of the agenda for the Engineering Services Portfolio Committee meeting of 10 September 2019 (pg 45 – 46)

**This item served before an Engineering Services Portfolio Committee on 10 September 2019**  
**Hierdie verslag het voor die Ingenieursdienste Portefeulje Komitee gedien op 10 September 2019**  
**Recommendation / Aanbeveling**

1. That Mr J Malherbe's request to upgrade his farm's existing 50 kVA transformer to a 100 kVA transformer as a *quid pro quo* compensation for the Municipality to construct a section of the new McGregor / Boesmansrivier 11 kV line over his land, not be approved.
2. That the new McGregor / Boesmansrivier 11 kV line be upgraded on the existing route.

**This item served before the Executive Mayoral Committee on 16 September 2019**  
**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 16 September 2019**  
**Aanbeveling / Recommendation**

1. That Mr J Malherbe's request to upgrade his farm's existing 50 kVA transformer to a 100 kVA transformer as a *quid pro quo* compensation for the Municipality to construct a section of the new McGregor / Boesmansrivier 11 kV line over his land, not be approved.
2. That the new McGregor / Boesmansrivier 11 kV line be upgraded on the existing route.

**This item served before an Ordinary Meeting of Council on 25 September 2019**  
**Hierdie item het gedien voor 'n Gewone Vergadering van die Raad op 25 September 2019**  
**Eenparig Besluit / Unanimously Resolved**

1. That Mr J Malherbe's request to upgrade his farm's existing 50 kVA transformer to a 100 kVA transformer as a *quid pro quo* compensation for the Municipality to construct a section of the new McGregor / Boesmansrivier 11 kV line over his land, not be approved.
2. That the new McGregor / Boesmansrivier 11 kV line be upgraded on the existing route.

**COUNCILLORS APPOINTED ON PORTFOLIO COMMITTEES (3/1/2 + 3/1/4)(DIRECTOR CORPORATE SERVICES)**

**Purpose of report**

To submit to Council for consideration a request received from the Executive Mayor.

**Background**

The following is the contents of an e-mail dated 13 November 2019 received from Mr R de Jong, PA of the Mayor:

*"Môre meneer. Die Burgemeester versoek dat die bestaande Portefeulje Komitees se besonderhede asseblief moet dien as 'n item op die agenda vir die Raadsvergadering van 4 Desember 2019. U samewerking word waardeur."*

**Comments**

The latest decision on portfolio committees was taken under item A3733 on 10 December 2018 and read as follows:

"1. That the following Councillors be appointed to serve on the following Portfolio Committees:

- **Corporate Services**  
Cllr NJ Beginsel (Chairperson)  
Cllr JJS Januarie  
Cllr OC Simpson  
Cllr LM Swanepoel  
Cllr JDF van Zyl
- **Strategy & Social Development**  
Cllr P Hess (Chairperson)  
Cllr HF Mangenengene  
Cllr BH Nteta  
Cllr TM van der Merwe  
COPE councilor (Cllr D Kuhn)
- **Engineering Services**  
Cllr J Kriel (Chairperson)  
Cllr NJ Beginsel  
Cllr S Du Plessis  
Cllr AJ Shibili  
COPE councillor (Cllr D Kuhn)
- **Community Services**  
Cllr HF Mangenengene (Chairperson)  
Cllr NJ Beginsel  
Cllr E Bosjan  
Cllr P Hess  
Cllr OC Simpson

- **Financial Services**  
 Cllr JDF van Zyl (Chairperson)  
 Cllr CJ Grootboom  
 Cllr P Hess  
 Cllr JS Mafilika  
 Cllr J Kriel
  
- **MPAC**  
 Cllr LM Swanepoel (Chairperson)  
 Cllr NJ Beginzel  
 Cllr J Kriel  
 Cllr JS Mafilika  
 Cllr HF Mangenengene"

**Submitted for consideration**

**COMPILING OF THE 2019 / 2020 ADJUSTMENT BUDGET ~ DECEMBER 2019 (5/1/1 - 2019 / 2020) (CHIEF FINANCIAL OFFICER)**

**Purpose of Report**

The purpose of the report is to submit an adjustment budget for 2019 / 2020 to Council for consideration.

**Background**

An Adjustments Budget is required due to the Roll-over applications for unspent grant funds relating to 2018/2019 being approved by National- and Provincial Treasury; or grant allocations being reduced for 2019/2020. Attached as Annexure A is the communication from National and Provincial Treasury in this regard.

The budget document in terms of the *Municipal Budgeting & Reporting Regulations (Schedule B)* **will be emailed** prior to the Council meeting. **Relevant documentation is attached to the email of the agenda.**

**Legal Framework**

Section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates as follows:

**Municipal adjustments budgets**

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

Section 23(3) of the Municipal Budget and Reporting Regulation reads as follows:

(3)<sup>13</sup> If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of the municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the municipal council to appropriate these additional revenues.

## Comments

### **AMENDED GRANT ALLOCATIONS**

The following adjustments to the 2019 / 2020 budget are proposed:

#### **1. Capital Budget:**

Description	Amount Incl VAT	Amount Excl VAT	Funding Source	Department	Comment
Robertson: Upgrading of Roads & Stormwater in Robertson	- 1 258 075.00	- 1 094 000.00	CRR	Roads	MIG Roll over approved; Change funding from CRR to MIG
MIG: Upgrading of Roads and Stormwater in Robertson	1 258 075.00	1 094 000.00	MIG	Roads	MIG Roll over approved; Change funding from CRR to MIG
Neighbourhood Development Partnership (Business Hub)	2 000 000.00	1 739 130.00	NDPG	Director Strategy & Social Development	Reduce NDPG with R2mil (VAT Incl)

Total Capital Adjustments	<u>1 739 130.00</u>
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#### **2. Operational Budget**

Description	Amount Incl VAT	Amount Excl VAT	Funding Source	Department	Comment
Contractor - Housing	- 3 840 000.00	- 3 840 000.00	Human Settlements Development Grant	Housing	Reduce Beneficiaries Grant with R3.84mil (R2.84mil reduction in allocation + R1mil to be spent by Dept Human Settlements)
Contractor - Housing	100.00	100.00	Human Settlements Development Grant	Housing	R100 correction on roll-over approved in October 2019 ADJB
Title Deeds Grant- Legal Cost _Legal Advice and Litigation	3 537 919.50	3 537 919.50	Title Deeds Restoration Grant	Housing	Roll over approved: R2 736 635.42 (17/18) + R801 284.00 (18/19)
Bursaries - WC FMCBG	360 000.00	360 000.00	WC-Capacity Building Grant	Director Financial Services	Roll over approved
CDW _Contractor - Transport Services	40 000.00	40 000.00	CDW Operational Support Grant	Ward Committees	Additional allocation
CDW _Stationary	17 000.00	17 000.00	CDW Operational Support Grant	Ward Committees	Additional allocation

Total Operating Adjustments	<u>115 019.50</u>
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## Recommendation

That the adjustment budget for 2019 / 2020 as submitted, be approved.



**national treasury**

Department:  
National Treasury  
**REPUBLIC OF SOUTH AFRICA**

Private Bag X115, Pretoria, 0001,  
Enquiries: Sello Mashaba Tel: (012) 315 5183 Fax: (012) 395 6553 email: [sello.mashaba@treasury.gov.za](mailto:sello.mashaba@treasury.gov.za)

**Ref No: WC026**

Mr S Mokweni  
The Municipal Manager  
Langeberg Municipality  
PRIVATE BAG X 2  
**ASHTON**  
6715

Dear Mr Mokweni

**APPLICATION FOR ROLL OVER OF UNSPENT CONDITIONAL GRANTS FOR THE 2018/19 FINANCIAL YEAR**

Your letter dated 30 August 2019 refers.

Approval is hereby granted in terms of section 22(2) of the 2018 Division of Revenue Act, (Act No. 1 of 2018) (DoRA) to retain an amount of **R1.3 million** allocated to your municipality in the 2018/19 financial year through the DoRA. This approval is in respect of the Municipal Infrastructure Grant (MIG).

The National Treasury in assessing your roll over request used the criteria set out in Circular 94 of the Municipal Finance Management Act, 2003 (Act No.56 of 2003) as a guide for the consideration of the roll over submission by your municipality.

The approval amount of R1.3 million is for the following project:

- Upgrading of roads and stormwater.

The National Treasury advises your municipality to adjust your grant income projections according to section 28 of the Municipal Finance Management Act, (Act No. 56 of 2003) by passing a municipal adjustments budget. In this regard, please take note of the requirements of section 23(1) of the Municipal Budget and Reporting Regulations (Government gazette No. 32141 dated 17 April 2009) which provides for dates by which a Municipal Council should pass an adjustments budget.

All approved roll overs must be reported on a separate reporting template which will be issued by National Treasury. Further, all monthly roll over reports must also be copied to your respective provincial departments (provincial treasury and provincial local government department).

NB: This process only covers the 2018 DoRA allocated amounts.

Kind regards,



**MALIJENG NGQALENI**

**DEPUTY DIRECTOR-GENERAL: INTERGOVERNMENTAL RELATIONS**

**Date:** 21/10/2019

CC: Office of the Auditor-General





# **national treasury**

Department:  
National Treasury  
REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001 Tel: (+27 12) 315 5111 Fax: (+27 12) 315 5779

## **NEIGHBOURHOOD DEVELOPMENT PARTENERSHIP PROGRAMME**

Enquiries: Tel: 012-395 6659 Fax: 012-315 5779 E-mail: [mushumo.mudzuli@treasury.gov.za](mailto:mushumo.mudzuli@treasury.gov.za)  
Ref: NDPG Adjusted Gazette 2019/20 Langeberg Municipality

Municipal Manager  
Chief Financial Officer

### **NDPG ADJUSTED GAZETTE ALLOCATION FOR 2019/20**

#### **NOTIFICATION OF INTENTION TO ADJUST PART OF THE ALLOCATED TRANSFERS**

The Neighbourhood Development Partnership Grant (NDPG) is a conditional grant aimed at assisting municipalities in stimulating and accelerating investment in poor, under-served residential neighbourhoods by providing technical assistance and capital grant financing for municipal projects that have generally a distinct private sector element as outlined in the Division of Revenue Act. The grant is spent in accordance with the activity plans as submitted by municipalities and approved by the Neighbourhood Development Partnership Programme (NDPP).

Based on the cash flows submitted to the unit (or the non-submission hereof), the proposed revised allocation for the 2019/20 will be as follows:

		Original Gazette (R)	Proposed adjusted Gazette (R)
Schedule (CG)	5B	R10 000 000	R8 000 000
Schedule (TA)	6B	R 500 000	R 650 000

Should you have any queries please do not hesitate to contact the NDPP Projects Manager, within 7 working days.

Yours sincerely

Collins Sekele

**Chief Director: Neighbourhood Development Partnership Programme**

Date: 6/4/2019

*By fax to Municipal Manager, CFO and by email to NDPG Coordinator*





The Municipal Manager  
Langeberg Municipality

Private Bag X2  
**Ashton**  
6715

Fax: (023) 615 - 2272

**ALLOCATED FUNDING: HUMAN SETTLEMENT DEVELOPMENT GRANT**  
**AGREEMENT OF DELIVERY TARGETS**

The Department has allocated the following funding to your municipality for the implementation of Human Settlement projects 2019/20:

**R 17,650,000 (R20,490,000 previously gazetted reduced by R2,8m)**

The attached revised schedule lists the projects for the 2019/20 provincial financial year (1 April 2019 to 31 March 2020). Please confirm that your municipality is able to deliver on these targets by 31<sup>st</sup> March 2020. Please also provide detailed cash flows per project to your regional director.

**DELIVERY TARGETS 2019/20**

LANGEBERG	Planned 2019/20		
	Sites	Units	Funding R'000
ISSP Montagu Mandela Square (173) UISP			300
ISSP Bonnievale Boekenhoutskloof (224)			410
ISSP Madela Square and Boukenhoutskloof NGO*			1 000
Robertson Nkqubela Erf 136 (177)(150+27)	46		5 300
Strydom Street			1 800
Mcgregor		68	8 840
<b>SUB TOTAL</b>	<b>46</b>	<b>68</b>	<b>17 650</b>

\*To be disbursed directly by the department

Yours Faithfully

**HEAD OF DEPARTMENT**

**DATE:** 25/10/2019

CHIEF DIRECTORATE: HUMAN SETTLEMENT IMPLEMENTATION  
27 Wale Street, Cape Town, 8000  
Tel: +27 21 483 2512

Private Bag X9043, Cape Town, 8000  
[www.westerncape.gov.za](http://www.westerncape.gov.za)  
[Phila.Mayisela@westerncape.gov.za](mailto:Phila.Mayisela@westerncape.gov.za)

Reference number: PTR 16/1/13/1

Private Bag X9165  
CAPE TOWN  
8000

Enquiries: Ms Zoleka Malusi

The Municipal Manager  
Langeberg Municipality  
Private Bag X2  
ASHTON  
6715

Dear Mr Mokweni

**OUTCOME FOR ROLL-OVER OF UNSPENT PROVINCIAL CONDITIONAL GRANTS FOR THE 2018/19 FINANCIAL YEAR**

Your letter dated 30 August 2019 refers.

The Western Cape Provincial Minister of Finance and Economic Opportunities has granted approval, in terms of section 10(2) of the Western Cape Appropriation Act (WCAA) 2018 (Act No. 3 of 2018), to roll-over the unspent amounts of R360 000 for Western Cape Financial Management Capacity Building Grant and R801 284 for Title Deeds Restoration Grant.

The request to roll over the 2017/18 unspent amount of R2 736 635,42 for Title Deeds Restoration Grant is granted with the condition that the funds must be fully spent by 30 June 2020.

Provincial Treasury advises the Municipality to adjust grant income projections for these grants according to Section 28 of the Municipal Finance Management Act, (Act No. 56 of 2003) by passing a municipal adjustment budget. Please note the requirements of Regulation 23(1) of the Municipal Budget and Reporting Regulations (Government Gazette No. 32141 dated 17 April 2009) which provides for timeframes by which a municipal council should pass an adjustment budget.

The Provincial Treasury together with the relevant provincial department will continue to monitor the spending of provincial conditional grants allocated to the Municipality. The Municipality must ensure that all the funds that have been rolled over from the previous financial year are reflected accurately in supporting Table SC7(2) of the C-Schedule and are fully spent during the 2019/20 financial year.

Yours sincerely



**MS JD GANTANA**  
**ACTING HEAD OFFICIAL: PROVINCIAL TREASURY**

DATE: 20/11/19

Cc: The Head of Department: Human Settlements  
The Chief Financial Officer: Langeberg Municipality

**DELAYED CLAIMS GUARDRISK – PAYMENT OF PREMIUM: INSURANCE TENDER 1/2019: SHORT TERM INSURANCE PORTFOLIO 01 JULY 2019 – 30 JUNE 2020**

**Background**

The insurance tender was awarded to Aon South Africa to arrange short term insurance cover for Langeberg Municipality for the period 01 July 2019 to 30 June 2020.

The only insurer in the market for municipal underwriting is Guardrisk and all the brokers that tendered had Guardrisk as the underwriter in the tender. The tender stated that payments will be made on a monthly basis.

**14. PAYMENT OF INVOICES**

- 14.1.1** All payments from the Langeberg Municipality will be made within 30 days of receipt of a valid tax invoice for goods and services rendered to the satisfaction. Payment will be made **on a monthly basis during the year of appointment of supplier.**

**Discussion**

The Municipality is currently in the position that claims are delayed and not paid out, because Guardrisk does not want to accept that the Municipality is making monthly payments to Aon in terms of the approved tender. Furthermore, after Aon had a meeting with Guardrisk, they have indicated that there are only two options for payment:

1. The full outstanding premium for the insured period up to 30 June 2020 to be paid to Aon.
2. Signing a debit order with Guardrisk Finance for the remaining monthly instalments.

In terms of good financial management and SCM procedures, the Municipality is not allowed to have any debit orders against its bank account as this poses a big risk.

Guardrisk indicated that the policy of the Municipality will be cancelled, with effect from the inception date of 01 July 2019 if the full annual payment is not made by 30 November 2019, without further notice. **Attached** as Annexure A is the communication from Aon and Gaurdrisk on the matter.

The result Gaurdrisk's decision is that it will put the Municipality at risk, if the necessary insurance cover is not in place. With the given history of political riots and flood damage, the Municipality in the past suffered huge losses including theft and motor accidents, which was covered by the insurance.

Below is a summary of payment made to Aon.

800909320		<b><u>INSURANCE PAYMENTS - AON</u></b>				R 1 541 092.28	R 231 163.84	R 1 772 256.12
Pay	<input type="checkbox"/> O/N <input type="checkbox"/> 2019/20	<input type="checkbox"/>	<input type="checkbox"/> EXCL VAT	<input type="checkbox"/> VAT PORTIC	<input type="checkbox"/> TOTAL COST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aug-19 A132538	Aerodrome Liability	383434	10 347.83	1 552.17	11 900.00			
Aug-19 A132538	Directors & Officials July 2019	382275	911.94	136.79	1 048.73			
Aug-19 A132538	Directors & Officials August 2019	383165	911.94	136.79	1 048.73			
Sep-19 A133064	Premium July 2019	34619383	248 694.50	37 304.18	285 998.68			
Sep-19 A133064	Premium August 2019	34620647	248 694.50	37 304.18	285 998.68			
Sep-19 A133064	Premium September 2019	34620808	248 694.50	37 304.18	285 998.68			
Sep-19 A133064	Premium October 2019	34622237	248 694.50	37 304.18	285 998.68			
Sep-19 A133064	Sasria 1 July 2019 - 30 June 2020	34612278	274 154.13	41 123.12	315 277.25			
Oct-19 A133745	Directors & Officials September 2019	386086	882.52	132.38	1 014.90			
Oct-19 A133745	Directors & Officials Oct 2019 to June 2020	387221	10 411.49	1 561.72	11 973.21			
Oct-19 A133745	Premium November 2019	35239701	248 694.43	37 304.16	285 998.59			

Below is a summary of the outstanding claims.

**CLAIMS OUTSTANDING: 1 JULY - 31 OCTOBER 2019**

Claim no.	Town	Date of loss	sub Category	Description	Status	Estimate
CLCBP-146061	Robertson	14-Jul-19	PROPERTY LOSS	Damage Gate at Van Zyl Str Sport	Pending	29 900.00
CLCBP-146142	Ashton	24-Jul-19	THEFT	Traffic dep -LCD Screens x2	Pending	10 143.00
CLCBP-146148	Ashton	28-Jul-19	THEFT	Rdl Samuel du Plessis -Samsung Tab A	Pending	5 999.00
CLCBP-146575	Ashton	07-Aug-19	MOTOR	CBR9581 NISSAN NP200	Pending	60 000.00
CLCBP-146866	Montagu	26-Jul-19	THEFT	Theft of Sensor unit of Ashbury lower reservoir	Pending	59 225.00
CLCBP-146812	Robertson	21-Aug-19	MOTOR	CBR5877 TOYOTA ETIOS	Pending	23 840.95
CLCBP-147038	Bonnievale	26-Aug-19	THEFT	Bonnievale drop off - theft of doors + broken window	Pending	11 373.91
CLCBP-147430	Ashton	28-Aug-19	ALL RISK	Damage Samsung Tab A - RDL Bosjan	Pending	5 999.00
CLCBP-147224	McGregor	05-Sep-19	THEFT	Lost CAT Cellphone Dawid Pieterse	Pending	2 736.02
CLCBP-147378	Ashton	07-Sep-19	COMBINED	Damage Panel due to fire - Waterworks pumpstation	Pending	309 037.65
CLCBP-147840	Montagu	23-Sep-19	THEFT	Ashbury water Pumpstation - theft of pumps	Pending	37 178.27
CLCCL-148255	Ashton	09-Oct-19	THEFT	SAMSUNG TABLET // RDL SCEFFERS	Pending	5 999.00
CLCBP-149149	Robertson	27-Oct-19	MOTOR	CBR12529 NP300	Pending	17 097.71
CLCCL-149118	Robertson	20-Oct-19	PROPERTY LOSS	Gum Grove Dam - Damage fence	Pending	20 000.00
						598 529.51

**Recommendation**

1. That in terms of Section 116 (3) of the MFMA the tender conditions of Tender 1/2019 be amended and the full balance of the premium paid to Aon South Africa to the amount of R2,001,990.13, even though Aon is the broker and did not take into account the conditions of Gaurdrisk at the time of tendering and as it will not be feasible to go into litigation based on the conditions of the tender.
2. That all amendments to the policy, where assets are added or removed, be paid by endorsement / invoice received, on a monthly basis.

15 November 2019

Langeberg Municipality  
28 Main Road  
Ashton  
6715

Dear Mr. Brown

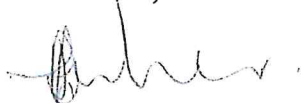
Thank you for your time with the meeting on 14 November 2019.

I confirm the following:

1. Guardrisk Premium Finance has offered only two options for payment of the premium. The first option is a monthly debit order from Guardrisk Premium Finance. The second option is that the remaining 7 month's premiums be paid to Aon by 30 November 2019 in full. You advised that the first option being payment by way of debit order is not permissible.
2. Guardrisk is the only municipal insurer at the moment and they therefore have a monopoly in the market. We therefore do not have the option to try and place your insurance with another insurer who might be prepared to accept monthly premium payments.
3. Your cover in terms of your policy could be jeopardised or cancelled in the event of non-payment of premiums or if premiums are not paid timeously.
4. If Guardrisk do cancel your policy with effect from 1 July 2019 due to non-payment of the full annual premium, they will probably refuse to insure you going forward.
5. For so long as Guardrisk remains the only municipal insurer, you are going to face the same situation next year with Guardrisk.
6. To date, in respect of the Guardrisk policy, you have paid 5 month's premiums totalling R1 429 992.95. The 7 month's outstanding premiums amount to R2 001 990.13.
7. In terms of the tender cover requirements, you have made separate annual payments of R315 277.25 for Sasria cover and R11 200.00 for Aerodrome Liability.

Please urgently let us know how you wish to proceed.

Yours Sincerely



Len Toucher | Client Manager FCII FIISA CHARTERED INSURER  
Aon South Africa (Pty) Ltd | Cape Town  
5<sup>th</sup> Floor The Terraces| Black River Park | 2 Fir Street | Observatory | 7925  
t +27 21 442 4068  
[len.toucher@aon.co.za](mailto:len.toucher@aon.co.za)  
Aon South Africa (Pty) Ltd is an Authorised Financial Services Provider | FSB License # 20555  
[aon.co.za](http://aon.co.za) | [linkedin](https://www.linkedin.com/company/aon-south-africa) | [twitter](https://twitter.com/aon_sa) | [facebook](https://www.facebook.com/aon.co.za)



18 November 2019

**Langerberg Local Municipality**  
**C/O AON**

## **Payment Of Premium**

To Whom It May Concern

As previously communicated to all brokers during the tender stage, Guardrisk does not support monthly paying options on our Municipal facility. Guardrisk Municipal policies are issued as an annual contract, and therefore the nature of the policy prescribes that full annual premium be paid in full and in advance, as any breach shall render voidable the entire policy.

In cases where the municipality experiences challenges in adhering to the above condition, we do recommend the broker to negotiate terms for premium financing with any of the providers readily available in the market to assist with possible monthly premium plans.

General Condition 5 of the policy contract states as follow

*"Premium is payable on or before the inception date or renewal date as the case may be. The Insurers shall not be obliged to accept premium tendered to them after inception date or renewal date as the case may be but may do so upon such terms as they at their sole discretion may determine."*

Should additional information or assistance be required, please do not hesitate to contact our offices anytime during business hours.

As always, Guardrisk is committed to making your insurance experience a pleasant one.

We trust that you find the above in order.

Yours Sincerely,



**Jeffrey Mopeloa**  
Portfolio Manager | Municipal Facility  
Guardrisk General Insurance

**REVIEWING OF THE MAYOR'S DISCRETIONARY FUND POLICY - REWARDING OF TOP MATRIC LEARNERS (OFFICE OF THE MAYOR)**

**Purpose of the Report**

To submit a report to Council about the reviewing of the Mayor's Discretionary Fund Policy for the rewarding of performing matric learners.

**Background**

The Mayor has a discretionary fund from which he annually rewards the top 3 matric achievers from every high school within the Langeberg region. These results are obtained from the various schools after year-end and are normally provided to the Mayor's office during January of each year.

The Mayor follows the following guidelines:

1. The students must use this award for further study at an accredited HET Institution.
2. The student must submit proof of acceptance by an study-related institution before any funds are transferred to the bank account of the Institution. No monies are paid directly to students.

Concerns were raised by these students that where they also applied for a full NSFAS bursary, the money paid over by the Municipality were no longer available to the students for use on study-related costs. Subsequently students lose the benefit of the reward and the institution now has to refund the Municipality these monies.

Another problem identified was that where students do not continue their studies or if they decide to take a gap year, they forfeit the opportunity to claim their reward.

The original intent of the award was to recognise the hard work of learners during their school career.

**Recommendation**

1. That the Mayor's Discretionary Fund Policy be changed to allow the Mayor to reward the learners personally.
2. That permission be granted that the money be paid directly to the learner / parent / guardian.
3. That the recipient of the money sign a receipt document.

**AUDIT & PERFORMANCE COMMITTEE: – SUBMISSION OF THE QUARTERLY REPORT (5/14/R) (AUDIT & PERFORMANCE COMMITTEE CHAIRPERSON)**

**Purpose of report**

To submit to Council for noting, the Quarterly Report of the Audit and Performance Committee detailing the operations of the Internal Audit Unit and the Audit & Performance Committee for the First Quarter of 2019/2020 financial year.

**Background**

As per MFMA Circular 65, the chairperson of the Audit & Performance Committee will report on a quarterly basis, or more frequently if required, to the municipal council on the operations of the Internal Audit & Risk Management Unit and the Audit & Performance Committee. The report should include:

- A summary of the work performed by the Internal Audit & Risk Management Unit and the Audit & Performance Committee against the annual work plan;
- Effectiveness of internal controls and additional measures that must be implemented to address identified risks;
- A summary of key issues dealt with, such as significant internal and external audit findings, recommendations and updated status thereof;
- Progress with any investigations and their outcomes;
- Details of meetings and the number of meetings attended by each member; and
- Other matters requested of the Internal Audit & Risk Management Unit and Audit & Performance Committee.

The quarterly report of the Audit & Performance Committee is submitted for noting by Council and **is attached to this report.**

**Recommendation**

That Council takes note of the Quarterly report of the Audit & Performance Committee.



Ons verw nr / Our Ref No  
Isalathiso Sethu

**A&PC 8**

Navrae / Enquiries  
Internal Audit

28 November 2019

Langeberg Municipal Council

<b>AUDIT &amp; PERFORMANCE COMMITTEE QUARTERLY REPORT (Q1) – 2019/20</b>
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### Background

In terms of section 166 of the Municipal Finance Management Act, No. 56 of 2003, an Audit Committee is an independent advisory which must:

- (a) Advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality on matters relating to:
- (i) internal financial controls and internal audits;
  - (ii) risk management;
  - (iii) accounting policies;
  - (iv) the adequacy, reliability and accuracy of financial reporting and information;
  - (v) performance management;
  - (vi) effective governance;
  - (vii) compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
  - (viii) performance evaluation; and
  - (ix) any other issues referred to it by the municipality.

### Purpose

As per the MFMA Circular 65, the Chairperson of the Audit and Performance Committee will report on a quarterly basis, or more frequently if required, to the municipal council on the operations of the internal audit unit and the audit & performance committee. The report should include:

- A summary of the work performed by the internal audit and the audit & performance committee against the annual work plan;
- Effectiveness of internal controls and additional measures that must be implemented to address identified risks;
- A summary of key issues dealt with, such as significant internal and external audit findings, recommendations and updated status thereof;
- Progress with any investigations and their outcomes;
- Details of meetings and the number of meetings attended by each member; and
- Other matters requested of the internal audit and audit & performance committee.

## Scope

In terms of the legislative requirements and the Audit & Performance Committee Charter, an Audit & Performance Committee meeting was held on 31 October 2019 and the following were discussed.

### Summary on progress of Risk-based Internal Audit Plan:

Below is a summary of the progress against the Risk-based Internal Audit Plan, outlining the audit areas covered and an assessment on the effectiveness of the control environment. Where applicable, additional measures were recommended by the Audit & Performance Committee that must be implemented to address key risks or areas.

The Risk-based Internal Audit Plan for the 2019/20 financial year was approved on 25 June 2019 and outlines the audits to be covered for each quarter, and also makes provision for ad hoc audits and other activities Internal Audit is responsible for. This report is a summary to Council on the progress on the implementation of the Internal Audit Plan as at September 2019, that is quarter one (1) of the 2019/20 financial year.

### Progress Status

The table below provides the status on the progress of the audits scheduled as per the Risk-based Internal Audit plan for the 2019/20 financial year.

PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
Quarter 1	Finance: Grants (DORA)	Non-compliance with the Division of revenue Act	Completion of the 2018/19 audit on grants (inclusion of quarter 4 information)  Determine whether an adequate and effective grants management system is in place to ensure compliance with laws and regulations and grants information reported is substantiated with sufficient appropriate evidence.	1. It is recommended that the Director: Finance should ensure that all the conditions in the DORA Framework are reviewed for all grants allocated to the municipality for understanding to ensure compliance with the conditions of the grants and reporting requirements.  2. It is recommended that a retention plan be developed to ensure that the municipality complies with the DORA Framework and that the municipality also retains the skills developed through the Financial Management Internship Programme.  3. Management should make use of the grants register	Completed	Yes	Yes



PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
	Strategy and Social Development: Performance Management - Performance Management (Cyclical Audit) – Quarter 4 (2018/19)	Incorrect performance reporting monthly on the Ignite system	Verify whether the Key Performance Indicators are SMART and that performance reporting is substantiated with sufficient appropriate evidence. Evaluate usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework	<p>1. It is recommended that the reported figure be amended to reflect 72 EPWP opportunities created for the fourth quarter of 2018/19 financial year and resubmitted for audit verification.</p> <p>2. It is recommended that each contract be reported as one (1) job opportunity unless the contract clearly states that it is an extension of the original contract.</p> <p>3. It is recommended that Management ensures that performance is updated on the performance management system as the actions become due. Management must request an activity log from those tasked with updating of performance on the system and confirm that the reported performance is accurate and is supported by relevant evidence.</p> <p>4. It is recommended that the whole population be revisited and physical verifications be performed to</p>	Completed	Yes	Yes

PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
				<p>ensure that properties reported as formal residential properties are indeed formal residential properties.</p> <p>5. Listings indicating the verified formal residential properties that received basic services from the municipality should be created by extracting them from the Mun837 report generated from Promun.</p> <p>6. It is recommended that the Snr Clerk: Housing Administration, develops listings of the properties registered by the attorneys monthly. The listings should be uploaded on a monthly basis on the performance management system to support the reported performance.</p>			
	Engineering Services: Solid Waste Management Services -Ashton Landfill Site	The risk is that the municipality is approaching a shortage of airspace at the Ashton landfill site	Proposed that a consulting engagement be performed. Engagement will focus on assisting management in problem solving activities, achieving the municipality's objectives and adding value to line and senior management.	<p>1. It is recommended that the municipality commences with a formal process to enter into a formal written agreement with one of the neighbouring municipalities that have a valid permit, to allow for the disposal of domestic waste at another landfill site.</p> <p>2. It is recommended that the municipality ensures that all households in the Langeberg area are provided with a clear bag for recyclables and educated adequately on the use of the bag.</p> <p>3. The municipality should increase the capacity at</p>	Completed	No	No



PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
Quarter 2				<p>the MRF to be in a position to also recover recyclables from domestic waste disposed in the wheellie bins and black refuse bags. This will not only assist in reducing the speed of which the remaining airspace at the Ashton landfill site is depleted but also to decrease costs, in the event that Langeberg Municipality uses a landfill site outside its municipal area.</p> <p>4. It is recommended that the municipality commences with a formal process to enter into a formal written agreement with the Breede Valley Municipality to allow for the disposal of domestic waste at the Breede Valley Municipality's landfill site.</p>			
	Finance: Supply Chain Management	The risk is non-compliance with Supply chain management regulations	Verify the effectiveness of the procurement and contract management processes and adequacy of controls to ensure compliance with all supply chain management regulations and supply chain management policy.		In Progress	N/A	N/A
	Finance: Income Services	The risk is that the municipality may have an inadequate recovery of outstanding debtors and that the indigent allocation system may not be credible.	Determine the adequacy and effectiveness of the controls in the recovery of outstanding debt process. (Audit will include the age of debtors, arrangements and approvals, collection) and verify the adequacy and effectiveness of the indigent allocation		In Progress	N/A	N/A

PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
	Engineering Services: Solid Waste Management Services	The risk is non-compliance with the conditions of the waste management licence	system(Policies, qualification criteria, arrangements and approvals)  To verify the municipality's compliance with conditions of the waste management licenses or permits.		Not Started		
	Strategy and Social Development: Performance Management - Performance Management (Cyclical Audit) – Quarter 1 (2019/20)	Incorrect performance reporting monthly on the Ignite system	Verify whether the Key Performance Indicators are SMART and that performance reporting is substantiated with sufficient appropriate evidence. Evaluate usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework.		Not Started		
	Finance: Income Services	The financial viability is put under strain by the additional influx of people in the area that do not contribute to the revenue stream, but for which services are provided.	Proposed that a consulting engagement be performed. Engagement will focus on assisting management in problem solving activities, achieving the municipality's objectives and adding value to line and senior management.		Not Started		
	Strategy and Social Development: Information and Communication Technology	The risks as per the municipal risk register: ▪ is that unauthorized changes could be made to the financial system, because vendors do not provide the municipality with a report/ audit trail of changes made when they access the system and this means that the	Verify the adequacy and effectiveness of ICT governance, general controls and applications controls		Not Started		
Quarter 3							

PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
		<ul style="list-style-type: none"> <li>changes they make on the system are not tracked / monitored.</li> <li>The risk is that the municipality might lose critical data.</li> <li>And the risk of vulnerabilities to system failures and cyber-attacks. The risk is that the management of user accounts for Promun and Syntell is inadequate.</li> </ul>					
	Engineering Services: Solid Waste Management Services	The risk is non-compliance with the conditions of the waste management licence	To verify the municipality's compliance with conditions of the waste management licenses or permits.		Not Started		
	Strategy and Social Development: Performance Management - Performance Management (Cyclical Audit) – Quarter 2 (2019/20)	Incorrect performance reporting monthly on the Ignite system	Verify whether the Key Performance Indicators are SMART and that performance reporting is substantiated with sufficient appropriate evidence. Evaluate usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework.		Not Started		
Quarter 4	Engineering Services: Town Planning-Land Use	The risk is that there may be unlawful land use in the Municipal jurisdiction.	Verify the adequacy and effectiveness of the municipal land use process. Physical verifications will be performed.		Not Started		
	Engineering Services: Solid Waste Management Services	The risk is non-compliance with the conditions of the waste management licence	To verify the municipality's compliance with conditions of the waste management licenses or permits.		Not Started		

PERIOD	AUDIT AREA	RISKS COVERED	PROPOSED SCOPE OF AUDIT	AUDIT RECOMMENDATIONS	PROGRESS STATUS	ADEQUACY	EFFECTIVENESS
	Strategy and Social Development: Performance Management - Performance Management (Cyclical Audit) – Quarter 2 (2019/20)	Incorrect performance reporting monthly on the Ignite system	Verify whether the Key Performance Indicators are SMART and that performance reporting is substantiated with sufficient appropriate evidence. Evaluate usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework.		Not Started		
	Finance: Grants (DORA)	Non-compliance with the Division of revenue Act	Determine whether an adequate and effective grants management system is in place to ensure compliance with laws and regulations and grants information reported is substantiated with sufficient appropriate evidence.		Not Started		

Internal Audit has completed three (3) of the four (4) engagements planned for in the first quarter of the 2019/20 year as per the approved Risk based Internal Audit plan. Internal Audit is currently finalising the 2019/20 audit on supply chain management.



### **Details of Meetings for 2019/20:**

The following table provides details of the quarterly Audit and Performance Committee meetings held as well as attendance of members.

A&PC Meetings		Members Present
Quarter 1	23 August 2019	Mr. E Abrahams (Chairperson) Mr. O Valley Ms. K Talmakkies Mr. RG Nicholls (Absent) Mr. A Njeza (Absent)
Quarter 2	31 October 2019	Mr. E Abrahams (Chairperson) Mr. RG Nicholls Mr. O Valley Mr. A Njeza Ms. K Talmakkies (Absent)
	22 November 2019	Still to be held
Quarter 3	12 February 2020	Still to be held
	15 April 2020	Still to be held
Quarter 4	25 June 2020	Still to be held

### **Risk Management**

As per the approved Audit and Performance Committee charter the Committee should carry out amongst others the following responsibilities:

- Setting strategic direction with regards to the establishment of Risk Management Strategy;
- Evaluate whether management is setting the right tone to ensure that all employees and councilors have an understanding of their roles and responsibilities with regard to risk management;
- Provide an independent and objective view of the effectiveness of the municipality's risk management processes and
- Provide feedback to the Municipal Manager and Council on the adequacy of risk management in the Municipality.

The municipality has a functioning Risk Management Committee(RMC) with appropriate skills, knowledge and expertise. The committee meets every quarter as approved in the Risk Management Committee charter. The municipality also has an effective risk management unit.

To provide for proper oversight and monitoring of risk management activities all the risk management documents are presented/submitted to the RMC, Municipal Manager, A&PC and Council. The municipality has an adequate risk management framework in place and the A&PC discusses risk management practices with management on a quarterly basis. The A&PC takes note of the deliberate effort made by management to set the right risk culture and integrate risk management into the day to day activities to ensure that all employees and councilors have an understanding of their roles and responsibilities with regards to risk management.

Based on the above mentioned the A&PC assessed the risk management processes of the municipality as adequate.

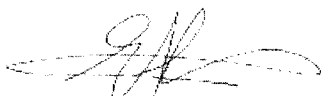
### **Investigations**

Not applicable, as no investigations were conducted during the first quarter of 2019/20 financial year.

### **Other Matters:**

Not applicable, no other matters to report.

Yours Sincerely



**Chairperson: Audit & Performance Committee**

**SLEGS VIR KENNISNAME • FOR INFORMATION ONLY**

**B & BB ITEMS**

B5550	APPLICATION TO TRANSFER RDP HOUSE: ERF 321, ZOLANI, ASHTON FROM ANGELINA NOZIGIGABA NOTHWALANA TO PHUMLANI NOTHWALANA (17/5/8/2/1) (SNR HOUSING CLERK: ASHTON)	112
B5551	APPLICATION TO TRANSFER RDP HOUSE: ERF 666/1541, ZOLANI, ASHTON FROM NOBULALI GLADYS MALOYI TO MANDLONKE GIDEON MOLOYI (17/5/8/2/1) (SNR HOUSING CLERK: ASHTON)	112
B5552	REQUEST FROM FLORALAND TO HARVEST JACARANDA PODS OFF ROBERTSON STREET TREES (ACT. MANAGER: PARKS AND AMENITIES)	113
B5554	APPLICATION TO TRANSFER RDP HOUSE: ERF 6181, ROBERTSON FROM LENA JOSEPH TO NELLIE JOSEPH (17/5/8/5/2) (SNR HOUSING CLERK: ROBERTSON)	113
B5556	APPLICATION TO PURCHASE A REMAINDER OF ERF 4403 (1, 887 HA) A PORTION OF ERF1, MONTAGU (7/2/1/1) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	114
B5557	MTN SITE T6359: APPLICATION FOR RENEWAL OF LEASE AGREEMENT FOR A PORTION OF ERF 2567, SITUATED AT WATERWORKS, ROBERTSON (7/2/3/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	114
B5558	APPLICATION FOR A ONE-WAY STREET IN FREEMANS AVENUE, ROBERTSON (16/3/R) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	114
B5559	APPLICATION TO TRANSFER RDP HOUSE: ERF 1638, ASHTON FROM MARIA ABRAHAMS TO LIZETTA MARONETTA ABRAHAMS (17/5/8/1/2) (SNR HOUSING CLERK, ASHTON)	115
B5560	RAIMONDI'S: APPLICATION FOR THE LEASE OF MUNICIPAL LAND ADJACENT TO ERF 4540 (ASHTON SIDE OF PROPERTY) & FENCING OF THE LEASED PARKING AREA IN CHURCH STREET, ROBERTSON (7/1/4/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	115
B5561	RESUBMISSION: ROBERTSON SMALL SCALE FARMER ASSOCIATION: APPLICATION FOR THE PURCHASE OF THE DAM SITUATED ON A PORTION OF ERF 2, ROBERTSON FOR IRRIGATION PURPOSES (7/2/3/2/5) PRINCIPAL CLERK: PROPERTY ADMINISTRATION)	116
B5562	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 – DIRECTORATE: CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	117
B5563	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 – DIRECTORATE: ENGINEERING SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)	117
B5564	DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 - (9/2/1) CHIEF FINANCIAL OFFICER	117
BB712	REPORTING ON LITIGATION – OCTOBER + NOVEMBER 2019 (7/1/R + 7/2/R) (DIRECTOR CORPORATE SERVICES)	117

**B & BB ITEMS**

**B5550 APPLICATION TO TRANSFER RDP HOUSE: ERF 321, ZOLANI, ASHTON FROM ANGELINA NOZIGIGABA NOTHWALANA TO PHUMLANI NOTWALANA (17/5/8/2/1) (SNR HOUSING CLERK: ASHTON)**

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Eenparig Besluit / Unanimously Resolved**

That the RDP house situated on erf 321, SH 169 Notwalana Street, Zolani, Ashton be allocated to Phumlani Notwalana on the following conditions.

*Dat die HOP woning geleë te erf 321, SH 169 Notwalanastraat, Zolani, Ashton op die volgende voorwaardes aan Phumlani Notwalana toegeken word.*

1. That a housing subsidy application be submitted to the Provincial Department of Human Settlements on behalf of Phumlani Notwalana for consideration.

*Dat 'n behuisingssubsidie aansoek namens Phumlani Notwalana aan die Provinsiale Departement van Menslike Nedersettings voorgele word ter oorweging.*

2. That once the subsidy as mentioned in point 1 above is approved, a deed of sale be entered into between himself and the Municipality whereafter registration of the property into his name will take place.

*Dat nadat die subsidie aansoek soos in punt 1 gemeld goedgekeur is, 'n koopvooreenkoms tussen homself en die Munisipaliteit gesluit word waarna registrasie van die eiendom in sy naam sal plaasvind.*

**B5551 APPLICATION TO TRANSFER RDP HOUSE: ERF 666/1541, ZOLANI, ASHTON FROM NOBULALI GLADYS MALOYI TO MANDLONKE GIDEON MOLOYI (17/5/8/2/1) (SNR HOUSING CLERK: ASHTON)**

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Eenparig Besluit / Unanimously Resolved**

1. That the application of Mr Mandlonke Gideon Moloyi be approved in principle as his name does not appear on the Zolani - Ashton Housing Waiting List, subject to the approval of the Provincial Department of Human Settlements.
2. That if the approval of the Department of Human Settlements is received, the RDP house situated on erf 666 / 1541, DG 666 Nel Street, Zolani, Ashton be allocated to Mandlonke Gideon Moloyi subject to the following conditions:

- 2.1 That a housing subsidy application be submitted to the Provincial Department of Human Settlements on behalf of Mandlonke Gideon Moloyi for consideration.

*Dat 'n behuisingssubsidie aansoek namens Mandlonke Gideon Moloyi aan die Provinsiale Departement Menslike Nedersettings voorgele word ter oorweging.*

- 2.2 That once the subsidy as mentioned in point 2.1 above is approved, a deed of sale be entered into between himself and the Municipality whereafter registration of the property into his name will take place.

*Dat nadat die subsidie aansoek soos in punt 1 gemeld goedgekeur is, 'n koopvooreenkoms tussen homself en die Munisipaliteit gesluit word waarna registrasie van die eiendom in sy*

B5552

**REQUEST FROM FLORALAND TO HARVEST JACARANDA PODS OFF ROBERTSON STREET TREES (ACT. MANAGER: PARKS AND AMENITIES)**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019

Eenparig Besluit / Unanimously Resolved

1. That Council grants Floraland permission to harvest jacaranda pods off Robertson street trees, subject to the conditions set out below.
2. That the permission is only valid until 31 December 2019.
3. That the Assistant Manager Parks & Amenities, Ms Michelle Hucklesby, be contacted on 023 626 8200 or [MHucklesby@langeberg.gov.za](mailto:MHucklesby@langeberg.gov.za) before harvesting starts.
4. That only local labour be used to harvest the jacaranda pods.
5. That the following conditions be adhered to:
  - 5.1 That Floraland do not damage the trees.
  - 5.2 That the harvesting only be done from trees on municipal property.
  - 5.3 That Floraland do not leave any cut plant litter in the area.
  - 5.4 That the harvesting is done at Floraland's own risk and that the attached indemnity form be completed before the start of harvesting and be submitted to Ms M Hucklesby.
  - 5.5 That the safety of the public be ensured at all times.
  - 5.6 That the workers wear the required safety gear and use the required safety equipment.
  - 5.7 That the harvesting teams remain together and have some means of identification.
6. That this permission may be withdrawn at any time, should complaints be received.

B5554

**APPLICATION TO TRANSFER RDP HOUSE: ERF 6181, ROBERTSON FROM LENA JOSEPH TO NELLIE JOSEPH (17/5/8/5/2) (SNR HOUSING CLERK: ROBERTSON)**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019

Eenparig Besluit / Unanimously Resolved

1. That the application of Ms Nellie Joseph be approved in principle as her name does not appear on the Housing Waiting List, subject to the approval of the Provincial Department of Human Settlements.
2. That if the approval of the Department of Human Settlements is received, the RDP house situated on erf 6181 Robertson be allocated to Ms Nellie Joseph, subject to the following conditions:
  - 2.1 That a housing subsidy application be submitted for consideration to the Provincial Department of Human Settlements on behalf of Ms Nellie Joseph.

*Dat 'n behuisingssubsidie aansoek namens Me Nellie Joseph ter oorweging aan die Provinsiale Departement van Menslike Nedersettings voorgelê word.*
  - 2.2 That once the subsidy mentioned in paragraph 2.1 is approved, a deed of sale be entered into with Ms Nellie Joseph, whereafter registration of the property in her name will take place.

*Dat nadat die behuisingssubsidie in paragraaf 2.1 gemeld goedgekeur is, 'n koopkontrak deur Me Nellie Joseph onderteken word, waarna registrasie van die eiendom in haar naam sal plaasvind.*

B5556

APPLICATION TO PURCHASE A REMAINDER OF ERF 4403 (1, 887 HA) A PORTION OF ERF1, MONTAGU (7/2/1/1) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019

Eenparig Besluit / Unanimously Resolved

That the application received from Mr J Olivier to purchase a remainder of erf 4403 (1, 887 ha) a portion of erf 1, Montagu not be approved seeing that the main sewer line runs in the middle of the portion of land which means there is only a small portion of erf that is available for any construction.

*Dat die aansoek ontvang vanaf Mnr J Olivier vir die koop van restant van erf 4403 (1.887 ha) 'n gedeelte van erf 1, Montagu nie goedgekeur word nie aangesien die hoof rioollyn in die middel van die gedeelte grond loop wat beteken dat daar slegs 'n klein gedeelte van die erf beskikbaar is vir enige konstruksie.*

B5557

MTN SITE T6359: APPLICATION FOR RENEWAL OF LEASE AGREEMENT FOR A PORTION OF ERF 2567, SITUATED AT WATERWORKS, ROBERTSON (7/2/3/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019

Eenparig Besluit / Unanimously Resolved

That the application of MTN to renew the lease agreement be approved subject to the following conditions:

*Dat die aansoek van MTN om die huurooreenkoms te hernu, goedgekeur word onderworpe aan die volgende voorwaardes:*

1. That it be confirmed that the portion situated at Robertson Waterworks (a portion of erf 2567, Robertson) is not needed for the provision of the minimum level of basic municipal services. (S14 of the MFMA 2003, Act 56 of 2003)

*Dat dit bevestig word dat die gedeelte geleë te Robertson Waterwerke ('n gedeelte van erf 2567, Robertson) nie benodig word vir die verskaffing van die minimum vlak van basiese munisipale dienste nie. (S14 van die MFMA 2003, Wet 56 van 2003)*

2. That the property situated at Robertson Waterworks (a portion of Erf 2567, Robertson) be leased to MTN for a period of 3 years.

*Dat die eiendom geleë te Robertson Waterwerke ('n gedeelte van Erf 2567, Robertson) aan MTN verhuur word vir 'n periode van 3 jaar.*

3. That the lease amount be R61 223.58 (VAT included) per year. The rental amount will escalate annually with a percentage that will be determined by the yearly CPIX.

*Dat die huur 'n bedrag van R61 223.58 (BTW ingesluit) per jaar sal wees. Die huurtarief sal jaarliks eskaleer met 'n persentasie wat bepaal word deur die VPI.*

4. That the cost for the supply of electricity will be for the account of MTN.

*Dat MTN verantwoordelik sal wees vir die betaling van die voorsiening van elektrisiteit aan die perseel.*

5. That MTN be responsible for the maintenance of the access road to the premises.

*Dat MTN verantwoordelik sal wees vir die instandhouding van die toegangspad tot die perseel.*

B5558

APPLICATION FOR A ONE-WAY STREET IN FREEMANS AVENUE, ROBERTSON (16/3/R) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019

**Eenparig Besluit / Unanimously Resolved**

1. That the application received from the residents of Freemans Avenue, Robertson to change the street into a one-way street, be approved.

*Dat die aansoek ontvang vanaf die inwoners van Freemanslaan, Robertson om die straat in 'n eenrigtingstraat te verander, goedgekeur word.*

2. That the intention of the Municipality to change the street into a one-way street be advertised for comments and that after the period for comments has lapsed and if no legal and fully motivated comments / objections were received, the Municipality continue to change the street into one-way street.

*Dat die voorneme van die Munisipaliteit om die straat in 'n eenrigtingstraat te verander, geadverteer word vir kommentaar en indien geen regsgeldige en goedgeмотiveerde kommentare / besware ontvang is nadat die tydperk vir kommentare verstryk het nie, die Munisipaliteit voortgaan om die straat na 'n eenrigtingstraat te verander.*

**B5559**

**APPLICATION TO TRANSFER RDP HOUSE: ERF 1638, ASHTON FROM MARIA ABRAHAMS TO LIZETTA MARONETTA ABRAHAMS (17/5/8/1/2) (SNR HOUSING CLERK, ASHTON)**

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Eenparig Besluit / Unanimously Resolved**

That the RDP house situated on erf 1638, 3 Tulp Singel, Ashton be allocated to Lizetta Maronetta Abrahams on the following conditions.

*Dat die HOP woning geleë te erf 1638, Tulpsingel 3, Ashton op die volgende voorwaardes aan Lizetta Maronetta Abrahams toegeken word.*

1. That a housing subsidy application be submitted to the Provincial Department of Human Settlements on behalf of Lizetta Maronetta Abrahams for consideration and that the subsidy of Maria Abrahams be withdrawn.  
  
*Dat 'n behuisingssubsidie aansoek namens Lizetta Maronetta Abrahams aan die Provinsiale Departement Menslike Nedersettings voorgelê word vir oorweging en dat die subsidie van Maria Abrahams onttrek word.*
2. That once the subsidy as mentioned in point 1 above is approved, a deed of sale be entered into between herself and the Municipality whereafter registration of the property into her name will take place.

*Dat nadat die subsidie aansoek soos in punt 1 gemeld goedgekeur is, 'n koopooreenkoms tussen haarself en die Munisipaliteit gesluit word waarna registrasie van die eiendom in haar naam sal plaasvind.*

**B5560**

**RAIMONDI'S: APPLICATION FOR THE LEASE OF MUNICIPAL LAND ADJACENT TO ERF 4540 (ASHTON SIDE OF PROPERTY) & FENCING OF THE LEASED PARKING AREA IN CHURCH STREET, ROBERTSON (7/1/4/1/5) (PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Eenparig Besluit / Unanimously Resolved**

1. That the application received from Vil Arch on behalf of Mr Raimondi for the lease of municipal land adjacent to erf 4540, Robertson (Ashton side of the property) for a delivery zone not be approved as there are municipal services crossing the portion of land.

*Dat die aansoek vanaf Vil Arch namens Mnr Raimondi vir die huur van munisipale grond aangrensend*

*erf 4540, Robertson (Ashton kant van die eiendom) vir 'n aflaai sone nie goegkeur word nie aangesien munisipale dienste die gedeelte grond oorkruis.*

2. That it be confirmed that the portion of municipal land adjacent to erf 4540 situated in Church Street, Robertson is not needed for the provision of the minimum level of basic municipal services (s14 of the MFMA 2003, act 56 of 2003)

*Dat dit bevestig word dat die gedeelte munisipale grond aangrensend tot erf 4540 geleë in Kerkstraat, Robertson nie benodig word vir die verskaffing van die minimum vlak van basiese dienste nie. (S14 van die MFMA, Wet 56 van 2003)*

- 3 That the application received from Vil Arch on behalf of Mr Raimondi for the fencing of the leased parking area situated in Church Street, Robertson be approved, subject to the following conditions:

*Dat die aansoek van Vil Arch namens Mnr Raimondi vir die omheining van die gehuurde parkeerarea geleë in Kerkstraat, Robertson goedgekeur word, onderworpe aan die volgende voorwaardes:*

- 3.1 That any improvements be done in accordance with the minimum specifications set down by Council.

*Dat enige verbeterings wat aangebring word, in ooreenstemming sal wees met minimum spesifikasies deur die Raad daargestel.*

- 3.2 That the extent of the portion to be fenced in must be limited to the length of the eastern boundary of erf 4540 Robertson, as indicated by line BC on Vil Arch's Site Plan No. 2019-gf-001 / A1.

*Dat die grootte van die gedeelte wat omhein word beperk word tot die lengte van die oostelike grens van erf 4540 Robertson soos aangedui deur lyn BC van Vil Arch Terrein Plan Nr 2019-gf-001 / A1.*

- 3.3 That the maintenance and fence of the property will be for the account of Mr Raimondi.

*Dat die onderhoud en omheining van die eiendom vir die rekening van Mnr Raimondi sal wees.*

- 3.4 That should it be necessary to upgrade, repair or install municipal services on the piece of land, Council has the right to do so without being liable for damages.

*Dat indien dit noodsaaklik sou wees om munisipale dienste op te gradeer, te herstel of te installeer op dié gedeelte, die Raad die reg daartoe het sonder om verantwoordelik gehou te word vir skade.*

- 3.5 That Mr Raimondi indemnifies Council against claims due to storm water damage they might experience due to the fact that their property is lower than the surface of the road.

*Dat Mnr Raimondi die Raad vrywaar teen enige eise wat moontlik deur hulle ingestel kan word as gevolg van stormwaterskade wat ondervind kan word as gevolg van die laerliggende aard van hul perseel tot die straat.*

B5561

**RESUBMISSION: ROBERTSON SMALL SCALE FARMER ASSOCIATION: APPLICATION FOR THE PURCHASE OF THE DAM SITUATED ON A PORTION OF ERF 2, ROBERTSON FOR IRRIGATION PURPOSES (7/2/3/2/5) PRINCIPAL CLERK: PROPERTY ADMINISTRATION)**

**This item served before the Executive Mayoral Committee on 27 November 2019**

**Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019**

**Eenparig Besluit / Unanimously Resolved**

That the application received from Mr W. Job on behalf of the Robertson Small Scale farmers for the purchase of the dam situated on municipal land on a portion of erf 2, Robertson for irrigation purposes not be approved, taking the comments of the Manager: Civil Engineering Services in consideration that the dam in question carries the risk that should the oxidation dams overflow, sewerage will enter the dam which will be a risk for the Municipality.

*Dat die aansoek ontvang van Mnr W. Job namens die Robertson Kleinboere Vereniging vir die koop van die dam geleë op 'n gedeelte van erf 2, Robertson vir besproeiingsgebruik, nie goedgekeur word nie inaggenome die kommentaar van die Bestuurder: Siviele Ingenieursdienste dat die dam ter sprake die risiko dra dat sou die oksidasiedamme oorloop, riool die dam sal binneloop, wat 'n risiko vir die Munisipaliteit sal wees.*

**B5562 DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 – DIRECTORATE: CORPORATE SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report of deviations from the procurement processes be noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**B5563 DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 – DIRECTORATE: ENGINEERING SERVICES (9/2/1) (CHIEF FINANCIAL OFFICER)**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report of deviations from the procurement processes be noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**B5564 DEVIATIONS FROM THE NORMAL PROCUREMENT PROCESSES FOR OCTOBER 2019 - (9/2/1) CHIEF FINANCIAL OFFICER**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report of deviations from the procurement processes be noted.

*Dat kennis geneem word van die inhoud van die verslag in verband met afwykings van die verkrygingsprosesse.*

**BB712 REPORTING ON LITIGATION – OCTOBER + NOVEMBER 2019 (7/1/R + 7/2/R) (DIRECTOR CORPORATE SERVICES)**

This item served before the Executive Mayoral Committee on 27 November 2019

Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 27 November 2019  
Eenparig Besluit / Unanimously Resolved

That the contents of the report on litigation be noted.

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