

NOTICE

Ref no.2/1/4/4/2

2022-10-25

**NOTICE OF THE 3rd COUNCIL MEETING OF 2022/2023
FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY
TUESDAY, 2022-10-25 AT 10:00**

TO

The Speaker, Alderman J.F. Van Zyl [Chairperson]
The Executive Mayor, Alderman A. Steyn (Ms)
The Deputy Executive Mayor, Cllr J.J. von Willingh

COUNCILLORS

V.A. Bedworth	N.Nel
W.M. Blom	C.T. Nyithana
M.N. Bushwana	J. Pieters
G.L. Daames	A. Pietersen
Alderman R. Farao	O. Ralehoko
M.A. Goedeman	P.C. Ramokhabi
E.N. Isaacs	Alderman M. Sampson
Alderman C. Ismail	T.P. Sibozo
J.R. Jack	S.S.T. Steenberg
R.T. Johnson	M. Swartz
I.J. Joseph	H.C. Titus
D. Judge	E. Van der Westhuizen
J.P. Kritzinger	F. Vaughan
S.K. Madlolo	L. Willemse
Z.M. Mangali	M.T. Williams
T. S. Manuel	C.F. Wilskut
P.H. Marais	N.J. Wullschleger
S.J. Mei	L.R. Yayi
Alderman W.R. Meiring	
J.M. Mokgosi	

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the 3rd **COUNCIL MEETING** of the **2022/2023 FINANCIAL YEAR** of the **COUNCIL** of **BREEDE VALLEY MUNICIPALITY** will be held at the **CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPE STREET, WORCESTER** on **TUESDAY, 2022-10-25** at **10:00** to consider the items on the agenda.



SPEAKER
ALDERMAN J.F. VAN ZYL



BREEDE VALLEY
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

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1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended) the chairperson must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting.

2. OFFICIAL NOTICES

2.1 DISCLOSURE OF INTERESTS

Item 6 of Schedule 7 of the Municipal Structures Amendment Act 3 of 2021 states:

A councillor must –

- (a) disclose to the council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillors' direct or indirect interest in the matter is trivial or irrelevant.

2.2 APPLICATIONS FOR LEAVE OF ABSENCE

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

- 2.2.1 Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
 - 2.2.2 A Councillor must attend each meeting except when –
 - (a) Leave of absence is granted in terms of Clause 10; or
 - (b) The Councillor is required to withdraw in terms of law.
 - 2.2.3 The Attendance Registers will be available at the meeting.
 - 2.2.4 A blank Application for Leave of Absence form is enclosed.
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3. COMMUNICATION

3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

*“A deputation seeking an interview with Council must give the Municipal Manager **6 (six) days** written notice of its intention and furnish details of the representations to be made and the source of the deputation. The Municipal Manager must submit a request by a deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions*

3.2 BIRTHDAYS OF COUNCILLORS

Cllr R. Farao	05 October 2022
Ald C. Ismail	10 October 2022
Cllr V. A. Bedworth	23 October 2022
Cllr N. Nel	25 October 2022

3.3 STATEMENTS BY THE SPEAKER**3.4 STATEMENTS BY THE EXECUTIVE MAYOR**

4. CONFIRMATION OF MINUTES**4.1** In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

- (a) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (b) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty-eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (c) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (d) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

4.2 Council Meeting held on 23 August 2022 (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 25 October 2022:

1. As the Minutes of the Council Meeting held on 23 August 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 23 August 2022 be taken as read and confirmed.

4.3 Special Council Meeting held on 27 September 2022 (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 25 October 2022:

1. As the Minutes of the Council Meeting held on 27 September 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 27 September 2022 be taken as read and confirmed.
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5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE

5.1 The Deputy Executive Mayor: Cllr J.J. Von Willingh**Mayco Meeting held on 19 July 2022****5.1.1 MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT****RESOLVED:****EX31/2022**

That in respect of –

MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT

discussed by Mayco at the Mayco meeting held on 19 July 2022:

That Mayco take cognisance of the operations and progress of the Municipal Court.

5.1.2 MUNICIPAL STAFF REGULATIONS: REVIEW OF COUNCIL APPROVED HUMAN RESOURCES POLICIES**RESOLVED:****EX32/2022**

That in respect of –

MUNICIPAL STAFF REGULATIONS: REVIEW OF COUNCIL APPROVED HUMAN RESOURCES POLICIES

discussed by Mayco at the Mayco Meeting held on 19 July 2022:

1. That Council approves the following revised Human Resources policies for immediate implementation thereof after approval:
 - Acting allowance policy (Annexure A)
 - Recruitment and selection policy (Annexure B)
 - Education training and development policy (Annexure C)
2. That Human Resources must avail the policies to employees.

5.1.3 SAFETY PLAN FOR THE BREDE VALLEY MUNICIPALITY**RESOLVED:****EX33/2022**

**That in respect of –
SAFETY PLAN FOR THE BREDE VALLEY MUNICIPALITY
discussed by Mayco at the Mayco Meeting held on 19 July 2022:**

1. That the Committee takes note of the proposed Safety Plan as encapsulated in “Annexure A – Breede Valley Municipal Safety Plan”
2. That Committee recommends that Council considers and approves the Safety Plan encapsulated in Annexure A.

5.2 MMC1: Alderman W.R. Meiring**Mayco Meeting held on 19 July 2022****5.2.1 REPORT ON DEVIATIONS FOR THE MONTH OF JUNE 2022****RESOLVED:****EX35/2022**

**That in respect of –
REPORT ON DEVIATIONS FOR THE MONTH OF JUNE 2022
discussed by Mayco at the Mayco meeting held on 19 July 2022:**

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of June 2022, **be noted**.

5.2.2 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 4th QUARTER OF THE 2021/22 FINANCIAL YEAR

RESOLVED:

EX36/2022

That in respect of –

QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 4th QUARTER OF THE 2021/22 FINANCIAL YEAR

discussed by Mayco at the Mayco meeting held on 19 July 2022:

That the approved SCM quarterly implementation report for the 4th quarter of the 2021/22 financial year, **be noted**.

**5.2.3 ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT:
1 JULY 2021 TO 30 JUNE 2022**

RESOLVED:

EX37/2022

That in respect of

ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT: 1 JULY 2021 TO 30 JUNE 2022

Discussed by Mayco at the Mayco meeting held on 19 July 2022:

That the approved SCM annual implementation report for the 2021/2022 financial year, **be noted**.

**5.2.4 MUNICIPAL STAFF REGULATIONS: NEW HUMAN RESOURCES POLICIES
SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE
PERIOD ENDED 30 JUNE 2022.**

RESOLVED:

EX39/2022

That in respect of –

MUNICIPAL STAFF REGULATIONS: NEW HUMAN RESOURCES POLICIES

discussed by Mayco at the Mayco meeting held on 19 July 2022:

-
1. That Mayco recommend to Council to approve the following new Human Resources policies for immediate implementation thereof after approval by Council:
 - Transfer Policy (Annexure A)
 - Probation Policy (Annexure B)
 - Induction and Onboarding Policy (Annexure C)
 - Exit Management Policy (Annexure D)
 2. That Human Resources must avail the abovementioned policies to all employees immediately after approval thereof by Council.

5.2.5 MFMA SECTION 71 & 52 (d) Report

RESOLVED:**EX40/2022**

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 JUNE 2022 discussed by Mayco at the Mayco meeting held on the 19 July 2022:

1. That council take note of the in-year financial management report for the period ended 30 June 2022.

5.3 MMC 2: Cllr. P.C. Ramokhabi

5.4 MMC 3: Cllr. N. Nel

5.5 MMC 4: Cllr. E. Van der Westhuizen Mayco Meeting held on 19 July 2022

5.5.1 THE PROPOSED APPOINTMENT OF MEMBERS FOR THE BREEDE VALLEY MUNICIPAL PLANNING TRIBUNAL

RESOLVED:**EX34/2022**

That in respect of -

THE APPOINTMENT OF MEMBERS FOR THE BREEDE VALLEY MUNICIPAL PLANNING TRIBUNAL

discussed by Mayco at the Mayco meeting held on 19 July 2022:

1. That Council approves that, in compliance with Section 36(3) of The Spatial Planning And Land Use Management Act, 16 of 2013 (SPLUMA), that the Municipal Planning Tribunal shall consist of six (6) members;
 2. That in compliance with Section 71(1)(a) of Breede Valley Municipal planning By-Law (2015), the following officials who are in the full-time service of the municipality, are herewith appointed as members of the Municipal Planning Tribunal:
 - a. The Senior Manager: Public Services;
 - b. Legal Advisor (Lee-Ann Cupido)
 - c. Manager: Project Management (Registered Professional Town Planner)
 3. That the Municipal Manager is authorised to appoint the further members of the Municipal Planning Tribunal as required by Section 36(1)(b) of Breede Valley Municipal planning By-Law (2015), read with Regulation 3(2) of the Spatial Planning And Land Use Management Regulations: Land Use Management and General Matters, 2015, the further members appointed as indicated above shall have knowledge and experience of spatial planning, land use management and land development or the law related thereto;
 4. That in compliance with Section 71(3)(a) of the Breede Valley Municipal Planning By-Law (2015), Council appoints Manager: Project Management as the chairperson of the Municipal Planning Tribunal;
 5. That in compliance with Section 71(3)(b) of the Breede Valley Municipal planning By-Law (2015), Council appoints one of the internal members as deputy chairperson of the Municipal Planning Tribunal;
 6. That in compliance with Section 72(1) of the Breede Valley Municipal Planning By-Law (2015), the term of office of the members of the Municipal Planning Tribunal is three years which term will commence with the publication of the notice as required by Section 37(4) of SPLUMA;
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5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

5.9 MMC 8: Cllr F. Vaughan

APPROVED 2022/2023 SERVICE DELIVERY BUDGET AND IMPLEMENTATION PLAN (SDBIP)

RESOLVED:

EX38/2022

That in respect of -

APPROVED 2022/2023 SERVICE DELIVERY BUDGET AND IMPLEMENTATION PLAN (SDBIP)

discussed by e Mayco at the Mayco meeting held on 19 July 2022:

1. That the Mayco takes note of the approved 2022/2023 SDBIP as per Annexure A, coupled with the publication process depicted in table 1 above; and
2. That the Mayco refers the approved 2022/2023 SDBIP to Council for notification.

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT**6.1 OUTSTANDING COUNCIL RESOLUTIONS PER DIRECTORATE AS EXTRACTED ON
18 OCTOBER 2022 FOR THE MONTH OF SEPTEMBER 2022:****1. COMMUNITY SERVICES**

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
172625	SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY	RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015: 1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality; 2. That the administration advertises said draft By-Law for public comments; 3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette. 4. That the draft By-Law be workshopped with all the Councillors.	2015-06-25	GMAYEKI	95	The item will be submitted to the councillor in order to amend the recommendation as follows; 1. Human Settlements Plan must be completed first, and all related policy be updated. 2. Council must approve the policy after this process. Covid-19 and the lockdown have delayed the submission. A new report we will be submitted Council when the normal business resume.
767107	AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN	RESOLVED C85/2018 That in respect of – AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN PARK FOR RESIDENTIAL PURPOSES as discussed by Council at the Council meeting held on 30	2018-10-30	HPOTGIETER	90	25/03/2021: Erven for which no offers received to be included in the next auction. 19/04/2021: Erven for which no offers received to be included in the next auction. Currently compiling list of all erven to be auctioned for submission. 23/04/2021: List of properties to be auctioned e-mailed to auctioneer. Linked with C909152.

	<p>PARK FOR RESIDENTIAL PURPOSES</p>	<p>October 2018 council decide:</p> <ol style="list-style-type: none"> 1. That Council take cognizance of the negotiations with the respective effected stakeholders; 2. That Council resolve in respect of the occupants or owners as follows: <p>2.4 Legitimate owners of the Volstruis- and Dikkop Street units to have their approved subsidies transferred to the Transhex Housing Development;</p> <p>2.5 Occupants of the Volstruis- and Dikkop Street Houses agreed to cancel the initial mediation agreement and a new agreement be concluded stipulating that they will remain in the aforementioned houses;</p> <p>2.6 Worcester West Informal Occupants cancelled the mediation agreement and application for a subsidy at the Transhex Housing Development project will be processed.</p> <ol style="list-style-type: none"> 3. That Council resolve that the alienation of the respective erven as set out in Annexure G by means of a competitive process in the open market solely for housing / residential purposes be approved in principle; subject to the following conditions: <ol style="list-style-type: none"> 3.1 that the Municipal Manager be mandated to decide on the final erven to be disposed of prior to the competitive process being followed; 3.2 that the administration be mandated to administer the process of disposal of the properties; 3.3 that the municipality will complete the outstanding engineering services (i.e. roads, stormwater and electricity) and the erven thereafter be alienated at the market related value, which will serve as the residual value; 3.4 that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed properties be utilised for residential purposes only 			<p>10/06/2021: Erven will be auctioned on 28 June 2021. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offers received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deeds of sales duly signed and provided to conveyancer. 18/01/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 08/01/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 07/03/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 06/04/2022: Transfers in process. Title deeds awaited from Transhex conveyancer. 23/05/2022: Transfers still in process. 15/07/2022: Transfers still in process. 11/08/2022: Transfers still in process. 13/10/2022: Section 137 application completed. Rate clearance certificates applied for.</p>
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		<p>and should the Purchaser fail to erect a building within two (2) years from date of registration and not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>3.5 that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>3.6 that the costs pertaining to the transaction, e.g. transfer costs be paid by the purchaser;</p> <p>3.7 that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement such internal comments</p> <p>4. that the following of a public participation process, be approved and should no objections / comments be received, then the item would not be referred back to Council;</p> <p>5. That provision be made in the February 2019 adjustment budget for the provision of roads, stomwater and electrical reticulation to the amount of approximately One Million Rand (R1,000,000.00);</p> <p>6. that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and</p> <p>7. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties</p>				
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Council		Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
172625	SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY	<p>RESOLVED C41/2015</p> <p>That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:</p> <ol style="list-style-type: none"> 1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality; 2. That the administration advertises said draft By-Law for public comments; 3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette. 4. That the draft By-Law be workshopped with all the Councillors. 	2015-06-25	GMAYEKI	95	<p>The item will be submitted to the councillor in order to amend the recommendation as follows; 1. Human Settlements Plan must be completed first, and all related policy be updated. 2. Council must approve the policy after this process.</p> <p>Covid-19 and the lockdown have delayed the submission. A new report we will be submitted Council when the normal business resume.</p>
767107	AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN PARK FOR RESIDENTIAL PURPOSES	<p>RESOLVED C85/2018</p> <p>That in respect of – AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN PARK FOR RESIDENTIAL PURPOSES as discussed by Council at the Council meeting held on 30 October 2018 council decide:</p> <ol style="list-style-type: none"> 1. That Council take cognizance of the negotiations with the respective effected stakeholders; 2. That Council resolve in respect of the occupants or owners as follows: <p>2.4 Legitimate owners of the Volstruis- and Dikkop Street units to have their approved subsidies transferred to the Transhex Housing Development;</p> <p>2.5 Occupants of the Volstruis- and Dikkop Street Houses agreed to cancel the initial mediation agreement and a new agreement be concluded stipulating that they will remain in the aforementioned houses;</p> <p>2.6 Worcester West Informal Occupants cancelled the mediation agreement and application for a subsidy at the Transhex Housing Development project will be</p>	2018-10-30	HPOTGIETER	90	<p>25/03/2021: Erven for which no offers received to be included in the next auction.</p> <p>19/04/2021: Erven for which no offers received to be included in the next auction. Currently compiling list of all erven to be auctioned for submission.</p> <p>23/04/2021: List of properties to be auctioned e-mailed to auctioneer. Linked with C909152.</p> <p>10/06/2021: Erven will be auctioned on 28 June 2021.</p> <p>06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions.</p> <p>04/08/2021: Preliminary date for the auction was scheduled. Following</p>

		<p>processed.</p> <p>3. That Council resolve that the alienation of the respective erven as set out in Annexure G by means of a competitive process in the open market solely for housing / residential purposes be approved in principle; subject to the following conditions:</p> <p>3.1 that the Municipal Manager be mandated to decide on the final erven to be disposed of prior to the competitive process being followed;</p> <p>3.2 that the administration be mandated to administer the process of disposal of the properties;</p> <p>3.3 that the municipality will complete the outstanding engineering services (i.e. roads, stormwater and electricity) and the erven thereafter be alienated at the market related value, which will serve as the residual value;</p> <p>3.4 that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed properties be utilised for residential purposes only and should the Purchaser fail to erect a building within two (2) years from date of registration and not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>3.5 that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>3.6 that the costs pertaining to the transaction, e.g. transfer costs be paid by the purchaser;</p> <p>3.7 that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement such internal comments</p> <p>4. that the following of a public participation process, be approved and should no objections / comments be received, then the item would not be referred back to Council;</p> <p>5. That provision be made in the February 2019 adjustment budget for the provision of roads, stormwater and electrical reticulation to the amount of approximately One Million Rand (R1,000,000.00);</p> <p>6. that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and</p> <p>7. that the Municipal Manager be authorized to sign all documents relating to</p>			<p>completion of internal SCM processes the date will be confirmed for marketing purposes.</p> <p>02/09/2021: Auction in process to be rescheduled.</p> <p>04/10/2021: Confirmation of new date for auction in process.</p> <p>25/10/2021: Offers received during auction held on 20 October 2021. Acceptance in process.</p> <p>25/11/2021: Deeds of sales duly signed and provided to conveyancer.</p> <p>18/01/2022: Deeds of sales duly signed and provided to conveyancer.</p> <p>Transfers in process.</p> <p>08/01/2022: Deeds of sales duly signed and provided to conveyancer.</p> <p>Transfers in process.</p> <p>07/03/2022: Deeds of sales duly signed and provided to conveyancer.</p> <p>Transfers in process.</p> <p>06/04/2022: Transfers in process. Title deeds awaited from Transhex conveyancer.</p> <p>23/05/2022: Transfers still in process.</p> <p>15/07/2022: Transfers still in process.</p> <p>11/08/2022: Transfers still in process.</p> <p>13/10/2022: Section 137 application completed. Rate clearance certificates applied for.</p>
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		the disposal and transfer of the respective municipal properties.				
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2. STRATEGIC SUPPORT SERVICES

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1127524	<p>RECRUITMENT AND SELECTION OF DIRECTOR: PUBLIC SERVICES</p> <p>RESOLVED C69/2022 That in respect of RECRUITMENT AND SELECTION OF DIRECTOR: PUBLIC SERVICES discussed by the Council at the Special Council meeting held on 8 June 2022:</p> <p>1. That Council affirms that the position of Director: Public Services is vacant from 1 July 2022;</p> <p>2. that in terms of Regulation 7(2)(a) of the Regulations on the Appointment and Conditions of Employment of Senior Managers (herein after referred to as "The Regulations") Gazetted on 17 January 2014 (Gazette No. 37245) Council grant approval that the post of Director Public Services be filled;</p> <p>3. that Council confirm in compliance with Regulation 5 that:</p> <p>3.1 the municipality requires the post to meet its strategic objectives.</p> <p>3.2 remuneration and other conditions of employment will be attached to the post in terms of the Upper Limits of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable to the Municipal Managers once a suitable candidate is recommended; and</p> <p>3.3 sufficient budgeted funds, including funds for the</p>	2022-06-08	HPOTGIETER	80	<p>28/06/2022: Post advertised, closing date is 28 June 2022. Procurement of recruitment agency in process.</p> <p>11/07/2022: Closed quotation process followed - recruitment agency duly appointed. Shortlisting scheduled for 18/07/2022.</p> <p>01/08/2022: Shortlisting conducted on 18/07/2022. Way forward to be discussed internally. 08/09/2022 Item to remain in inbox until way forward is determined.</p> <p>13/10/2022: Item to remain in inbox until way forward is determined.</p>

		<p>remaining period of the medium-term expenditure framework, are available for filling the post;</p> <p>4. that the services of a competent and experience recruitment agency be used during the recruitment process, subject thereto that the advertising, recruitment, selection procedure and competency testing complies with the Regulations;</p> <p>5. that Council appoint the following members to the selection panel, for the recruitment and selection of the Director Public Services: 5.1 The Municipal Manager who is the Chairperson; 5.2 Councillor Wouter Meiring; 5.3 Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager) who has expertise and experience in the area of the advertised post;</p> <p>6. that the selection panel submit a report and recommendation on the selection process to the Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference;</p> <p>7. that with regards to the acting appointment in position of Director Public Services: 7.1 that Council appoint Mr P Hartzberg to act in the position of Director Public Services from 1 July 2022 to 30 September 2022; and 7.2 that Council appoint Mr J. Pekeur to act in the position of Director Public Services from 1 October 2022 to 31 December 2022 or until such date the position is filled which ever occur first.</p>				
Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	

<p>685303</p>	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 WORCESTER, LOUIS LANGE STREET SITUATED ADJACENT TO ERF 5899, WORCESTER</p>	<p>RESOLVED C59/2019 In respect of IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 WORCESTER, LOUIS LANGE STREET SITUATED ADJACENT TO ERF 5899, WORCESTER As discussed by Council at the Council Meeting held on 23 July 2019:</p> <p>That the direct alienation of a portion of Erf 1 Worcester (adjacent to Erf 5899), ±115m² in extent, for business purposes, to the owner of the adjoining erf, Mr. Tait, at an amount of One Hundred and Thirty Rand (R130.00) per square metre (VAT exclusive) at the total purchase price of approximately Fifteen Thousand Rand (R15 000.00) be approved in principle;</p> <p>1. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion, a portion of Erf 1, Worcester is classified as a non-viable property;</p> <p>2. that the subject portion, a portion of Erf 1, Worcester be consolidated with the adjoining property of the Applicant, being Erf 5899, Worcester;</p> <p>3. that the alienation of the subject portion, a portion of Erf 1, Worcester be subject to obtaining the necessary closure, rezoning and consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>4. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above;</p> <p>5. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</p>	<p>2019-07-23</p>	<p>HPOTGIETER</p>	<p>95</p>	<p>02/08/2019: The letter of the outcome of application communicated to Applicant. Awaiting acceptance of conditions 28/10/2019: Applicant accepted the conditions and a notice was placed in the newspaper to obtain inputs from the public 20/12/2019: Public Participation process was completed no comments or objection received. Applicant to apply for Town Planning processes 03/02/2020: The applicant applied for Town Planning processes 25/03/2021: Town Planning processes pending 19/04/2021: Requested status report iro Town Planning processes 10/06/2021: Awaiting feedback iro Town Planning processes. 06/07/2021: Conveyancer advised that transfer of portion of Erf 1 to BVM to proceed prior to transfer to purchaser. 04/08/2021: The Purchaser must do a vesting transfer of the portion of Erf 1, once this is done the transfer can proceed. 02/09/2021: The Purchaser must do a vesting transfer of the portion of Erf 1, once this is done the transfer can proceed. 04/10/2021: Vesting transfer in process. 25/11/2021: Vesting transfer in process. 18/01/2022: Vesting transfer in process. 10/02/2022: Vesting transfer in process 07/03/2022: Vesting transfer in process. 06/04/2022: Vesting transfer in process. Diagrams awaited. 23/05/2022: Diagrams for vesting transfer still awaited. 15/07/2022: Transfer documents being drafted</p>
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<u>728886</u>	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF FARM 319, PORTION 64 WORCESTER, TWEE FONTEINEN SITUATED ADJACENT TO FARM 319 PORTION 43, WORCESTER.</p>	<p>RESOLVED C87/2019 That in respect of – IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF FARM 319, PORTION 64 WORCESTER, TWEE FONTEINEN SITUATED ADJACENT TO FARM 319 PORTION 43, WORCESTER Discussed by Council at the Council meeting held on 29 October 2019 council decide:</p> <p>1. That the direct alienation of Farm 319 Portion 64 Worcester (adjacent to Farm 319 Portion 43), ±4300m² in extent, for the purpose of building a lined dam for irrigation, to the owner of the adjoining erf, De Wet Cellar (Pty) Ltd, at the total purchase price of approximately Thirty-Four Thousand Rand (R34 000.00) be</p>	2019-10-29	HPOTGIETER	90	<p>25/03/2021: Applicant in process of applying for the rezoning and consolidation of the erf. 19/04/2021: Request status report iro rezoning and consolidation process 10/06/2021:Awaiting feedback iro Town Planning processes. 04/08/2021:The Purchaser has to bring an application with SANRAL for the relaxation of the building line over portion 64. 02/09/2021: The Purchaser has to lodge an application with SANRAL for the relaxation of the building line over portion 64. 04/10/2021: SANRAL</p>

		<p>approved in principle;</p> <p>2. that Council take cognisance of the fact that the direct alienation is only approved as Farm 319 Portion 64, Worcester is classified as a non-viable property;</p> <p>3. that Farm 319 Portion 64, Worcester be consolidated with the adjoining property of the Applicant, being Farm 319 Portion 43, Worcester;</p> <p>4. that the alienation of Farm 319 Portion 64, Worcester be subject to obtaining the necessary rezoning and consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>5. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above;</p> <p>6. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>7. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;</p> <p>8. that the following of a public participation process, be approved;</p> <p>9. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property in that an item will only be tabled in Council again should any representations/comments be received;</p> <p>10. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not</p>			<p>approved the encroachment of the dam on 20 September 2021. Consent from Bondholder awaited. 25/11/2021: Vesting transfer in process. SANRAL approved the encroachment of the dam on 20 September 2021. Consent from Bondholder awaited. 18/01/2022: SANRAL approval received: Transfer to be followed up. 10/02/2022: SANRAL approval received: Transfer in process. 07/03/2022: SANRAL approval received: Transfer in process. 06/04/2022: Transfer in process. Approval from adjacent bond holders awaited. 23/05/2022: Transfer still in process. 15/07/2022: Surveyor advised that application for consolidation & subdivision is in process. 11/08/2022: Surveyor advised that application for consolidation & subdivision is in process. 13/10/2022: Town Planning process underway. Confirmation awaited from Purchaser iro comments submitted by SANRAL with regards to compliance.</p>
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		<p>required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and</p> <p>11. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Farm 319 Portion 64 Worcester and all necessary documents relating thereto.</p>				
886395	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS</p>	<p>RESOLVED C20/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS as discussed by Council at the Council meeting held on 23 February 2021 Council decide:</p> <p>1. that the disposal of erf 5595, De Doorns for purposes permitted under Institutional Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations in the amount of R95 000.00 (Ninety-Five Thousand Rand), VAT Excluded, VAT Excluded;</p> <p>2. should the Purchaser be a registered social care organization/institution the purchase price be fixed at a minimum of 50% of the fair market value;</p> <p>3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs, survey, rezoning, provision of services and a direct access road;</p> <p>4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale;</p> <p>5. that the following of a public participation process, be approved;</p>	2021-02-23	HPOTGIETER	90	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021. 19/04/2021: No comments received during PP process. Compilation of list for erven to be auctioned being finalized. 23/04/2021: Property is included in list sent to auctioneer for next auction within this FY. Linked with C909152. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer</p>

		<p>6. that an item will only be resubmitted to Council should any representations/objections be received;</p> <p>7. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;</p> <p>8. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilised for the purpose stipulated in item 1 above;</p> <p>9. that the Purchaser be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>10. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and the community value as well as the economic value in exchange for the asset was weighed against the market related purchase price; and</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the subject property.</p>				<p>in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 06/04/2022: Regulation 68 (Deeds Registry Act) in process due to lost title deed. 23/05/2022: Regulation 68 (Deeds Registry Act) still in process. 15/07/2022: Regulation 68 advertisement being placed in accordance with Deeds Registry Act. 01/08/2022: Regulation 68 advertisement duly placed in accordance with Deeds Registry Act. 13/10/2022: Awaiting further update from conveyancer.</p>
886398	IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF THE REMAINDER OF ERF 5940, SITUATED AT CHURCH STREET, WORCESTER	<p>RESOLVED C22/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF THE REMAINDER OF ERF 5940, SITUATED AT CHURCH STREET, WORCESTER as discussed by Council at the</p>	2021-02-23	HPOTGIETER	90	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021. 19/04/2021: No comments received during PP process. Compilation of list of erven to be</p>

		<p>Council meeting held on 23 February 2021 council decide:</p> <ol style="list-style-type: none"> 1. That, the disposal of the remainder of erf 5940 Worcester currently permitted under Transport Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations as HCB Property Valuations determined the market related value of the property in the amount of R300 000.00 (Three Hundred Thousand Rand), VAT Excluded. 2. that the Purchaser be permitted to apply for the rezoning of the municipal property, provided that the application follows proper Town Planning procedures; 3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs, survey, rezoning, provision of services and a direct access road; 4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale; 5. that the following of a public participation process, be approved; 6. that an item will only be resubmitted to Council should any representations/objections be received; 7. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process; 8. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilised for the purpose stipulated in item 1 above; 9. that the Purchaser will be responsible for the payment of all municipal services including rates 		<p>auctioned being finalized. 23/04/2021: Property is included in list sent to auctioneer for next auction within this FY. Linked with C909152. 10/06/2021: Erf will be auctioned on 28 June 2021. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 23/05/2022: Transfer still in process. 15/07/2022: Original title deed obtained. Instruction issued to conveyancer to proceed with application for original subdivision plan. 11/08/2022: Original title deed obtained. Instruction issued to conveyancer to proceed with application for original subdivision plan. 13/10/2022: Awaiting status report from conveyancer.</p>
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<u>886399</u>	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF ERF 1 (ALSO KNOWN AS YSSEL STREET THOROUGHFARE), SITUATED AT YSSEL STREET, WORCESTER</p>	<p>RESOLVED C23/2021</p> <p>That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF ERF 1 (ALSO KNOWN AS YSSEL STREET THOROUGHFARE) SITUATED AT YSSEL STREET, WORCESTER as discussed by Council at the Council meeting held on 23 February 2021 Council decide:</p> <p>1. That the disposal of a portion of erf 1 (also known as Yssel Street thoroughfare), Worcester for purposes permitted under Residential Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations in the amount of R105 500.00 (One hundred and Five Thousand Five Hundred Rand), VAT Excluded;</p> <p>2. that the erf be offered to first time homeowners with the means to purchase and develop the property;</p>	2021-02-23	HPOTGIETER	85	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021.</p> <p>19/04/2021: No comments received during PP process. Compilation of list of erven to be auctioned being finalized.</p> <p>23/04/2021: Property is included in list sent to auctioneer for next auction within this FY. Linked with C909152.</p> <p>10/06/2021: Erf will be auctioned on 28 June 2021.</p> <p>06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions.</p> <p>04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes.</p> <p>02/09/2021: Auction in</p>

		<p>3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs, survey, rezoning, provision of services and a direct access road;</p> <p>4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale;</p> <p>5. that a suspensive condition in respect of the subdivision of the property be included in the Deed of Sale stipulating that the disposal of the property be made subject to approval of the subdivision (Town Planning) processes in terms of land use planning legislation;</p> <p>6. that the following of a public participation process, be approved;</p> <p>7. that an item will only be resubmitted to Council should any representations/objections be received;</p> <p>8. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;</p> <p>9. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilised for the purpose stipulated in item 1 above;</p> <p>10. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>11. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>12. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the</p>			<p>process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 06/04/2022: Transfers in process. Title deed awaited from Transhex conveyancer. 23/05/2022: Transfer still in process. 15/07/2022: Purchaser was duly informed that subdivision application should be submitted prior to transfer. 11/08/2022: Purchaser was duly informed that subdivision application should be submitted prior to transfer. 13/10/2022: No application received by Town Planning. Formal correspondence to be issued.</p>
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		<p>provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and the community value as well as the economic value in exchange for the asset was weighed against the market related purchase price; and</p> <p>13. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the subject property.</p>				
913139	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF FARM 576 RHOODE HOOGE OUTSPAN, WORCESTER</p>	<p>RESOLVED C45/2021</p> <p>That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF FARM 576 (RHOODE HOOGE OUTSPAN), WORCESTER</p> <p>as discussed by Council at the Council meeting held on 28 April 2021 Council decide:</p> <p>1. That the disposal of a portion of remainder of Farm 576 (Rhode Hoogte Outspan), Worcester, ±15.2400ha in extent for purposes permitted under Agricultural Zone I be approved in principle by means of a competitive process in the open market at least at a fair market price as determined by HCB Valuers in the amount of Seventy-Five Thousand Rand (R75 000.00);</p> <p>2. That the prospective purchaser be liable for all costs related to the disposal, e.g. rehabilitation and transfer costs, EIA if required, registration of a right of way and the installation of municipal services;</p> <p>3. that the following of a public participation process, be approved;</p> <p>4. that an item will only be resubmitted to Council should any representations/comments be received;</p> <p>5. that the administration be mandated to administer the process of disposal of the municipal properties following the public participation process;</p>	2021-04-28	HPOTGIETER	85	<p>30/04/2021: Notice to be placed in Standard on 6 May 2021.</p> <p>06/05/2021: Notice placed in local newspaper 6 May 2021 edition. Closing date for comments is 4 June 2021.</p> <p>10/06/2021: Objections to proposed disposal received. Item to be resubmitted to Council.</p> <p>06/07/2021: Item to be resubmitted to Council. Public participation process concluded - closing date was 4 June 2021.</p> <p>04/08/2021: Resubmission item prepared and distributed for comments. To be tabled at next Council meeting</p> <p>02/09/2021: Resubmission item prepared and distributed for comments.</p> <p>04/10/2021: Matter in abeyance for consideration by newly elected Council.</p> <p>25/10/2021: Matter in abeyance for consideration by newly elected Council.</p> <p>Heleine Potgieter</p> <p>25/11/2021: Matter will be tabled for consideration by newly elected Council.</p> <p>18/01/2022: Item to be resubmitted to Council for consideration.</p> <p>10/02/2022: Item to be resubmitted to Council for consideration, following in loco inspection.</p> <p>07/03/2022: Item to be resubmitted to Council for</p>

		<p>6. that a reversion clause be included in the Deed of Sale as well as the Title Deed that the disposed property be utilized for Agricultural Zone I Purposes only and should the Purchaser not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>7. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>8. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>9. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and</p> <p>10. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property.</p>				<p>consideration, following in loco inspection. 12/05/2022: Item to serve at sec 80 committee. 23/05/2022: Further site inspection conducted on 13/05/2022. Internal action to be taken prior to resubmitting item. 15/07/2022: Collaborative site inspection at the property proposed. 11/08/2022: SAIV duly contacted to provide details of 3 valuers. 13/10/2022: None of the proposed valuers in a position to conduct independent valuation. Further e-mail sent to SAIV urgently requesting details of alternative valuers.</p>
<u>977287</u>	<p>IN-PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION AND TRANSFER OF A PORTION OF ERF 4014 AND A PORTION OF ERF 4015, SITUATED ON THE R43 VILLIERSDORP ROAD, WORCESTER, TO CAPE WINELANDS DISTRICT MUNICIPALITY</p>	<p>RESOLVED C85/2021 That in respect of – IN-PRINCIPLE, APPROVAL FOR THE DIRECT ALIENATION AND TRANSFER OF A PORTION OF ERF 4014 AND A PORTION OF ERF 4015, SITUATED ON THE R43 VILLIERSDORP ROAD, WORCESTER, TO CAPE WINELANDS DISTRICT MUNICIPALITY as discussed by Council at the Special Council meeting held on 28 September 2021, Council decide:</p> <p>1. That the capital asset to be transferred is not needed for the provision of the minimum level of basic municipal services and is considered to be surplus to the requirements of the municipality;</p> <p>2. That the direct alienation and</p>	2021-09-28	HPOTGIETER	85	<p>05/10/2021: As per uploaded file, resolution e-mailed to CWDM. Awaiting acceptance of conditions. 25/10/2021: Awaiting acceptance of offer from CWDM. Follow-up e-mail sent. 25/11/2021: CWDM to table the matter at their Council meeting for approval. 18/01/2022: CWDM advised item will be tabled at their Council for approval. Updated feedback to be obtained from CWDM. 10/02/2022: CWDM replied on 20 January 2022 that the item will serve at their next meeting, as due to the</p>

		<p>transfer of the property being a portion of Erf 4014 and a portion of Erf 4015, situated on the R43 Viliersdorp Road, Worcester ±47.23 ha in extent, at the market-related value of R1 890 000.00 (One Million Eight Hundred And Ninety Thousand Rand), alternatively R40 000.00 (Forty Thousand Rand) per hectare, for the primary purpose of establishing a Regional Landfill Site or for alternative utilisation identified and approved by Breede Valley Municipality to the Cape Winelands District Municipality, be approved in principle;</p> <p>3. that the transfer of the property be subject to obtaining the necessary rezoning and subdivision approvals as well as compliance with the relevant internal departments (Directorates) comments with the right to supplement same;</p> <p>4. that all costs pertaining to the transaction be borne by the Cape Winelands District Municipality; and</p> <p>5. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the property and all necessary documents relating to it.</p>				<p>new council compilation it could not serve earlier. Confirmation received from CWDM on that the item will serve at their Council meeting scheduled for 28 February 2022.</p> <p>07/03/2022: CWDM Council resolved on 28 February 2022 to purchase the BVM property. CWDM resolution ("file") duly uploaded on this resolution.</p> <p>06/04/2022: Town planning following public participation process.</p> <p>23/05/2022: Town Planning procedures in process.</p> <p>15/07/2022: Matter pending decision from Municipal Planning Tribunal.</p> <p>11/08/2022: Matter pending decision from Municipal Planning Tribunal.</p> <p>13/10/2022: Matter pending decision from Municipal Planning Tribunal.</p>
1099841	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</p>	<p>RESOLVED C55/2022</p> <p>That in respect of –</p> <p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</p> <p>discussed by Council at the Council Meeting held on 26 April 2022:</p> <p>1. That the direct alienation of a Erf 9048, Worcester (adjacent to Erf 9047 and 9049), ±135m² in extent, for purpose allowed under Residential Zone I, to the owners of the adjoining erven, at an amount of Thirty Thousand Rand (R30 000.00) (VAT Excluded), be</p>	2022-04-26	HPOTGIETER	66	<p>06/05/2022: Meeting scheduled with applicant.</p> <p>23/05/2022: Resolution duly conveyed: Meeting was had with respective owners / applicants.</p> <p>15/07/2022: Public participation process followed, closing date was 11 July 2022. No objections / representations received. Purchasers to follow Town Planning processes (subdivision & consolidation).</p> <p>11/08/2022: Public participation process followed. No objections / representations received. Purchasers to follow Town Planning processes (subdivision & consolidation)</p>

		<p>approved in principle;</p> <ol style="list-style-type: none"> 1. That each Purchaser will be liable to pay an amount of Fifteen Thousand Rand (R 15 000.00) (VAT Excluded) towards the purchase price in item 1 above. 2. that Council take cognisance of the fact that the direct alienation is only approved as Erf 9048, Worcester is classified as a non-viable property; 3. that Erf 9048, Worcester be consolidated with the adjoining properties of the Applicants, being Erf 9047 and 9049, Worcester respectively; 4. Should one of the Purchasers be unable to proceed with the purchase of their respective portion of Erf 9048, the other purchaser be given the opportunity to purchase Erf 9048 in its entirety; 5. that the alienation of Erf 9048, Worcester be subject to obtaining consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments; 6. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above; 7. that all costs pertaining to the transaction be borne by the Purchasers equally, which may include survey, rezoning, consolidation and costs of transfer; 8. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erf be subject to approval in terms of land use planning legislation; 9. that the following of a public participation process, be approved; 			<p>13/10/2022: Only one of the purchasers submitted TP application. Formal correspondence addressed to other purchaser.</p>
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		<p>10. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property in that an item will only be tabled in Council again should any representations/comments be received;</p> <p>11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of Erf 9048, Worcester and all necessary documents relating thereto.</p>				
1099841	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</p>	<p>RESOLVED C55/2022</p> <p>That in respect of –</p> <p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</p> <p>discussed by Council at the Council Meeting held on 26 April 2022:</p> <p>1. That the direct alienation of a Erf 9048, Worcester (adjacent to Erf 9047 and 9049), ±135m² in extent, for purpose allowed under Residential Zone I, to the owners of the adjoining erven, at an amount of Thirty Thousand Rand (R30 000.00) (VAT Excluded), be approved in principle;</p> <p>1. That each Purchaser will be liable to pay an amount of Fifteen Thousand Rand (R 15 000.00) (VAT Excluded) towards the purchase price in item 1 above.</p> <p>2. that Council take cognisance</p>	2022-04-26	HPOTGIETER	60	<p>06/05/2022: Meeting scheduled with applicant.</p> <p>23/05/2022: Resolution duly conveyed: Meeting was had with respective owners/ applicants.</p> <p>15/07/2022: Public participation process followed, closing date was 11 July 2022. No objections/ representations received.</p> <p>Purchasers to follow Town Planning processes (subdivision & consolidation).</p> <p>11/08/2022: Public participation process followed. No objections / representations received.</p> <p>Purchasers to follow Town Planning processes (subdivision & consolidation) 13/10/2022: TP applications incomplete; formal correspondence drafted.</p>

		<p>of the fact that the direct alienation is only approved as Erf 9048, Worcester is classified as a non-viable property;</p> <p>3. that Erf 9048, Worcester be consolidated with the adjoining properties of the Applicants, being Erf 9047 and 9049, Worcester respectively;</p> <p>4. Should one of the Purchasers be unable to proceed with the purchase of their respective portion of Erf 9048, the other purchaser be given the opportunity to purchase Erf 9048 in its entirety;</p> <p>5. that the alienation of Erf 9048, Worcester be subject to obtaining consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>6. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above;</p> <p>7. that all costs pertaining to the transaction be borne by the Purchasers equally, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>8. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erf be subject to approval in terms of land use planning legislation;</p> <p>9. that the following of a public participation process, be approved;</p> <p>10. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property in that an item will only be tabled in Council again should any representations/comments be received;</p>				
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		<p>11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of Erf 9048, Worcester and all necessary documents relating thereto.</p>				
1121580	<p>CONSIDERATION FOR THE DIRECT ALIENATION OF A PORTION ELIZABETH STREET, RAWSONVILLE</p>	<p>RESOLVED C63/2022 That in respect of –</p> <p>CONSIDERATION FOR THE DIRECT ALIENATION OF A PORTION ELIZABETH STREET, RAWSONVILLE</p> <p>discussed by Council at the Council Meeting held on 30 May 2022:</p> <p>1. That the objections in respect of the proposed pedestrian thoroughfare is upheld;</p> <p>2. that the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), ±221.57m² in extent, for formal parking purposes, to the owner of the adjoining erven, at an amount of One Hundred and Ten Thousand Rand (R110 000.00), be approved;</p> <p>3. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Elizabeth Street, Rawsonville is classified as a non-viable property;</p> <p>4. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville;</p> <p>11. that the alienation of the subject portion of Elizabeth Street, Rawsonville be subject to obtaining the necessary closure, rezoning, consolidation and deproclamation approvals within</p>	2022-05-30	HPOTGIETER	60	<p>15/07/2022: Council resolution communicated with applicant. Town Planning processes to be finalized.</p> <p>11/08/2022: Council resolution communicated with applicant. Town Planning processes to be finalized.</p> <p>13/10/2022: Town Planning process underway. Comments from certain internal departments awaited.</p>

		<p>two (2) years, as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>12. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 2 above;</p> <p>13. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>14. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;</p> <p>15. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and</p> <p>16. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Elizabeth Street, Rawsonville and all necessary documents relating thereto."</p>				
1185135	BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY	<p>RESOLVED</p> <p>That in respect of BREEDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY discussed by Council at the Council meeting held on 23 August 2022: The following recommendation is therefore proposed with resolution number C94/2022</p> <p>a) That Council adopts the 2022-27 Local Economic Development Strategy and action plan as the strategic document that will guide LED facilitation and implementation.</p>	2022-08-23	CJANUARY2		

		<p>b) That Council workshops the 2022-2027 LED Strategy.</p> <p>c) Administration be tasked to develop an implementation plan with key dates and financial sources.</p>				
1185138	RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE MUNICIPAL MANAGER	<p>RESOLVED</p> <p>That in respect of – RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE MUNICIPAL MANAGER as discussed by Council at the Council meeting held on 23 August 2022 with resolution number C97/2022 Council decide that:</p> <p>(1) Mr. David McThomas be appointed as Municipal Manager for a fixed term of employment up to a maximum of five (5) years not exceeding a period ending one (1) year after the election of the next Council of the Municipality;</p> <p>(2) that the commencement date of the contract be 1 November 2022;</p> <p>(3) that the Executive Mayor extends an offer of employment to Mr. David McThomas for the appointment as Municipal Manager;</p> <p>(4) that should Mr. David McThomas not accept the offer of employment, the post be re-advertised;</p> <p>(5) that the contract of employment and the all-inclusive remuneration package be negotiated and finalized by the Executive Mayor within the statutory maximum of the upper limits;</p> <p>(6) that it be noted that, within 14 days of the Council Decision, a written report including all necessary documents in compliance with Regulation 17(4) be submitted to the MEC for local government regarding the appointment process and outcome for notification purposes: and</p> <p>(7) that the Human Resources Department, as a matter of courtesy inform the unsuccessful candidates formally of the</p>	2022-08-23	HPOTGIETER	80	<p>6/08/2022: Offer of employment letter drafted for submission to the Executive Mayor.</p> <p>29/08/2022: Offer of employment letter submitted to Executive Mayor. Signed version awaited. 30/08/2022: Offer accepted by Mr. McThomas. 01/09/2022: Letter to MEC drafted, annexures compiled. Awaiting approval in order to submit to the Executive Mayor to sign.</p> <p>02/09/2022: Signed letter and annexures submitted to the MEC for consideration.</p> <p>05/09/2022: Receipt of correspondence acknowledged by the office of the MEC.</p> <p>05/09/2022: Confirmation received that item (7) was implemented, i.e. "Human Resources Department, as a matter of courtesy inform the unsuccessful candidates formally of the outcome of the selection process and thank them for their application and participation in the process". 04/10/2022: E-mail sent requesting feedback. 13/10/2022: Awaiting reply from MEC.</p>

		outcome of the selection process and thank them for their application and participation in the process.				
1206096	ATTENDANCE AND PARTICIPATION: NAMIBIA TOURISM EXPO 2022	<p>RESOLVED</p> <p>That in respect of – ATTENDANCE AND PARTICIPATION: NAMIBIA TOURISM EXPO 2022 as discussed by Council at the Special Council meeting held on 27 September 2022, resolution C102/2022 Council decided:</p> <ol style="list-style-type: none"> 1. That Council grant approval for the attendance and participation of Breede Valley Municipality at the Namibia Tourism Expo to be held at the SKW Sport Fields, Windhoek, Namibia from Thursday, 3 November 2022 to Saturday, 5 November 2022; 2. that the Manager LED & Tourism, Mr. Colin January, be the designated official to attend the Namibia Tourism Expo to be held at the SKW Sport Fields, Windhoek, Namibia from Thursday, 3 November 2022 to Saturday, 5 November 2022; 3. that Alderman Wouter Meiring be the designated political office bearer to attend the Namibia Tourism Expo to be held at the SKW Sport Fields, Windhoek, Namibia Sport Club Windhoek, Namibia from Thursday, 3 November 2022 to Saturday, 5 November 2022; and 4. that the travel, subsistence and accommodation costs pertaining to the attendance and participation of the Namibia Tourism Expo to be held at the SKW Sport Fields, Windhoek, Namibia from Thursday, 3 November 2022 to Saturday, 5 November 2022 be financed. 	2022-09-27	CJANUARY2		
1206095	JOHNSONS PARK INFILL DEVELOPMENT: PROPOSED ALIENATION OF THIRTY-SIX (36) ERVEN IN JOHNSONS PARK FOR RESIDENTIAL PURPOSES	<p>RESOLVED</p> <p>That in respect of – JOHNSONS PARK INFILL DEVELOPMENT: PROPOSED ALIENATION OF THIRTY-SIX (36) ERVEN IN JOHNSONS PARK FOR RESIDENTIAL PURPOSES as discussed by Council at the Special Council meeting held on 27 September 2022, resolution</p>	2022-09-27	HPOTGIETER	15	<p>04/10/2022: Notice compiled, quotation received from CW Standard for placement on 6 October 2022, request captured to obtain an order.</p> <p>06/10/2022: Notice duly placed on 6 October 2022 inviting comments/ representations.</p>

		<p>C101/2022, Council, decided:</p> <ol style="list-style-type: none"> 1. That the alienation of the thirty-six (36) erven as set out in Annexure A by means of a competitive process in the open market solely for Residential Zone I purposes be approved in principle; 2. that the following of a public participation process, be approved and that an item will only be resubmitted to the Council should any representations/comments be received; 3. that the properties be alienated to persons from the Breede Valley Municipal jurisdiction. Proof of address or another applicable document to prove residency within the municipal area will be required; 4. that only one (1) property per purchaser is sold subject to item (5) below; 5. that the properties will not be alienated to developers, except in instances where an employer with registered offices in the Breede Valley municipal area purchase more than one property on behalf of and for the benefit of their employees. However, should the latter apply the property should be registered directly in the name of the beneficiary employees. The beneficiary employees must also comply with items 3 and 4 above; 6. that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed of properties be utilised for Residential Zone I purposes only and should the Purchaser fail to erect a building within two (2) years from the date of registration and not use the property as specified, the erf will revert back to the Municipality free of charge; 7. that a special condition be included in the Deed of Sale which provides that: <ol style="list-style-type: none"> 7.1 If the purchaser intent to dispose of the property within a 				
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		<p>period of two (2) years from the date of signing the Deed of Sale, the property will be offered to the Municipality for a purchase price at 5% less than the original purchase price;</p> <p>7.2 Should the Municipality accept the offer, the cost of the transfer shall be payable by the Purchaser; and</p> <p>7.3 if the Municipality declines the offer, the Purchaser will be permitted to dispose of the property to any other third party.</p> <p>8. that the purchasers will be responsible for the payment of all municipal services including rates and taxes in respect of the properties the following transfer;</p> <p>9. that the costs pertaining to the transaction, e.g., transfer costs be paid by the purchasers;</p> <p>10. that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provisions Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and</p> <p>11. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.</p>				
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3. PUBLIC SERVICES

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1155819	<p>THE PROPOSED APPOINTMENT OF MEMBERS FOR THE BREDE VALLEY MUNICIPAL PLANNING TRIBUNAL</p> <p>RESOLVED</p> <p>That in respect of - THE APPOINTMENT OF MEMBERS FOR THE BREDE VALLEY MUNICIPAL PLANNING TRIBUNAL discussed by Council at the Council meeting held on 26 July 2022 with resolution number C82/2022:</p> <p>1. That Council approves that, in</p>	2022-07-26	PIETER2		

		<p>compliance with Section 36(3) of The Spatial Planning And Land Use Management Act, 16 of 2013 (SPLUMA), that the Municipal Planning Tribunal shall consist of six (6) members;</p> <p>2. That in compliance with Section 71(1)(a) of Breede Valley Municipal planning By-Law (2015), the following officials who are in the full-time service of the municipality, are herewith appointed as members of the Municipal Planning Tribunal:</p> <p>a. The Senior Manager: Public Works; b. Legal Advisor c. Manager: Project Management (Registered Professional Town Planner)</p> <p>3. That the Municipal Manager is authorised to appoint the further members of the Municipal Planning Tribunal as required by Section 36(1)(b) of Breede Valley Municipal planning By-Law (2015), read with Regulation 3(2) of the Spatial Planning And Land Use Management Regulations: Land Use Management and General Matters, 2015, the further members appointed as indicated above shall have knowledge and experience of spatial planning, land use management and land development or the law related thereto;</p> <p>4. That in compliance with Section 71(3)(a) of the Breede Valley Municipal Planning By-Law (2015), Council appoint Manager: Project Management as the chairperson of the Municipal Planning Tribunal;</p> <p>5. That in compliance with Section 71(3)(b) of the Breede Valley Municipal planning By-Law (2015), Council appoint one of the internal members as deputy chairperson of the Municipal Planning Tribunal;</p> <p>6. That in compliance with Section 72(1) of the Breede Valley Municipal Planning By-Law (2015), the term of office of the members of the Municipal Planning Tribunal is three years which term will commence with the publication of the notice as required by Section 37(4) of SPLUMA;</p>				
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4. MAYCO

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
776194	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT	RESOLVED C21/2020 1. That Council appoint a Disciplinary Committee comprising of 11 members (6 DA members and one member of each other Political Party (i.e ANC; BO; FF+; PDM; EFF); 2. That Cllr J.F. van Zyl be appointed as the Chairperson of the Disciplinary Committee; 3. The names of members to the Disciplinary Committee should be submitted to the Speaker within 7 days from the date of the Council Meeting.	2020-02-25	JVANWYK		Awaiting outcome of criminal case.
1155841	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. MARGARET SWARTZ. ITEM FOR COUNCIL: 26 JULY 2022	RESOLVED C85/2022 In terms of Clause 16 of the Code of Conduct: a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code; or b) Establish a Special Committee: i) to investigate and make a finding on any alleged breach of this code and ii) to make appropriate recommendations to the Council. And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022. Cllr Nel proposed that Council recommends this motion to the established Special Committee to investigate and make a finding on any alleged breach of this code and to make appropriate recommendations to the Council, as stated above under point (b).	2022-07-26	JVANZYL		
1155852	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT	RESOLVED C86/2022 This motion will serve at the next Council Meeting.	2022-07-26	JVANZYL		
1185140	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS:	RESOLVED: That in respect of – ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR.C.F. WILSKUT.	2022-08-23	JVANZYL		

	CLLR. C.F. WILSKUT.	as discussed by Council at the Council meeting held on 23 August 2022 with resolution number C98/2022 Council decide that: In terms of Clause 16 of the Code of Conduct : 1. a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code ; or b) Establish a Special Committee : i) to investigate and make a finding on any alleged breach of this code and ii) to make appropriate recommendations to the Council. And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022.				
1185142	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT	RESOLVED That in respect of – ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR.C.F. WILSKUT. as discussed by Council at the Council meeting held on 23 August 2022 with resolution number C99/2022 The Council decision C21/2020 is hereby reaffirmed in terms of Item 16(1)(b) of the Code of Conduct (Schedule 7 of Act 117 of 1998), as amended, relating to this alleged breach of Conduct by Cllr. C.F. Wilskut and is referred to the Special Committee of Council: 1) to investigate and make a finding on any alleged breach of this code and 2) to make appropriate recommendations to the Council.	2022-08-23	JVANZYL		
1185143	SECTION 80 (MUNICIPAL STRUCTURES ACT 117 OF 1998 AS AMENDED) PARTICIPATION AS PER COUNCIL RESOLUTION C114/2021	RESOLVED C100/2022 Whereas Council resolved per Council Resolution C114/2021 that Section 80 Committees be established, n.l. ? Finance Committee; ? Engineering Services Committee; ? Public Services Committee; ? Strategic Services Committee; ? Community Services Committee; And further whereas the following Councillors of the Breede Valley Onafhanklik is therefor nominated and indicated to partake and serve on the said Committees as follow: (a) Cllr. C.F. Wilskut to serve as a Section 80 Committee member on	2022-08-23	JVANZYL		

		<p>the Public and Community Services Committees; (b) Cllr. M. Swartz to serve as a Section 80 Committee member on the Strategic Services Committee; (c) Cllr. N.J. Wullschleger to serve as a Section 80 Committee member on the Finance Services Committee; and (d) Cllr. C. Ismail to serve as a Section 80 Committee member on the Engineering Services Committee. AND THUS Council herewith confirms and appoint the members of the various Section 80 Committees established by Council per aforementioned Resolution C114/2021 as follow : Finance Services Committee Ald. W.R. Meiring; Ald. R. Farao; Cllr. M.T. Williams; Cllr. N. Nel; Cllr. I.J. Joseph; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. N.J. Wullschleger. Engineering Services Committee Cllr. J.R. Jack; Cllr. A. Pietersen; Cllr. D. Judge; Cllr. N. Nel; Cllr. H. Titus; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. C. Ismail. Public Services Committee Cllr. E. van der Westhuizen; Cllr. G.L. Daames; Cllr. R. Johnson; Cllr. N. Nel; Cllr. I.J. Joseph; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. C.F. Wilskut. Strategic Services Committee Cllr. J.P. Kritzinger; Cllr. J. Pieters; Cllr. O. Ralehoko; Cllr. N. Nel; Cllr. H. Titus; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. M. Swartz; Cllr. F. Vaughan. Community Services Committee Cllr. P.C. Ramokhabi; Cllr. M. Goedeman; Cllr. E. Isaacs; Cllr. N. Nel; Cllr. I.J. Joseph; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. C.F. Wilskut.</p>				
1155854	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT	<p>RESOLVED C87/2022 This motion will serve at the next Council Meeting.</p>	2022-07-26	JVANZYL		

7. CONSIDERATION OF AGENDA ITEMS**7.1 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2022.
MFMA SECTION 71 & 52 (d) Report**

File No. /s: 3/15/1

Responsible Officials: R. Ontong

Directorate: Financial Services Portfolio: Financial Services

1. Purpose

To submit to Council the In-year financial management report for adoption.

2. Background:**In terms of the Municipal Finance Management Act, 56 of 2003, section 71.**

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

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

- (2) The statement must include-
 - (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.

- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

In terms of the Municipal Finance Management Act, 56 of 2003, section 52(d).

The mayor of a municipality—

- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

3. Financial Implications:

None

4. Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 52(d) & 71);
Municipal Budget and Reporting Regulations, 2009

5. Comment of Directorates/ Departments concerned:

Municipal Manager:	Recommendation supported
Acting Director: Strategic Support Services:	Recommendation supported
Director: Financial Services:	Recommendation supported
Director: Community Services:	Recommendation supported
Director: Engineering Services:	Recommendation supported
Acting Director: Public Services:	Recommendation supported

RECOMMENDATION:

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2022 discussed by Council at the Council meeting held on the 25 October 2022:

1. That council take note of the in-year financial management report for the period ended 30 September 2022.

To action:

R. Ontong

**7.2 APPROVAL OF AGREEMENT TO INCUR LONG-TERM DEBT:
VARIOUS CAPITAL PROJECTS****File No. /s:** 3/2/2/10**Responsible Official:** R Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

Purpose

The purpose of this report is to obtain –

- 1) Council approval in terms of section 46(2) of the Municipal Finance Management Act, for the agreement to incur long-term debt to finance various capital projects; and
- 2) To award Tender BV890/2021 to ABSA Bank Limited for the acquisition of R300 million external loan.

Legal Framework

The legislative framework for governing borrowing is informed by the following legislation:

- 1) Municipal Finance Management Act, Act No 56 of 2003
- 2) Municipal Regulations on Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007.

The applicable legislation is as follow:

- 1) In terms of the Municipal Finance Management Act, Act No 56 of 2003, Chapter 6 on Debt, section 46(1) that deals with long terms debt, that a municipality may incur long-term debt, only in accordance with and subject to any applicable provisions of the Act, including section 19 for the purposes of capital expenditure to be used for the purpose of achieving the objectives as set out in section 152 of the Constitution or re-financing existing long-term debt.
- 2) Local Government Municipal Regulations on Debt Disclosure, Regulation R492, published under Government Gazette 29966, 15 June 2007 further regulates compulsory disclosures when incurring municipal debt and securities backed by municipal debt.
- 3) A municipality's long-term debt must be consistent with its capital budget referred to in section 17(2) of the Municipal Finance Management Act, Act No 56 of 2003.

Background:

In March 2021, Council resolved on supporting the intention of long-term borrowing. As per the conditions of the resolution, the municipality followed the steps in the process of acquiring / procuring the long-term funding:

The Municipality made public, an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purpose for which the debt is to be incurred and particulars of security to be provided, at least twenty-one (21) days prior to the meeting of the council at which approval for the debt is to be considered.

The municipality invited the public, National Treasury, and the Provincial Treasury to submit written comments or representations to Council in respect of the proposed debt. Provincial Treasury provided a favourable response, attached as **annexure A**, in support of the external loan, with no comments from the National Treasury and the public.

The tenderers were invited via the municipal website on the 1 March 2022 for a loan (Tender BV 890) of R300 million. The apportionment of the R300 million external loan was specified as follow:

- 1) R300 million loan, repayable over a 15-year period.
- 2) The loan will be withdrawn as indicated in the capital budget of the municipality over the 3-year approved budget from 2022/2023 till 2024/2025 Financial year.
- 3) The municipality reserves the right to not take up the loan as whole or partially.

The closing date for the tender was 22 April 2022, whereby tenders from the following tenderers were received:

- 1) FirstRand Bank Limited
- 2) ABSA Bank Ltd
- 3) Inca Portfolio Managers
- 4) Nedbank Limited
- 5) The Standard Bank of South Africa Limited

On 27 June 2022, the Bid Evaluation Committee declared the following

- 1) Inca Portfolio Managers tender was non-responsive related to not adhere to the eligibility criteria to be register as a financial credit provider of the bank act of 1990.
- 2) First National Bank nonresponsive related to not adherence to the 15-year repayment period
- 3) The Standard Bank of South Africa non-responsive related to not adherence to the 15-year repayment period

ABSA Bank Ltd and Nedbank Limited, being the two bidders that fully met the requirements of the tender were found eligible to participate further on price.

ABSA Bank Ltd scored 90 points and scored 10 points for BEE, resulting in a total score of 100 points.

The tender of ABSA Bank Ltd was recommended by the Bid Evaluation Committee to the Bid Adjudication Committee that was held on 27 June 2022. The Bid Adjudication Committee was also in support of the ABSA Bank Ltd, and therefore recommends to Council for approval.

Financial Implications:

The following projects will be financed by the loan.

External Loans Projects	Total
Substation Refurbishment	R 24 000 000,00
Increase of the Stetteynskloof Dam Wall	R 120 000 000,00
Alternative Supply – Zwelethemba	R 10 000 000,00
Rawsonville Sewerage Works	R 27 000 000,00
Rawsonville Sewerage Pipeline	R 27 000 000,00
Avian Park Development - Pump Station	R 19 000 000,00
Upgrading Sewerage System - Zwelethemba, Roodewal, Riverview, Avian Park, etc.	R 18 000 000,00
Preloads	R 55 000 000,00
	R 300 000 000,00

The above capital projects are subject to change, due to Council's re-prioritisation.

The extension / increase of the dam wall project is still in the discussion phase, with a possibility that this project can be financed by other grant funding.

Provision has been made in the operating budget of 2022/2023 to 2024/2025 for the payment of interest and redemption of the external loan to be obtained. The amortised repayment schedules, as required in terms of section 46(3)(b)(i) of the Municipal Finance Management Act, Act No 56 of 2003 is attached as **Annexure B**

The total cost for the R300 million in connection with the external loan is illustrated in the table below:

Total cost of the Loan			
	Redemption	Interest	Total
1st Portion	166 237 952.00	176 904 057.74	343 142 009.74
2nd Portion	68 762 048.00	67 579 559.03	136 341 607.03
3rd Portion	65 000 000.00	58 696 292.79	123 696 292.79
			603 179 909.56

Other Supporting Documents

- 1) Bid Evaluation Committee report, minutes, and attendance register – **Annexure C**
- 2) Award letter – **Annexure D**
- 3) Proof of compliance issues – **Annexure E**
- 4) Long-term borrowing – request submitted for comment (Western Cape Provincial Treasury) and supporting documentation – **Annexure F**

Conclusion

It is recommended that ABSA Bank Limited be considered as the preferred service provider.

COMMENTS BY OTHER DIRECTORATES

Municipal Manager –	Recommendation supported
Director Strategic Services –	Recommendation supported
Director Community Services –	Recommendation supported
Director Engineering Services –	Recommendation supported
Director Public Services (Acting) –	Recommendation supported

RECOMMENDATION

That in respect of the **APPROVAL OF AGREEMENT TO INCUR LONG-TERM DEBT VARIOUS CAPITAL PROJECTS** ; discussed by Council at the Council meeting held on the 25 October 2022:

1. That the tender of ABSA Bank Limited be accepted as recommended by the Bid Evaluation Committee and Bid Adjudication Committee.
2. That a loan agreement be entered into between ABSA Bank Limited and Breede Valley Municipality.
3. That it be noted that the rates provided in the tender documentation are based on capital market rates at different dates, and that rates are subject to fluctuations in the capital market before the conclusion of the agreement, will be taken in consideration in determining the final lending rate.
4. That cognisance be taken that no security is required on the external loan.
5. That the Municipal Manager signs the funding agreement and other documents which creates or acknowledges the debt.

7.3 AFRIMAT: CONSIDERATION OF COMPENSATION AGREEMENT IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE AND BREWELSKLOOF, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCESTER**File no.:** 9/2/3/1/11**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

The purpose of this item is for Council to consider approval of a compensation proposal received from Afrimat Aggregates (Operations) (Pty) Ltd. (hereinafter referred to as “*Afrimat*”), in respect of a portion of Erf 2, Rawsonville and a portion of the remainder of erf 3604, Worcester.

2. BACKGROUND / DISCUSSION:

A previous item served at Mayco on 18 November 2019 where the fair market valuation from HCB Valuations was tabled as follows:

Smalblaar:

- Rental per month: R 8 850.00
- Purchase price for disposal: R1.326 900 million

Brewelskloof:

- Rental per month: R 25 000.00
- Purchase price for disposal: R3.7 million

Mayco resolved in respect of Smalblaar:

“RESOLVED: EX24/2019 AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE:

1. *A proper assessment of the value of the said property be done taking into account intrinsic and profit value; and*
2. *that the findings and recommendations be re-submitted to Mayco before same is recommended to Council for consideration”.*

Mayco resolved in respect of Brewelskloof:

“RESOLVED EX24/2019 AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF BREWELSKLOOF QUARRY, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCESTER:

1. *A proper assessment of the value of the said property be done taking into account intrinsic and profit value; and*
2. *that the findings and recommendations be re-submitted to Mayco before same is recommended to Council for consideration”.*

In execution of the above, Legal Services: Properties Section appointed an independent valuer from the South African Institute of Valuers.

An independent valuation was conducted by a Professor in the Faculty of Agri Sciences at the University of Stellenbosch) and the fair market value was determined as follows:

Smalblaar:

- Purchase price for disposal: R24 564.00

Brewelskloof:

- Purchase price for disposal: R102 000.00

The valuation report stated that no rental market exists for wasteland in Worcester Registration Division to provide a guideline to derive at a fair rental for the subject properties. As an agriculturally zoned property, the subject property will generate no net profit of which a portion could serve as a guideline to derive a fair rent.

The above findings were rejected by the Municipality and Afrimat was duly informed thereof. Following numerous engagements, Afrimat subsequently submitted a revised application stating that the Municipality may elect any of the respective valuations to determine the fair market purchase price and / or lease amount. It will be noted that the valuation by Prof. Kleynhans is substantially lower than that of HCB Valuations.

During the without prejudice negotiations, a difference of interpretation in respect of what the Municipality is entitled to demand in exchange for the use of the respective properties for mining purposes arose between the Municipality and Afrimat. It is on this premise that the Municipality sought an expert opinion from counsel specialising in mining law. The following opinions were obtained:

First opinion:

The issues for determination:

- What monetary contribution would the Municipality be entitled to claim from Afrimat, if any, and in what form (rental, royalties or compensation) would such a monetary contribution take guise; and

-
- Whether, given the existence of the mining rights encumbering the properties, the Municipality could sell them.

The following was concluded:

- *That the Municipality cannot insist on either the payment of royalties from Afrimat or the entering into a lease agreement with Afrimat. The Municipality is however, in terms of section 54 of the Mineral and Petroleum Resources Development Act, Act 28 of 2002 (MPRDA), entitled to compensation for losses or damages suffered or to be suffered.*
- *What needs to be determined is what loss or damage has or will be suffered by the Municipality. The damage or loss suffered (or to be suffered) is best determined by assessing what the Municipality's potential loss of rental income relating to the properties subject to the mining right.*
- *There is nothing prohibiting the Municipality from selling the properties with the encumbrances of the mining rights. Any such sale would be subject to the ordinary supply chain management processes and legislation, however.*

Second opinion:

Subsequent to the above opinion, a request was made to obtain an expanded opinion specifically on the following:

- Does the MPRDA supersede the Municipal Finance Management Act, 56 of 2003 (*“the MFMA”*) and the Asset Transfer Regulations, 2008 (*“the ATR”*) in that a mining right holder is entitled to conduct mining activities on municipal owned property without having to comply with section 14 of the MFMA and the ATR, thus

without having to obtain Council's approval for the right to use the municipal owned property when in possession of a mining license; and

Do the MPRDA, and the MFMA and ATR, find equal application when exercising mining rights i.e. should these Acts be read together?

The following was concluded:

- *The holder of a mining right is entitled to conduct mining activities on a property owned by a municipality, without having to also be granted a right to use the property by the municipality in terms of the ATR.*
- *The nature of a registered mining right is a real right in respect of the mineral and the land and the holder of the mining right is entitled to undertake the activities in section 5(3) of the MPRDA which either constitute a public servitude or are, in any event, akin to servitudes.*
- *Even though the municipality owns the land, the MPRDA has effectively divested the power of landowners to grant rights in land for purposes of mining.*
- *In terms of the MPRDA the holder of the mining right already has rights to use the land.*
- *Under the ATR, a municipality would be granting a right to use, on the basis of the compensation payable "for the right" to be determined by the municipality. However, the MPRDA regulates compensation payable to a landowner in respect of the rights which the holder of a mining right has in terms of section 5 of the MPRDA.*

-
- *The granting of a right to use is not akin to a further consent / permission such as a rezoning, which the Municipality would be entitled to require under a Municipal Planning By-law. It is the granting of the same right.*
 - *Thus, the Municipality would not be granting a right in respect of different activities. It would be granting a right to use the property for mining to a company in circumstances where that right is already conferred on the holder of the mining right under section 5 of the MPRDA.*
 - *We accordingly advise for all these reasons that the Municipality cannot insist on a right to use under the ATR as a requirement for the mining right to be exercised under the MPRDA.*

It was confirmed that the Municipality is not entitled to claim royalties from Afrimat. Furthermore, the Municipality cannot insist on compliance with the Asset Transfer Regulations i.e. insist on a lease agreement, because the holder of the mining right already has access to the mining area. Also, the approved mining right does not prohibit the municipality in any way from alienating the properties in accordance with Section 14 of the MFMA. However, such sale will be subject to the mining right.

Directorate: Finance confirmed that there is currently an amount of R2 970 910.77 levied on the account of Afrimat for royalties. As determined by the legal opinions received, the Municipality did not have a legal basis to claim such royalties, thus the amount was incorrectly levied. Pursuant to the opinions, it is the recommendation that the account for Afrimat be corrected.

Subsequent to obtaining the legal opinions the Municipality yet again engaged with Afrimat and requested them to submit a proposal for consideration by Council. The following compensation proposal was received:

Smalblaar:

- Monthly compensation: R10 600.00

Brewelskloof:

- Monthly compensation: R30 000.00

Afrimat proposed that the compensation agreement be for a period of ten (10) years alternatively for the duration of the mining rights. The amounts will escalate annually in accordance with Consumer Price Index (CPIX). The amounts offered by Afrimat is more than the amounts determined by HCB and that of the Professor from the University of Stellenbosch.

In addition, Afrimat has a corporate and social responsibility in terms of the MPRDA which impose an obligation on them to participate in social upliftment programs in the community where they conduct their mining activities.

In this regard, the mining license of Afrimat allow them to mine aggregate for a period of thirty (30) years which expires on 24 January 2037 in respect of Smalblaar. Furthermore, in respect of Brewelskloof the mining license allow them to mine quartzite / sandstone for a period of thirteen (13) years which expires on 18 February 2024. It should be noted that Afrimat is in proses of applying for an extension on their current mining license for Brewelskloof.

ADVERTISEMENT:

As advised above the municipality cannot insist on a right to use under the ATR as a requirement for the mining right to be exercised under the MPRDA. Therefore, a public advertisement as required by the ATR is not relevant in the circumstances.

3. CONCLUSION

It is recommended that Council approve the compensation proposal in respect of a portion of Erf 2, Rawsonville and a portion of the remainder of erf 3604, Worcester, for a period of nine (9) years and eleven (11) months.

4. FINANCIAL IMPLICATIONS:

The Municipality stand to gain the monthly compensation in the amount of Ten Thousand Six Hundred Rand (R10 600.00) in respect of Smalblaar and Thirty Thousand Rand (R30 000.00) in respect of Brewelskloof as well as payment of all municipal services.

ANNEXURES:

1. Annexure A: Locality map (Smalblaar)
2. Annexure B: Diagram (Smalblaar)
3. Annexure C: Locality Map (Brewelskloof)
4. Annexure D: Diagram (Brewelskloof)

RELEVANT LEGISLATION:

The Mineral and Petroleum Resources Development Act, Act 28 of 2002 (MPRDA)

COMMENTS OF DIRECTORATES:

MUNICIPAL MANAGER: Supported

DIRECTOR ENGINEERING SERVICES: Recommendation, supported

CHIEF FINANCIAL OFFICER: Recommendation noted and supported

DIRECTOR COMMUNITY SERVICES: Recommendation supported

ACTING DIRECTOR PUBLIC SERVICES: Recommendation supported

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-author of item

SENIOR MANAGER LEGAL SERVICES: Author of the item

The item served as Item 5.1 on the Agenda before the Community and Strategic Support Service Committee on 10 October 2022, the Committee unanimously concurred with the recommendation and agreed that the above recommendation be tabled before Mayco for consideration.

DECISION BY MAYORAL COMMITTEE

RESOLVED

That in respect of –

AFRIMAT: CONSIDERATION OF COMPENSATION AGREEMENT IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE AND BREWELSKLOOF, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCSTER.

as discussed by the Mayco at the Mayco meeting held on 18 October 2022 with **resolution number EX42/2022**, the following recommendation be made to Council:

1. That Council note the legal opinions obtained which determine that the Municipality cannot insist on a right to use under the Asset Transfer Regulations as a requirement for the mining right to be exercised under the Mineral and Petroleum Resources Development Act, Act 28 of 2002;
2. that **the compensation agreement in respect of a portion of Erf 2, Rawsonville (Smalblaar) and a portion of the remainder of erf 3604, Worcester (Brewelskloof)** for mining purposes permitted under the departure be **approved**

for a period of nine (9) years and eleven (11) months **with commencement date of 1 November 2022;**

3. that the monthly compensation in the amount of Ten Thousand Six Hundred Rand (R10 600.00) for Smalblaar and Thirty Thousand Rand (R30 000.00) for Brewelskloof which shall escalate annually in accordance with the consumer price index (CPIX) be paid for the respective properties;
4. that Afrimat honor their social upliftment obligation towards the community of Breede Valley Municipality by:
 - 4.1 Participating in projects that are aimed at addressing the needs of the community;
 - 4.2 on an annual basis liaise with the Breede Valley Municipality IDP Department for the purpose of establishing which ward priorities were identified within the community; and
 - 4.3 provide annual proof to the IDP Department and the Council of compliance with the social upliftment obligations;
5. that all costs pertaining to the transaction be borne by Afrimat, e.g. survey, rezoning etc. where applicable;
6. that Afrimat comply with the Municipal Planning By-law and the Integrated Zoning Scheme;
7. that Afrimat be responsible for the payment of all municipal services; and
8. that the Municipal Manager be authorized to negotiate the final terms of and sign the compensation agreements.
9. That the administration report back to the ComSSS committee on the final terms

of a settlement, including the payment pertaining to the period since expiry of the lease until 31 October 2022.

RECOMMENDATION

That in respect of –

AFRIMAT: CONSIDERATION OF COMPENSATION AGREEMENT IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE AND BREWELSKLOOF, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCSTER.

as discussed by Council at the Council meeting held on 25 October 2022, the following recommendation be made to Council:

1. That Council note the legal opinions obtained which determine that the Municipality cannot insist on a right to use under the Asset Transfer Regulations as a requirement for the mining right to be exercised under the Mineral and Petroleum Resources Development Act, Act 28 of 2002;
2. That **the compensation agreement in respect of a portion of Erf 2, Rawsonville (Smalblaar) and a portion of the remainder of erf 3604, Worcester (Brewelskloof)** for mining purposes permitted under the departure be **approved** for a period of nine (9) years and eleven (11) months **with commencement date of 1 November 2022**;
3. that the monthly compensation in the amount of Ten Thousand Six Hundred Rand (R10 600.00) for Smalblaar and Thirty Thousand Rand (R30 000.00) for Brewelskloof which shall escalate annually in accordance with the consumer price index (CPIX) be paid for the respective properties;
4. that Afrimat honor their social upliftment obligation towards the community of Breede Valley Municipality by:

- 4.1 Participating in projects that are aimed at addressing the needs of the community;
- 4.2 on an annual basis liaise with the Breede Valley Municipality IDP Department for the purpose of establishing which ward priorities were identified within the community; and
- 4.3 provide annual proof to the IDP Department and the Council of compliance with the social upliftment obligations;
5. that all costs pertaining to the transaction be borne by Afrimat, e.g. survey, rezoning etc. where applicable;
6. that Afrimat comply with the Municipal Planning By-law and the Integrated Zoning Scheme;
7. that Afrimat be responsible for the payment of all municipal services; and
8. that the Municipal Manager be authorized to negotiate the final terms of and sign the compensation agreements.
9. That the administration report back to the ComSSS committee on the final terms of a settlement, including the payment pertaining to the period since expiry of the lease until 31 October 2022.

To action:

H. Potgieter

**7.4 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2022.
MFMA SECTION 71 Report**

File No. /s: 3/15/1

Responsible Officials: R. Ontong

Directorate: Financial Services

Portfolio: Financial Services

1. Purpose

To submit to the finance committee the in-year financial management report for adoption.

2. Background:

In terms of the Municipal Finance Management Act, 56 of 2003, section 71.

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

- (h) Actual revenue, per revenue source;
- (i) actual borrowings;
- (j) actual expenditure, per vote;
- (k) actual capital expenditure, per vote;
- (l) the amount of any allocations received;
- (m) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (n) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

(2) The statement must include-

-
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
 - (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
 - (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
 - (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
 - (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

3. Financial Implications:

None

4. Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 71);
Municipal Budget and Reporting Regulations, 2009

Comment of Directorates/ Departments concerned:

Municipal Manager: Recommendation supported
Director: Strategic Support Services: Recommendation supported
Director: Financial Services: Recommendation supported

Director: Community Services: Recommendation supported
Director: Engineering Services: Recommendation supported
Acting Director: Public Services: Recommendation supported

The item served as Item 5.1 on the Agenda before the Finance Committee on 10 October 2022, the Committee unanimously concurred with the recommendation and agreed that the above recommendation be tabled before Mayco for consideration.

DECISION BY MAYORAL COMMITTEE

RESOLVED

That in respect of
SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2022,
as discussed by the Mayco at the Mayco meeting held on 18 October 2022 with **resolution number EX43/2022,** the following recommendation be made to Council:

1. That the committee take note of the in-year financial management report for the period ended 31 JULY 2022.

RECOMMENDATION

That in respect of
SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2022,
as discussed by Council at the Council meeting held on 25 October 2022, the following recommendation be made to Council:

1. That Council take note of the in-year financial management report for the period ended 31 JULY 2022.

To action:

R. Ontong

**7.5 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2022.
MFMA SECTION 71 Report**

File No. /s: 3/15/1

Responsible Officials: R. Ontong

Directorate: Financial Services

Portfolio: Financial Services

1. Purpose

To submit to the finance committee the in-year financial management report for adoption.

2. Background:

In terms of the Municipal Finance Management Act, 56 of 2003, section 71.

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

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's

approved budget.

- (2) The statement must include-
 - (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

3. Financial Implications:

None

4. Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 71);
Municipal Budget and Reporting Regulations, 2009

Comment of Directorates/ Departments concerned:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services:	Recommendation supported
Director: Community Services:	Recommendation supported
Director: Engineering Services:	Recommendation supported
Acting Director: Public Services:	Recommendation supported

The item served as Item 5.2 on the Agenda before the Finance Committee on 10 October 2022, the Committee unanimously concurred with the recommendation and agreed that the above recommendation be tabled before Mayco for consideration.

DECISION BY MAYORAL COMMITTEE

RESOLVED

That in respect of
SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2022,
as discussed by the Mayco at the Mayco meeting held on 18 October 2022 with resolution number EX44/2022, the following recommendation be made to Council:

1. That the committee take note of the in-year financial management report for the period ended 31 August 2022.

RECOMMENDATION

That in respect of
SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2022,
as discussed by Council at the Council meeting held on 25 October 2022, the following recommendation be made to Council:

1. That Council take note of the in-year financial management report for the period ended 31 August 2022.

To action:

R. Ontong

7.6 REPORT ON DEVIATIONS FOR THE MONTH OF AUGUST 2022**File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

1. Purpose

To report to Finance Committee on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month of August 2022.

2. Background

The purpose of this report is to ensure that Council maintains oversight over the implementation of the Supply Chain Management Policy. In terms of paragraph 36(2) of the said policy, the Accounting Officer must record the reasons for any deviations in terms of paragraph 36(1)(a) of the policy and report them to Council. However, it must be noted that these deviations also serve on the **monthly Section 71** (MFMA) report/s to Mayco and **quarterly Section 52** (MFMA) report/s to Council.

Deviations approved in terms of paragraph 36(1)(a) for the month of August 2022, are attached as **Annexure A**.

3. Financial Implications

Reference can be made to the total approved amount as reflected in annexure "A"

4. Applicable Legislation / Council Policy

Municipal Finance Management Act. 2003, (Act 56 of 2003)
Breede Valley Supply Chain Management Policy, as amended.
Supply Chain Management Regulations

5. Comment of Directorates / Departments

Municipal Manager: Noted

Director: Strategic Support Services: Noted

Director: Financial Services: Noted

Director: Engineering Services: Noted

Director: Community Services: Noted

Acting Director: Public Services: Noted

Senior Manager: Legal Services: Noted

The item served as Item 5.3 on the Agenda before the Finance Committee on 10 October 2022, the Committee unanimously concurred with the recommendation and agreed that the above recommendation be tabled before Mayco for consideration.

DECISION BY MAYORAL COMMITTEE**RESOLVED**

In respect of the

**REPORT TO FINANCE COMMITTEE ON DEVIATIONS FOR THE MONTH OF
AUGUST 2022**

as discussed by the Mayco at the Mayco meeting held on 18 October 2022 with **resolution number EX45/2022**, the following recommendation be made to Council:

1. Recommends that the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2022, be noted.

RECOMMENDATION

In respect of the

REPORT ON DEVIATIONS FOR THE MONTH OF AUGUST 2022

as discussed by Council at the Council meeting held on 25 October 2022, the following recommendation be made to Council:

1. Recommends that the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2022, be noted.

To action:

R. Ontong

7.7 WATER SERVICES AUDIT REPORT FOR 2021/2022**File No. /s:** 11/1/R**Responsible Officials:** J. D. Pekeur**Directorate:** Public Services**Portfolio:** Water Services

1. Purpose:

To obtain Council's approval of the Water Services Audit Report for 2021/2022.

2. Background:

Section 62 of the Water Services Act requires the Minister to monitor every WSA in order to ensure compliance with the prescribed national standards. This regulation requires a WSA to complete and submit a water service audit every year.

The water services audit is designed to monitor the compliance of the WSA and other WSIs with these regulations. It allows the water services audit to be used as a tool to compare actual performance of the WSA against the targets and indicators set in their WSDP. It also assists local communities and DWS to assess how well WSAs are performing relative to their stated intentions and their capacity.

The Water Services Audit Report will give an overview of the implementation of the previous years' WSDP of Breede Valley Municipality and can be seen as an annexure to Breede Valley Municipality's Annual Report. The Annual Report is compiled as required by the Local Government: Municipal Systems Act, Act no 32 of 2000 (Section 46) and the Local Government: Municipal Finance Management Act, Act no 56 of 2003 (Section 121).

Methodology followed: The Service Delivery Budget Implementation Plan (SDBIP) of Breede Valley Municipality for 2021/2022 was used to report on the KPIs for water and sewerage services. The previous WSDP was further used as basis to compile the report. The latest water usage figures and WWTWs flows up to June 2022 were obtained from Breede Valley Municipality, analysed and included under the various sections of the Water Services Audit Report.

Availability of the Water Services Audit Report: The Water Services Audit Report is a public document and must be made available within four months after the end of each financial year and must be available for inspection at the offices of the Municipality. It is also recommended that the document be placed on the Municipality's website and that

copies of the document be placed at the public libraries. The Water Services Audit Report must also be made available to DWS for their comments as required by legislation.

3. Financial Implications:

No financial implications.

4. Applicable Legislation / Council Policy:

Water Services Act:

Section 18 of the Water Services Act stipulates the following with regard to the water services audit on the implementation of the WSDP.

- (1) A water services authority must report on the implementation of its development plan during each financial year,
- (2) The report-
 - a) must be made available within four months after the end of each financial year; and
 - b) must be given to the Minister, the Minister for Provincial and Local Government, the Member of the Executive Council responsible for local government in the relevant province and all the organisations representing municipalities having jurisdiction in the area of the water services authority.
- (3) The water services authority must publicise a summary of its report.
- (4) A copy of the report and of its summary must be-
 - a) Available for inspection at the offices of the water services authority; and
 - b) Obtainable against payment of a nominal fee.

Regulations under Section 9 of the Water Services Act, which include the water services audit as Section 10 of the Guidelines for Compulsory National Standards stipulates the following:

- (10) (2) A water services audit must contain details for the previous financial year and, if available, comparative figures for the preceding two financial years of-

- (a) the quantity of water services provided, including at least –
 - (i) the quantity of water used by each sector;
 - (ii) the quantity of water provided to the water services institution by another water services institution;
 - (iii) the quantity of effluent received at sewage treatment plants; and
 - (iv) the quantity of effluent not discharged to sewage treatment plants and approved for use by the water services institution;

- (b) the levels of services rendered, including at least –
 - (i) the number of user connections in each user sector;
 - (ii) the number of households provided with water through communal water services works;
 - (iii) the number of consumers connected to a water reticulation system where pressures rise above 900 kPa at the consumer connection;
 - (iv) the number of households provided with sanitation services through consumer installations connected to the sewerage system;
 - (v) the number of households with access to basic sanitation services;
 - (vi) the number of new water supply connections made; and
 - (vii) the number of new sanitation connections made;

- (c) the numbers provided in compliance with paragraph (b) expressed as a percentage of the total number of connections or households;

- (d) cost recovery, including at least –
 - (i) the tariff structures for each user sector;
 - (ii) the income collected expressed as a percentage of total costs for water services provided; and
 - (iii) un-recovered charges expressed as a percentage of total costs for water services provided;

- (e) meter installation and meter testing, including at least –
 - (i) the number of new meters installed at consumer installations; and
 - (ii) the number of meters tested and the number of meters replaced expressed as a percentage of the total number of meters installed at consumer connections;

-
- (f) the water quality sampling programme contemplated in regulation 5(1), the results of the comparison set out in regulation 5(3) and any occurrence reported in compliance with regulation 5(4);

Guidelines for Compulsory National Standards and Norms and Standards for Water Services Tariffs: Sections 5(1), 5(3) and 5(4) stipulates the following:

- 5 (1) Within two years of the promulgation of these Regulations, a WSA must include a suitable programme for sampling the quality of potable water provided by it to consumers in its WSDP.*
- 5(2) The water quality sampling programme contemplated in sub regulation (1) must specify the points at which potable water provided to consumers will be sampled, the frequency of sampling and for which substances and determinants the water will be tested.*
- 5 (3) A water services institution must compare the results obtained from the testing of the samples with SABS241: Specifications for Drinking Water, or the South African Water Quality Guidelines published by the Department of Water Affairs and Forestry.*
- 5 (4) Should the comparison of the results as contemplated in sub regulation (3) indicate that the water supplied poses a health risk, the water services institution must inform the Director-General of the Department of Water Affairs and Forestry and the head of the relevant Provincial Department of Health and it must take steps to inform its consumers-*
- (a) that the quality of the water that is supplied poses a health risk;*
 - (b) of the reasons for the health risk;*
 - (c) of any precautions to be taken by the consumers; and*
 - (d) of the time frame, if any, within which it may be expected that water of a safe quality will be provided.*

- (g) water conservation and demand management, including at least –
- (i) the results of the water balance as set out in regulation 11;
 - (ii) the total quantity of water unaccounted for;
 - (iii) the demand management activities undertaken; and
 - (iv) the progress made in the installation of water efficient devices.

Guidelines for Compulsory National Standards and Norms and Standards for Water Services Tariffs: Section 11 stipulates the following:

11 (1) Within two years of the promulgation of these Regulations, a water services institution must every month-

- (a) Measure the quantity of water provided to each supply zone within its supply area;*
- (b) Determine the quantity of unaccounted for water by comparing the measured quantity of water provided to each supply zone with the total measured quantity of water provided to all user connections within that supply zone;*
- (c) Measure the quantity of effluent received at each sewage treatment plant; and*
- (d) Determine the quantity of water supplied but not discharged to sewage treatment plants by comparing the measured quantity of effluent received at all sewage treatment plants with the total measured quantity of water provided to all user connections.*

11 (2) A water services institution must-

- (a) Take steps to reduce the quantity of water unaccounted for; and*
- (b) Keep record of the quantities of water measured and of the calculations made.*

Strategic Framework for Water Services (September 2003):

“A WSA must report annually and in a public way on progress in implementing the plan.”
The requirement that WSAs regularly update their plans and report annually on progress against their plans will assist local communities and DWA to assess how well WSAs are performing relative to their stated intentions and their capacity.

5. Comment of Directorates / Departments concerned:

Municipal Manager: Noted and supported

Director: Community Services: Noted and supported

Director: Strategic Support Services: Noted and supported

Senior Manager: Legal Services:	Noted and supported
Manager: IDP:	Noted and supported
Director: Financial Services:	Noted and supported
Director: Engineering Services:	The item and recommendation are supported
Acting Director Public Services:	The item and recommendation are supported

The item served as Item 5.1 on the Agenda before the Public Services Committee on 10 October 2022, the Committee unanimously concurred with the recommendation and agreed that the above recommendation be tabled before Mayco for consideration.

DECISION BY MAYORAL COMMITTEE

RESOLVED

That in respect of

The Water Services Audit Report for 2021 / 2022 financial year,

as discussed by the Mayco at the Mayco meeting held on 18 October 2022 with **resolution number EX46/2022**, the following recommendation be made to Council:

1. That Council approves the Water Services Audit Report for 2021/2022.
2. That Mayco note that some errors appeared in the Water Services Audit Report for 2021/2022 and that the errors shall be corrected by the Administration when the item is tabled at council meeting.

RECOMMENDATION

That in respect of

The Water Services Audit Report for 2021 / 2022 financial year,

as discussed by Council at the Council meeting held on 25 October 2022 with the following recommendation be made to Council:

1. That Council approves the Water Services Audit Report for 2021/2022.
2. That Mayco note that some errors appeared in the Water Services Audit Report for 2021/2022 and that the errors shall be corrected by the Administration when the item is tabled at council meeting.

To action:

J. D Pekeur

7.8 BREDE VALLEY LOCAL INTEGRATED TRANSPORT PLAN FOR 2022 - 2027**File No./s:** 12/4/B**Responsible Official:** J.A. Steyn**Directorate:** Engineering Services**Portfolio:** Technical

Purpose:

To get the Mayoral Committee's (MayCo) recommendation to Council in respect of the Breede Valley Local Integrated Transport Plan (LITP) for 2022 - 2027.

Background:

The Breede Valley Local Integrated Transport Plan for 2022 – 2027 was prepared as part of the 2021/22 partial update of the District Integrated Transport Plan for the Cape Winelands. The ITP is meant to provide the district and local municipalities with a planning guide to overcome the challenges identified within the transport system.

A key thrust of National transport strategy is for planning authorities to have greater control of municipal public transport networks. This derives from the Public Transport Strategy approved by Cabinet in March 2007. This thinking requires planning authorities to determine the transport needs, and to regulate transport services to achieve a balance between the supply and demand for services which can, as far as possible, lead to financially viable and sustainable public transport services. The overall management of public transport in this manner relies on up-to date information on passenger demands and services provided.

This approach emanates from the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) (NLTTA) which requires planning authorities to prepare an Integrated Transport Plan (ITP).

Further to the notice on the Categorization of Different Planning Authorities in terms of the National Land Transport Transition Act, 2009 (Act No. 5 of 2009, dated 18 June 2009), the Cape Winelands District Municipality has been tasked to prepare a District Integrated Transport Plan which includes a Local Integrated Transport Plan for Breede Valley Municipality (LITP). The LITP is a specific sector plan that feeds into the Integrated Development Plan (IDP) and ultimately the LITP supports and forms part of the development of the Provincial Land Transport Framework (PLTF).

The ITP will try to enhance the effective functioning of towns and rural areas through planning in an integrated way, including the planning for various types of transport such public transport services, roads, freight and transport infrastructure or facilities. It is also important that the transport plans and programmes be synchronized with other planning initiatives, thereby integrating with the transport needs identified by LED, spatial planning and other development proposals.

In order to ensure the Breede Valley Municipality's ITP will be successfully completed, various structures have been established. These structures are designed to facilitate and support the ITP planning process. At the District Municipal ITP level, a Steering Committee has been established which has representation from each of the five Local Municipalities in Cape Winlands (i.e. Drakenstein, Breede Valley, Witzenberg, Langeberg and Stellenbosch).

A Breede Valley Local Municipal Working Group was established which held meetings to ensure that the right issues and priority projects are identified and addressed for Breede Valley. The working group included municipal officials that are responsible and have knowledge on various transport modes (i.e. roads, traffic, public transport, freight, etc.)

Attached is the Breede Valley Municipality Local Integrated Transport Plan for 2022 - 2027 (dated 30 September 2022) which was prepared as part of the 2021/22 partial update of the District Integrated Transport Plan for the Cape Winlands District Municipality.

Financial Implications:

The Breede Valley Municipal Transport Budget is illustrated under Chapter 5, Section 5.2 (Reference to pages 59 to 62) of the LITP. The latter provides a detailed list of the projects for the Breede Valley Municipality.

The Breede Valley Municipality is faced with budget constraints for many reasons but need to provide the municipal services with the funding allocated to them. The funding for municipal services needs to be distributed amongst the various departments to provide these services and transport infrastructure competes with other essential services such as health and housing. A process of project prioritization will have to be used to ensure that the available budget is spent in those areas where the greatest needs are.

The source of funding for municipalities is as follows:

- National and provincial allocation and grants, such as conditional and unconditional allocations
- Municipal Capital Replacement revenue

-
- Municipal Infrastructure Grant (Dep of Cooperative Governance and Traditional Affairs)
 - Value capturing, such as property taxes (which may arise through new investments)
 - Public Private Partnerships
 - Loans
 - Other sources such as user charges, advertising, rental of property, etc.

Applicable Legislation / Council Policy:

- National Land Transport Act, 2009 (Act No. 5 of 2009), which requires planning authorities to prepare an Integrated Transport Plan (ITP).
- National Land Transport Act, 2009 (Act No. 5 of 2009): Minimum Requirements for the Preparation of Integrated Transport Plans, 2016 (Government Notice 40174 No. 881, 29 July 2016), which requires local municipalities to prepare a Local Integrated Transport Plan (LITP).
- Municipal Systems Act, 2000 (Act No. 32 of 2000), Chapter 8, which determines the institutional arrangements for the rendering of assistance by a district municipality to a local municipality, to carry out part, or the whole of the planning to be done by the particular local municipality.
- Municipal Finance Management Act, 2003 (Act 56 of 2003), which requires a municipality to approve an annual budget for each financial year.

Comment of Directorates / Departments concerned:

Municipal Manager: Recommendation and Comment by Director Strategic Services Supported.

Director: Financial Services: Item Supported.

Director: Strategic Support Services:

1. BVM as a Level 3 Planning Authority is required to develop an Integrated Transport Plan (ITP) in terms of section 36 of the National Land Transport Act 5 of 2009. The Department of Transport Notice No 881 of July 2016 set out the minimum requirements for the ITP.
2. The LITP correctly states on page 5 that the LITP must be prepared every five years, as input to new district ITP in the case of municipalities that fall within a district municipality to update the budgets and programs, in synchronisation with the IDP's of both municipalities.

-
3. The LITP is thus an important strategic sector plan that must be aligned with the IDP and Budget.
 4. The LITP for example *inter alia* set out the following backlogs that need funding:
 - a. Road resurfacing need = R 20,46 million per year (page 54)
 - b. Road rehabilitation backlog = R 76.65 million (page 55)
 - c. Gravel road upgrading need = R 23.2 million (page 55)
 5. It is critical that these funding needs are considered and prioritised concurrently with other service needs when the IDP and Budget are considered.
 6. The LITP must thus be tabled and approved with the IDP as an IDP sector plan.
 7. As it is an IDP sector plan, Mayco cannot approve it and it must be approved by the council.

Manager Legal Services: Recommendation supported.

Director Community Services: Item Supported.

Manager Traffic Services: Item Supported.

Acting Director Public Works: Support the item.

Director Engineering Services: Author of Item. The implementation of the report will lead a long way to a more detailed understanding of the unique conditions found in Breede Valley Local Municipality, and that public transport service improvement must respond not only to the technical, but also to social realities inherent in each of these contexts. Decision-making must be based on sound principles and detailed information, avoiding the pitfalls of imported quick fixes. *“Quality public transport in Africa relies on political will as well as on funding”* [By Herrie Schalekamp, research officer and PhD candidate at the African Centre of Excellence for Studies in Public and Non-motorised Transport (ACET)].

Manager IDP: Item Supported.

Manager LED: The Integrated Transport Plan is hereby supported given the critical role transport planning and the associated outcomes can contribute to the overall economic development ecosystem. The implementation of the ideas which were highlighted in the ITP will assist the BVM to reach some form of local economic development maturity in the future.

DECISION BY MAYORAL COMMITTEE**RESOLVED**

That in respect of

BREEDE VALLEY MUNICIPALITY LOCAL INTEGRATED TRANSPORT PLAN FOR 2022-2027 discussed by the Mayoral Committee at the MayCo meeting held on Tuesday, 18 October 2022 with **resolution number EX47/2022**.

MayCo recommends approval of the BREEDE VALLEY MUNICIPALITY LOCAL INTEGRATED TRANSPORT PLAN for 2022 - 2027 to Council and take note of the following:

- That the available budget for the improvement of the transport system is nearly always insufficient to fund all identified projects and a process of project prioritization will have to be used to ensure that the available budget is spent in those areas where the greatest needs are.

Some projects can have a major impact in a sensitive area and the EIA process can take much longer than anticipated. It is impossible to predict the time frame for getting a Record of Decision (ROD) in respect of the projects, however funds must be kept available so that the project can proceed as soon as a ROD is issued.

RECOMMENDATION

That in respect of

BREEDE VALLEY MUNICIPALITY LOCAL INTEGRATED TRANSPORT PLAN FOR 2022-2027 discussed by Council at the Council meeting held on Tuesday, 25 October 2022

1. **MayCo recommends approval of the BREEDE VALLEY MUNICIPALITY LOCAL INTEGRATED TRANSPORT PLAN for 2022 - 2027 to Council and take note of the following:**

- That the available budget for the improvement of the transport system is nearly always insufficient to fund all identified projects and a process of project prioritization will have to be used to ensure that the available budget is spent in those areas where the greatest needs are.

Some projects can have a major impact in a sensitive area and the EIA process can take much longer than anticipated. It is impossible to predict the time frame for getting a Record of Decision (ROD) in respect of the projects, however funds must be kept available so that the project can proceed as soon as a ROD is issued.

To action:

J. Steyn

7.9 APPROVAL OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE CHARTER**File No. /s: 2/1/1/3/2****Responsible Official: W du Plessis****Directorate: Municipal Manager****Portfolio: Internal Audit**

1. Purpose

To gain Council approval of the amended Charter of the Audit & Performance Audit Committee of the Breede Valley Municipality.

2. Background

The purpose, roles, responsibilities and authority of the Audit Committee must be clearly defined in an Audit Committee Charter. The Audit Committee is an independent advisory committee of Council whose function is to provide an oversight role to Council.

The Audit & Performance Audit Committee amended Charter with relevant track changes, are hereby submitted to Council as prescribed. *Attached as annexure A respectively.*

The Audit & Performance Audit Committee amended their Charter to be in line with the relevant prescripts at an Audit Committee meeting held on 20 June 2022 and resolved as follows:

“RESOLVED***That in respect of******REVIEW AND APPROVAL OF AUDIT COMMITTEE CHARTER******discussed by the Audit Committee at the Audit Committee meeting held on 20 June 2022:***

The Audit & Performance Audit Committee Charter is recommended for approval to Council.”

3. Financial Implications:

N/A

4. Applicable Legislation / Council Policy:

Municipal Finance Management Act (Section 166)
Municipal Planning & Performance Management Regulations (Section 14)
National Treasury Internal Audit Framework 2nd Edition (March 2009)
MFMA Circular 65(November 2012)
Audit & Performance Audit Committee Charter

5. Comment of Directorates / Departments concerned:

Municipal Manager:	Supported
Director: Community Services:	Supported
Director: Strategic Support Services:	Item Supported
Director: Financial Services:	Supported
Director: Engineering Services	Supported
Director: Public Services (Acting):	Supported
Senior Manager: Legal Services:	Recommendation Supported

RECOMMENDATION:

That in respect of

**APPROVAL OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE CHARTER
discussed by Council at the Council meeting held on 25 October 2022:**

The amended Audit Committee Charter is approved.

TO ACTION:

W. du Plessis

**7.10 MINUTES OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE
SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION****File No. /s:** 2/1/1/3/2**Responsible Official:** W du Plessis**Directorate:** Municipal Manager**Portfolio:** Internal Audit

1. Purpose

- a. To submit the minutes of 2021/2022 of the Audit & Performance Audit Committee to Council for information and notification.

2. Background

- a. Since the initial appointment date, the Audit & Performance Audit Committee is fully functional and have met regularly as prescribed.
- b. The members of the Audit & Performance Audit Committee requested that the minutes of the committee be submitted to Council as part of their communication to Council as prescribed by legislation and the approved Audit Committee Charter.
- c. The Audit & Performance Audit Committee minutes for the relevant quarters, are hereby submitted to Council as prescribed. *Attached as annexure A respectively.*

3. Financial Implications:

- a. N/A

4. Applicable Legislation / Council Policy:

- a. Municipal Finance Management Act (Section 166)
- b. Audit & Performance Audit Committee Charter

5. Comment of Directorates / Departments concerned:**Municipal Manager:**

Item Supported

Director: Community Services:	Supported
Director: Strategic Support Services:	Noted
Director: Financial Services:	Supported
Director: Engineering Services:	Supported
Acting Director: Public Services:	Supported
Senior Manager: Legal Services:	Recommendation Supported

RECOMMENDATION:

That in respect of

**MINUTES OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE SUBMITTED TO
COUNCIL FOR INFORMATION AND NOTIFICATION**

discussed by the Council at the Council meeting held on 25 October 2022:

1. Council notes the content of the Minutes of the Committee.

TO ACTION:

W. du Plessis

- 8. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER**
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- 9. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL**
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- 10. CONSIDERATION OF NOTICES OF MOTION AND NOTICES OF QUESTIONS WHICH SHALL APPEAR ON THE AGENDA IN THE ORDER IN WHICH THEY HAVE BEEN RECEIVED BY THE MUNICIPAL MANAGER**
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- 11. CONSIDERATION OF MOTIONS OF EXIGENCY**
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- 12. CLOSURE**
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