

MINUTES

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

Date distributed

1st COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

2020-01-28 AT 10:00

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	
2.	OFFICIAL NOTICES	
2.1	Disclosure of interests	
2.2	Applications for leave of absence	
3.	COMMUNICATION	
3.1	Interviews or presentations by deputations	
3.2	Birthdays of Councillors	
3.3	Long Service Awards: Employees	
3.4	Statements by the Speaker	
3.5	Statements by the Executive Mayor	
4.	CONFIRMATION OF MINUTES	
4.1	The minutes of the following Council meeting were previously distributed	
4.2	9th Council Meeting of 2019: 2019-12-09	
	FOR CONFIRMATION	
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.D. Levendal	
5.2	MMC1: Cllr. M Sampson	
5.3	MMC3: Cllr. J.P Kritzinger	
5.4	MMC4: Cllr. R Farao	
5.5	MMC5: Cllr. S.J Mei	
5.6	MMC6: Cllr. E.Y. Sheldon	
5.7	MMC7: Cllr. W.R. Meiring	
5.8	MMC8: Cllr. J.F. Van Zyl	
5.9	MMC9: Cllr J. Von Willingh	
6.	CONSIDERATION OF MATTERS SUBMITTED BY THE ADMINISTRATION	
6.1	SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2018-2019 FINANCIAL YEAR	
6.2	SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2019. MFMA SECTION 71, 52 (d) & 72 Report	
6.3	2018/2019 YEAR-END PERFORMANCE EVALUATION REPORT OF THE SECTION 57 MANAGERS (MUNICIPAL MANAGER & MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER/DIRECTORS)	
6.4	QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE SECOND QUARTER OF THE 2019/20 FINANCIAL YEAR	
6.5	REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: NOVEMBER & DECEMBER 2019	

6.6	PROPOSED AMENDMENTS TO BID BV 755/2019: RESURFACING OF MUNICIPAL ROADS FOR THE PERIOD ENDING 30 JUNE 2021 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA	
6.7	ADOPTION OF THE PROPOSED DRAFT STANDARD ZONING SCHEME BYLAW AND REQUEST FOR PERMISSION TO RELEASE SAME FOR THE PURPOSE OF PUBLIC PARTICIPATION	
6.8	PROJECT IMPLEMENTATION FOR THE VISUALLY IMPAIRED, WORCESTER	
6.9	APPLICATION FOR THE ESTABLISHMENT OF A SPECIAL RATING AREA: LANGERUG	
6.10	IN PRINCIPLE APPROVAL FOR THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1, (ROAD RESERVE) SITUATED AT 17 ADDERLEY STREET, WORCESTER - SEMINARE HOSTEL	
7.	CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER	
8.	CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL	
9.	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	
10.	CONSIDERATION OF MOTION OF EXIGENCY	
11.	CLOSURE	
11.1	Copy of notice placed on notice boards	

1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 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.

The Speaker opened the meeting at 10:00 and welcomed everybody present. The Speaker invited Pastor Audrey to lead Council in devotion.

2. OFFICIAL NOTICES**2.1 DISCLOSURE OF INTERESTS**

Item 5 of the Code of Conduct for councillors' 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;

- 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.

The Speaker received no Applications for Leave from Councillors. Cllr C. Ismail informed the Speaker of the leave for Cllrs C. Wilskut and K. Benjamin.

Cllr I. Tshabile informed the Speaker that Cllr M.N. Bushwana is on sick leave.

3. COMMUNICATION**3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS**

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

"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 E. N. Isaacs	23 January 2020
Cllr W. Vrolick	24 January 2020
Cllr J.J. Von Willingham	02 February 2020
Cllr P.B. Langata	08 February 2020
Cllr S. Mkhiwane	11 February 2020
Cllr L. Willemse	15 February 2020
Cllr M.T. Williams	15 February 2020
Cllr C.M. Mohobo	23 February 2020

The Speaker asked Cllr W.R. Meiring to congratulate the Councillors on their respective birthdays.

3.3 LONG SERVICE AWARDS: EMPLOYEES

LONG SERVICE AWARDS FOR JANUARY 2020

NUMBER	NAME AND SURNAME	POST TITLE AS AT DATE OF LONG SERVICE AWARD	LONG SERVICE YEARS
1	Merlyne Januarie	Senior Clerk: Records	10
2	Barnard Phike	General Worker- De Doorns	10
3	Derick Bruintjies	Process Controller	15
4	Frederick Fredericks	Process Controller	15
5	Danwille Harmse	Law Enforcement Officer	15
6	Bronwyn Hermanus	Supervisor Vehicle Testing Station	15
7	Hydric Issel	Educator- Traffic Services	15
8	Elias Kannemeyer	Process Controller	15
9	Jaco Marias	Vehicle Inspector	15
10	Ferhana Omdien	Senior Clerk	15
11	Henry Slingers	Process Controller	15
12	Martin Willemse	Process Controller	15
13	Niklaas De Kock	Worker	35

3.4 STATEMENTS BY THE SPEAKER

- Welcomes all into the new year of Council activities.
- requests that although we are all preparing for municipal elections that sanity would prevail, and that Councillors should retain respect for each other.

3.5 STATEMENTS BY THE EXECUTIVE MAYOR

- Wishes all Councillors, Officials, and community members well for the new year
 - Expresses her thanks for the assistance the administration provides to Council
 - Extends her condolences to all those citizens who lost loved ones during the recent times;
 - Confirms the invitation of all Councillors and their partners to the gala event on 24 February 2020 during which occasion honorary citizenship will be awarded to individuals identified by Council.
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4. CONFIRMATION OF MINUTES

- 4.1 In terms of the Rules of Order for Internal Arrangement By-Law 2012;
- (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 9 December 2019 (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council meeting held on 28 January 2020:

1. As the Minutes of the Council Meeting held on 9 December 2019 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 9 December 2019 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN
SECONDED: CLLR T. WEHR

RESOLVED**C1/2020**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council meeting held on 28 January 2020:

1. As the Minutes of the Council Meeting held on 9 December 2019 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 9 December 2019 be taken as read and confirmed.

**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.D. Levendal

5.2 MMC1: Cllr. M. Sampson

5.3 MMC 3: Cllr. J.P. Kritzinger

5.4 MMC 4: Cllr. R. Faroa

5.5 MMC 5: Cllr. S.J. Mei

5.6 MMC 6: Cllr. E.Y. Sheldon

5.7 MMC 7: Cllr. W.R. Meiring

5.8 MMC 8: Cllr. J.F. Van Zyl

5.9 MMC 9: Cllr J.J. Von Willingh

6. CONSIDERATION OF AGENDA ITEMS**6.1 SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2018-2019 FINANCIAL YEAR****File No. /s:** 3/15/1**Responsible Official:** N Nel**Directorate:** Municipal Manager**Portfolio:** MPAC

1. Purpose

To submit to Council the final Annual Report, Financial Statements, Auditor General's Report, Audit and Performance Audit Committee Report and Oversight report for the period 2018-2019, for approval.

2. Background

In terms of the Municipal Finance Management Act, 56 of 2003, section 127 (2), the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality.

Section 129(1) of the MFMA prescribes that the council of a municipality must consider the Annual Report (as tabled) and by no later than two months from the date on which the Annual Report was tabled, adopt an oversight report containing the council's comments on the Annual Report. In the event that a municipality chose to table the Annual Report earlier, the adoption moves forward by two months from the date of tabling the Annual Report in Council.

We have therefore drafted the said document with relevant submissions received from our respective departments in accordance to the applicable legal prescripts. The said draft document was advertised for community inputs and the Municipal Public Accounts Committee (MPAC) has exercised its oversight role in terms of the roles and responsibilities.

The MPAC has met on the following dates to dispense its mandate:

- 10 December 2019 – 1st Meeting (Analysis of Annual Report);

- 12 December 2019 – 2nd Meeting (Analysis of Annual Report);
- 14 January 2020 – 3rd Meeting (Analysis of Annual Report);
- 16 January 2020 – 4th Meeting (Conclude and Compile Oversight Report).

Members of the MPAC unanimously agreed to recommend that the Council approve the Annual Report, Annual Financial Statements, Auditor General's Report and the Oversight Report, without reservations.

Attached hereto are the following documents: Annual Report (AR), Annual Financial Statements (AFS), Auditor General's Report, Audit and Performance Audit Committee Report and the Oversight Report 2018-2019:

- Annexure 1 – Inclusive Annual Report 2018-2019 (AR, AFS, AGSA Report, Audit and Performance Audit Committee); and
- Annexure 2 – Municipal Public Accounts Committee (MPAC) Oversight Report 2018-2019.

3. Financial Implications:

- Compilation of the Annual Report;
- Quality review on the Annual Financial Statements;
- Oversight review from the Audit Committee;
- Oversight from the Municipal Public Accounts Committee; and
- Audit fee for the said period 2018-2019 financial year.

4. Applicable Legislation / Council Policy:

- Municipal Systems Act, 32 of 2000 (as amended);
- Municipal Finance Management Act, 56 of 2003;
- MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);
- MFMA Circular 32 (The Oversight Report – 15 March 2006);
- MFMA Circular 68 (Unauthorised, irregular, fruitless and wasteful expenditure);
- MFMA Circular 92 (Municipal Public Accounts Committees (MPAC) – Guide and Toolkit); and
- Local Government, National Treasury & Salga's Guidelines on the functioning of the MPAC.

5. Comment of Directorates / Departments concerned:

Municipal Manager:	Supported
Director: Community Services:	Supported
Director: Strategic Support Services:	Supported
Director: Financial Services:	Supported
Director: Technical Services:	Supported
Senior Manager: Legal Services:	Recommendation noted

RECOMMENDATION:

That in respect of

FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2018-2019 FINANCIAL YEAR

discussed by Council at the Council meeting held on 28 January 2020:

1. Council notes the content of the Municipal Public Accounts Committee Oversight Report.
 2. That MPAC, having fully considered the 2018-2019 Annual Report of the Breede Valley Municipality and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.
 3. The MPAC recommends the following resolutions to Council for consideration:
 - 3.1 That the MPAC processes be scheduled earlier in accordance with MFMA Circular No. 63;
 - 3.2 That the process and administration of Ward Committee meetings and payments be reviewed and improved on, and that the Public Participation Unit be established asap;
 - 3.3 That the policy be amended to include the number of Public Meetings to be held by the Ward Councillor within a particular financial year;
 - 3.4 That departments should ensure a continuation of service delivery whilst vacant posts are being filled;
 - 3.5 That the policy framework for MPAC be reviewed in line with the MPAC Practical Guide issued by SALGA and the Combined Assurance Framework;
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3.6 That the performance bonuses paid for the 2017/18 financial year are noted and that the Municipal Manager and Executive Mayor must ensure that the process for future payments are followed in accordance with the applicable legislative prescripts (i.e. the Municipal Systems Act, Municipal Performance Regulations and delegated authority); and

3.7 That the Auditor General provide clarity to the MPAC on the restriction of issuing the Management Letter.

PROPOSED: CLLR N.NEL proposed that Item 1 and 2 of the recommendation be noted and adopted and that Items 3.1 to Item 3.7 be referred to Mayco for discussion and report back to Council at the next Council Meeting scheduled for February 2020.

SECONDED: CLLR J. ROBINSON

RESOLVED

C2/2020

That in respect of

FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2018-2019 FINANCIAL YEAR

discussed by Council at the Council meeting held on 28 January 2020:

1. Council notes the content of the Municipal Public Accounts Committee Oversight Report.
 2. That MPAC, having fully considered the 2018-2019 Annual Report of the Breede Valley Municipality and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.
 3. Items 3.1 to Item 3.7 be referred to Mayco for discussion and report back to Council at the next Council Meeting scheduled for February 2020.
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To Action

E. Cloete

**6.2 SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND
IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
31 DECEMBER 2019.
MFMA SECTION 71, 52 (d) & 72 Report**

File No. /s: 3/15/1

Responsible Officials: R. Esau/R. Ontong

Directorate: SSS/
Financial Services

Portfolio: Performance Management/
Financial Services

1. Purpose

To submit to council the mid-year performance assessment and in-year financial management report to council 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.
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(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.

In terms of the Municipal Finance Management Act, 56 of 2003, section 72.

(1) The accounting officer of a municipality must by 25 January of each year—

(a) assess the performance of the municipality during the first half of the financial year, taking into account—

(i) the monthly statements referred to in section 71 for the first half of the financial year;

(ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;

- (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and
 - (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and
- (b) submit a report on such assessment to—
 - (i) the mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant provincial treasury.
- (2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.
- (3) The accounting officer must, as part of the review—
 - (a) make recommendations as to whether an adjustments budget is necessary; and
 - (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

In terms of the Municipal Finance Management Act, 56 of 2003, section 54.

- (1) The mayor must, on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 and 72—
 - (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following of and adjustment budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure—
 - (i) that the budget is implemented in accordance with service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget.

3. Financial Implications:

None

4. Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 52(d), 54, 71, 72 & 168);
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: Technical Services: Recommendation supported

Director: Community Services: Recommendation supported

RECOMMENDATION:

That in respect of

SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT 2019/2020 discussed by council at the council meeting held on the 28 January 2020:

1. That council takes note of the mid-year performance assessment and in-year financial management report for the 2019/2020 financial year.

RESOLVED

C4/2020

That in respect of

SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT 2019/2020 discussed by council at the council meeting held on the 28 January 2020:

1. That council takes note of the mid-year performance assessment and in-year financial management report for the 2019/2020 financial year.

To Action

R. Ontong

**6.3 2018/2019 YEAR-END PERFORMANCE EVALUATION REPORT
OF THE SECTION 57 MANAGERS (MUNICIPAL MANAGER & MANAGERS
DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER/DIRECTORS)**

File No. /s: 3/15/1

Responsible Official: C. Malgas

Directorate: Strategic Support Services

Portfolio: IDP/PMS/SDBIP

1. PURPOSE

To notify Council of the performance outcomes achieved by the Section 57 Managers (as per the Year-end Evaluation Report), as prescribed by the applicable legislative prescripts.

2. BACKGROUND

2.1 Employment Contracts & Performance Agreements:

In terms of section 57 of the Municipal Systems Act, Act 32 of 2000 (hereafter referred to as the MSA), a person to be appointed as a Municipal Manager or Director may only be appointed in that position:

- (a) in terms of a written employment contract with the municipality; and
- (b) a separate performance agreement concluded annually.

The Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, notice 805 of 2006 (hereafter referred to as the MPRMM&M), stipulates that the Employment Contract of Section 57 Managers, subject to labour legislation, specifically delineates the terms of employment such as:

- a) details of duties;
- b) remuneration;
- c) benefits; and
- d) other terms and conditions of employment

The Performance Agreements on the other hand, provides assurance to the Municipal Council of what can and should be expected from their Municipal Manager and Directors. The purpose thereof is to:

-
- Comply with the provisions of Sections 57(1)(b), (4A), (4B) and (5) of the Systems Act as well as the employment contract entered into between the parties;
 - Specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer's expectations of the employee's performance and accountabilities in alignment with the IDP, SDBIP and the budget of the municipality;
 - Specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement;
 - Monitor and measure performance against set targeted outputs;
 - Use the performance agreement as the basis for the subsequent performance evaluation to assess whether the employee has met the performance expectations applicable to his or her job;
 - In the event of outstanding performance, to appropriately reward the employee; and
 - Give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.

The following conditions should be noted when considering the employment contract and performance agreement respectively:

Type	Validity Period	Position	Parties	
			Employer	Employee
Employment Contract	5/10 years	Municipal Manager	Executive Mayor	Municipal Manager
		Directors	Municipal Manager	Directors
Performance Agreement	1 year	Municipal Manager	Executive Mayor	Municipal Manager
		Directors	Municipal Manager	Directors

The Performance Agreements for the period under review (i.e. 2018/19), served before Council on 23 August 2018 (Council Resolution C65/2018); while the corresponding Annexure A's hereof (KPI component only), were amended and signed by the relevant parties in March 2019. Council should note that amendments are permitted subject to the mid-year evaluation, as will be elaborated on in bullet 5 of the subsequent section.

2.2 Monitoring & Evaluation of Performance:

Monitoring and evaluation of performance is conducted frequently, and in line with the applicable legislative prescripts. Regulation 26 (5) of the MPRMM&M states that performance must be measured against the Key Performance Area's/Indicators (KPA's/KPI's) and Core Competency Requirements, based on an 80:20 weighting respectively.

KPA's/KPI's – 80% of Performance Outcome

The KPA's/KPI's are encapsulated in the Service Delivery and Budget Implementation Plan (SDBIP) and approved by the Executive Mayor (in terms of Section 53 of the Municipal Finance

Management Act and Circular 13 of the MFMA) prior to the commencement of a particular financial year. In addition, the approved SDBIP is submitted to Council for notification. The KPI's, as encapsulated in the SDBIP, are split between top-layer and departmental KPI's. These KPI's, as stated in bullet 3 of the preceding section, are incorporated into the Performance Agreement of each Section 57 Manager and serves as basis for the performance monitoring and evaluation conducted throughout a particular year in review.

As the KPA/KPI component contributes 80% to the overall performance outcome, various monitoring and evaluation mechanisms are implemented to verify performance. These include:

- Quarterly/mid-yearly and yearly reporting to Council, on the performance realised in relation to each top-layer KPI
 - Monthly monitoring and reporting on departmental KPI's (Section 57 Managers and appointed line Managers)
 - Independent internal scrutiny and auditing of top-layer KPI's by Internal Audit as well as the Municipal Audit & Performance Audit Committee, coupled with report back to Management and Council which specifically elaborates on:
 - the KPI's degree of compliance with the SMART-principles (i.e. Specific, Measurable, Achievable, Relevant and Time-based); and
 - each KPI's performance status/progress
 - Independent external scrutiny and auditing of top-layer KPI's by the Auditor-General, coupled with report back to Management which specifically elaborates on the Auditor-General's:
 - evaluation of the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework;
 - procedures to determine whether performance information was properly presented and whether performance was consistent with the approved performance planning documents;
 - procedures to determine whether the indicators and related targets were measurable and relevant; and
 - assessment of the reliability of the reported performance information to determine whether it was valid, accurate and complete
 - Informal & formal performance evaluations conducted as follows:
 - Informal Evaluations: Quarters 1 & 3 – evaluations conducted by Section 57 Manager, with the applicable Management team
 - Formal Evaluations: Quarters 2 (mid-year) & 4 (year-end) – evaluations conducted by a panel as constituted in terms of regulation 27 (4)(d) of the MPRMM&M. The outcomes of the year-end performance evaluation (quarter 4) is used to determine the overall performance score for a particular year under review. The mid-year evaluation serves as opportunity to reflect on performance progress realised within the first half of a particular financial year, primarily to institute proactive corrective measures as and where applicable. Amendment(s) made to the TL KPI's as a result of this evaluation, will constitute a corresponding amendment of the Performance Agreements
-

(only Annexure A thereof). The year-end evaluation is utilised to determine the final/overall performance outcome achieved by each Section 57 Manager in that particular financial year.

- Oversight exercised by the Municipal Public Accounts Committee on the 18/19 Annual Report, inclusive of the top-layer KPI's contained in the Annual Performance Report component

With regards to bullet 4 above, Council should note that the Auditor-General (in his 2018/19 Audit Report) raised no material findings on the usefulness and reliability of the reported performance information.

Core Competency Requirements – 20% of Performance Outcome

Annexure A of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, notice 21 of 2014, provides a competency framework that should be portrayed by all Section 57 Managers. Consequently, Section 57 Managers are assessed, during the formal performance evaluations, on the back-drop of this competency framework. The outcome obtained during the year-end performance evaluation will contribute 20% to the overall performance outcome.

The table below, presents the performance outcomes of the Section 57 Managers as obtained at the end of the 2018/19 financial year (based on the year-end performance review)

Employee	Operational % (80%)	Competencies % (20%)	Final Score (100%)
Mr D McThomas	64.20%	20%	84.20%
Mr R Esau	67.80%	19.71%	87.47%
Mr R Ontong	67.00%	17.70%	84.67%
Mr J Steyn	65.90%	17.37%	83.23%
Mr S Swartz	65.60%	17.00%	82.60%

2.3 Payment of Performance Bonusses:

Section 57 (4B) of the MSA states that bonusses based on performance, be awarded to Section 57 Managers after the end of the financial year and only after an evaluation of performance and approval of such evaluation of the municipal council concerned. This section is underpinned by regulation 8 of the MPRMM&M, which states (amongst others) that performance bonusses be paid to the employee after:

- The annual report for the financial year under review has been tabled and adopted by the municipal council;
- an evaluation of performance in accordance with the provisions of regulation 23 (which elaborates on the purpose and of the performance agreement); and
- approval of such evaluation by the municipal council as a reward for outstanding performance

With regards to bullet 3 above, Council should note that it has (in terms of Section 59 of the MSA coupled with delegation P.1.05.1 of the Breede Valley Municipality's approved System of Delegations - Council Resolution C61/2016), delegated the authority of approving the

performance evaluation to the Executive Mayor of Breede Valley Municipality. The performance outcome as per this report was approved by the Executive Mayor in line with this delegated authority.

Council should further note that to date, no performance bonuses have been paid for the 2018/19 financial year under review.

3. COMMENT

Copies of the following supporting documents are attached for Council's perusal:

- Annexure A – Extract of the TL KPI Annual Performance Report as per the 18/19 Annual Report
- Annexure B - The 2018/19 Section 57 Year- end Performance Evaluation Report

4. FINANCIAL IMPLICATIONS

Payment of performance bonuses to Section 57 Managers based on the performance outcome achieved in the 2018/19 financial year, are subject to, and aligned with the applicable legislative prescripts, contractual agreements stipulating (amongst others) the % to be paid based on performance outcomes, approval of the performance outcomes by the Executive Mayor and the approved budget. The actual calculation and payment hereof, will be facilitated by the Salary Department, subject to compliance with all the conditions stated above and in preceding sections. This transaction's compliance with the mentioned provisions, will be audited by the Auditor-General.

5. APPLICABLE LEGISLATION/COUNCIL POLICY

- Chapter 7 of the Local Government: Municipal Systems Act 32 of 2000
- Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006
- Local Government Municipal Systems Amendment Bill, No 7 of 2011
- Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, notice 21 of 2014

COMMENT OF DIRECTORATES/DEPARTMENTS CONCERNED:

Municipal Manager: Support recommendation

RECOMMENDATION:

That in respect of-

The 2018/19 Section 57 Year-end Performance Evaluation Report of the Municipal Manager and Managers directly accountable to the Municipal Manager, tabled before Council at the Council meeting held on 28 January 2020:

1. That Council takes note of the performance outcomes achieved by the respective Section 57 Managers (as per the 2018/19 Section 57 Year-end Performance Evaluation Report) as already approved by the Executive Mayor.

PROPOSED: CLLR W.R MEIRING
SECONDED: ALDERMAN A. STEYN

RESOLVED**C5/2020**

That in respect of

The 2018/19 Section 57 Year-end Performance Evaluation Report of the Municipal Manager and Managers directly accountable to the Municipal Manager, tabled before Council at the Council meeting held on 28 January 2020:

1. That Council takes note of the performance outcomes achieved by the respective Section 57 Managers (as per the 2018/19 Section 57 Year-end Performance Evaluation Report) as already approved by the Executive Mayor.

To Action

C. Malgas

**6.4 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT
FOR THE SECOND QUARTER OF THE 2019/20 FINANCIAL YEAR****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

1. Purpose

The Local Government: Municipal Finance Management Act, no 56 of 2003 (MFMA), requires the municipality to have and implement a Supply Chain Management (SCM) Policy which gives effect to the provisions of Part 1 of Chapter 11 of the Act that deals with 'Supply Chain Management'.

2. Background

Although the MFMA prohibits a Councilor from being a member of a bid committee or any other committee evaluating or approving quotations or tenders, Council has an oversight role to ensure that the Accounting Officer implements all supply chain management activities in accordance with this policy. For the purposes of such oversight, Council's Supply Chain Management Policy, **paragraph 6.3** requires that the Accounting Officer must **"within 10 working days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality."** In addition, **paragraph 6.4** requires that the report referred to in paragraph 6.3 above **also to be tabled to council on a quarterly basis**. The report may be included as part of any other report to serve before council.

The SCM quarterly implementation report approved in terms of paragraph 6.3 for the second quarter of the 2019/20 financial year, is attached as **Annexure A**.

3. Financial Implications

None

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

Annexure

Annexures A: SCM quarterly implementation report (2nd quarter ending 31 December 2019) approved in terms of paragraph 6.3.

RECOMMENDATION

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR
THE SECOND QUARTER OF THE 2019/20 FINANCIAL YEAR**

Discussed by Council at the Council Meeting held on 28 January 2020:

1. That the approved SCM quarterly implementation report for the second quarter of the 2019/20 financial year, **be noted**.

PROPOSED: **CLLR W.R. MEIRING**
SECONDED: **ALDERMAN S. GOEDEMAN**

RESOLVED

C6/2020

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR
THE SECOND QUARTER OF THE 2019/20 FINANCIAL YEAR**

Discussed by Council at the Council Meeting held on 28 January 2020:

1. That the approved SCM quarterly implementation report for the second quarter of the 2019/20 financial year, **be noted**.

To Action

R. Ontong

6.5 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: NOVEMBER & DECEMBER 2019**File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

1. Purpose

To report to Council 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: November & December 2019.

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 November 2019, are attached as **Annexure A**.

Deviations already approved by the accounting officer and noted by council in terms of paragraph 36(1)(a) for the 2019/2020 financial year, of which the deviation value increased during November 2019, are attached as **Annexure B**.

Deviations approved in terms of paragraph 36(1)(a) for the month of December 2019, are attached as **Annexure C**.

3. Financial Implications

None

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

Comment of Directorates / Departments

Municipal Manager: Noted

Director: Strategic Support Services: Noted

Director: Financial Services: Noted

Director: Technical Services: Noted

Director: Community Services: Noted

Senior Manager: Legal Services: Noted

RECOMMENDATION

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: NOVEMBER & DECEMBER 2019

Discussed by Council at the Council Meeting held on 28 January 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the months of NOVEMBER and DECEMBER 2019, **be noted**.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR J.F. VAN ZYL

RESOLVED

C7/2020

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: NOVEMBER & DECEMBER 2019

Discussed by Council at the Council Meeting held on 28 January 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the months of NOVEMBER and DECEMBER 2019, **be noted**.

To Action:

R. Ontong

6.6 PROPOSED AMENDMENTS TO BID BV 755/2019: RESURFACING OF MUNICIPAL ROADS FOR THE PERIOD ENDING 30 JUNE 2021 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA**File No./s:** 5/3/1/124**Responsible Official:** J. Steyn**Directorate:** Technical Services**Portfolio:** Civil Engineering Services

1. Purpose

The purpose of this report is to provide the necessary information and motivation on the proposed amendment of BID BV 755/2019, in terms of the enabling provisions of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), to enable Council to make an informed decision whether to consent to the amendment of the contracts.

2. Background/Motivation

Section 116(3) of the MFMA provides as follows:

- “(a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
(b) The local community-
(i) has been given reasonable notice of the intention to amend the contract or agreement and
(ii) has been invited to submit representations to the municipality or municipal entity.”

In terms of the Breede Valley Municipality's Supply Chain Management Policy Contract BV755/2019: RESURFACING OF MUNICIPAL ROADS FOR THE PERIOD ENDING 30 JUNE 2021 was awarded to iMvula Roads & Civils (Pty) Ltd for the amount of R 26,566,755.15 (including 10% contingencies and 15% VAT).

Due to iMvula Roads & Civils (Pty) Ltd's favourable offer amount and the high quality of works as performed by iMvula Roads & Civils (Pty) Ltd it is considered to extend the Scope of Works under Contract BV 755/2019 to the limits of the approved budget for the Resurfacing of Municipal Roads for the period ending 30 June 2021. The value of work done to date amounts to R 26,682,247.07 (including Contract Price Adjustment, Retention Money and 15% VAT). The latter exceeds the contract value (R 26,566,755.15) with R 115,491.92 (0,43%).

In order to proceed with the resurfacing of municipal roads until 30 June 2021 without any interruption of construction and taking into account the available budget and the fact that Contract BV 755/2019: Resurfacing of Municipal Roads for the period ending 30 June

2021 is in place, it is proposed that Breede Valley Municipality amend the contract to include the additional Works to a contract value not exceeding R 50 million (inclusive of VAT).

3. Financial Implications

Council resolved with Council resolutions C45/2018 (29 May 2018) and C34/2019 (28 May 2019) the budget to the amounts of R 14,372,702.00 and R 9,629,000.00 (VAT exclusive), respectively for the resurfacing and rehabilitation of municipal roads as part of the Medium Term Revenue and Expenditure Framework (MTREF). The total budget available for the resurfacing of municipal roads amounts to R24,001,702.00 (VAT exclusive). See table 3 below.

Table 3: Budget 2018/2019/2020 FY

<u>Description</u>	<u>Suspense Vote</u>	<u>Budget 2018/2019</u>	<u>Budget 2019/2020</u>	<u>TOTAL</u>
Resealing of Municipal Roads - Worcester	20170714096260	R 13,372,702		R 13,372,702
Resealing of Municipal Roads - Worcester	20170714096260	-	R 2 434 000	R 2 434 000
Resealing of Municipal Roads - De Doorns	20170712092874	-	R 150 000	R 150 000
Resealing of Municipal Roads - Touws River	20170612991943	-	R 95 000	R 95 000
Resealing of Municipal Roads - Rawsonville	20170418059006		R 250,000	R 250,000
Abattoir Street Rehabilitation	20180704061861	R 500,000		R 500,000
Abattoir Street Rehabilitation	20180704061861	-	R 1 200 000	R 1 200 000
Leighpoldt Street Rehabilitation	20180704061855	R 500,000		R 500,000
Leighpoldt Street Rehabilitation	20180704061855	-	2 500 000	2 500 000
???	20190630032008		R 3,000,000	R 3,000,000
TOTAL BUDGET (Exclusive VAT)		R 14,372,702	R 9 629 000	R 24,001,702

Besides the above budget (R24,001,702.00), depending on budget availability an additional budget of R25,998,298 (exclusive VAT) will be made available until 30 June 2021.

4. Applicable Legislation / Council Policy

Local Government: Municipal Finance Management Act, 2003(Act 56 of 2003)
Circular 57, National Treasury Practise note
Circular 62, National Treasury Practise note
Circular 73 National Treasury Practise note
Breede Valley Municipality Supply Chain Management Policy, as amended

Brede Valley Municipality Contract Management Policy, as amended

Section 116 (3) of the Municipal Finance Management Act 56 of 2003 determines as follows—

“A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after— (*own highlight and underlining*)

- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
- (b) the local community—
 - (i) has been given reasonable notice of the intention to amend the contract or agreement; and
 - (ii) has been invited to submit representations to the municipality or municipal entity.”

In order to comply with section 116(3) of the Municipal Finance Management Act, it is proposed that a public participation process be followed to advertise the Municipality's intended amendment of the contract, where after any comments / representations will be referred back to Council.

The public participation process was followed, whereby the intent to amendment of this contract was advertised in the Worcester Standard and the Municipal website on Thursday, 14th of November 2019. During closing date of the advertisement, which was on the 12th of December 2019, no comments were received from the public (reference can be made to annexure “C” attached to this report).

5. Comment of Directorates / Departments

Municipal Manager: Supported.

Director: Strategic Support Services: No comments received.

Director: Financial Services: The contract value can be expanded but the increase of the budget amount for the reseal of roads will depend on available funds during the financial year.

Senior Manager Supply Chain Management Unit: No comments were received from the public during the closing date of the advert.

Director: Technical Services: Author of the item.

Director: Community Services: No comments received.

Senior Manager: Legal Services: Item and recommendation supported.

6. Annexures

Annexure A: Intent to amend document

Annexure B: Contract Specification and Bill of Quantities

Annexure C: Proof of Advertisement

RECOMMENDATION

That in respect of -

Proposed amendments to bid BV 755/2019: RESURFACING OF MUNICIPAL ROADS FOR THE PERIOD ENDING 30 JUNE 2021 in compliance with section 116(3) of the MFMA

discussed by Council at the Council Meeting held on 28th of January 2020 council decide:

1. That in order to proceed with the resurfacing of municipal roads until 30 June 2021 without any interruption of construction and taking into account the available budget and the fact that Contract BV 755/2019: Resurfacing of Municipal Roads for the period ending 30 June 2021 is in place, that Breede Valley Municipality amend the contract to include the additional Works to a contract value not exceeding R 50 million (inclusive of VAT).

PROPOSED: CLLR M. SAMPSON

SECONDED: CLLR M. JACOBS

RESOLVED**C8/2020**

That in respect of -

Proposed amendments to bid BV 755/2019: RESURFACING OF MUNICIPAL ROADS FOR THE PERIOD ENDING 30 JUNE 2021 in compliance with section 116(3) of the MFMA

discussed by Council at the Council Meeting held on 28th of January 2020 council decide:

1. That in order to proceed with the resurfacing of municipal roads until 30 June 2021 without any interruption of construction and taking into account the available budget and the fact that Contract BV 755/2019: Resurfacing of Municipal Roads for the period ending 30 June 2021 is in place, that Breede Valley Municipality amend the contract to include the additional Works to a contract value not exceeding R 50 million (inclusive of VAT).

To Action:

J. Steyn

Note: This Item was dealt with after Item 6.1

**6.7 ADOPTION OF THE PROPOSED DRAFT STANDARD ZONING SCHEME
BYLAW AND REQUEST FOR PERMISSION TO RELEASE SAME FOR THE
PURPOSE OF PUBLIC PARTICIPATION**

File No./s: 10/3/R

Responsible Official: PSJ Hartzenberg

Directorate: Technical Services

Portfolio: Technical Services

1. PURPOSE

The purpose of this report is to obtain a mandate from council to:

1. Adopt the Proposed Draft Standard Zoning Scheme Bylaw for the Municipality
2. Advertise the Proposed Draft Standard Zoning Scheme Bylaw for the purpose of public participation and input.

2. BACKGROUND

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), stipulates in Section 24(1) that a municipality must adopt a single land use scheme for its entire municipal area within 5 years from the commencement of said Act. Municipalities thus have until 30 June 2020 to implement such integrated zoning scheme.

Currently the Breede Valley Municipal area is covered by three different zoning schemes, attached as **ANNEXURE "A"**. (it is also placed on the Committees Drive as a link to "The New IZS" These different zoning schemes are outdated and have also not kept track with the changing development context of the area. As a consequence, these zoning schemes complicate development management to the extent that they hamper development.

Consequently, it is necessary to consolidate the different zoning schemes into a single scheme, as well as to modernise the zoning scheme into an innovative tool which is more suited for managing the challenges of development.

A zoning scheme is however a complex legal document that affects the rights of all properties and to develop and introduce a new zoning scheme is a laborious task which requires specialised expertise and can result in a costly exercise.

In order to assist municipalities, the Western Cape Provincial Government (WCPG) has embarked on a process to develop a Proposed Standard Draft Zoning Scheme By-law (SZSB). During this process many professionals from across the Provincial, Local Government and private sector spheres have participated to develop such model SZSB, which was also fully vetted by a legal team of the PGWC.

Municipalities in the Western Cape therefore have three options:

- Draft their own unique Integrated Zoning Scheme
- To use the Proposed Draft SZSB as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may have;
- To adopt and implement the SZSB without any amendments.

PROPOSED ZONING SCHEME

On 26 February 2019, Council resolved to use the Proposed Draft SZSB as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may have.

6.8 MANDATE TO ADOPT A PROCESS TO IMPLEMENT AN INTEGRATED ZONING SCHEME BYLAW

Council

2019-02-26

TECHNICAL SERVICES

Technical Services (Civil and Planning Services)

Implemented

2/1/4/2/1

RESOLVED (21 votes in favour, none against) C18/2019 That in respect of PROPOSED MANDATE TO ADOPT A PROCESS TO IMPLEMENT AN INTEGRATED ZONING SCHEME BYLAW discussed by Council at the Council meeting held on 26 February 2019: 1. That Council take note of the Item and BVM's intention to commence with the process of drafting and integrated zoning scheme. 2. The proposed Draft Standard Zoning Scheme By-Law as compiled by Western Cape Provincial Government will be utilized as a basis to suite any specific need that the municipality may have.

Whilst the development of this SZSB benefited to a great extent from such collective effort, it also carries the advantage that there are many municipalities who have already indicated that they will adopt the SZSB.

It has been a very long and complex process to develop the scheme regulations, and although every effort has been made to provide for all known issues and challenges, it must be conceded that the development of new scheme regulations will neither be perfect nor completed, and should be viewed as a continued work in progress to adapt and change with new experiences and challenges. Ultimately it must be ensured that a land use scheme is developed which will facilitate economic development and easy access to a range of facilities, whilst the existing rights of all property owners and inhabitants are also protected to ensure a quality living environment.

The Bylaw, a table with an overview of the proposed land use categories and proposed Draft Zoning Maps are attached as **ANNEXURE “B”** (it is also placed on the Committees Drive as a link to “The New IZS”).

In order to finalise the Draft Scheme Regulations, the Draft Integrated Zoning Scheme (IZS) needs to be submitted to the Department of Environmental Affairs and Development Planning (DEADP) for preliminary technical evaluation.

Once this technical review is finalised the Draft IZS will be released and advertised for public participation in accordance with the prescribed statutory process.

After such participation process all comments will be considered and the necessary changes will be affected, where after the final draft Scheme regulations will be submitted to Council for consideration and adoption. DEADP will be the final approving authority for the Breede Valley IZS.

The main objectives of the new IZS were the following:

- To integrate the 3 current zoning schemes applicable to the Breede Valley Municipal area into a single Integrated Zoning Scheme
 - To make provision for the present-day challenges of land use management in terms of new and modern land use functions
 - To devise modern mechanisms to facilitate and fast track desirable development outcomes
 - To give recognition to the diversity of communities and areas and its corresponding needs and to make provision to accommodate these scenarios.
-

A link to “The New IZS” has been created on the Committees Drive, and its benefits as it relates to the main objectives, are as follows:

A variety of single residential zonings which caters for:

- variable development parameters in accordance with erf sizes which will allow smaller erven to have more relaxed building lines and other restrictions in order to develop the full potential of such properties;
- different sets of user rights and potential consent rights in accordance with the different needs of communities;
- low intensity densification in the form of duet housing opportunities.

A variety of General Residential Zones that includes group- and Town Housing, as well as flats with varying bulk and height factors for different density zones according to locality considerations.

Business Zones with different objectives in accordance with locality considerations and its functional role.

A variety of Industrial, Community, Conservation and Agricultural Zones to match the needs of a modern society,

OVERVIEW OF PROPOSED PROCESS

Following the required mandate from Council, the following process and associated timeframes to finalise and implement the SZSB are followed in three phases:

PHASE 1: Finalise SZSB (Completed)

- Scrutinize the content of the SZSB to consider and make sure that it covers any specific needs or challenges that the municipality faces
- Develop zoning transition tables to determine the new zonings
- Prepare Land Use Registers and determine a new zoning in terms of the SZSB for every property with the finalisation of a new associated zoning map.

PHASE 2: Public Participation process for SZSB

- Submit draft SZSB to Council for mandate to release same for purpose of public participation, including the proposed public participation process.
 - Undertake Public participation and advertisement campaign.
-

- Evaluate any inputs on SZSB and finalise draft SZSB
- Communicate responses to parties who provided inputs.

PHASE 3: Approval and Implementation of SZSB

- Finalise SZSB and submit report to Council for final adoption.
- Publish adoption of SZSB [MSA s13(a) promulgation]
- Continue to address any bona fide zoning disputes

It is thus the purpose of this item to introduce the second phase in the drafting of the SZSB.

3. Financial Implications

The project is undertaken in-house at no additional financial costs to the normal annual departmental operational cost.

4. Applicable Legislation / Council Policy:

Spatial Land Use Management Act, Act 16 of 2013

Land Use Planning Act, Act 3 of 2014

Breede Valley Municipal Land Use Planning Bylaw, P. N. 7485, 8 September 2015

Comment of Directorates / Departments concerned:

Municipal Manager: Support the item and recommendation

Director: Community Services: Support the item and recommendation

Director: Strategic Support Services: Support the item and recommendation

Director: Financial Services: Support the item and recommendation

Director: Technical Services: Support the item and recommendation.

Senior Manager: Department: Municipal Planning and Building Control: This item is a legal compliance request and the IZS will now be taken through a complete 60 day public participation process including focus group discussions, open days, individual requests for comment and media publication.

Recommendation

That in respect of

**ADOPTION OF THE PROPOSED DRAFT STANDARD ZONING SCHEME BYLAW AND
REQUEST FOR PERMISSION TO RELEASE SAME FOR THE PURPOSE OF PUBLIC
PARTICIPATION**

discussed by Council at the Council meeting held on 28 January 2020:

1. That the Proposed Draft Breede Valley Municipal Integrated Zoning Scheme and Zoning Map be submitted to the Department of Environmental Affairs and Development Planning for preliminary technical evaluation and;
2. that the Department: Municipal Planning and Building Control be granted permission from Council to release these draft documents for public participation in accordance with the prescribed statutory process
3. That after such public participation process all comments will be considered and the necessary changes will be affected, where after the final draft document will be drafted and submitted to Council for consideration and adoption.

PROPOSED: CLLR J.F. VAN ZYL

SECONDED: CLLR R. FAROA

VOTES IN FAVOUR OF RECOMMENDATION: 21

RESOLVED

C3/2020

That in respect of

**ADOPTION OF THE PROPOSED DRAFT STANDARD ZONING SCHEME BYLAW AND
REQUEST FOR PERMISSION TO RELEASE SAME FOR THE PURPOSE OF PUBLIC
PARTICIPATION**

discussed by Council at the Council meeting held on 28 January 2020:

1. That the Proposed Draft Breede Valley Municipal Integrated Zoning Scheme be approved as a draft by-law and be submitted to the Department of Environmental Affairs and Development Planning for preliminary technical evaluation and;
-

2. that the draft by-law be published for public participation and comment as well as be workshopped by Council.
3. That after such public participation process all comments will be considered and the necessary changes will be affected, where after the final draft by-law will be adopted for promulgation as a by-law.

To Action

P. Hartzenberg

**6.8 PROJECT IMPLEMENTATION FOR THE VISUALLY IMPAIRED,
WORCESTER****File No./s:** 11/5/1/3/5**Responsible Official:** B. Andrews**Directorate:** Technical Services**Portfolio:** (Civil, Electrical & Planning
Services)

1. Purpose

To inform Council of a proposed project by Pioneer School for the Visually Impaired to enhance the pedestrian movability of the visually impaired within an area within the Breede Valley Municipality in Worcester.

Introduction

Pioneer School was invited by the Directorate Road Safety Management under the auspices of the Western Cape Department of Transport and Public Works to be part of a Participatory Educational Techniques (PET) project, held in September 2019 at Johannesburg. They won first prize in the Special Needs Category. They were given the task of identifying areas or routes in the CBD of Worcester that compromise the safety of pedestrians with visual impairment/persons with disabilities. As part thereof suggestions of possible solutions were identified.

Background information

Worcester is a major educational centre. Not only does it have a large number of primary and high schools, there are FET colleges as well as training and teaching centres for both hearing and visually impaired learners and students.

Innovation for the Blind (previously the Institute for the Blind), was established in Worcester in 1881 and is the oldest institution of its kind in South Africa. It provides comprehensive care to persons with visual impairment throughout their lives. This includes education and training, supported employment and a living environment where adults with a visual impairment can have a measure of independence.

The **Pioneer School for the Visually Impaired** operates as a full academic school and follows the National Curriculum as offered in mainstream schools.

The school has developed into a leader in the field of education of learners with visual impairment. One important part of the school's mandate is to teach learners with visual impairment **how to read and write braille**. The other part of the school's task is to **equip learners with the necessary skills to live their lives as independently as possible**.

Restrictions of visually impaired people

Being able to move independently gives visually impaired people greater control over their lives and their environment. Through the mastering of specific skills obtained through training in orientation and mobility, it is possible for people with visual impairment to live more independent lives.

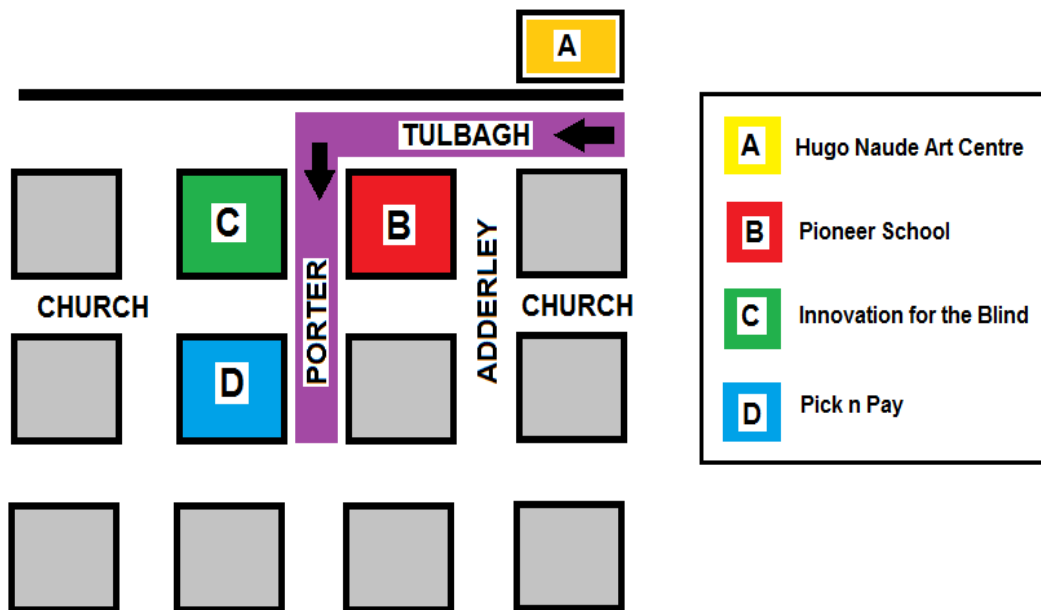
Traveling independently as a visually impaired person involves many skills. It requires using knowledge of the environment and making use of specific landmarks and cues. Traveling independently places a heavier mental and physical toll on a visually impaired person than a sighted person. This toll is made even heavier when the area is unsafe. This means that independent traveling becomes restricted or impossible for the visually impaired person.

Statistics

Worcester has the largest concentration of visually impaired people in the country, namely around 600 people, of which some 360 are employed by the INNOVATION FOR THE BLIND. Approximately 100 visually impaired individuals live in town on their own and the PIONEER SCHOOL accommodates 125 visually impaired learners.

Both Innovation for the Blind and Pioneer School are situated within walking distance from the CBD. Although distance is not a big problem, the environment and infrastructure and route to these businesses are major stumbling blocks in gaining access.

Four problem areas were identified:



The starting point is the Hugo Naudé Art Centre in Tulbagh street

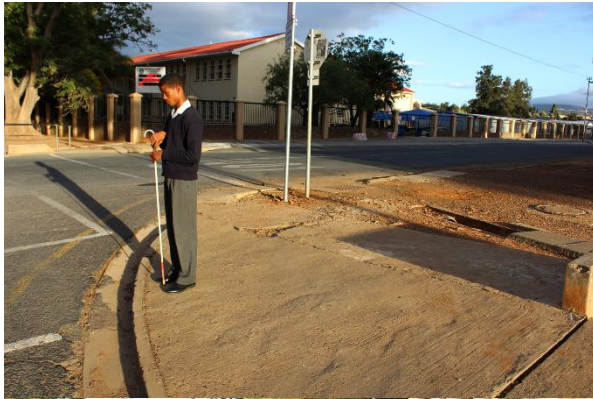
1st Problem area

- deep gutters on the side of the pavement,
- pavement consists out of cement blocks instead of having a tarred surface.



Tulbagh/Adderley Street street crossing. The northeastern corner of the crossing.

- On the corner there are no bridges- only a cement slab that serves as bridge- this can lead to disorientation. Because of the aforementioned it is inaccessible to wheelchair users. This often causes them to veer to the middle of the road.
 - The uneven cement surface of the pavement is misleading because we are meant to move unto a pavement and that usually means a tarred surface.
 - The deep gutter is dangerous for both visually impaired as well as sighted pedestrians.
-



Let's turn south and cross Tulbagh street to the southeastern corner.

- We land on a surface with no bridge. A pipe acts as “bridge” and the uneven surface is covered with tar.
- The tips of the long canes of many long cane users quite often get stuck in this dirty gutter.



As we turn west to cross Adderley street you will notice

- the uneven tarred surface
- as well as the broken bridge.



Southern pavement along Tulbagh street.

- Dustbins can be obstructions
- Low signage board above your head on the right.
- Wheelchair users get stuck between the deep grooves between the slabs.
- Overflowing gutters.





Porter/Tulbagh street:**2nd problem area**

- Bridge is not in line with the walking route across the roadway. This can cause a person with visual impairment to walk into the middle of the busy intersection.
- We now cross Porter Street. My cane gets stuck in the rubbish in the gutters. As we move along Porter Street, on the western sidewalk, you will notice that
- the sidewalk is uneven;
- the tar has not been repaired and
- the pavement is cut up and the loose stones and gravel can lead to disorientation.
- Along the bumpy road are a lot of potholes and
- trees that a cane will not detect immediately.





Porter/Church street,

3rd problem area.

Northwestern corner

- The tarred surface and the bridge do not form a unit – a cement slab serves as bridge.
- The tarred surface has been replaced recently and during the repair process, they also laid tar on the bridge and the bubble slabs.
- This creates an uneven surface.



Let's cross Church Street to the southwestern corner.

- a bridge in a poor condition - it is just a slab of concrete with broken and chipped edges,
- a bridge that is higher than the surface of the road and sidewalk and
- bubble slabs that cannot be used as route beacons!
- A patched road surface and a bridge that do not form a unit can lead to disorientation at this point. You have to realise that a change of 2 cm in surface that a sighted people would hardly notice will feel like 20 cm to a person with visual impairment!



This is the most important intersection on our route to Pick n Pay. During interviews with employees and residents of Innovation for the Blind, as well as other inhabitants of Worcester who are visually impaired, it became clear that the majority of them use the routes we call the Pick n Pay routes. These include routes to other nearby businesses.

Pick n Pay's premises:**4th Problem area**

Where the buildings stop, we find a strip of bubble slabs that serves as walkway for the crossing of the entrance/exit to the parking area. The bubble slabs are clear route markers, but **the problem is the wall to our right.**

This wall was erected during alterations and improvements made in this area in 2012/2013.

- Please bear in mind that the auditory sense of a blind person is of the utmost importance when safe, independent mobility is at stake. This wall currently serves no purpose apart from BLOCKING ALMOST ALL TRAFFIC SOUNDS FROM THE RIGHT!
 - This causes a high level of stress and insecurity for the pedestrian with visual impairment when having to cross this area.
 - Exiting traffic poses a high safety risk. Please also take note of the position of the STOP traffic lines – right next to the bubble slabs! As you can see most vehicles, including large delivery vehicles, stop with their front wheels ACROSS the bubble slabs.
 - Many of these bubble slabs have been damaged during the construction process.
 - Across the road is a traffic sign that indicates that a RIGHT TURN IS NOT ALLOWED, only a LEFT TURN. After thorough observation it was evident that 80% of car and lorry drivers disregard this sign by turning right. Do you see the risk blind people have to take? In orientation and mobility, we are taught that exiting vehicles only turn left at this point, and not right – very confusing!
 - Let us follow the bubble slab to cross over. The tactile paving slabs are broken and
 - the contrast in colour and brightness that aid the partially sighted is insufficient.
 - If we keep walking to where the bubble slabs end, we turn right and locate the buildings. From here we know it is safe. By using the shoreline, we locate the entrance to Pick n Pay, where friendly employees are ready to assist us with our shopping.
-



Challenges: INSENSITIVITY DUE TO IGNORANCE.

- Bubble slabs serve as route markers to the entrances of the respective hostels. Here you will see workers in the process of adding a tar layer onto the sidewalks. This particular worker moves right across the bubble slabs with the compactor, thereby destroying them completely.



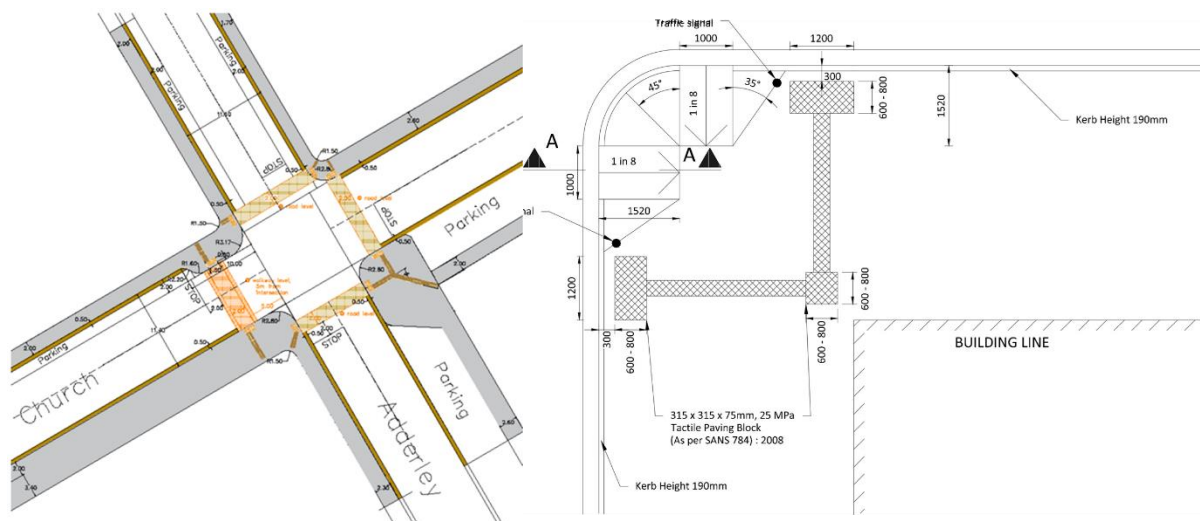
Secondly, we also find motorists to be ignorant.

- Here you will see a motorist making a U-turn in the area where blind pedestrians are walking.
- Motorists park or stop on the sidewalk and obstruct the road for blind pedestrians.

**Solutions for the problem areas on this route**

It was clear that the majority of blind pedestrians who use the routes we have mentioned, experience similar problems.

The Engineering Faculty of Stellenbosch University created a concept plan by means of a map that showed the solutions to the four problem areas as discussed.



The possibility of a RED ZONE with a GREEN ROUTE was discussed.

Breede Valley Municipality assisted in the creating of maps of the proposed safety routes as well as the estimated budget.

The Green Route – indicated below has been identified due to so many blind pedestrians using it. This will be transformed into a total blind-friendly route. The name

that was decided upon is **UKUKHANYA ROUTE** meaning "die lig roete"/ "the route of



light" ?



POSSIBLE SOLUTIONS AND PRIORITIES

- Speed hump at Adderley/Tulbagh crossing as well as Church/Porter crossing,
- traffic lights with sirens at Church/Porter crossing,
- no deep groves between slabs (especially in front of school in Church street were parents drop their kids for school) Solid and even slabs,
- no potholes or deep unsafe gutters,
- pavements and tar surface must be solid and even,
- four way stops/traffic lights require solid pedestrian bridges,

- bridges must direct pedestrians onto a safe pedestrian crossing route across the walkway,
- white and yellow lines should be painted more regularly,
- bins that are obstructions must be moved,
- clear signage and info boards, to make motorists and the public aware, should be erected



- sirens should be placed on all traffic lights,
- bubble blocks must be repaired and painted yellow,
- advertisement boards should not be moved around,
- before changes/construction work is done, it must be approved by the Pioneer School, construction workers must be better informed and more sensitive of special needs
- and the impact of the conditions of areas on independent traveling
- when maintenance work is done the area must be properly secured according to the specific needs of the visually impaired.

At the EXIT/ENTRANCE of the parking area at Pick n Pay:

- The wall on the righthand side must be taken down and be replaced by a trellis-gate.
- The lines on the road of the STOP sign, which are currently right next to the bubble slab strip, should be moved until they are in line with the existing wall.
- Speed humps/acoustic rumble strips should be constructed in front of the exit.
- Very clear, large information boards should be put up on the opposite sidewalk. These boards should indicate that no vehicle may turn right, but only left into Porter Street. Information boards should be erected along the route to indicate that blind pedestrians walk along this route.
- The bubble slab strip must be replaced by a raised surface on which new bubble slabs should be constructed.
- The surface of sidewalks should be repaired and different surface textures should be used on sidewalks to act as route markers.

3. Financial Implications

The estimated cost for the Proposed project can be summarised as follows:

INNOVATION FOR THE BLIND SIDEWALK UPGRADE

<u>Item</u>	<u>-</u>	<u>Quantity</u>	<u>Rate</u>	<u>Amount</u>
Site Clearance	Prov Sum	1	R 50,000.00	R 50,000.00
Construct Sidewalk with 25mm stablemix including all correction layers (including subbase and concrete repairs) complete	m2	990	R 150.00	R 148,500.00
	m2	230	R 230.00	R 52,900.00

Construct raised intersection complete as per attached drawing						
Move existing pedestrian robot to position as required by Pioneer school and repair all damages complete			Prov Sum	1	R 300,000.00	R 300,000.00
Paint makings, Bubble blocks and road signs			Prov Sum	1	R 25,000.00	R 25,000.00
25% Preliminary and General			Sum	1		R 144,100.00
Sub Total						R 720,500.00
Professional Fees						R 90,062.50
Sub Total						R 810,562.50
10% Contingencies						R 81,056.25
Sub Total						R 891,618.75
15% VAT						R 133,742.81
ESTIMATED TOTAL COST						R 1,025,361.56

Project implementation will be funded by the Department of Transport and Public Works.

Implementation Timeframes:

The implementation starting date of the project is depended on completion of the Procurement Procedure of the Western Cape Government: Department of Transport and Public Works.

APPLICABLE LEGISLATION / COUNCIL POLICY:**Municipal By-Law Relating to Roads and Storm Water**

- Section 3: No person may –
 - (a) Make, construct, reconstruct, or alter a street or sidewalk –
 - (i) Except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with the requirements prescribed by the municipality,
- Section 30: Work in public roads or streets
- Subsection 30(1): No person may undertake work in any public road or on property belonging to the municipality without prior permission being obtained in terms of the operational manual as contemplated in section 31.
- Subsection 30(2): A person who contravenes subsection 30(1) commits an offence.
- Section 31: Norms, standards and guidelines
- Subsection 31(1): The municipality may determine and publish norms, standards and guidelines which describe appropriate measures for work in public roads, streets or other property belonging to the municipality, and such norms standards and guidelines must be kept in the form of an operational manual.
- Subsection 31(2): The norms, standards and guidelines contemplated in subsection 31(1) may differentiate between communities, geographical areas and different kinds of premises.

Municipal Finance Management Act (Act 56 of 2003):

- Section 19(1): A municipality may spend money on a capital project only if- (a) the money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality, has been appropriated in the capital budget referred to in section 17(2);- (b) the project, including the total cost, has been approved by the council; - (d) the sources of funding have been considered, are available and have not been committed for other purposes.
 - Section 19(2): Before approving a capital project in terms of subsection (1)(b), the council of a municipality must consider- (a) the projected cost covering all financial years until the project is operational; and (b) the future operational costs and revenue on the project, including municipal tax and tariff implications.
-

- Section 19(3): A municipal council may in terms of subsection (1)(b) approve capital projects below a prescribed value either individually or as part of a consolidated capital programme.

COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:

Municipal Manager: Supported.

Director: Community Services: No comment received.

Director: Strategic Services: Item supported.

Senior Manager Legal Services: Item and recommendation supported

Director: Financial Services: No comment received.

Director: Technical Services: Support the project implementation by the Department of Transport and Public Works and Pioneer School.

Senior Manager Public Works: Support the item for implementation by the Western Cape Government: Department of Transport and Public Works

Manager Roads and Storm Water: Author of item.

RECOMMENDATION:

That in respect of

the proposed project by Pioneer School for the Visually Impaired to enhance the pedestrian movability of the visually impaired within an area within the Breede Valley Municipality in Worcester

discussed by the Council at the Council meeting held on 28th of January 2020:

1. Council takes note of the project by Pioneer School for the Visually Impaired to enhance the pedestrian movability of the visually impaired within an area within the Breede Valley Municipality in Worcester.

PROPOSED: CLLR M. SAMPSON

SECONDED: CLLR E.Y. SHELDON

RESOLVED**C9/2020**

That in respect of

the proposed project by Pioneer School for the Visually Impaired to enhance the pedestrian movability of the visually impaired within an area within the Breede Valley Municipality in Worcester

discussed by the Council at the Council meeting held on 28th of January 2020:

1. Council takes note of the project by Pioneer School for the Visually Impaired to enhance the pedestrian movability of the visually impaired within an area within the Breede Valley Municipality in Worcester.

To Action

B. Andrews

**6.9 APPLICATION FOR THE ESTABLISHMENT OF A SPECIAL RATING AREA:
LANGERUG****File no.:** 9/2/1/1/28**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

The purpose of this item is for Council to consider the application for the establishment of a Special Rating Area ("SRA") in Langerug.

2. BACKGROUND / DISCUSSION

In terms of Section 22 of the Municipal Property Rates Act a municipality may by resolution of its Council determine an area within that Municipality as a SRA and levy an additional rate on property in that area for the purpose of raising funds for improving or upgrading that area.

In terms of the aforementioned legislation, a Special Rating Area By-law was promulgated on 27 March 2015 in the Provincial Gazette (Gazette 7371) to provide for the establishment of Special Rating Areas in Breede Valley Municipality. Council also adopted a Special Rating Area policy which *inter alia* aims to set out Council's position on special rating areas and the factors that will influence Council's decision whether or not to approve a particular SRA.

In terms of Section 5 of the By-law an application for the determination of a SRA must be preceded by the holding of a public meeting. The purpose of the public meeting is to enable the applicant to consult with the owners within the proposed SRA with regard to the proposed boundaries of the area and the proposed improvement or upgrading of the area.

An initial public meeting was held on 29 May 2019 where the concept of a SRA was discussed. A further public meeting was held on 31 October 2019 due to the fact that there were material amendments to the initial demarcated area.

The application (attached as “**Annexure A**”) was submitted on 30 September 2019 by Mr. G D Griessel on behalf of the management committee of the proposed Langerug SRA. The SRA is intended to be established for a period of five (5) years commencing on 1 July 2020 in terms of section 6 of the By-law. The written consent of the majority of the members in the proposed SRA must be obtained. Specifically, the SRA policy determine in paragraph 6.5 that any residential SRA must comply fully with the provisions of the by-law and with reference to the majority support, the applicant must provide written proof that owners of ratable property within the boundary of the SRA who own not fewer than 60% (sixty percent) in number of such properties, approve the formation of the SRA.

A prescribed notice (“**Annexure B**”) was placed in the local newspaper in terms of section 7 of the Special Rating Area By-Law, inviting written objections from owners of residential properties within the proposed area within thirty (30) days from the placement of the notice. The last date to lodge objections, was **15 November 2019** and two (2) written representations were received:

1. Wesche Family Trust, attached as **Annexure C**
2. Mr. & Mrs. Maree, attached as **Annexure D**

It is required of Council to resolve on the submissions received.

The proposed demarcated area is indicated on the map, enclosed as “**Annexure E**”. The compilation of said map followed an internal verification process and there was liaison with the applicant in respect thereof. The proposed SRA compromises of a total of **320** residential rateable properties to be affected by the SRA. The required 60% is thus **192** consents in number.

For ease of reference, the respective rateable properties were categorised on **Annexure E** as follows:

- | | |
|-------------------------|------------|
| 1. Consent received: | 194 |
| 2. No consent received: | 126 |
| 3. Non-residential: | 12 |

The **194** consents equal **60.63%**, thus the majority consents were received.

However, during the internal verification process, shortfalls with certain of the consents were depicted, in that there are either more than one (1) owner, or the property is registered as a separate legal entity. To rectify the discrepancy, it is proposed that additional documentation be requested from the applicant. For example, the consent from co-owners is to be obtained where only one (1) owner provided consent.

The below compliance with the SRA by-law table was compiled:

SECTION	OBLIGATION	COMMENT	COMPLIANCE
DETERMINATION OF SRA			
3	SRA may be determined by resolution of Council	No council resolution yet	Item will serve at the 28 January 2020 Council meeting for resolution on the application.
APPLICATION			
4(1)	Application for SLA may be lodged with the Council by owner within BVM jurisdiction <u>and</u> who owns property in the proposed SRA	<p>Application dated 30 September 2019 lodged by Mr. G D Griessel on behalf of Langerug Spesiale Aanslag Area ("LSAA") on 30 September 2019.</p> <p>The application was submitted by Mr. G D Griessel on behalf of the LSSA Management Committee. Mr. G D Griessel owns property in the proposed SRA.</p>	COMPLIED
4(2)	Costs shall be for the applicant: Management body may reimburse applicant after implementation of the business plan	This relates to the applicant and it is accepted that BVM has not incurred any costs in this regard	COMPLIED
4(3)(a)	Application for establishment of SRA to be in writing	Application dated 30 September 2019 is in writing	COMPLIED
4(3)(b)	Application to be submitted not more than nine (9) months after public meeting held in terms of section (5)	<p>The first public meeting was held on 29 May 2019.</p> <p>The application was lodged within nine (9) months from the date of the meeting.</p>	COMPLIED

4(3)(b)	If second public meeting was held in terms of section 6(2), application must be submitted not more than nine (9) months after the date of the second public meeting	A second public meeting was held on 31 October 2019 in terms of section 6(2). The application was submitted before the second public meeting.	COMPLIED
4(3)(c)(i)	Application must be accompanied by a motivation report and business plan	The application was accompanied by a motivation report and business plan.	COMPLIED
4(3)(c)(ii)	Application must be accompanied by the written consent of the majority of the members of the local community in the proposed SRA who will be liable for paying the additional rate, in a form determined by the Accounting Officer *RESIDENTIAL SRA REQUIRE 60% AS MAJORITY	The written consents formed part of the application. The majority consents were received.	COMPLIED
4(3)(c)(iii)	Application must be accompanied by payment of such fee as the Council may determine	No fee was determined by Council	NOT APPLICABLE
PUBLIC MEETINGS			
5(1)	Application must be preceded by the holding of a public meeting	The first public meeting was held on 29 May 2019, which precede the date of application.	COMPLIED
5(2)	Purpose of the public meeting is to enable the applicant to consult with those owners within the proposed SRA with regard to the proposed boundaries of the area and the proposed improvement or upgrading of the area.	Attendance registers and minutes of public meeting provided to confirm compliance.	COMPLIED

5(3)(a)	Prior to the holding of the public meeting, the applicant must give notice in a manner approved by the Accounting Officer in terms of the By-law to owners of ratable property, who will be liable for payment of the additional rate, of the applicant's intention to apply for the determination of a SRA	Notice of the meeting held on 29 May 2019 was placed in the local newspaper on 2 May 2019.	COMPLIED
5(3)(b)	The notice in subsection 5(3)(a) must state the purpose of meeting and contain details of place, date and time of meeting	Notice was placed in the local newspaper on 2 May 2019 providing the required details.	COMPLIED
5(4)	The public meeting must be held not less than seven days and not more than thirty days after the date of the notice	The public meeting was held on a date which is in accordance with the By-law.	COMPLIED
5(5)	The public meeting must be held at a place, date and time as stated in the notice, provided that it must be held at a place which is within the boundaries of the proposed SRA unless the Accounting Officer approves another venue in writing before the public meeting is held	The meeting was held as advertised at the NGK Worcester-Vallei Church Hall, which is located outside the boundaries of the proposed SRA. The Accounting Officer approved the venue in writing before the public meeting was held.	COMPLIED
5(6)	The public meeting must be chaired by a suitable qualified experienced person appointed by the Accounting Officer	The meeting was chaired by Mr. G D Griessel, who is a registered chartered accountant.	COMPLIED
5(7)	Interested persons must at the public meeting be furnished with all relevant information relating to the proposed SRA, including the information to be set out in the motivation report and business plan; and be given an opportunity to ask questions, express their views and make representations.	According to the minutes, interested persons at the meeting were given the relevant information and an opportunity to ask questions, express their views and make representations was given.	COMPLIED

MOTIVATION REPORT AND BUSINESS PLAN			
6 (1)	Must submit a motivation report and business plan covering a period commencing 1 July of a year and ending on 30 June of the fifth year or such lesser period as determined by the Accounting Officer	<p>Motivation report and business plan submitted</p> <p>The period indicated in the Business Plan is five years, with intended date of commencement 1 July 2020</p>	COMPLIED
6(2)	If the motivation report or business plan be materially amended, as determined by the Accounting Officer, after the public meeting referred to in section 5, the applicant must call a second public meeting for approval of the SRA as amended	<p>The initial demarcated area as communicated at the first public meeting was amended and the amended map form part of the application.</p> <p>A second public meeting was held on 31 October 2019.</p>	COMPLIED
6(3)	The provisions of section 5 applies with the necessary changes to the second public meeting	The second public meeting held on 31 October 2019 complied.	COMPLIED
ADVERTISING OF APPLICATION AND OBJECTIONS			
7 (1)(a)	The applicant must within 14 days after the application is lodged in accordance with section 4, or within such further period which the Accounting Officer may approve, cause a notice of the application to be published in a manner approved by the Accounting Officer.	The date of the application is 30 September 2019 and the notice was placed in the local newspaper on 10 October 2019, thus within the prescribed 14 days.	COMPLIED
7(1)(b)	The applicant must either before or up to seven days after the date of publication of the notice, give written notice of the application to all owners within the proposed SRA, who will be liable for payment of the additional rate, such notice to be given by prepaid registered post, hand delivery or in any other manner approved in	Proof that notices were sent by registered mail was received.	COMPLIED

	writing by the Accounting Office		
7(2)	Every notice contemplated in terms of subsection 7(1) must state that written objections to the determination of a SRA or the provisions of the motivation report and business plan may be lodged with the Council by a date specified in the notice, which shall not be less than 30 days after the date of publication in terms of subsection (1)(a), and must state where the documentation specified in subsection (5) will be available for inspection.	The notice in terms of section 7(1) state the process, date and place for the lodgment of written objections. The notice state that the documentation may be inspected at the office of the Municipal Manager and at DTVT auditors.	COMPLIED
7(3)	Any owner of rateable property who will be liable for paying the additional rate may submit written objections to the determination of the SRA, which objections must be received by the Council not later than the date stipulated in the notice referred to in subsection (1)	One (1) objection and one (1) enquiry was received within the date stipulated in the notice.	NOT APPLICABLE
7(4)	An application and any objector to the application who owns property within the proposed SRA may make oral representation to Council	No requests for oral representation was received at the office of the Municipal Manager	COMPLIED
7(5)	The application, including the motivation report and the business plan, and all objections must be available for inspection at the office of Breede Valley Municipality and at a venue determined by the Accounting Officer within the proposed SRA, for the period referred to in subsection (2)	The documentation was availed at the office of the Municipal Manager and he office of DTVT auditors.	COMPLIED

Section 8 and 9 of the by-law stipulate:

8. DECISION

- (1) *After the provisions of sections 4 and 7 have been complied with, the Council must, at a meeting of the Council held 90 days after the last date for submission of objections in accordance with section 7(2), consider the application and –*
- a. Determine a special rating area which must be implemented in accordance with the motivation report and business plan;*
 - b. Determine a special rating area with such amendments or conditions as the Council considers to be in public interest;*
 - c. Determine a special rating area in respect of a limited area in terms of section 9;*
 - d. Refuse the application, in which event the Council must, within 30 days, furnish the applicant with written reasons for not approving the determination of a special rating area; or*
 - e. Refer the application back to the applicant for amendments in such manner as the Council may direct.*
- (2) *If the application is refused by the Council in accordance with the provisions of subsection 1(d) or referred back to the applicant in accordance with the provisions of subsection 1(e), the applicant may, within six (6) months of the Council's decision, re-apply to the Council for the determination of the special rating area, provided that such re-application has been appropriately amended in the light of the reasons for refusal or referral, as the case may be.*
- (3) *If the motivation report or business plan is amended in any material respect at any time before the determination, the Council may require that the application be re-advertised in accordance with the provision of section 7, with the necessary changes.*
-

“9. DETERMINATION OF A LIMITED SPECIAL RATING AREA

If an application in terms of section 4 is not accompanied by the majority of the members of the local community in the proposed special rating area required by section 4(3)(c), but the applicant can demonstrate to the satisfaction of the Council, that-

- (a) there are such confirmations from owners of rateable properties in a limited geographical area within the proposed special rating area that would meet the requirements of section 4(3)(c) if they were to be applied to that area; and*
- (b) the level of services to be provided will not be reduced and the budget will be reduced accordingly as a result of the provision of those services in the whole of the proposed special rating area, then the Council may, subject to the other requirements of this By-Law, determine a limited special rating area.”*

4. CONCLUSION

Council is accordingly requested to consider the application for the formulation of the Langerug SRA, inclusive of the written representations received.

It is proposed that Council determine a SRA with conditions as the Council considers to be in public interest. In light of the discrepancies identified in respect of certain of the consents, it is recommended that the Langerug SRA be determined **on condition** that Directorate Finance conduct a comprehensive verification process and liaise with the applicant *inter alia* to supplement the consents identified as containing shortfalls. The item could then be resubmitted at the next Council meeting for final determination.

5. FINANCIAL IMPLICATIONS

The cost for the SRA will be covered by the raising of a special rate for all residential properties in the SRA.

6. ANNEXURES:

Annexure A: Application

Annexure B: Prescribed notice

Annexure C: Wesche Family Trust submission

Annexure D: Mr. & Mrs. Maree submission

Annexure E: Map

7. COMMENTS OF DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER: Recommendation supported

DIRECTOR TECHNICAL SERVICES: Support the item and recommendation

CHIEF FINANCIAL OFFICER: Recommendation supported

DIRECTOR COMMUNITY SERVICES: Item supported

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-Author of the item

Senior Manager Legal Services: Author of the item

RECOMMENDATION

That in respect of –

**APPLICATION FOR THE ESTABLISHMENT OF A SPECIAL RATING AREA:
LANGERUG**

as discussed by Council at the Council meeting held on 28 January 2020 council decide:

1. That the area as depicted on the map which includes Rabie Street to the East, Bosman-, Botha- and Alec Craven Streets to the North, Van Rensburg Crescent to the West, and
-

Distillery-, De Vos and Tulbagh Streets to the South, be determined a Special Rating Area to be called Langerug Special Rating Area **on condition** that:

- a. Directorate Finance conduct a comprehensive verification process and liaise with the applicant *inter alia* to supplement the consents identified as containing shortfalls;
2. That Council resolve on the two (2) written representations received; and
3. That the item be resubmitted at the next Council meeting for final determination.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN A. STEYN

RESOLVED

C10/2020

That in respect of –

**APPLICATION FOR THE ESTABLISHMENT OF A SPECIAL RATING AREA:
LANGERUG**

as discussed by Council at the Council meeting held on 28 January 2020 council decide:

1. That the area as depicted on the map which includes Rabie Street to the East, Bosman-, Botha- and Alec Craven Streets to the North, Van Rensburg Crescent to the West, and Distillery-, De Vos and Tulbagh Streets to the South, be determined a Special Rating Area to be called Langerug Special Rating Area **on condition** that:
 - a. Directorate Finance conduct a comprehensive verification process and liaise with the applicant *inter alia* to supplement the consents identified as containing shortfalls;
 2. That the two written representations not be upheld; and
-

3. That the item be resubmitted at the next Council meeting for final determination.

To Action

H. Potgieter

**6.10 IN PRINCIPLE APPROVAL FOR THE LEASE OF MUNICIPAL PROPERTY:
PORTION OF ERF 1, (ROAD RESERVE) SITUATED AT 17 ADDERLEY STREET,
WORCESTER - SEMINARE HOSTEL**

File no.: 9/2/3/1/92

Responsible Official: H Potgieter

Directorate: SSS

Portfolio: Legal Services

1. PURPOSE

The purpose of this item is for Council to amend its resolution of 29 October 2019 in respect of Erf 1 (road reserve), situated at 17 Adderley Street, Worcester.

2. BACKGROUND / DISCUSSION

An application was received from Worcester Gymnasium to utilise municipal property for a period of nine (9) years and eleven (11) months. Application was made to relocate the current tennis court fence of the Seminare Hostel onto municipal property being a portion of the road reserve situated at 17 Adderley Street, Worcester. It was stated that the aforementioned is in order to upgrade the non-functional tennis court requiring a bigger parameter to be of use to Worcester Gymnasium, Seminare Hostel and the town of Worcester.

The applicant is the owner of Erven 485 and 488, Worcester where the Seminare Hostel is located, indicated on the locality map attached hereto and marked “**Annexure A**”. The proposed portion to be leased is adjacent to the property of the applicant, measuring approximately 242.4m² in extent. The current zoning is Undetermined, as it forms part of the Worcester commonage.

Factors such as the locality, use and size of the portion of the subject property applied for, renders that it can be classified as a non-viable property, allowing it to be availed directly to the adjoining property owner. The Breede Valley Land Management and Disposal Policy define non-viable property as follows:

***“Non-viable property”** means property that, owing to urban planning, physical constraints or extent cannot be developed on its own function as a separate entity and that can therefore become functional only if used by an adjoining owner in conjunction with such owners’ property”*

During the Council meeting held on 29 October 2019, it was resolved as follows:

- “1. That in principle approval for the lease of municipal property: Portion of Erf 1 (Road Reserve) situated at 17 Adderley Street, Worcester, **be granted** subject to the following conditions:
- a. The area should be fenced with a palisade fence with square tubing and a “fleur de lis” finish at the top.
 - b. That the palisade be dark green or black.
 - c. That at least 2m space between the curb and the fence be left for pedestrian traffic.
 - d. No construction of any building or structures will be allowed in the lease area.
2. That the tree within the proposed leased area be:
- a. Removed at the owner’s cost and replaced with a 400l tree. Approval of the replacement tree and new position of the tree must be obtained from Mr Wilfred Pheiffer (023 347 8316, wpheiffer@bvm.gov.za) prior to the removal of the tree.
 - b. No building/structures except for a fence be erected on the lease area such fence may not be constructed further than 5m from the existing boundary. A splay of at least 4 X 4m must be provided at the intersection of Adderley and Tulbagh Street.
 - c. The applicant must indemnify Breede Valley Municipality against all actions, proceedings, claims and demands, cost, damages and expenses arising out of the
-

approved encroachment which will have commenced on the date that the applicant commenced with his proposed activities on the municipal land.

3. *that the Municipal Manager be authorized to sign all documents relating to the lease of the subject property and all necessary documents relating thereto."*

During the Council meeting held on 9 December 2019, discussions pertaining to the resolution took place. In order to proceed with the application, it is proposed that Council accordingly decide on and amend its resolution

A. LAND MANAGEMENT AND DISPOSAL POLICY

In accordance with paragraph 4.4.18 the immovable property let by the Municipality shall be inspected at least once a year by Legal Services: Properties section to ensure compliance with the terms and conditions of the agreement of lease. In addition as stipulated in paragraph 4.4.29, all costs pertaining to the transaction, eg. advertisement and relocation of services where necessary as well as any Town Planning procedures, shall be borne by the Lessee. The rental shall escalate annually by a percentage fixed in accordance with the prevailing consumer price index (all items) as per paragraph 4.4.34 of the policy. As per paragraph 4.4.35, the Lessee shall be liable for the payment of rates and service charges in respect of the property. It is furthermore confirmed that any other relevant conditions stipulated in the applicable policy will be included in the subsequent lease agreement.

B. ADVERTISEMENT

Should in principle approval be granted, a public participation process is to be followed. Subsequently an advertisement will be placed for the lease of a portion of Erf 1 (road reserve), situated at 17 Adderley Street, Worcester, in the local newspaper for a thirty (30) day objection / representation period. The notice will also be placed on the municipal website. An item will only be resubmitted to Council should representations / comments be received.

3. FINANCIAL IMPLICATIONS

The Municipality stands to gain the market related rental which will increase annually on the 1st of July by a percentage equal to the prevailing consumer price index (all items). More so, the Municipality will also gain rates and taxes in relation to the leased property.

4. ANNEXURES

Annexures A: Locality map

5. COMMENTS FROM DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER: Recommendation noted

DIRECTOR TECHNICAL SERVICES: Item noted. Recommendation and approval not supported.

CHIEF FINANCIAL OFFICER: Recommendation noted

DIRECTOR COMMUNITY SERVICES: Recommendation noted

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-Author of the item

SENIOR MANAGER LEGAL SERVICES: Author of the item

RECOMMENDATION

That in respect of –

IN PRINCIPLE APPROVAL FOR THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1 (ROAD RESERVE) SITUATED AT 17 ADDERLEY STREET, WORCESTER – SEMINARE HOSTEL

as discussed by Council at the Council meeting held on 28 January 2020 Council decide:

1. That the direct lease for a period of nine (9) years and eleven (11) months in respect of a portion of Erf 1 (Road reserve) situated at 17 Adderley Street, Worcester (adjacent to erf 488), ±242.4m² in extent, for **the purpose of relocating the current tennis court fence of the Seminare Hostel** onto municipal property be **approved in principle**;
 2. that Council take cognisance of the fact that the direct lease is only approved as the subject property is classified as a non-viable property;
 3. that the lease of the subject property be subject to compliance with the relevant internal departments (Directorates) comments;
 4. that all costs pertaining to the transaction be borne by the Purchaser which includes but is not limited to **obtaining a valuation report** in order to determine the market-related monthly rental and the placement of a notice in the local newspaper;
 5. that the following of a public participation process, **be approved**;
 6. that the abovementioned in principle approval be subject to a public participation process being followed due to the non-viability of the property in that an item will only be resubmitted to Council should any representations/comments be received; and
 7. that the Municipal Manager be authorized to sign all documents relating to the lease of the subject property.
-

PROPOSED: CLLR J.F. VAN ZYL

SECONDED: CLLR E. Y. SHELDON

RESOLVED

C11/2020

That in respect of –

IN PRINCIPLE APPROVAL FOR THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1 (ROAD RESERVE) SITUATED AT 17 ADDERLEY STREET, WORCESTER – SEMINARE HOSTEL

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 3. that the lease of the subject property be subject to compliance with the relevant internal departments (Directorates) comments;
 4. that all costs pertaining to the transaction be borne by the Purchaser which includes but is not limited to **obtaining a valuation report** in order to determine the market-related monthly rental and the placement of a notice in the local newspaper;
 5. that the following of a public participation process, **be approved**;
 6. that the abovementioned in principle approval be subject to a public participation process being followed due to the non-viability of the property in that an item will only be resubmitted to Council should any representations/comments be received; and
-

7. that the Municipal Manager be authorized to sign all documents relating to the lease of the subject property.

TO ACTION

H. Potgieter

- 7. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER**
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- 8. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL**
-

- 9. 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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- 10. CONSIDERATION OF MOTIONS OF EXIGENCY**
-

- 11. CLOSURE**

The Speaker closed the meeting at 14:15.

- 11.1 COPY OF NOTICE PLACED ON NOTICE BOARDS**
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For information, a copy of the Notice follows:

NOTICE IS HEREBY GIVEN that a **COUNCIL MEETING**
of the **Breed Valley Municipality** will be held on
TUESDAY, 28 JANUARY 2020 at 10:00 in the
COUNCIL CHAMBERS, CWDM, 51 TRAPPE STREET, WORCESTER

Members of the media and the public wishing to attend the meeting must please contact **Mr. J.R. Botha (Public Relations Officer)** at **023 348 2807** during office hours to book one of the **16 (sixteen) seats available to the public** on a first come first served basis. The list will be closed at **15:15 on Friday, 24 January 2020** and will be handed to Security officials the morning of the meeting. Only persons whose names appear on the list will be allowed to attend the meeting and they must be seated at least five minutes before the scheduled start of the meeting. Once the meeting has started, no member of the public will be allowed into the meeting. If a member of the public leaves the meeting venue during the course of the meeting, he / she will not be allowed to return to the meeting.

KENNIS GESKIED HIERMEE dat 'n **RAADSVERGADERING**
van die **Breed Vallei Munisipaliteit** op
DINSDAG, 28 JANUARIE 2020 om 10:00
gehou sal word in die
RAADSAAL, KWDM, TRAPPESTRAAT 51, WORCESTER

Lede van die media en die publiek wat graag die vergadering wil bywoon moet asseblief **Mnr. J.R. Botha (Skakelbeampte)** by **023 348 2807** gedurende kantoorure kontak om een van die **16 (sestien) sitplekke wat vir die publiek beskikbaar is** op 'n "first come first served basis" te bespreek. Die lys sal om **15:15 op Vrydag, 24 Januarie 2020** sluit en sal aan Sekuriteitbeamptes die oggend van die vergadering gegee word. Alleenlik persone wie se name op die lys verskyn sal toegelaat word om die vergadering by te woon en hulle moet 'n sitplek inneem minstens vyf minute voor die geskeduleerde tyd van die vergadering. Niemand sal tot die vergadering toegelaat word wanneer dit reeds begin het nie. Indien 'n lid van die publiek die vergaderplek gedurende die duur van die vergadering verlaat sal hy / sy nie weer tot die vergadering toegelaat word nie.

D. MCTHOMAS
MUNICIPAL MANAGER/MUNISIPALE BESTUURDER

JANUARIE 2020
