

MINUTES FOR **COGNISANCE**

The following minutes are distributed for cognisance:

- 10.1** Minutes of an Ordinary Mayoral Committee meeting held on Wednesday, 21 June 202. p.1-67
- 10.2** Minutes of a continuation meeting of the Mayoral Committee held on Thursday, 22 June 2023. p.1-13
- 10.3** Minutes of a Special Mayoral Committee meeting held on Monday, 04 September 2023. p.1-6
- 10.4** Minutes of an Ordinary Mayoral Committee meeting held on Tuesday, 10 October 2023. p.1-69

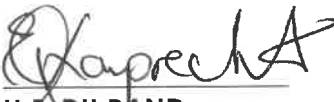
MAYORAL COMMITTEE MEETING **MINUTES**



**MINUTES OF THE MAYORAL COMMITTEE MEETING
HELD ON WEDNESDAY, 21 JUNE 2023 AT 09:00 IN
THE COUNCIL CHAMBERS, RHENIUS STREET,
SWELLENDAM.**

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Yours sincerely.

PP. 
H.F. DU RAND
EXECUTIVE MAYOR

6-10-2023
DATE

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MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON WEDNESDAY, 21 JUNE 2023 AT 09:00 IN THE COUNCIL CHAMBERS, RHENIUS STREET, SWELLENDAM.

PRESENT:	Councillor	H.F. Du Rand	Executive Mayor
		E. Lamprecht	Member
		F. Kees	Member

IN ATTENDANCE:	A. Vorster	(Municipal Manager)
	E. Wasserman	(Director: Financial Services)
	B. Neale	(Director: Infrastructure Services)
	K. Stuurman	(Director: Community Services)
	W. Treurnicht	(Senior Manager: Civil Engineering Services)

SECRETARIAT:

K. Uys

RECORDING OFFICER:

K. Uys

1. OPENING AND WELCOME

At 09:16 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Mayoral Committee meeting and declared the meeting duly constituted with a quorum present. Councillor F. Kees rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE
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None

4. SPEECHES AND SUBMISSIONS

None

5. CONFIRMATION OF MINUTES

Proposer: Councillor F. Kees
Seconded: Councillor E. J. Lamprecht

RESOLVED

- 5.1** that the minutes of the Mayoral Committee meeting held on Wednesday, 24 May 2023 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

None

7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

None.

8 DISCLOSURE OF INTERESTS BY COUNCILLORS

None

9 FINANCIAL REPORTING

9.1 Section 71 Report for May 2023:

RESOLVED

9.1.1 that cognisance be taken of the Section 71 Report for May 2023.

DISCUSSION

The Director of Financial Services, Ms E. Wasserman, shared that the Credit Control division were working very hard to try and increase the payment rate to 101% as recorded for May 2023. She added that the payment rate looked good, however, it could be expected to fluctuate from month to month due to the ongoing load-shedding impacts.

Ms Wasserman reported that the Municipality was a week away from the end of the financial year and currently the capital projects were a big concern as not all projects would be finalised by 30 June 2023. One of the projects was for the total amount of R6 million in additional WSIG funding for the Barrydale Bulk Water Project that was received in March 2023. This funding will not be spent by 30 June 2023.

Ms Wasserman shared that the roll-over amount of R350 000 on the Sewer Pipe Project in Railton may result in a financial loss as the municipality was informed that if the money was not spent by the end of the financial year, it will not be rolled-over again.

Ms Wasserman reported that the capital expenditure on the total budget was currently at 54.27% because many of the funded big projects will not be spent by 30 June 2023. She said that the municipality would have to provide a clear motivation as to why this funding has not been spend to date.

The Senior Manager of Civil Engineering Services, Mr W. Treurnicht, reported that while the WSIG previously took back the R8 million allocation without notice, it caused a delay in the the appointment of the contractor as the contract had to be renegotiated. He shared that after further negotiations with the contractor, it was agreed that the contractor would continue with the next phase of the project.

The Director of Financial Services, Ms E. Wasserman said that the concern was that the municipality would only know by November 2023 whether the amount was rolled-over by WSIG and if the funds were not rolled-over, the municipality would be responsible for the contractual commitments made.

The Municipal Manager, Mrs A. Vorster suggested that the municipality formally engage in discussions with WSIG to motivate why the additional funds could not be spent and needed to be rolled-over.

Mr W. Treurnicht reported that officials of WSIG would be visiting the municipality where the matter could also be discussed. He suggested that the municipality consider setting up its long-term planning on MIG/WSIG funding and ensure that the planning was fixed, because it was when changes were made that dates were missed and funds not spent.

The Executive Mayor, Councillor H.F. Du Rand indicated that the administration should prioritise long term planning of the municipality as it was required to move forward and should not be changed constantly. He asked that the administration did everything that was necessary to secure funds for the projects.

The Executive Mayor, Councillor H.F. Du Rand thanked the Credit Control division, the team in the Financial Department and the Infrastructure Services Department for going above and beyond to get the work done while it was not easy to do so with the limited amount of resources available.

10	MATTERS FOR CONSIDERATION
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10.1 Items submitted by officials of the Council

10.1.1

Item number A84. 21.06.2023

BLUE DROP WATCH REPORT

Report of the Municipal Manager: Mrs. A. Vorster

Department	Office of the Municipal Manager
Section	Office of the Municipal Manager
File number	1/1/2

PURPOSE OF REPORT

To provide an update on an assessment of Swellendam Municipality's performance on the Blue Drop Watch reports as per an interim report drafted by the Department of Water and Sanitation. The final report will be published in July 2023.

FACTS AND BACKGROUND

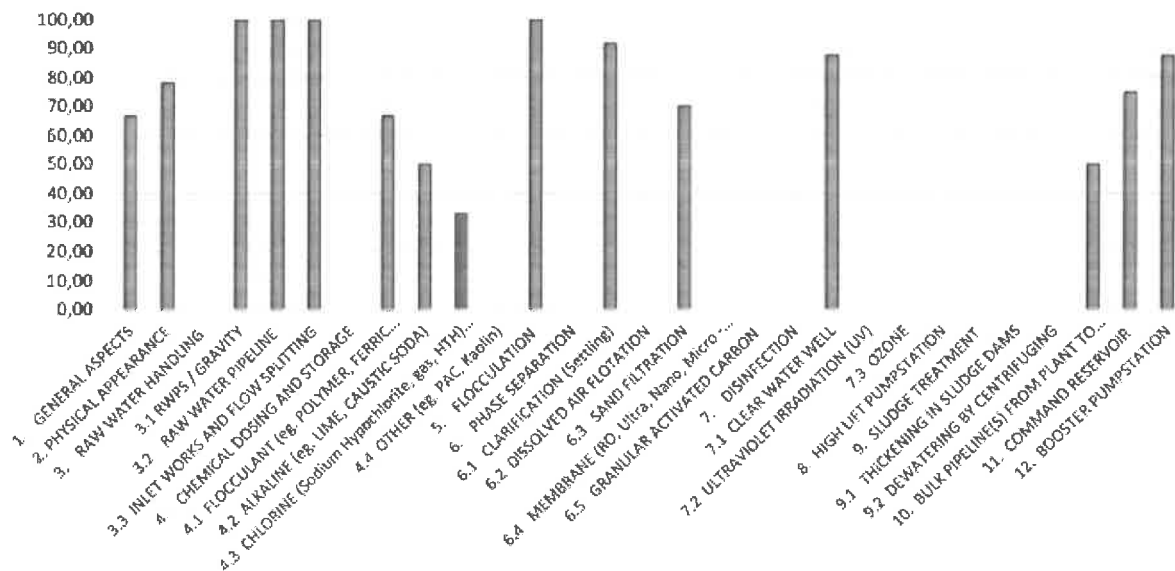
During the period December 2022 to February 2023, 27 water supply systems were inspected by the Department of Water Services, offering a representative overview of systems owned and operated by municipalities, water boards, and water service providers. The assessments covered 25 municipalities, as well as 5 Water Boards and Water Service Providers. Detailed TSA reports with photographic evidence and VROOM costs have been generated to assess the condition and status of treatment facilities and gain insight into randomly selected pipe networks and pump stations across the water distribution networks.

The Blue Drop Watch Report, **attached on pages 1 to 524 of the Annexures** focuses on the current condition of drinking water infrastructure and treatment processes from a technical perspective. This report is published prior to the release of the Blue Drop Report 2023 and comprises a technical overview of pipe networks, pump stations, storage, and treatment facilities involved in drinking water supply. The Blue Drop Watch report is not the Blue Drop audit report, but purely an interim report, to keep the public and stakeholders informed on the current status of drinking water, and to provide the regulator with information to enact the appropriate enforcement and rectification interventions.

The Blue Drop Watch Report comprises three (3) Watch Areas:

- 1. Technical Site Assessments (TSA) scores:** Physical appearance of terrains and buildings, raw water abstraction and delivery networks, treatment plants, chemical handling, water processing units, bulk delivery systems, and distribution pump stations and pipe network.
- 2. VROOM:** The Very Rough Order of Measurement provides an estimate of funding required to restore existing treatment infrastructure to its original design capacity and operations, by addressing civil, mechanical, electrical, and instrumentation defects.
- 3. DWQ:** Drinking water quality compliance is measured against the requirements of SANS 241: 2015 and is reported in terms of the microbiological and chemical quality of drinking water (IRIS, 28 March 2023).

An average of 79% was achieved for the 27 systems assessed, which means that infrastructure and processes are partially functional with an average (close to good) performance. Swellendam Municipality scored an average of 68% in this technical assessment. The following process units were inspected and rated according to the % score on the y-axis.



The performance indicator in red, requires urgent intervention. As the Municipality could not chlorinate with gas, a temporary dosing station was used to chlorinate the water supply. The challenges with this approach, born from necessity, were realised and the Municipality budgeted in the 2023/24 financial year to upgrade the chlorination system to the amount of about R1.4 million.

Remedial steps are thus already underway to address this shortcoming.

As part of the technical Site Assessment (TSA) a physical verification was done on the physical site and processes of operation.

The following high/critical risk areas were identified:

1. Standby dosing pump needs to be installed for final chlorination and proper dosing pipework should be installed to dose sodium hypochlorite into the final sump.
2. Chemical dosing and storage areas should be properly refurbished, so that chemical spillages can be contained.
3. A proper sludge storage, handling, and water recycling facility should be installed.
4. A final water meter should be installed so that the treated water outlet can be measured accurately.
5. The sodium hypochlorite inventory on-site should be sufficient for at least 30 days.

In the following table, the physical assessment with explanatory findings to support the above can be found.

Condition Assessment Findings

Watch #	Process Unit Assessed	% TSA	Observations
1	General aspects	66.6	Class B plant, operational logbook in place with detailed daily entries. Maintenance & repairs logbook, O&M manual, and IMP not available. Process flow diagram available but should be displayed.
2	Physical appearance of plant	78.1	Fully fenced, site well kept, except for entrance area and chemical storage. Facilities available for employees. Buildings, mechanical and electrical equipment old, need maintenance and refurbishment. No sign at entrance.
3	Raw water handling		
3.1	Raw water pumpstation/gravity fed	100.0	Abstraction from Grootkloof dam by gravity to pump station. Pumped to works. Duty/standby pumps in working condition. No screen in place.
3.2	Raw water pipeline	100.0	Pipeline in good condition. Installed flow meter and regular recording of flow rates.
3.3	Inlet works and flow splitting	100.0	Single entrance with no splitting. Good flash mixing.
4	Chemical dosing and storage		
4.1	Flocculant (polymer, ferric chloride, alum)	66.6	Alum dosing pumps, duty/standby. Bundling inside building, no bunding outside. No emergency wash area. Alum storage sufficient.
4.2	Alkaline (Lime)	50.0	Soda ash dosed on trial basis. Bags stored off floor. No dust masks available.
4.3	Chlorine (Gas)	33.3	Sodium hypochlorite dosing pump working. No standby pump. No safety signs. Storage <30 days.
5	Flocculation	100.0	Good flocculation unit. Flocs visible at outlet of flocculation unit.
6	Phase separation		
6.1	Clarification (settling)	91.6	Limited floc carry-over. Regular de-sludging taking place. Weir plates corroding, some need to be replaced.
6.2	Sand filtration	70.0	Pressure and slow sand filtration. Backwash pump for pressure filters. No standby. Manual backwashing of pressure filters every 24 hours. Handrails required around slow sand filters. Potential hazard.
7	Disinfection	87.5	>30minutes contact time, free chlorine measurement done at the correct place. Permanent dosing pipework needs to be installed for chlorine dosing.
8	High lift pumpstation	0.0	Water gravitates to command reservoirs. No high lift pumps. No final water flow meter installed.
9	Sludge treatment		
9.1	Thickening in sludge dams	0.0	Clarifier sludge and filter backwash water disposed of in sludge ponds off-site. Not maintained and not emptied. Not acceptable. Proper sludge handling and storage facility required, also to recover excess water.
10	Bulk pipeline from plant to command reservoir	50.0	Pipeline underground. No leaks reported. No valve chamber.
11	Command reservoir	75.0	Fully enclosed concrete command reservoirs, within plant perimeter. Telemetry in place-Remote monitoring. No flow meter to measure final treated water.
12	Booster pumpstation	87.5	Duty/standby booster pump station working. No signage.
	Total	68%	

The Very Rough Order of Measurement (VROOM) is an estimation of the funding required to restore existing treatment infrastructure to its original design capacity and operations, by addressing civil, mechanical, electrical, and instrumentation defects. A singular VROOM cost is determined by assessing 1-2 treatment facilities per municipality and calculated as cost per system. The cost is derived through an algorithm that uses the Blue Drop Inspector's impression of the asset condition, the size and capacity of the asset, and the market/ industry cost indicators. The resultant VROOM cost is an estimation of the cost to repair, refurbish or replace dysfunctional treatment infrastructure. Subsequently, a singular VROOM cost is extrapolated, in relation to the total Blue Drop scores and systems' SIVs, to derive an aggregated VROOM score for all treatment plants in the WSI.

The VROOM costs are summarised as follows, noting these values comprise the cost of repairs of the SINGLE water treatment system assessed, NOT the extrapolated collective cost to repair all the treatment facilities in a WSI.

Swellendam Municipality's VROOM Refurbishment Cost Estimate per one plant can be seen below.

VROOM Refurbishment Cost Estimate

Civil Works	R2,348,500	64%
Mechanical Works	R1,155,000	32%
Electrical Works (Incl C&I)	R160,600	4%
Total VROOM Cost	R3,664,100	100%
R million / MLD		0.61

Drinking Water Quality Status

The Institutional Water Quality Compliance, as measured against SANS 241 standards, is reflected in the table below (IRIS, 28 March 2023).

#	Municipality (WSA)	TSA WSS	TSA WTW	Microbiological Compliance	Chemical Compliance
1	Beaufort West LM	Beaufort West	Beaufort West	>99.90%	99.23%
2	Kannaland LM	Ladismith	Ladismith	92.31%	>99.90%
3	Knysna LM	Knysna and Desal	Knysna	98.44%	91.97%
4	Laingsburg LM	Laingsburg Main Reservoir	Laingsburg Main Reservoir	95.65%	97.78%
5	Mosselbay LM	Mosselbaai/ Grootbrak/ Kleinbrak	Kleinbrak	99.72%	95.09%
6	Oudtshoorn LM	Dysselsdorp	Dysselsdorp	96.04%	88.25%
7	Prince Albert LM	Prince Albert	Prince Albert	94.32%	87.52%
8	Bitou LM	Plettenberg Bay	Plettenberg Bay	>99.90%	>99.90%
9	George LM	George	George New	>99.90%	99.22%
10	Cederberg LM	Citrusdal	Citrusdal	>99.90%	99.73%
11	Hessequa LM	Riversdale	Riversdale	>99.90%	88.12%
12	Langeberg LM	Riversdale/ Ashton	Ashton	92.19%	95.85%
13	Witzenberg LM	Citrusdal/ Ceres	Ceres	>99.90%	95.26%
14	Saldanha Bay LM	Saldanha Bay	Withoogte	97.86%	96.55%
15	Cape Agulhas LM	Bredasdorp	Bredasdorp	>99.90%	94.97%
16	Breede Valley LM	De Koppen (Fairyglen)	De Koppen	94.68%	97.47%
17	Swellendam LM	Swellendam	Swellendam	96.00%	86.29%
18	Matzikama LM	Vredendal	Vredendal	>99.90%	95.67%
19	Stellenbosch LM	Stellenbosch CBD	Paradyskloof	99.22%	96.08%
20	Bergvliet LM	Piketberg	Piketberg	90.29%	93.52%
21	City of Cape Town MM	Cape Town	Faure	99.69%	99.33%
22	City of Cape Town MM	Cape Town	Steenbras	99.69%	99.33%
23	Drakenstein LM	Drakenstein (Paarl Mountain & Cape Town)	Welvanpas	98.73%	96.65%
24	Theewaterskloof LM	Caledon	Ruensveld West	>99.90%	91.65%
25	Overstrand LM	Greater Hermanus	Preekstoel	98.53%	99.68%
26	Theewaterskloof LM	Grabouw	Grabouw	>99.90%	88.05%
27	Swartland LM	Swartland	Swartland	98.25%	97.39%

The TSA and water quality results depict a different picture. The TSA shows 27 of the 27 (100%) water supply systems to be in the excellent to the average performance category, and the water quality compliance shows that 29-59% of the systems fail to produce compliant final water quality. Swellendam Municipality had a score of 96% for microbiological compliance and a score of 86.29% on chemical compliance.

DISCUSSION

The Swellendam water system is relatively old, and some infrastructure needs refurbishment and maintenance. Except for the site entrance and the chemical storage and dosing area, the site is neat and well-kept.

The overall impression is that the staff are competent and dedicated.

Safety is lacking in some areas; specifically, there are no handrails surrounding the slow sand filters and there is no proper signage in the sodium hypochlorite area. The final chlorination with sodium hypochlorite is not up to standard and this needs to be rectified.

The Municipality needs to install a proper sludge storage and handling facility; the existing facility is not in accordance with environmental regulations.

Although a process audit document is available, there is no proof of defined actions or implementation of recommendations. This is important to improve the quality of operation.

The Municipality is encouraged to prepare a WaSP and IMPs as a matter of urgency.

The non-compliance to SANS 241 with microbiological compliance poses a significant risk to community health in the WSA area of responsibility. The regulator notes the following drinking water quality, which does not meet the SANS 241:2015 drinking water standards. The Institutional Water Quality Compliance as of 29 March 2023 is:

	Colour	Status	Percentage
Microbiological Compliance	96.00%	Bad	<95%
Chemical Compliance	86.29%	Poor	95-97%
		Good	97-99%
		Excellent	>99%

The Blue Drop Watch results stress the importance of drinking water supply and quality to be a primary focus area of government. Already, the Department has developed the Water Services Improvement Programme for systems in a critical state, and for systems where particular concerns were reported.

Blue Drop performance trends will be used to determine repetitive poor performance and to inform a radical approach to ensure turnaround and compliance. This could include facilitating long-term intervention by either a capacitated water board or any other suitable mode of water services support. The determination of the 'very rough order of estimates' (VROOM) was done to give an estimation of the capital requirement for the functionality restoration drive.

This will be affected with the support from the National Treasury. Below is a color-coded performance comparison of Swellendam Municipality's performance in terms of its water service performance in relation to other municipalities in the Western Cape.

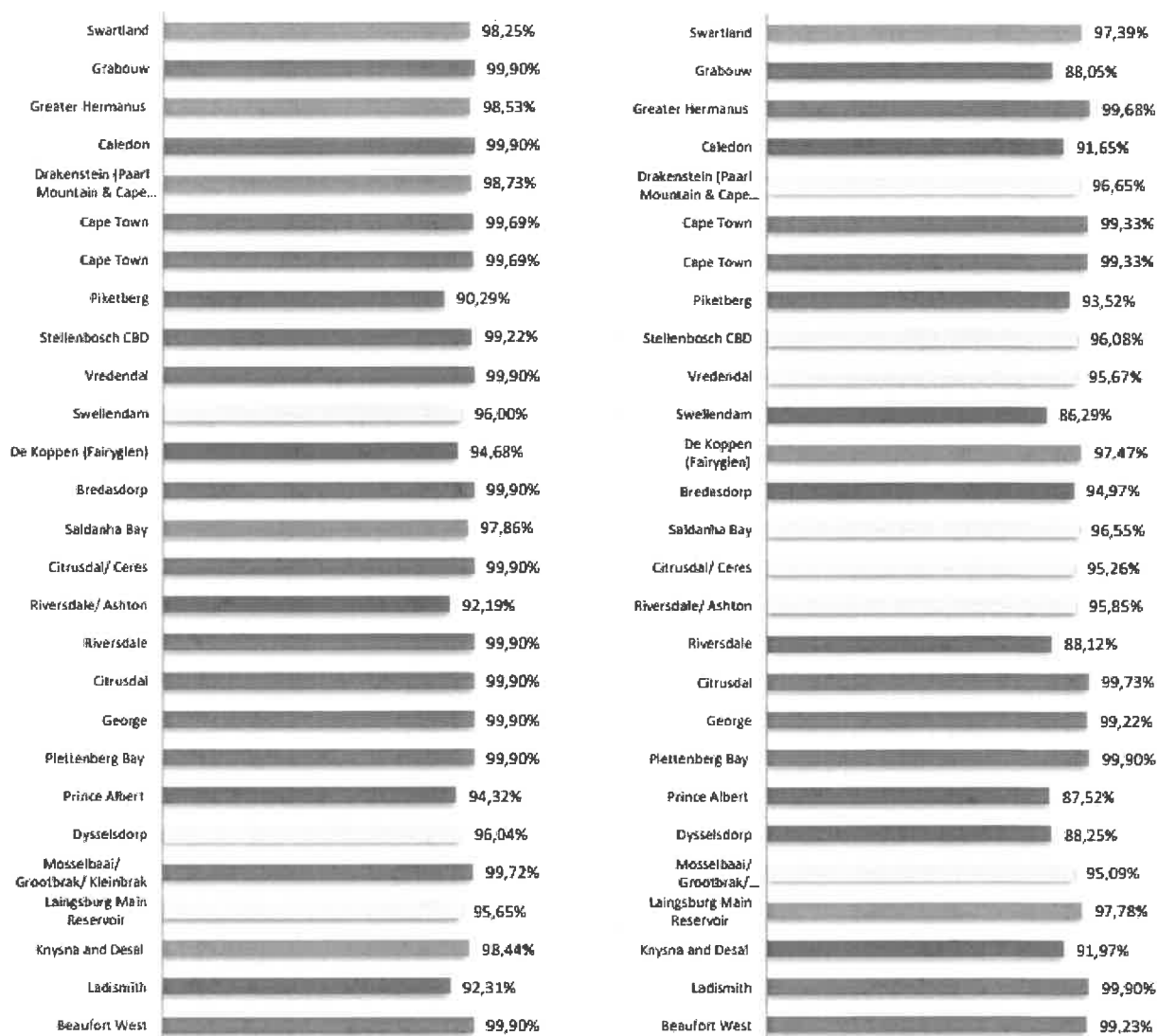


Figure 48 - WC Drinking Water Quality Status of all the TSA Water Supply Systems

Colour	Status	Percentage
Dark Grey	Bad	<95%
Light Grey	Poor	95-97%
Medium Grey	Good	97-99%
Dark Grey	Excellent	>99%

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa No. 108 of 1996
 Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
 Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)
 The Water Services Act, Act 108 of 1997
 Applicable SANS standards

FINANCIAL IMPLICATIONS

The Municipality budgeted an amount of R1.4 million in the 2023/24 financial year to upgrade the chlorination system at the Water Treatment Works in Swellendam.

PERSONNEL IMPLICATIONS

Training for water process controllers is to be provided.
SOP's to be developed.

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

Water and Waste Water Management cannot be compromised and the management of these critical services must be closely monitored and managed. There is a marked improvement in the performance of the previous year, but there is still ample room for improvement.

This item served on the Infrastructure Services Portfolio Committee meeting held on Monday, 12 June 2023.

RECOMMENDED TO MAYCO

1. that the report be noted by Council with a vote of thanks to the staff for the improvement in the performance results.
2. that the Municipality prioritise the improvement of the chlorination systems and improve the microbiological and chemical monitoring of the water.
3. that a final water meter should be installed so that the treated water outlet can be measured accurately.
4. that the corrective actions identified, be addressed, subject to available budget.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the current watch report was not the final report as many of the interventions have already been done, however, the report has not been updated. He said that the municipality was not yet where it wanted to be, but thanked the Administration for all the work that has already been done. He added that the amount added to the budget for the chlorination of water and sewerage will help to improve the outcome of the final report which will be issued during August/September 2023.

The Executive Mayor said that it was important that the background and context of the report be explained to the public in order to understand why the specific scores were issued.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in support of the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that the report be noted by Council with a vote of thanks to the staff for the improvement in the performance results.
2. that the Municipality prioritise the improvement of the chlorination systems and improve the microbiological and chemical monitoring of the water.
3. that a final water meter should be installed so that the treated water outlet can be measured accurately.
4. that the corrective actions identified, be addressed, subject to available budget.

10.1.2

Item number A85. 21.06.2023

GREEN DROP WATCH REPORT

Report of the Municipal Manager: Mrs. A. Vorster

Department	Office of the Municipal Manager
Section	Office of the Municipal Manager
File number	1/1/2

PURPOSE OF REPORT

To provide an update on an assessment of Swellendam Municipality's performance as per the Green Drop Watch reports as per an interim report drafted by the Department of Water and Sanitation. The final report will be published in July 2023.

FACTS AND BACKGROUND

The Green Drop Watch Report is a special interim report that gives expression to government's intent to monitor and publish the status of "turnaround" one year after the identification of 334 critical wastewater systems in the Green Drop report of April 2022. This report draws attention to the status and quality of corrective action plans, taken by the local authorities responsible for critical systems. As an interim report leading to the 2023 GDPAT report and 2024 Green Drop audit, the Watch Report seeks to keep the public and stakeholders updated and informed on the progress (or lack thereof) made by municipalities to remedy failing and dysfunctional wastewater infrastructure and compliance.

The Green Drop Watch Report comprises three (3) Watch Areas using the Green Drop 2022 results as baseline.

Area 1: Planning: This deals with system-specific Corrective Action Plans to improve on the 2022 Green Drop scores.

Area 2: Implementation: This deals with securing water services grants, funding, and appropriate resources to implement the Corrective Action Plans.

Area 3: Intervention: This deals with the status and types of interventions by the Department of Water and Sanitation.

The Green Drop regulation programme was launched as a systematic and programmatic approach to identify and develop the core competencies that, if strengthened, would gradually and sustainably improve the standard of wastewater management in South Africa. By adopting the PDCA (Planning, Doing, Checking, and Acting) concept of continuous improvement through standardisation, each Green Drop audit cycle is based on a set of audit criteria that are stricter than the previous cycle requirements, thereby ensuring a positive push for betterment and improvement in wastewater management. The audit process also provides for a "consultative audit process" that seeks to transfer skills and empower those responsible for wastewater management to deliver according to the set standards. It is a transparent process, with clearly

defined criteria that is geared to protect consumers from potentially unsustainable and unsafe services, as well as protecting the country's water resources. In the spirit of cooperative governance, the Green Drop audit criteria are continuously being redesigned and updated to complement the efforts of other government and stakeholder programs. The portfolio of evidence (PoE) provided by WSI provides essential information to inform planning by sectoral partners, with the universal objective of achieving functional wastewater systems in the short term and excellence in wastewater management in the longer term. The ultimate goal of the Green Drop is to inspire a path that brings about sustainable and compliant wastewater services through competent people, disciplined thought, and collective action, which can be measured and reported to South African citizens every year. The Green Drop process upholds scientific principles and is founded in its ability to measure and report performance that reflects the functionality and status of the wastewater systems.

The scoring legends are as follows.

	≥95-100%	Ideal performance and full functional infrastructure and processes (Excellent)
	≥80-<95%	Fully functional infrastructure and processes, with minor corrections to be made (Good)
	≥50-<80%	Partially functional infrastructure and processes, and average performance (Average/ Moderate)
	≥31-<50%	Partial functionality and unsatisfactory performance, with major corrections to be made (Poor)
	0-<31%	Dysfunctional and unsatisfactory performance, with major corrections to be made (Critical)

Coupled to the Green Drop score, a risk score (%CRR/CRR_{max} Deviation) is calculated to indicate the Cumulative Risk Rating of a wastewater treatment works. Whereas the Green Drop score indicate the performance of the *entire wastewater service*, the CRR risk score focus specifically on the *wastewater treatment plant* and its associated risk. The CRR scoring legends are as following:

%CRR/CRR_{max} Deviation	90 – 100% Critical Risk WWTW's	
	70 - 90% High Risk WWTW's	
	50-70% Medium Risk WWTW's	
	Less 50% Low Risk WWTW's	

Typically, a low Green Drop score will have a matching high CRR score and will guide the responsible authority and associated stakeholders to specific defective areas that require intervention and corrective action.

The Green Drop Watch Report is therefore NOT a Green Drop audit report. It is a special interim report that gives expression to the leadership's intent to monitor and publish the status of "turnaround" one year after the identification of 334 critical wastewater systems in April 2022. This report draws attention to the corrective action plans (or lack thereof) taken by the local authorities responsible for critical systems, and who were placed under regulatory surveillance.

The Watch Report provides feedback on the current status of corrective action plans (CAPs), as well as the resources availed by the WSAs to ensure the implementation of the CAPs. As part of the one-year due diligence, follow-up inspections were also conducted by DWS at some of the wastewater treatment facilities associated with the critical Green Drop scores. The Watch report covers feedback on the findings of such follow-up inspections and the status of the funds that were required to be ringfenced to support the implementation of the refurbishment and restoration of plant capacity and functionality. The structure of the GD Watch Report is outlined below, starting with a baseline for context, followed by three Watch Areas (Planning, Implementation, and Intervention).

BASELINE:

- Details of the municipality and wastewater systems in a critical state in 2022
- Municipal and System Green Drop score

- TSA score
- VROOM amount reported for the municipality to restore functionality.

DISCUSSION

Swellendam Municipality was identified to have the following wastewater treatment systems in a critical state and was advised by the Regulator to issue Corrective Action Plans (CAPs) and ringfenced grant allocation to the identified systems. The following results were found following an analysis of the CAPs and funds as submitted by the WSA during the period 1 April 2022 to 31 March 2023.

WSI Name	WSI 2021 GD Score	WSI TSA Score	Total VROOM Cost	WWTW Names (<31% score)	WWTW 2021 GD Score
Swellendam LM	30%	54%	R3,917,000	Buffelsjagsrivier	29.6%
				Barrydale	22.7%
				Klipperivier	30.5%

Watch Area 1: PLANNING - Corrective Action Plan to improve on the Green Drop Scores

WSI Name	WWTW Name	Compliance Letters Issued	WSA Requested Support to develop the CAP	DWS Schedule Engagement WSIs	# CAPs recd by DWS	Date of CAPs receipt by DWS	CAP Implementation Status: Progress @ 31 March 2022	Quality of CAP
Swellendam LM	Buffelsjagsrivier	Yes	No	No	1	Yes, 16/08/22	>50% implemented	Good
	Barrydale	Yes	No	No	1		<50% implemented	Good
	Klipperivier	Yes	No	No	1		>50% implemented	Good

Watch Area 2: IMPLEMENTATION - Securing of water services grants, funding, and appropriate resources to implement the CAP

WSI Name	WWTW Name	CAP implementation Monitoring	KPA Areas Targeted via CAP	Resources Secured/ Mobilised for CAP implementation, i.e. Turnaround of <31% GD % TSA
Swellendam LM	Buffelsjagsrivier	Yes	KPA A: Capacity Management (15%) KPA D: Technical Management (20%) KPA E: Effluent & Sludge Compliance (30%)	Municipal budget allocated External resources contracted Grant funding rerouted
	Barrydale	Yes	KPA A: Capacity Management (15%) KPA D: Technical Management (20%) KPA E: Effluent & Sludge Compliance (30%)	Municipal budget allocated External resources contracted
	Klipperivier	Yes	KPA A: Capacity Management (15%) KPA D: Technical Management (20%) KPA E: Effluent & Sludge Compliance (30%)	Municipal budget allocated External resources contracted Grant funding rerouted Internal competent persons appointed

Watch Area 3: INTERVENTION – Status and types of interventions by DWS

WSI Name	WWTW Names	Regulator's Compliance Monitoring and Enforcement Status	Action to follow and other comment
Swellendam LM	Buffelsjagsrivier	No non-compliance cases reported Issued NWA Notice (Pre-directive)	The anaerobic sludge ponds were mechanically cleaned as recommended on inspection dated February 2022
	Barrydale	No non-compliance cases reported Issued NWA Directive	No progress, the action plan lacked details relating to this plant due to lack of funding
	Klipperivier	No non-compliance cases reported Issued NWA Directive	Inspections undertaken on February 2022 noted a number of activities implemented, cable installations, all three pump stations fixed, operational logbooks & O&M Manuals are in place, degritter and drum screen repaired etc. IRIS training in August 2022 and data availability on IRIS noted.

The Department will continuously monitor the implementation of the corrective action plans through the Water Services Improvement Programme. Further necessary enforcement action will be taken to ensure compliance with regulatory requirements. This will improve the quality of wastewater discharged into the scarce water resources.

The Green Drop Report is attached on pages 525 to 690 of the Annexures.

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa No. 108 of 1996
Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) 2.5 Local Government:
Municipal Systems Act, 2000 (Act No. 32 of 2000)
The Water Services Act, Act 108 of 1997
Applicable SANS standards

FINANCIAL IMPLICATIONS

The Municipality budgeted an amount of R3 million in the 2023/24 financial year to upgrade the N2 Waste Water Treatment Works in Swellendam.

PERSONNEL IMPLICATIONS

Training for waste water process controllers is to be provided.
SOP's to be developed.

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

Water and Waste Water Management cannot be compromised and the management of these critical services must be closely monitored and managed. There is a marked improvement in the performance of the previous year, but there is still ample room for improvement.

This item served on the Infrastructure Services Portfolio Committee meeting held on Monday, 12 June 2023.

RECOMMENDED TO MAYCO

1. that the report be noted by Council with a vote of thanks to the staff for the improvement in the performance results.

2. that the corrective actions identified, be addressed, subject to available budget.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand shared that the Green Drop Watch Report consisted of information that was incorrectly captured and asked that the information be corrected and updated in the report. He said that the report indicated that grant funding was rerouted in watch area 2 and asked that the information be confirmed and corrected as he was not aware of any funding that was rerouted to any other project.

The Executive Mayor asked that the Infrastructure Services Department should make sure that the information provided was the correct information and that the interventions done were updated in order to get the correct results and a true reflection of the current affairs for the final report.

He added that while the focus was on water and sanitation in municipalities of the Western Cape, the municipality should make sure that water and sanitation was in compliance with legislation.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in support of the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that the report be noted by Council with a vote of thanks to the staff for the improvement in the performance results.
2. that the corrective actions identified, be addressed, subject to available budget.

10.1.3

Item number A86. 21.06.2023

SSEG POLICY AND APPLICATION GUIDELINES

Senior Manager: Technical Services

W Treurnicht

Department

Technical Services

Section

Electricity Services

File number

16/2/B

PURPOSE OF REPORT

To consider the draft SSEG Policy and application guidelines for Small Scale Energy Generation for approval by Council.

FACTS AND BACKGROUND

Due to increases in the price of electricity from the national grid and a steady decline in the price of decentralised generation options such as solar PV small-scale embedded generation (e.g. 'rooftop' type systems), decentralised generators are becoming financially more attractive in South Africa. Increasingly such systems are being installed by businesses and residences. It is therefore important that approval procedures and standards are established by municipal distributors to regularise this fast changing situation.

Municipal distributors are legally obliged to ensure that distribution grid power quality is maintained and safety standards are upheld to protect municipal staff working on the network, to protect the public in general, and to protect municipal infrastructure. Also, the potential revenue impact of accelerating EG installations needs to be managed. This requires that specific EG tariffs are introduced.

Municipalities are obliged to provide open and non-discriminatory access to embedded generators according to the Distribution Code, and also are moving to embrace low-carbon energy and green economic growth opportunities. Municipalities play a vital role in facilitating the growth of the EG market. A user-friendly framework around installation application and approval is important in this regard. Such a framework will also minimise systems being installed without permission, thereby potentially not meeting required safety and quality standards.

This document outlines the municipal requirements and processes for prospective EG installations to connect to the municipal electrical network such that the above factors are balanced. The focus is on SSEG, although broad guidance is provided for larger generators.

Find **documents attached on pages 691 to 770 of the Annexures.**

The policy and processes were advertised for public participation. A public workshop was held in Barrydale and Swellendam, with no one pitching in Swellendam. The workshops solicited no input, but just questions for clarification.

DISCUSSION

The rolling blackouts recently intensified, with Eskom battling to keep the lights on as a result of a lack of generating capacity due to repeated breakdowns among other problems. It's been escalated to stage 6 on several occasions and stages 5 and 6 have become the norm, rather than the anomaly.

With NERSA granting Eskom a 18.65% tariff increase for the 2023/24 financial year, and another 12.74% increase for the next financial year, municipalities and consumers faced a price hike of more than 650% since 2007. The tariff increase, coupled with the unpredictable and excessive loadshedding, sparked a decisive move from consumers to renewable energy for their homes and businesses.

The above move necessitated a Small-Scale Energy Policy, procedures and guidelines to ensure that the installation and use is safe for the individual, but also the electrical network of the Municipality.

As a result, the Municipality engaged with role players within the sector and developed a SSEG policy, guidelines, and applications for Swellendam Municipality as per the attached Addendum.

What is important to note is the following:

The Municipality's Electricity Supply By-Law (as promulgated) and national regulations state that no electrical generation equipment may be connected to the municipal electrical network without the express consent of the Municipal Electricity Distributor.

Failure to obtain this consent constitutes an offense that could lead to a fine and/or imprisonment. Furthermore, the installation may also be in contravention of the Occupational Health and Safety Act (1993), for which punitive sanctions also apply.

Customers found to have illegally connected an SSEG installation to the municipal electrical network (either before or after their electricity meter) shall be instructed to have the installation disconnected from the municipal electrical network. Should the customer fail to have the SSEG disconnected from the municipal electrical network, the Municipality will disconnect the electricity supply to the property.

In cases where unauthorised reverse feed-in takes place which results in the meter reversing to the benefit of the customer, the municipality may institute action to recover lost revenue and relevant punitive fines will be applicable.

No exemption from any of the Municipality's requirements shall be granted for "retrospective applications". This will have a significant impact on the existing SSEG installations and should be carefully considered in the implementation of the Policy.

As no input were received on the proposed policy and procedures, the policy and procedures are tabled to Council for approval.

LEGAL IMPLICATIONS

The following legislation applies:

RSA Constitution, 1996

Local Government: Municipal Structures Act, No. 117 of 1998

Local Government: Municipal Systems Act, No 32 of 2000

Electricity Regulation Act, (Act No. 4 of 2006)

National Energy Regulator Act, (Act No. 4 of 2004)

South African Renewable Power Plant Grid Code (although the NRS 097-2 series cover most issues relevant to SSEG)

NRS 048: Electricity Supply – Quality of Supply

SANS 10142-1, including SANS 10142-1-2: The wiring of premises (as amended and published)

SANS 474 / NRS 057: Code of Practice for Electricity Metering

Swellendam Municipality Electricity Supply by-law

Electrical Installation Regulations, 2009

Occupation Health and Safety Act (Act 85 of 1993)

Magistrate's Court Act No 32 of 1944

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

As per report.

Municipal Manager

A workshop to be arranged internally amongst staff ; a workshop with Councillors as well as a workshop option for the general public should be considered.

This item served on the Infrastructure Services Portfolio Committee meeting held on Monday, 12 June 2023.

RECOMMENDED TO MAYCO

1. that the SSEG policy, procedures, guidelines, and application forms as attached **on pages 691 to 770 of the Annexures** be approved for implementation as of 1 July 2023.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the municipality should ensure that the connections to the network be done correctly, that the network was stable enough and that the employees were safe in working on the network.

The Senior Manager Civil Engineering Services, Mr W. Treurnicht added that it would never be a benefit to the municipality if the public decided to put up solar panels unless the municipality took the client's surplus electricity when they install the system and feed into the grid.

Mr Treurnicht explained that the electricity by-law already existed prior to the implementation of this policy and that no person was allowed to connect to the municipal network without permission to do so.

The Director of Financial Services, Ms E. Wasserman, suggested that the recommendation be amended and another point added indicating:

- that the policy will be implemented from 1 July 2023, however, clients will not be able to feed into the grid due to the municipality having to install the necessary system to do so which will lead to a 6-month transition period.
- that the transition period will be publicized.

Mr Treurnicht added that there should be a grace period of 12-months for the systems which was already installed to also get registered.

The Municipal Manager, Ms A. Vorster suggested the following amendment to the recommendation:

1. that the SSEG policy, procedures, guidelines, and application forms as attached on pages 691 to 770 of the Annexures be approved for implementation as of 1 July 2023, subject to a transitional implementation period of 12-months.
2. that a grace period of 12-months will apply for the registration of systems installed prior to 1 July 2023.

The Executive Mayor, Councillor H.F. Du Rand confirmed that the Committee was in support of the recommendation as suggested by the Municipal Manager, Mrs A. Vorster as follows:

RECOMMENDED TO COUNCIL

1. that the SSEG policy, procedures, guidelines, and application forms as attached on pages **691 to 770 of the Annexures** be approved for implementation as of 1 July 2023, subject to a transitional implementation period of 12-months.
2. that a grace period of 12-months will apply for the registration of systems installed prior to 1 July 2023.

10.1.4

Item number A87. 21.06.2023

TRAFFIC AND LAW ENFORCEMENT

Report of the Director Community Services: Mr. K.D. Stuurman

Department Community Services

Section Traffic Department

File number 16/3/R

PURPOSE OF THE REPORT

To inform Council of the residents in Baker Street's request for a one-way route.

FACTS AND BACKGROUND

Baker Street is a very narrow street and runs parallel to Voortrek Street from Van Imhoff Street to Andrew Whyte Street. There is no properly defined sidewalk and cars park on both sides of the street, blocking the road for the easy flow of vehicular traffic.

DISCUSSION

Baker Street hosts many businesses and client's curb-side parking creates problems for residents and vehicular traffic using this road. The residents along Baker Street's driveways and thoroughfares are constantly blocked.

The best way of resolving this matter would be to change Baker Street to a one-way from Van Imhoff Street to Andrew Whyte Street and mark all the entrances as no-parking spots and enforce the traffic violence.

LEGAL IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

Council will have to advertise its intentions and call for any inputs from the residence in the Street.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

A proper public participation process must be followed. The proposed changes will alleviate the pressure on Van Imhoff Street and the Van Imhoff, Voortrek junction.

This item served on the Community Services and Housing Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that Council in principle change Baker Street into a one-way street with an entrance from Van Imhoff Street, subject to a public participation process.
2. that Council's intention be advertised for public comment.

The Executive Mayor, Councillor H.F. Du Rand mentioned that the road surface of Baker Street had a lot of potholes and was in dire need of maintenance and asked that the road be fixed to be usable for the residents who lives there.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in support of the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that Council in principle change Baker Street into a one-way street with an entrance from Van Imhoff Street, subject to a public participation process.
2. that Council's intention be advertised for public comment.

10.1.5

Item number A88. 21.06.2023

REPORT ON: FIXED-TERM CONTRACTS AND APPOINTMENTS POLICY

Report of the Municipal Manager: Mrs. A. Vorster

Department	Corporate Services
Section	Human Resources
File number	4/3/B

PURPOSE OF REPORT

To obtain in-principle approval for a Fixed-Term Contracts and Appointments Policy for implementation in Swellendam Municipality.

FACTS AND BACKGROUND

The purpose of this policy is to strengthen the Swellendam Municipality's ability to deliver effective and quality services, to recruit contract / temporary staff if and when required, based on organisational requirements; to ensure that we treat staff on fixed-term contracts fairly; and to ensure good practice in terms of labour legislation and its associated principles.

DISCUSSION

This policy is applicable to all employment contracts of a fixed-term and / or temporary nature. In order to determine whether an employment contract should be for a fixed-term, temporary or permanent nature, the position must entail one or more of the following criteria:

- A once-off specific project with specified start and end dates,
- If the end date cannot be specified in advance, a clear definable completion point to the project;
- The replacement of permanent staff on authorised leave or secondment for a specified period of time;
- Temporary replacement where a permanent post is under advertisement for a specified period of time;
- A limited internship with clearly documented objectives.

This Policy is not applicable to:

- Interns who are appointed in roles linked to their studentship or in-service learning experience,
- Staff who work less than 20 hours a week and who are remunerated on an hourly or daily basis,
- Staff appointed on an ad-hoc basis to undertake EPWP projects,

- Senior staff appointed on contracts individually approved by Council.

LEGAL IMPLICATIONS

Basic Conditions of Employment Act (BCEA)

FINANCIAL IMPLICATIONS

Employees on Fixed-Term contracts shall be remunerated out of the Budget of Swellendam Municipality.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that Council in-principle approve the Fixed-Term Contracts and Appointments Policy for implementation by Swellendam Municipality **as attached on pages 771 to 774 of the Annexures.**

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the municipality will be budgeting for fixed term contracts subject to available funds.

The Executive Mayor, Councillor H.F. Du Rand proposed that the recommendation from the Mayoral Committee to Council be amended to read as follows:

1. that Council approves the Fixed-Term Contracts and Appointments Policy for implementation by Swellendam Municipality **as attached on pages 771 to 774 of the Annexures.**

RECOMMENDED TO COUNCIL

1. that Council approves the Fixed-Term Contracts and Appointments Policy for implementation by Swellendam Municipality **as attached on pages 771 to 774 of the Annexures.**

10.1.6

Item number A89. 21.06.2023

REPORT ON: INTERNSHIPS AT SWELLENDAM MUNICIPALITY POLICY

Report of the Municipal Manager: Mrs. A. Vorster

Department	Corporate Services
Section	Human Resources
File number	4/3/B

PURPOSE OF REPORT

To obtain in-principle approval for a Internships Policy for implementation in Swellendam Municipality.

FACTS AND BACKGROUND

An internship is a planned, structured, and managed programme that provides work experience for an agreed period of time. The purpose of this policy is to provide guidelines and empower various environments at Swellendam Municipality to effectively manage internship programmes.

DISCUSSION

The purpose of this policy is:

- To develop a potential pool of qualified candidates for future Swellendam Municipality appointments,
- To create an opportunity for students who are finished and / or busy completing their studies,
- To address the general shortage of qualified and skilled people in the workforce,
- To provide unemployed school leavers / diplomats / graduates with valuable work experience and skills

Sourcing and recruitment of interns should follow Swellendam Municipality's normal processes. Vacancies for internships should be advertised locally as far as possible.

Types of Internships include:

- Graduate internships offered to persons who have completed a qualification,
- Student internships offered to students or persons enrolled at a tertiary education institution like TVET Colleges or Universities of Technology, the period shall be stipulated by the TVET College or University of Technology but should not exceed 3 years.
- Internships required for registration with professional bodies or councils.
- Internships offered by national government departments or national treasury to build knowledge or skill capacity in certain functional areas.

- Internships funded by SETA's.
- Internships created by directorates / departments of Swellendam Municipality.
- Internships created by Swellendam Municipality as part of LED- initiatives.

LEGAL IMPLICATIONS

Basic Conditions of Employment Act (BCEA)
Labour Relations Act (LRA)

FINANCIAL IMPLICATIONS

Employees on Internships shall be remunerated out of the Budget of Swellendam Municipality / the relevant industry funds / SETA funds or National Government funds.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that Council in-principle approve an Internships Policy for implementation by Swellendam Municipality **as attached on pages 775 to 779 of the Annexures.**

The Executive Mayor said that the municipality was relying a lot on SETA funds for Internships and thanked the HR Department for their role in securing the funds to have interns at the municipality.

The Executive Mayor, Councillor H.F. Du Rand proposed that the recommendation from the Mayoral Committee to Council be amended to read as follows:

1. that Council approves an Internships Policy for implementation by Swellendam Municipality **as attached on pages 775 to 779 of the Annexures.**

RECOMMENDEN TO COUNCIL

1. that Council approves an Internships Policy for implementation by Swellendam Municipality **as attached on pages 775 to 779 of the Annexures.**

10.1.7

Item number A90. 21.06.2023

REPORT ON: POLICY TO MANAGE REQUESTS FOR NOTCH INCREASES AND ONCE-OFF CASH COMPENSATION FOR UNRELATED AND ADDITIONAL DUTIES AND FUNCTIONS

Report of the Municipal Manager: Mrs. A. Vorster

Department	Corporate Services
Section	Human Resources
File number	4/5/1

PURPOSE OF REPORT

To obtain in-principle approval for a policy to Manage Requests for Notch Increases and Once-Off Cash Compensation for Unrelated and Additional Duties and Functions in Swellendam Municipality. To attract, retain, motivate and reward high-caliber employees and aims to encourage high levels of performance that are sustainable and aligned with the strategic direction and specific value drivers of the municipality.

FACTS AND BACKGROUND

This policy is drafted for the organisational needs of Swellendam Municipality and it should be noted that the remuneration arrangements of collective bargaining processes at the South African Local Government Bargaining Council (SALGBC) are not governed by this policy.

The Municipal Manager as the Accounting Officer is in terms of the Local Government Municipal Systems Act responsible for the development of the staff establishment of the municipality. The municipal manager, in terms of his legislative mandate, must submit the organogram to council, after all the internal processes have been followed, for consideration and approval.

DISCUSSION

Currently there is no mechanism that allows the Accounting Officer, Senior Management to consider additional notch increases and / or any other form of additional compensation.

The purpose of this policy is:

- To consider notch increases and once-off cash payments over and above the remuneration to employees as determined by collective bargaining processes at the South African Local Government Bargaining Council (SALGBC)
- To consider compensation for employees who perform work unrelated and distinctly separate from their primary job focus and purpose.
- To determine the process the municipal manager / senior management must adhere to in order to consider notch increases and / or compensation,
- To facilitate the implementation of such notch increase / compensation outcomes.

LEGAL IMPLICATIONS

Basic Conditions of Employment Act (BCEA)
Labour Relations Act (LRA)

FINANCIAL IMPLICATIONS

Remuneration subject to available budget.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO COUNCIL

1. that Council in-principle approves a policy to manage requests for notch increases and once-off cash compensation for unrelated and additional duties and functions in Swellendam Municipality **as attached on pages 780 to 783 of the Annexures.**

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand shared that he was in support of the policy as he was of the opinion that if employees were paid for their worth and what they were doing outside the scope of their work, they tended to do more and stay longer.

The Municipal Manager, Mrs A. Vorster added that the policy excludes Senior Managers. She said that compensation would have to be motivated by the department heads and that the accounting officer has the delegation to approve the payments in terms of the policy.

The Executive Mayor, Councillor H.F. Du Rand proposed that the recommendation from the Mayoral Committee to Council be amended to read as follows:

1. that Council approves a policy to manage requests for notch increases and once-off cash compensation for unrelated and additional duties and functions in Swellendam Municipality **as attached on pages 780 to 783 of the Annexures.**

RECOMMENDED TO COUNCIL

1. that Council approves a policy to manage requests for notch increases and once-off cash compensation for unrelated and additional duties and functions in Swellendam Municipality **as attached on pages 780 to 783 of the Annexures.**

10.1.8

Item number A91. 21.06.2023

REPORT ON OCCUPATIONAL HEALTH AND SAFETY ACTIVITIES 2022/2023

Report by the Manager Human Resources: Mr P. Le Roux

Department Corporate Services

Section Human Resources

File number 17/1/R

PURPOSE OF THE REPORT

The purpose of the report is to inform Council about the current activities in respect of Occupational Health and Safety for the 2022/2023 financial year.

Introduction

Occupational Health and Safety is a function of the Human Resources Section within the Directorate of Corporate Services. The function is managed by the Senior HR Practitioner who is also responsible for Employee Wellness and Labour Relations and is assisted by a Human Resources Administrator. Swellendam Municipality does not have a dedicated Occupational Health and Safety Officer on the staff establishment.

FACTS AND BACKGROUND

Current Activities within Occupational Health and Safety

Occupational Health and Safety Induction

All newly appointed staff and EPWP workers receive induction on this subject and current staff on a continuous basis. The induction entails the Occupational Health & Safety policy of Swellendam Municipality, Injuries on Duty and Responsibilities of the different role players, and the issuing and use of PPE.

Injuries on Duty

All Injuries on Duty must immediately be reported at HR. HR issues the staff member with a WCL2 form that confirms the staff member is an employee of the Municipality and confirms that the injury took place in the workplace. HR receives the medical reports from the hospital and processes them on the website of the Department of Labour to ensure payments of accounts and keeps a record of all further treatment, and medical records, and monitors the leave due to IOD. Statistics of all injuries on duty from July 2022 until April 2023 are attached to this report. Statistics indicate a low percentage of injuries

on duty and are an indication of good OH&S practices. All injuries on duty must be registered on the Compeasy System and must be reported within 7 days.

Election, Training, and Induction of Occupational Health and Safety Representatives

HR ensures that all sections of the municipality elect an OH&S representative who assists with the monitoring and reporting of OH&S activities in the workplace. Training is provided to the OH&S representatives so they can have a clear understanding of what their duties and functions are. Training that was provided included Health and Safety Training for Supervisors and Managers for 25 employees on 22 June 2022 and First Aid Level 2 Training for 26 employees on 13 – 15 February 2022. Firefighting Level 1 training took place on 31 March 2022 and certificates are valid until 31 March 2024.

Quarterly Occupational Health & Safety Meetings and Reports

Scheduled quarterly OH&S meetings with the workplace representatives and managers of sections are coordinated by HR and the meetings are currently chaired by the Senior HR Practitioner. The workplace representatives complete quarterly OH&S inspection reports and submit this to HR for discussion at the quarterly meetings for further reporting and control. Quarterly meetings took place on 23 June 2022, 23 September 2022, 05 December 2022, and 31 March 2023.

Reporting at Local Labour Forum / Reporting to Municipal Manager

Local Labour Forum Meetings take place on a monthly basis and HR reports on all OH&S activities and challenges and further reports to the Municipal Manager on items that need her attention and/or intervention.

Fire Prevention Equipment

HR is responsible to ensure for adequate fire control equipment at all municipal buildings and ensuring that the appointed service provider service all the equipment regularly for safe use when needed. Fire Extinguishers and Fire Hoses are serviced on an annual basis. All Fire equipment's service dates are up to date and safe to use in the case of a fire. a new service provider, Firewire System Solutions, was appointed on a 3-year tender to service all fire extinguishing equipment of Swellendam Municipality. The whole of Swellendam Municipality's fire extinguishing equipment was serviced during March 2023.

First Aid

HR is responsible to ensure first aid points are available to all staff in the various municipal buildings and that first aiders are trained. First Aid boxes in municipal buildings and vehicles are filled up and purchased on a regular basis as the need arises. First Aid Level 2 Training for 26 employees took place on 13 – 15 February 2023.

COVID19 Measures

Since the outbreak of the COVID-19 pandemic, HR implemented a plan with measures to contain the spread of the virus and is responsible for continuously monitoring compliance with the plan. The

necessary PPE is procured and provided to all staff members. Additional items like COVID screens, paper towel holders, soap dispensers, and sanitizing holders were installed and placed at all buildings and masks are available at the stores to ensure the safety of staff members.

Decontamination and sanitizing of buildings in cases of diseases

A Service provider was appointed for the decontamination of buildings in the case of diseases. The service provider decontaminates our buildings when the need arises.

Pest Control

HR is responsible for pest control at all buildings of the municipality. All reports of possible pest outbreaks are reported to HR who then arrange with the service provider for the necessary pest control treatment. Buildings that were treated for pests are the Traffic Department Building in September 2022, Swellendam Municipality Head Office Building in November 2022, and the Municipal Yard in April 2023.

Alcohol and Drug Abuse

Staff members who are suspected to be alcohol and drug abusers are reported to HR for further action/treatment as they are a safety risk in the workplace. HR refers some cases to Social Auxiliary workers or support groups for assistance.

Hepatitis B Vaccination (Twinrix)

All staff who are at risk due to the nature of their work receive the Hepatitis B vaccination. HR is responsible for seeing that the relevant staff receives the vaccination and keeps a record thereof. Twinrix Vaccines are administered to employees who work with and are exposed to hazardous substances (Water and Sewerages), including employees in the Community Services Section (Parks, Waste Management).

Hazardous Chemical Training

As per the Regulations: Hazardous Chemical Agents 3(1), the employer must provide information, instruction, and training on hazardous chemical agents to all employees who are exposed to any hazardous chemical agents. Hazardous Chemical training for 20 Employees took place on Friday, 06 May 2022 in Swellendam Municipality Town Hall.

Medical Surveillance

Medical surveillance means a planned programme of periodic examination of employees by an Occupational Health Practitioner or, in prescribed cases, by an Occupational Medicine Practitioner. This process must be done annually. In terms of the Occupational Health and Safety Act, Act 85 of 1993, the Municipality must conduct Medical Surveillance of employees who are working at risk to avoid contracting occupational diseases or occupational injuries. A Tender process was opened and service providers were invited to bid for the facilitation of medical surveillance of Municipal Employees. Medical Surveillance will include Audiometric Screening, Lung Function Screening, Visual Screening,

General Health, Urine Analysis, Spirometry Testing, and TB Testing. Dr. Badenhorst was appointed as the service provider to conduct medical surveillance on Swellendam Municipality employees. Employees in the Water and Sewerage section underwent medical surveillance in September 2022.

Remedial Repairs to Buildings

Municipal Buildings that need attention and/or repairs are referred to the Project Management Unit for their attention and defects are repaired depending on budget availability.

Upgrading of Plants

Water and Sewerage Plants are being upgraded and HR must ensure that Health and Safety measures are in place to protect our staff from injuries. Warning and safety signs were put up to indicate whether it is safe to enter and work on the plant and to make sure that all regulations are met as per guidance from the Department of Labour.

Dumping Site Building

HR visited and inspected the Municipal Building at the dumping site during May 2023 and concluded that the building needs to be upgraded as there are no facilities like toilets and an eating room for workers that work during the day and security guards that work the night shift. Upgrades and repairs must be put on the planned building maintenance schedule and should be done as soon as the budget allows it. These facilities must be in place as per regulations from the Department of Labour.

Damaging of Infrastructure by members of the Public

The damage to infrastructure remains a big concern as this put more pressure on the maintenance budget of the municipality. The damage and theft of electrical cables and electrical equipment increased especially during the regular and longer stages of load shedding and this also poses a huge safety risk to municipal staff and members of the community. Security services are limited to only a few municipal sites and should be increased to be more effective.

Occupational Health and Safety Policy

The Occupational Health and Safety Policy is currently under review. The draft policy with changes will be tabled at the next OH&S quarterly meeting that will take place on 23 June 2023 and then consulted at the LLF for approval of the Council.

DISCUSSION

Current activities within Occupational Health and Safety can found on **pages 784 to 791 of the Annexures.**

LEGAL IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that cognizance be taken of the current activities within Occupational Health and Safety.

DISCUSSION

The Municipal Manager, Mrs A. Vorster indicated that it was discussed that the substance abuse policy procedures needed to be reviewed in order to determine whether there was a zero tolerance for substance abuse levels included in the policy.

She informed the Mayoral Committee that the substance abuse disciplinary code will be reviewed in due course.

The Municipal Manager raised concern regarding the dumping of waste and carcasses behind the stores building during after-hours and asked that it be removed immediately as it posed a health risk.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in support of the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that cognizance be taken of the current activities within Occupational Health and Safety.

10.1.9

Item number A92. 21.06.2023

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – MAY 2023

Report by the Director Financial Services:	Ms. E Wasserman
Department	Financial Services
Section	Supply Chain Management
File number	9/2/1/5

PURPOSE OF REPORT

The SCM monthly report is prepared to inform the Council of the key SCM monthly activities and adhere to the reporting requirements in terms of the Legislative Framework.

FACTS AND BACKGROUND

In terms of section 6 of the Supply Chain Management Regulations, Council has a responsibility to maintain oversight over the implementation of the Supply Chain Management Policy.

Section 36(2) of the Supply Chain Management Regulation requires that the accounting officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.

DISCUSSION

The SCM monthly report for May 2023 is attached **on pages 792 to 798 of the Annexures** to enable the council to fulfil its oversight role. The report informs on the following matters:

- Procurement Statistics for the month
- Awards made above R 100 000 which were reported to National Treasury
- SCM deviations

There are no material problems with the implementation of the SCM policy.

LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulation, 2005
- Municipal Supply Chain Management Policy, 2022

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that Council takes cognisance of the Supply Chain Management Report for May 2023 attached on pages 792 to 798 of the Annexures.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand shared that Council will have a discussion going forward regarding the Preferential Procurement Policy to determine what changes have been made, if any, in terms of the policy after the recent court case regarding the implementation of the policy.

He raised concern with regard to tenders awarded to service providers who were as far as eThekweni and asked why local service providers could not be used if the service was available locally. The Director of Financial Services, Ms E. Wasserman, indicated that the specifications of a tender may have special conditions if the municipality wished to award tenders to local service providers.

Ms Wasserman added that the officials that have to write the specifications for tenders would need more training.

The Executive Mayor, Councillor H.F. Du Rand said that the municipality must make sure that local service providers that can do the job, were not excluded in the process as it was important to get the best value for money when tenders were awarded.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the Supply Chain Management Report for May 2023 **attached on pages 792 to 798 of the Annexures.**

10.1.10

Item number A93. 21.06.2023

APPLICATION: SUBDIVISION/CONSOLIDATION/TRANSFER OF MUNICIPAL LAND – PORTION OF FREESIA STREET, RAILTON - MS SARAH MARNEWELS

Report by the Municipal Manager:

A Vorster

Department

Corporate Services

Section

Property Management

File Number

7/2/R

PURPOSE OF REPORT

To submit a request from Mr. Veldman, on behalf of his client, to continue with an application that was handled a few years back, but was never finalized.

FACTS AND BACKGROUND

Erf 3536, Dahlia Street in Railton was the property of Mr. Efraim Manuels who passed away on 14 September 2004 and left his estate to his surviving spouse, Ms. Sarah Marnewels. Mr. Veldman has been authorized to take control of the assets of the estate and is handling the estate affairs on Ms. Marnewels behalf.

Due to public nuisances that occurred in the alley adjacent to erf 3536 Railton Swellendam, the street was closed and portions of the street were offered to Mr. Manuels and Mr. Gertse as adjacent owners. They were to subdivide the portion of the street if they were interested and consolidate it with their respective properties, at their own cost.

These processes were never finalized and a Council resolution cannot be found to support the above-mentioned decisions. The approved subdivision and consolidation lapsed due to non-registration at the Deeds Office.

Mr Veldman is applying for the processes to be handled, in order for him to register the property, with the additional portion, in the name of Ms, Marnewels, and also finalize the land use planning applications.

Attached find SG diagrams that were approved in 2009, a letter of authority from the High Court, site maps, and the application from Mr Veldman **on pages 799 to 813 of the Annexures.**

DISCUSSION

The processes for the closing of Freesia Street were finalized. Notices were placed in the local newspaper, as well as the provincial gazette.

Letters were found to Mr. Manuels and Mr. Gertse, the two adjacent owners, to the Freesia Street alley, to consolidate their properties with a portion of the street. SG diagrams were also approved for this process.

No records can be found of the resolution to alienate the property to these two owners or what the value of the property was.

According to Mr. Gertse, the adjacent owner, he and Mr. Manuals had an understanding regarding the fence that is between their properties. The survey picks are still visible on the erven, to determine where the border should be. Mr Gertse never finalized his processes for subdivision and consolidation and it is not clear if he wants to. According to his records, there are municipal services on that portion of land, which prohibit them to build there or use that area for anything else.

Attached, find the applicable documentation **on pages 799 to 813 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The provisions of Section 14 of the Municipal Management Act, 2003, (Act 56 of 2003);
- The By-Law relating to the Management and Administration of Immovable Property, 2005.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr. R. Brunings

Given the long history of this process, and because the intention has already been actualized on the ground, there is no objection from a town planning perspective.

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

The GIS shows a water pipeline in Freesia Alley. The position of this pipeline will need to be proved on-site and a 2m wide servitude registered in favor of the Municipality, over the center of the pipeline across the full length of Freesia Alley.

Municipal Manager

Though the disposal policy makes provision for alienation to adjacent owners, it is my opinion that to be transparent and competitive the land should be alienated via an open tender. The practicality of alienation of the land to someone else than the adjacent property owners must be considered during the bid process. It must also be noted that with municipal services on the closed alleyway, the use of the land, will be restricted.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that Council in principle approves that the closed alleyway/Freesia Street, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in-principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that a market value, of the land described in (1) above, be obtained by the municipality, for consideration by Council;
4. that on the determination of the market value of the property, Council advertises its intention to alienate the alleyway per square meter;
5. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
6. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
7. that a 2m wide servitude be registered in favour of the Municipality, over the centre of the pipeline across the full length of Freesia Alley, at the cost of the successful bidder;
8. that should the adjacent neighbour be the successful bidder, the land be consolidated with their adjacent property;
9. that the successful bidder be responsible for all costs in respect of the subdivision, rezoning, consolidation, transfer, legal cost as well as the procurement of a valuation of the applicable property;
10. that Council's attorney be delegated to draft the applicable documents for the transfer;
11. that Mr Veldman be informed of the process to be followed.

DISCUSSION

The Municipal Manager, Mrs A. Vorster indicated that there was a pipeline going through the alley in question and that the right of way for the other residents using the alleyway must be protected while the applicant wanted to buy the piece of the alley to restrict pedestrians from passing through the alley. She said that the process will be open for public participation to obtain the view of the public.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in favour of the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that Council in principle approves that the closed alleyway/Freesia Street, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in-principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that a market value, of the land described in (1) above, be obtained by the municipality, for consideration by Council;
4. that on the determination of the market value of the property, Council advertises its intention to alienate the alleyway per square meter;
5. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
6. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
7. that a 2m wide servitude be registered in favour of the Municipality, over the centre of the pipeline across the full length of Freesia Alley, at the cost of the successful bidder;
8. that should the adjacent neighbour be the successful bidder, the land be consolidated with their adjacent property;
9. that the successful bidder be responsible for all costs in respect of the subdivision, rezoning, consolidation, transfer, legal cost as well as the procurement of a valuation of the applicable property;
10. that Council's attorney be delegated to draft the applicable documents for the transfer;
11. that Mr Veldman be informed of the process to be followed.

10.1.11

Item number A94. 21.06.2023

COUNCILLOR SAFETY PLAN

Municipal Manager

A Vorster

Department

Municipal Manager

Section

Councilor support

File Number

3/4/4

PURPOSE OF REPORT

To consider a proposed Councilor Safety Plan for Swellendam Municipality.

FACTS AND BACKGROUND

As local government is the sphere of government that is closest to our communities, local government representatives are the first point of contact for communities to raise socio-economic issues with. With this closeness, comes an inherent risk for conflict, often aimed at public representatives. Violent service delivery protests are increasing countrywide, including the areas within the jurisdiction of Swellendam Municipality.

According to the Upper limits of salaries, allowances and benefits of different members of Municipal Councils Notice, (GNR 2126; GG 46470 of 2 June 2022) Councilors may qualify for personal protection, subject to a risk analysis, but for official matters only.

The increase in social tensions necessitate the Municipality to develop regulatory mechanisms and measures, within its powers and budget, to address viable threats related to their official duties, on councilors. A proposed policy is attached **on pages 814 to 817 of the Annexures.**

DISCUSSION

The purpose of this policy is to provide protection to all councilors, during times of violent service delivery protests or political instable situations that threaten their lives relating to their duties as councilors. The policy only pertains to Council-related risks and not to general or personal risks. The potential or perceived risk will be dependent on a risk assessment by SAPS and the protection will be managed by the Speaker and Accounting Officer.

LEGAL IMPLICATIONS

The following legislation regulates property management:

Upper limits of salaries, allowances and benefits of different members of Municipal Councils Notice, (GNR 2126; GG 46470 of 2 June 2022)
The stipulations of Section 14 of the Municipal Management Act, 2003, (Act 56 of 2003) (MFMA);

FINANCIAL IMPLICATIONS

The initiatives will be subject to an available budget provision.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

Disseminate amongst councillors.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

As per report

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1: that Council approves the Safety Plan for Councillors.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand thanked the Municipal Manager, Mrs A. Vorster for formulating the policy. He added that Council could still expand on the policy as it was only a baseline policy.

The Municipal Manager added that the Ward Committees in Barrydale reported that they received threats due to the deteriorating roads in Barrydale and Smitsville that received no attention by the municipality.

In response to a question raised by the Executive Mayor with regard to whether inspections have been done in Smitsville, the Director of Infrastructure Services, Mr B. Neale, responded that the roads have not been inspected and he would do so as soon as possible.

Councillor F. Kees reported that the work done on the new roads in Smitsville was not up to standard as the roads were lifting as if it was not compacted properly. He added that the drainage of the storm water system in Suiker Avenue was also problematic as additional work had to be done on numerous occasions.

The Executive Mayor asked that the matter be inspected and feedback be provided to him immediately after.

The Municipal Manager asked that the Site Supervisor from Hessequa Consulting Engineers be approached to find out what the road standards were and what was signed off in order for the matter to be addressed.

Mr W. Treurnicht reported that the consultant was made aware of the issue who then informed the contractor of the issue. He said that the matter was being addressed accordingly.

The Executive Mayor added that contract management must be implemented in the matter.

Mr Treurnicht said that if the work done by the contractor was sub-standard, the municipality would not pay for the services and the contract warranty will then be implemented to pay for work that has to be redone.

RECOMMENDED TO COUNCIL

1. that Council approves the Safety Plan for Councillors.

10.1.12

Item number A95. 21.06.2023

COMMUNITY SERVICES: HOUSING DEVELOPMENT: SWELLENDAM, RAILTON 950 UNITS

Report of the Manager: Human Settlements: J. Engel

Department Community Services

Section Housing

File number 17/4/2/3/25/1

PURPOSE OF THE REPORT

To inform Council regarding the Swellendam, Railton Housing Development, the available erven and the beneficiary selection for Phase 2 of the project.

FACTS AND BACKGROUND

The Swellendam Municipality identified a portion of erf 1 Swellendam for human settlement development in response to the current housing backlog, to assist in alleviating the shortage of housing for the growing population. The development is a direct response to the existing housing need within the Swellendam Municipal area. This development will facilitate 950 additional residential opportunities within Railton, Swellendam. The prospective beneficiaries of the human settlement development are residents within the municipal area.

Asla Construction (Pty) Ltd. has been appointed as Implementing Agent for housing projects in terms of the Turnkey Contracting Strategy as set out in the National Housing Code. The design layout of the residential component was planned as a residential neighbourhood, comprising of the following land uses, namely: residential erven 950, education erven 1, business erven 5 and community/institution erven 2, utility erven 5 and public open spaces erven 4.

Residential and Non- Residential erven

The development will include 950 single residential erven. The housing typologies for the development will include free-standing single-storey houses, semi-detached single units and semi-detached duplexes. The duplex units are situated along the main access routes, whereas the remainder of the site will be semi-detached single-storey units.

The housing typologies for the development (15.82 ha) are as follows:

Residential Typologies	Total erven	Total Extent (m ²)
Free- Standing Single Storey erven	88	± 150 m ²
Semi- Detached Single Storey Row Houses (3 row)	234	± 109 m ² - 83m ²

Semi- Detached Duplex Houses	16	± 105 m ²
Semi- Detached Duplex Row Houses (4 row)	612	± 96 m ² - 54 m ²
Education erven	1	2976m ²
Business erven	5	885m ² - 1019m ²
Community/ Institution erven	2	600m ² – 888m ²
Utility erven	5	45m ² – 90m ²

The Municipal Planning Tribunal (MPT) approved the layout application on 18 October 2019 for the subdivision and consolidation of Erven 1 in total 25,36ha. **(Approved Layout attached on page 818 of the Annexures)**

During October 2020, the Municipality received correspondence from the Western Cape Department of Human Settlements stating that, in the future, housing projects will only be supported by the National Department of Human Settlement if the layout is densified and contributes to medium to high-density development (Walk-ups) and promotes integrated development.

Subsequent to the above-mentioned approval and National Department of Human Settlement new directives in human settlement projects, the Municipality undertook to revise the layout to increase the density. The increased densification is in line with the new directive of semi-detached and row housing typologies (single-storey and walk-ups) (Council approved the densification of the layout as per Item A125 dated 28 January 2021).

The density, however, was increased to a smaller development footprint of 15.82ha **(layout attached on page 819 of the Annexures)**. The balance of the original site is to be developed later, as phases of serviced sites, with all relevant Environmental and Town Planning authorisations to be obtained prior to construction.

In terms of the Municipality's Housing Pipeline and the Provincial Department of Human Settlements' delivery plan, the project has been allocated for the 2021/2022 to 2024/2025 financial years. Planning funding was approved by the Department of Human Settlements. The installation of Civil engineering services was completed in the 2022/2023 financial year. The application for funding for the construction of the Top Structures was approved, and construction will commence in the 2023/2024 financial year. The 234 Semi- Detached Single Storey Row Houses (3 rows) will be commenced with first, to accommodate the first phase of beneficiary approvals while the other typologies will be commenced thereafter. The typology drawings for the Semi- Detached Single Storey Row Houses (3 rows), as well as preliminary drawings for the remaining typologies are **attached on pages 820 to 823 of the Annexures**.

Swellendam Spatial Development Framework

The Swellendam Spatial Development Framework (SDF) of 2020, approved in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) also earmarked the proposed development area as part of new housing development. The proposed development is, therefore, an appropriate fit within the future land use planning context and current land use context. The development is, therefore, deemed to be consistent with the Swellendam Spatial Development Framework (SDF).

NATIONAL HOUSING CODE, 2009: SUMMARY OF MAIN CRITERIA FOR ELIGIBILITY:

The following main criteria need to be fulfilled in order for a person to be eligible to apply for a subsidy.

A person only qualifies for a housing subsidy if he or she is:

1. Citizenship: Lawful resident in South Africa
2. Competent to contract. At least 18 years of age and of sound mind
3. Has not yet benefited from a government housing subsidy scheme
4. Has not yet owned any fixed residential property.
5. Has not yet previously owned any fixed residential property
6. Married or cohabiting; or single with financial dependents.
7. Monthly household income: Gross monthly household income does not exceed R3 500,00
8. Persons classified as military veterans
9. Persons classified as aged
10. Persons classified as disabled

HOUSING SELECTION POLICY:

The Housing Selection Policy of 2016 stipulates as follows:

Registration date ordering

Registration date ordering is the process in respect of which all database entries considered are ordered from the earliest to the latest registration date.

Registered on the Database for at least 3 years prior to selection for ownership-based opportunity.

Age – based prioritization in selection

Municipalities must ensure that the selection of beneficiaries occurs in a manner that focuses on the elderly and middle-aged individuals, or households headed by elderly or middle-aged persons, in registration date order. (Circular CIO of 2015)

Selection is subject to meeting a 3-year minimum registration period

All households selected for ownership-based opportunities must have been registered on the Municipality's database for at least 3 years prior to selection, except in cases indicated in this Policy.

Channel for queries about the preliminary selection

After the Municipality has undertaken pre-screening of the preliminary list and before the successful entries on the list are sent to the Department for approval, the Municipality must advertise the list for public viewing and comment. The details of the selected beneficiaries must also appear on the Provincial, Department of Human Settlement's Housing Demand Database (of which Swellendam Municipality's waiting list is a sub-set).

The list must be available for public inspection for a minimum period of two weeks. The Municipality has three weeks to reply to queries from the public.

New Directive to Top Structure Subsidies

(This was included in the draft amended 2022 Housing Selection Policy that served on the Housing Portfolio Committee and the approved amended Housing Selection Policy 2023 is pending)

The Municipal Policy Template for Human Settlements Beneficiary Selection in Ownership – Based Subsidy Projects (Circular NO: C3 of 2023 dated 27 March 2023)

The National Department of Human Settlements (NDHS) Directive indicates that top structure projects are intended to benefit households from a limited set of priority groups and that the supply of top structure subsidies by Provinces and Municipalities should be scaled back. The priority groups referred to are using terminology defined by the Department in past circulars on beneficiary selection as follows:

- a) Households headed by persons who are 60 years of age or older (see Circular C2 of 2021);
- b) Households affected by permanent disability (see Circulars C2 of 2021); and
- c) Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021).

Should the Municipality's housing demand database no longer contain households with at least one non-dependent adult being 60 years or older within the catchment areas prescribed for the project, the Municipality should select, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age) from the catchment areas prescribed for the project.

Council unanimously resolved per item A 179, dated 13 October 2022, the selection of beneficiaries for phase 1 as follows, namely

UNANIMOUSLY RESOLVED

Item A179/13/10/2022

1. that in phase 1 of the top structure construction, approximately 250 names of potential beneficiaries from the housing database, be provided to the Western Cape Department of Human Settlements for consideration, based on the following selection criteria:
 - 1.1 Households headed by persons who are 60 years of age or older (see Circular C2 of 2021)
 - 1.2 Households affected by permanent disability (see Circulars C2 of 2021).
 - 1.3 Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

LEGAL IMPLICATIONS

The Constitution. Section 26

Housing Act (No 107 of 1997)
National Housing Code, 2009

FINANCIAL IMPLICATIONS

Funding: Department of Human Settlement Development Grant (HSDG)

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Corporate Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Community Services and Housing Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that phase 2 of the top structure construction selection should be, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age as follows: 59 until 55; 54 until 50; and 49 until 45; for the project based on the following selection criteria, namely
 - 1.1 Citizenship: Lawful resident in South Africa
 - 1.2 Competent to contract. At least 18 years of age and of sound mind
 - 1.3 Not yet benefitted from a government housing subsidy scheme
 - 1.4 Not yet owned any fixed residential property.
 - 1.5 Not yet previously owned any fixed residential property

- 1.6 Married or cohabiting; or single with financial dependents
 - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
 - 1.8 Persons classified as military veterans
 - 1.9 Persons classified as aged
 - 1.10 Persons classified as disabled
- 2 proof of current address, and proof of having been a resident in Swellendam Municipal area for five (5) years and longer for ages 59 to 50 and seven (7) years and longer for ages 49 to 45.
 - 3 registered on the database for at least three (3) years prior to selection for ownership-based opportunity.
 - 4 that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).

DISCUSSION

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to whether Council could decide what the number of years should be for applicants to be residents of Swellendam and registered on the database in order to qualify for the housing project, the Director of Community Services, Mr K. Stuurman, shared that Council may decide on the number of years the applicants needed to be on the waiting list and also the number of years of residency, depending on the age group.

The Director of Financial Services, Ms E. Wasserman suggested that the municipality added a consent letter to the application to be signed by the applicant in order to obtain the applicant's financial history to compare it to the set criteria.

Mr Stuurman indicated that military veterans should be registered on the National Government's database as proof of being a veteran.

The Executive Mayor added that the applicant must be able to proof that he/she has been a resident of Swellendam municipality prior to application.

Mr Stuurman indicated that the Housing Department needed to identify the criteria set by Council for the beneficiaries of the next phase to make sure that enough time was provided for the vetting process that was normally a long process to complete.

The Executive Mayor indicated that the item be referred to a continuation meeting to be held on Thursday, 22 June 2023 at 09:00.

RESOLVED

1. that Item A95 Community Services: Housing Development: Swellendam, Railton 950 units be referred to a continuation meeting of the Mayoral Committee to be held on Thursday, 22 June 2023.

10.1.13

Item number A96. 21.06.2023

UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS

Report by the Municipal Manager

Department Human Resources

Section Human Resources

File number 4/2/1

PURPOSE OF THE REPORT

The purpose of the report is to inform Council of the GN 3541, published in GG 48789 dated 14 June 2023. This Upper Limits Notice takes effect from 1 July 2021 and replaces GG No.: 47538 as published on 18 November 2022.

FACTS AND BACKGROUND

Find attached hereto **on pages 824 to 849 of the Annexures**, the Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers, as determined by the National Minister, Thembisile Nkadimeng, by way of GN 3541, published in GG 48789 dated 14 June 2023. This Upper Limits Notice takes effect from 1 July 2021 and replaces GG No.: 47538 as published on 18 November 2022.

The Executive Mayor must within 30 days of the gazetting of the above Government Gazette submit to the MEC for Local Government on the official letterhead of the Municipality, information as per the provisions of Item 13(1), read with Item 13(2) of the Upper Limits Notice related to the information as enlisted in Item 13(1).

The damage to infrastructure remains a big concern as this put more pressure on the maintenance budget of the municipality. The damage and theft of electrical cables and electrical equipment increased especially during the regular and longer stages of load shedding and this also poses a huge safety risk to municipal staff and members of the community. Security services are limited to only a few municipal sites and should be increased to be more effective.

DISCUSSION

The upper limits constitute an integral part of the human resource value chain in building resilient administrative institutions underpinned by the intent to enable municipalities to attract, appoint and retain suitably qualified and competent senior managers necessary for the effective performance of their functions.

In order to strengthen the capacity of municipalities, this Notice reinforces the statutory obligation binding on municipalities to appoint senior managers who meet the minimum prescribed competencies, higher education qualifications, work experience, and knowledge, including attainment of a competent achievement level or higher as measured against the Local Government: Regulations on Appointment and Conditions of Employment for Senior Managers as published in Government Gazette No 37245 of 17 January 2014.

The law prescribes that the Minister must publish the increases for senior management annually. This has not been done and the current promulgation was only done after extensive pressure from the Western Cape Municipal Managers Forum. As it stands, Government Notice 3541, published in Government Gazette 48789 dated 14 June 2023, only pertains to the financial year commencing 1 July 2021.

LEGAL IMPLICATIONS

Local Government: Regulations on Appointment and Conditions of Employment for Senior Managers as published in Government Gazette No 37245 of 17 January 2014.
Government Notice 3541, published in Government Gazette 48789 dated 14 June 2023

FINANCIAL IMPLICATIONS

Total salary provision of all senior managers after increases = R4 577 987. Budget provision is R4 741580.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that Council considers the Government Notice 3541, published in Government Gazette 48789 dated 14 June 2023 for implementation.

The Executive Mayor, Councillor H.F. Du Rand proposed the following amendment to the recommendation:

2. that the Mayoral Committee recommends the implementation of the Government Gazette 48789 dated 14 June 2023 as published by the National Government.

The Mayoral Committee was in favor of the recommendation as proposed by the Executive Mayor, Councillor H.F. Du Rand.

RECOMMENDED TO COUNCIL

1. that the Mayoral Committee recommends the implementation of the Government Gazette 48789 dated 14 June 2023 as published by the National Government.

10.1.14

Item number A97. 21.06.2023

AUDIT- AND PERFORMANCE AUDIT COMMITTEE CONTRACT EXTENSION: MR R RHODA

Report of the Municipal Manager: Ms. A Vorster

Department	Municipal Manager
Section	Internal Audit
File number	3/3/3/16

PURPOSE OF THE REPORT

The purpose of the report is to submit the contract extension of Mr. R Rhoda as member of the Audit- and Performance Audit Committee to Council for consideration. (See previously signed appointment letter **on page 850 of the Annexures**)

FACTS AND BACKGROUND

Council resolved per Item A74 on 15 June 2020 as follows:

UNANIMOUSLY RESOLVED

Item A74/15/06/2020

1. that Council takes cognizance that Mr. Pedro Swartbooi declined his appointment as member of the Audit- and Performance Audit Committee; and
2. that the three-year appointment term of Mr. Richard Rhoda (CA(SA) be amended to commence from 1 July 2020, instead of 1 January 2021 as resolved per Item A51 on 28 May 2020.

The committee currently consists of 3 members only, namely:

- Mr. A Dippenaar as Chairperson (Contract expires: 31 August 2025);
- Mr. R Rhoda as member (Contract expires: 30 June 2023); and
- Mr. P Silbernagl as member (Contract expires: 31 March 2024)
- Adv. N Hendricks as member (Contract expires: 31 January 2024)

DISCUSSION

Subsequent to the Council resolution, it is recommended that the Audit-and Performance Audit Committee member Mr. R. Rhoda's contract may be extended for a period of one (1) year.

Proposal

It is proposed that the contract of Mr. Richard Rhoda be extended to commence from 1 July 2023 for a one (1) year period.

LEGAL IMPLICATIONS

Section 166 of the Municipal Finance Management Act No. 56 of 2003, requires every Municipality to establish and maintain an Audit Committee, as an independent appraisal function.

FINANCIAL IMPLICATIONS

The remuneration of the Audit and Performance Audit Committee members takes place in accordance with the "Remuneration of Non-Official Members: Commissions and Committees of Inquiry and Audit Committees" as per the Minister of Finance's determination in terms of the treasury regulations, as issued on an annual basis.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

The applicant will be informed of the outcome of the Council decision.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

Recommendation is supported.

RECOMMENDED

1. that the contract term of Mr. Richard Rhoda (CA(SA) be extended to commence from 1 July 2023, for a one (1) year period.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the Committee was in favor of the recommendation as is:

RECOMMENDED TO COUNCIL

1. that the contract term of Mr. Richard Rhoda (CA(SA) be extended to commence from 1 July 2023, for a one (1) year period.

10.1.15

Item number A98. 21.06.2023

OFFICE OF THE MUNICIPAL MANAGER

MONTHLY REPORT OF THE MUNICIPAL MANAGER: MAY 2023 – 9 JUNE 2023

Department	Office of the Municipal Manager
Section	Office of the Municipal Manager
File number	4/1/2/1

MENTAL HEALTH

The Municipal Manager, Mr Johan Kapp and Mr Saschin Lintnaar met virtually with Dr Keith Cloete and Michelle Buis on 29 May 2023 on Employee Assistance. The Mental Health of employees have become a priority with increasing pressure on individuals because of economic pressure, social tensions, labour and personal pressures. This leads to burnout, loss of productivity, high turn over and increased sick-leave. It was agreed that this matter be escalated to the Municipal Manager's Forum. The Municipality can also explore this as part of a sisters agreement with Saldanha Bay Municipality.

BUDGET AND IDP PREPARATION

After an intensive public participation process, the draft budget and IDP was compiled. As there were severe challenges with the IT network, the draft budget could only be provided 48 hours before the Council meeting. The administration held separate meetings with the councillors to explain the budget provisions and answer any questions. After adoption of the budget and IDP for the 2023/24 financial year, the documents were submitted to the relevant authorities and advertised as prescribed.

SUURBRAAK TOURISM

A visit was undertaken to the Xairo Foundation on their local economic development project in Suurbraak. There was an engagement on how the municipality can support tourism and economic development initiatives such as the Xairo Foundation. Follow-up visits and engagements to take place.

RENEWABLE ENERGY

A further meeting on the potential Renewable Energy Project of the Premier took place in Cape Town on 6 June 2023. This was followed up with a site visit on 9 June where the municipality took provincial officials through their preparations and planning. A botanist is to be appointed to undertake an on-site survey in preparation of the full application.

On 7 June 2023 Swellendam Municipality had a meeting with Cape Agulhas Municipality's representatives on the proposed Waste to Energy project to share information and investigate possible collaboration. The bid specifications are being finalised to test the market as a pilot project at municipal level.

ORGANISATIONAL REDESIGN

The organisational redesign of Agito Minds is continuing with individual meetings with the respective Directorates. It is planned to finalise a macro structure soon to table to the Restructuring Committee and Local Labour Forum before submission to Council. The project completion date is still September 2023.

MEETING WITH SAPS

A meeting was held with SAPS Swellendam on 9 June 2023 to discuss the risks facing Swellendam Municipality. Operation Dudula preparation was discussed as well as the growth in the informal settlement, at-risk adults and children and the possible training of mediators within the community. Overberg District Municipality has R40 000 available to train mediators. The Municipality again offered to oversee minor offenders in community programs as part of their community service requirements.

WINTER BROCHURES

The Office of the Municipal Manager is busy with the preparations for the winter edition of the tourism booklet, while specifications for the awarding of destination marketing have been drafted.

An item on the future of tourism development will be tabled to Council at the end of June 2023.

AGENCY SERVICES

An engagement was held on 6 June 2023 with the Overberg District Municipality and the Department of Public Works on possible collaboration by using the Yellow Fleet and teams as part of the Municipality's Road function. The Municipality is awaiting the formal response to the Municipality's request to the Province. If successful, the Municipality will have to conclude a formal agreement with the Provincial Government.

A. Vorster

MUNICIPAL MANAGER

DISCUSSION

The Municipal Manager, Mrs A. Vorster reported that the municipality progressed to the second phase in terms of the potential Renewable Energy Project of the Premier.

She shared that the municipality will now go ahead with the Waste-to-Energy tender.

The Executive Mayor, Councillor H.F. Du Rand thanked the administration for the work done thus far in the process and asked that it be made sure that the specifications were written in the correct way to address the need in total.

In terms of the organizational design, the Municipal Manager reported that the consultant Agito Minds was in the process of completing the macro structure that will soon be tabled to the Restructuring Committee and LLF before submission to Council. She said that different options for the macro structure were proposed that needed to be investigated. The final structure will be completed by September 2023.

The Executive Mayor indicated that the Administration must make sure that the outcome of the structure was compliant to the standards of all departments bearing in mind that it can only be implemented subject to available budget.

The Municipal Manager added that with regard to operation Dudula, 48 hours of notice needed to be provided to the municipality. She said that SAPS will be monitoring the situation and if the situation escalated POPS would intervene as well.

RECOMMENDED TO COUNCIL

1. that cognisance be taken of the monthly report of the Municipal Manager for May 2023 to 9 June 2023.

10.2 Consideration of matters which require non-disclosure

None

10.3 Consideration of urgent matters

None

11 MINUTES OF THE PORTFOLIO COMMITTEES

None

12 GENERAL

The Executive Mayor, Councillor H.F. Du Rand expressed the Committee's deepest sympathy with the passing of the grandfather of Councillor, A. Bokwana, the son of Mrs H. Scheepers and the aunt of Mrs D. Jonas. He wished the grieving families comfort and healing during the difficult time while they were in everyone's prayers.

13 CLOSURE

The Executive Mayor thanked everybody for their time and commitment to attend the meeting.

The meeting adjourned at 12:00.

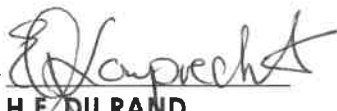
MAYORAL COMMITTEE MEETING **MINUTES**



**MINUTES OF A CONTINUATION MEETING OF THE
MAYORAL COMMITTEE OF SWELLENDAM
MUNICIPALITY HELD ON THURSDAY, 22 JUNE 2023
AT 09:00 IN THE COMMITTEE ROOM OF THE
MUNICIPAL MANAGER, VOORTREK STREET,
SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
PURPOSES AS IT WILL NOT BE CIRCULATED AGAIN.**

Yours sincerely.

PP. 
H.F. DU RAND
EXECUTIVE MAYOR

6-10-2023
DATE

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MINUTES OF A CONTINUATION MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON THURSDAY, 22 JUNE 2023 AT 09:00 IN THE COMMITTEE ROOM OF THE MUNICIPAL MANAGER, VOORTREK STREET, SWELLENDAM.

PRESENT:	Councillor	H.F. Du Rand E. Lamprecht F. Kees	Executive Mayor Member Member
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IN ATTENDANCE:	A. Vorster K. Stuurman J. Engel	(Municipal Manager) (Director: Community Services) (Manager: Human Settlements)
-----------------------	---------------------------------------	---

SECRETARIAT:

K. Uys

RECORDING OFFICER:

K. Uys

1. OPENING AND WELCOME

At 09:00 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Mayoral Committee meeting and declared the meeting duly constituted with a quorum present.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE
--

None

4. SPEECHES AND SUBMISSIONS

None

5. CONFIRMATION OF MINUTES

None

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING
--

None

7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

None.

8 DISCLOSURE OF INTERESTS BY COUNCILLORS

None

9 FINANCIAL REPORTING

None

10. MATTERS FOR CONSIDERATION

10.1 Items submitted by officials of the Council

10.1.1

Item number A95. 21.06.2023

COMMUNITY SERVICES: HOUSING DEVELOPMENT: SWELLENDAM, RAILTON 950 UNITS

Report of the Manager: Human Settlements: J. Engel

Department Community Services

Section Housing

File number 17/4/2/3/25/1

PURPOSE OF THE REPORT

To inform Council regarding the Swellendam, Railton Housing Development, the available erven and the beneficiary selection for Phase 2 of the project.

FACTS AND BACKGROUND

The Swellendam Municipality identified a portion of erf 1 Swellendam for human settlement development in response to the current housing backlog, to assist in alleviating the shortage of housing for the growing population. The development is a direct response to the existing housing need within the Swellendam Municipal area. This development will facilitate 950 additional residential opportunities within Railton, Swellendam. The prospective beneficiaries of the human settlement development are residents within the municipal area.

Asla Construction (Pty) Ltd. has been appointed as Implementing Agent for housing projects in terms of the Turnkey Contracting Strategy as set out in the National Housing Code. The design layout of the residential component was planned as a residential neighbourhood, comprising of the following land uses, namely: residential erven 950, education erven 1, business erven 5 and community/institution erven 2, utility erven 5 and public open spaces erven 4.

Residential and Non- Residential erven

The development will include 950 single residential erven. The housing typologies for the development will include free-standing single-storey houses, semi-detached single units and semi-detached duplexes. The duplex units are situated along the main access routes, whereas the remainder of the site will be semi-detached single-storey units.

The housing typologies for the development (15.82 ha) are as follows:

Residential Typologies	Total erven	Total Extent (m ²)
Free- Standing Single Storey erven	88	± 150 m ²
Semi- Detached Single Storey Row Houses (3 row)	234	± 109 m ² - 83m ²

Semi- Detached Duplex Houses	16	± 105 m ²
Semi- Detached Duplex Row Houses (4 row)	612	± 96 m ² - 54 m ²
Education erven	1	2976m ²
Business erven	5	885m ² - 1019m ²
Community/ Institution erven	2	600m ² – 888m ²
Utility erven	5	45m ² – 90m ²

The Municipal Planning Tribunal (MPT) approved the layout application on 18 October 2019 for the subdivision and consolidation of Erven 1 in total 25,36ha. **(Approved Layout attached on page 818 of the Annexures)**

During October 2020, the Municipality received correspondence from the Western Cape Department of Human Settlements stating that, in the future, housing projects will only be supported by the National Department of Human Settlement if the layout is densified and contributes to medium to high-density development (Walk-ups) and promotes integrated development.

Subsequent to the above-mentioned approval and National Department of Human Settlement new directives in human settlement projects, the Municipality undertook to revise the layout to increase the density. The increased densification is in line with the new directive of semi-detached and row housing typologies (single-storey and walk-ups) (Council approved the densification of the layout as per Item A125 dated 28 January 2021).

The density, however, was increased to a smaller development footprint of 15.82ha **(layout attached on page 819 of the Annexures)**. The balance of the original site is to be developed later, as phases of serviced sites, with all relevant Environmental and Town Planning authorisations to be obtained prior to construction.

In terms of the Municipality's Housing Pipeline and the Provincial Department of Human Settlements' delivery plan, the project has been allocated for the 2021/2022 to 2024/2025 financial years. Planning funding was approved by the Department of Human Settlements. The installation of Civil engineering services was completed in the 2022/2023 financial year. The application for funding for the construction of the Top Structures was approved, and construction will commence in the 2023/2024 financial year. The 234 Semi- Detached Single Storey Row Houses (3 rows) will be commenced with first, to accommodate the first phase of beneficiary approvals while the other typologies will be commenced thereafter. The typology drawings for the Semi- Detached Single Storey Row Houses (3 rows), as well as preliminary drawings for the remaining typologies are **attached on pages 820 to 823 of the Annexures**.

Swellendam Spatial Development Framework

The Swellendam Spatial Development Framework (SDF) of 2020, approved in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) also earmarked the proposed development area as part of new housing development. The proposed development is, therefore, an appropriate fit within the future land use planning context and current land use context. The development is, therefore, deemed to be consistent with the Swellendam Spatial Development Framework (SDF).

NATIONAL HOUSING CODE, 2009: SUMMARY OF MAIN CRITERIA FOR ELIGIBILITY:

The following main criteria need to be fulfilled in order for a person to be eligible to apply for a subsidy.

A person only qualifies for a housing subsidy if he or she is:

1. Citizenship: Lawful resident in South Africa
2. Competent to contract. At least 18 years of age and of sound mind
3. Has not yet benefited from a government housing subsidy scheme
4. Has not yet owned any fixed residential property.
5. Has not yet previously owned any fixed residential property
6. Married or cohabiting; or single with financial dependents.
7. Monthly household income: Gross monthly household income does not exceed R3 500,00
8. Persons classified as military veterans
9. Persons classified as aged
10. Persons classified as disabled

HOUSING SELECTION POLICY:

The Housing Selection Policy of 2016 stipulates as follows:

Registration date ordering

Registration date ordering is the process in respect of which all database entries considered are ordered from the earliest to the latest registration date.

Registered on the Database for at least 3 years prior to selection for ownership-based opportunity.

Age – based prioritization in selection

Municipalities must ensure that the selection of beneficiaries occurs in a manner that focuses on the elderly and middle-aged individuals, or households headed by elderly or middle-aged persons, in registration date order. (Circular CIO of 2015)

Selection is subject to meeting a 3-year minimum registration period

All households selected for ownership-based opportunities must have been registered on the Municipality's database for at least 3 years prior to selection, except in cases indicated in this Policy.

Channel for queries about the preliminary selection

After the Municipality has undertaken pre-screening of the preliminary list and before the successful entries on the list are sent to the Department for approval, the Municipality must advertise the list for public viewing and comment. The details of the selected beneficiaries must also appear on the Provincial, Department of Human Settlement's Housing Demand Database (of which Swellendam Municipality's waiting list is a sub-set).

The list must be available for public inspection for a minimum period of two weeks. The Municipality has three weeks to reply to queries from the public.

New Directive to Top Structure Subsidies

(This was included in the draft amended 2022 Housing Selection Policy that served on the Housing Portfolio Committee and the approved amended Housing Selection Policy 2023 is pending)

The Municipal Policy Template for Human Settlements Beneficiary Selection in Ownership – Based Subsidy Projects (Circular NO: C3 of 2023 dated 27 March 2023)

The National Department of Human Settlements (NDHS) Directive indicates that top structure projects are intended to benefit households from a limited set of priority groups and that the supply of top structure subsidies by Provinces and Municipalities should be scaled back. The priority groups referred to are using terminology defined by the Department in past circulars on beneficiary selection as follows:

- a) Households headed by persons who are 60 years of age or older (see Circular C2 of 2021);
- b) Households affected by permanent disability (see Circulars C2 of 2021); and
- c) Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021).

Should the Municipality's housing demand database no longer contain households with at least one non-dependent adult being 60 years or older within the catchment areas prescribed for the project, the Municipality should select, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age) from the catchment areas prescribed for the project.

Council unanimously resolved per item A 179, dated 13 October 2022, the selection of beneficiaries for phase 1 as follows, namely

UNANIMOUSLY RESOLVED

Item A179/13/10/2022

1. that in phase 1 of the top structure construction, approximately 250 names of potential beneficiaries from the housing database, be provided to the Western Cape Department of Human Settlements for consideration, based on the following selection criteria:
 - 1.1 Households headed by persons who are 60 years of age or older (see Circular C2 of 2021)
 - 1.2 Households affected by permanent disability (see Circulars C2 of 2021).
 - 1.3 Households headed by a military veteran deemed by the Department of Military Veterans and the Department to be eligible for the Military Veterans Housing Programme (see Circulars C2 of 2021)

LEGAL IMPLICATIONS

The Constitution. Section 26

Housing Act (No 107 of 1997)
National Housing Code, 2009

FINANCIAL IMPLICATIONS

Funding: Department of Human Settlement Development Grant (HSDG)

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Corporate Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Community Services and Housing Portfolio Committee meeting held on Wednesday, 14 June 2023.

RECOMMENDED TO MAYCO

1. that phase 2 of the top structure construction selection should be, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age as follows: 59 until 55; 54 until 50; and 49 until 45; for the project based on the following selection criteria, namely
 - 1.1 Citizenship: Lawful resident in South Africa
 - 1.2 Competent to contract. At least 18 years of age and of sound mind
 - 1.3 Not yet benefitted from a government housing subsidy scheme
 - 1.4 Not yet owned any fixed residential property.
 - 1.5 Not yet previously owned any fixed residential property

- 1.6 Married or cohabiting; or single with financial dependents
- 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
- 1.8 Persons classified as military veterans
- 1.9 Persons classified as aged
- 1.10 Persons classified as disabled
- 2 proof of current address, and proof of having been a resident in Swellendam Municipal area for five (5) years and longer for ages 59 to 50 and seven (7) years and longer for ages 49 to 45.
- 3 registered on the database for at least three (3) years prior to selection for ownership-based opportunity.
- 4 that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand said that the consent form as suggested that will need to be completed by the applicant, will be for the municipality to gain access to verify all the information provided by the applicant.

The Manager Human Settlements, Mr J. Engel, shared that the subsidy application form was already an affidavit where the applicant declared that the information provided was correct whereby the Executive Mayor, Councillor H.F. Du Rand indicated that an affidavit was not as legit as it should be in many cases. The Executive Mayor indicated that the applicant should be able to provide proof of address through medical records and bank statements.

With regard to financial dependants of the applicant, below the age of 60, the applicant must be married with dependants or cohabiting and above 60 the applicant may be single with financial dependents.

The Municipal Manager, Mrs A. Vorster confirmed that the beneficiary lists of the different groups will be advertised to the public in order for the public to provide further information as to whether all applicants were indeed residents of Swellendam as declared in the information provided.

The Executive Mayor, Councillor H.F. Du Rand proposed that the recommendation be amended as follows:

- 1. that phase 2 of the top structure construction selection should be, in registration date order, households with at least one non-dependant adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age as follows: 59 until 55; 54 until 50; and 49 until 45; for the project based on the following selection criteria, namely:
 - 1.1 Citizenship: Lawful resident in South Africa
 - 1.2 Competent to contract. At least 18 years of age and of sound mind
 - 1.3 Not yet benefitted from a government housing subsidy scheme
 - 1.4 Not yet owned any fixed residential property.
 - 1.5 Not yet previously owned any fixed residential property

- 1.6 Married or cohabiting; or single with financial dependents
 - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00
 - 1.8 Persons classified as military veterans
 - 1.9 Persons classified as aged
 - 1.10 Persons classified as disabled
- 2 that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, be provided.
 - 3 that the applicant must be registered on the database for at least five (5) years or longer for ages 59 to 55; seven (7) years or longer for ages 54 to 50 and nine (9) years or longer for ages 49 to 45, prior to selection for ownership-based opportunity.
 - 4 that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
 - 5 that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so.

The Executive Mayor asked the Manager Human Settlements, Mr J. Engel to provide a profile of the totals for groups that have been on the waiting list for seven (7); nine (9) and eleven (11) years and a profile for the groups that have been on the waiting list for five (5); seven (7) and nine (9) years to determine what the outcome may be.

Mr J. Engel shared that after Council's approval of the item, the municipality will have a meeting with the public to explain the conditions of the application process and the municipality will then provide the consent form to the applicants to provide permission to the municipality to verify the information provided by the applicant.

The Committee was in support of the following amendment to the recommendation by the Executive Mayor, Councillor H.F. Du Rand:

RECOMMENDED TO COUNCIL

1. that phase 2 of the top structure construction selection should be, in registration date order, households with at least one non-dependent adult from successively younger cohorts registered on the database in 5-year increments, descending from 60 years of age as follows: 59 until 55; 54 until 50; and 49 until 45; for the project based on the following selection criteria, namely:
 - 1.1 Citizenship: Lawful resident in South Africa
 - 1.2 Competent to contract. At least 18 years of age and of sound mind
 - 1.3 Not yet benefitted from a government housing subsidy scheme
 - 1.4 Not yet owned any fixed residential property.
 - 1.5 Not yet previously owned any fixed residential property
 - 1.6 Married or cohabiting; or single with financial dependents
 - 1.7 Monthly household income: Gross monthly household income does not exceed R3 500,00

1.8 Persons classified as military veterans

1.9 Persons classified as aged

1.10 Persons classified as disabled

- 2 that proof of current address, and proof of having been a current resident in Swellendam Municipal area, from the application date, for the last seven (7) years and longer for ages 59 to 55; nine (9) years or longer for ages 54 to 50 and eleven (11) years or longer for ages 49 to 45 years, be provided.
- 3 that the applicant must be registered on the database for at least five (5) years or longer for ages 59 to 55; seven (7) years or longer for ages 54 to 50 and nine (9) years or longer for ages 49 to 45, prior to selection for ownership-based opportunity.
- 4 that after completion of the pre-screening of the preliminary list and before the successful entries on the list are sent to the Department of Human Settlements for approval, the list must be circulated for public comment for a period of four (4) weeks (1 month).
- 5 that all applicants must provide consent to the municipality to verify all information required by the application and that they acknowledge that the municipality may use external bodies to do so.

10.2 Consideration of matters which require non-disclosure

None

10.3 Consideration of urgent matters

None

11. MINUTES OF THE PORTFOLIO COMMITTEES
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None

12. GENERAL

None

13. CLOSURE

The meeting adjourned at 09:44.

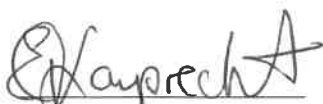
SPECIAL MAYORAL COMMITTEE **MEETING MINUTES**



**MINUTES OF A SPECIAL MAYORAL COMMITTEE
MEETING HELD ON MONDAY, 04 SEPTEMBER 2023
AT 10:00 IN THE COUNCIL CHAMBERS, RHENIUS
STREET, SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
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Yours sincerely.

pp. 
H.F. DU RAND
EXECUTIVE MAYOR

6-10-2023.
DATE

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MINUTES OF A SPECIAL MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON MONDAY, 04 SEPTEMBER 2023 AT 10:00 IN THE COUNCIL CHAMBERS, RHENIUS STREET, SWELLENDAM.

PRESENT:	Councillor	H.F. Du Rand E. Lamprecht F. Kees	Executive Mayor Member Member
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IN ATTENDANCE:	A. Vorster J. De Jager W. Treurnicht K. Stuurman	(Municipal Manager) (Acting Director: Financial Services) (Acting Director: Infrastructure Services) (Director: Community Services)
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SECRETARIAT:

K. Uys

RECORDING OFFICER:

K. Uys

1. OPENING AND WELCOME

At 10:00 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Special Mayoral Committee meeting and declared the meeting duly constituted with a quorum present. Councillor F. Kees rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE
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RESOLVED:

- 3.1** that leave of absence from the Special Mayoral Committee meeting held on Monday, 04 September 2023 be granted to the Speaker, Councillor J.R. van Schalkwyk.

4. SPEECHES AND SUBMISSIONS

None

5. CONFIRMATION OF MINUTES

None

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING
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None

7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

None.

8 DISCLOSURE OF INTERESTS BY COUNCILLORS

None

9 FINANCIAL REPORTING

None

10. URGENT MATTERS FOR CONSIDERATION

10.1 Items submitted by officials of the Council

10.1.1

Item number A133. 04.09.2023

MEMORANDUM RECEIVED FROM COMMUNITY DURING PROTEST MARCH: 30 AUGUST 2023

Report of the Municipal Manager

A. Vorster

Department

Municipal Manager

Section

Councillor support

File Number

PURPOSE OF REPORT

Consideration of the memorandum received at the Community Protest march on 30 August 2023.

FACTS AND BACKGROUND

The community applied for a peaceful protest march to be held on 30 August 2023 in Swellendam where they handed over a memorandum on which they requested feedback.

DISCUSSION

The memorandum received is attached **as Annexure A**.

A presentation will be made to the Mayoral Committee with feedback on the issues raised by the community for consideration by the MAYCO. At the conclusion of the MAYCO, a formal response will be drafted and feedback will be provided by the Mayor to the signatory of the petition, Mr Riaan Jonas.

LEGAL IMPLICATIONS

- Constitution of the Republic of South Africa, 1996
- Municipal Finance Management Act, 56 of 2003
- Preferential Procurement Policy Framework Act No 5 of 2000 and Regulations
- Municipal Finance Management Regulations, Act 56 of 2003

FINANCIAL IMPLICATIONS

As per budget.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

RECOMMENDED

1. that the MAYCO discuss the memorandum received and the presentation to be made to the MAYCO.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand informed the Committee of the memorandum received from the community on 30 August 2023 and gave a brief overview of the background and demands stipulated in the memorandum, signed by the community representative, Mr. R. Jonas and himself **(see document attached)**. The Executive Mayor then gave a detailed overview of the feedback formulated in a draft document that will be presented to the community representatives to explain the stance of the municipality with regard to the demands made by the people **(see the feedback letter attached)**.

He shared that the municipality's response could not be provided when the memorandum was received as there was not enough time to do so.

The Executive Mayor added that the Indigent Policy will remain as-is and that the administration together with the Ward Councillors will discuss and explain the Indigent Policy again to the community at the IDP meetings due to be held in September 2023 to ensure that the content was understood correctly.

The Executive Mayor shared that all Councillors, Ward Councillors and officials in the administration of the municipality will receive an instruction from the Office of the Speaker to launch an investigation into the events surrounding 16 August 2023.

The Executive Mayor, Councillor H.F. Du Rand informed the Mayoral Committee that the feedback as presented will be tabled to the representatives of the community on Monday, 04 September 2023 at 16:00 in the Council Chambers.

RESOLVED

Item A133/04/09/2023

1. that the attached feedback letter as formulated and presented to the Mayoral Committee by the Executive Mayor, Councillor H.F. Du Rand be put forward to the community representatives on Monday, 04 September 2023 at 16h00.

11. CLOSURE

The Executive Mayor thanked everybody for their time and commitment to attend the meeting.

The meeting adjourned at 10:51.

MAYORAL COMMITTEE MEETING MINUTES



**MINUTES OF THE MAYORAL COMMITTEE MEETING
HELD ON TUESDAY, 10 OCTOBER 2023 AT 09:00 IN THE
COMMITTEE ROOM, 1 LOURENS STREET,
SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
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Yours sincerely,


H.F. DU RAND
EXECUTIVE MAYOR

20.10.2023.
DATE

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MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON TUESDAY, 10 OCTOBER 2023 AT 09:00 IN THE COMMITTEE ROOM, 1 LOURENS STREET, SWELLENDAM.

PRESENT:	Councillor	H.F. Du Rand	Executive Mayor
		E. Lamprecht	Member
		F. Kees	Member

IN ATTENDANCE:	A. Vorster	(Municipal Manager)
	E. Wasserman	(Director: Financial Services)
	W. Treurnicht	(Acting: Director: Infrastructure Services)
	K. Stuurman	(Director: Community Services)
	J. Etzebeth	(Manager: Administrative Support Services)

SECRETARIAT:

K. Uys

RECORDING OFFICER:

K. Uys

1. OPENING AND WELCOME

At 09:00 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Mayoral Committee meeting and declared the meeting duly constituted with a quorum present. The Director of Community Services, Mr K. Stuurman rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE
--

None

4. SPEECHES AND SUBMISSIONS

REPORT BY THE MUNICIPAL MANAGER, MRS A. VORSTER – MUNICIPALITY'S STATUS AFTER THE RECENT UNREST:

- **Service Delivery:**

The Municipal Manager, Mrs A. Vorster shared that the normal service delivery of water and electricity provision would not be affected, however, a strict no after hour service would apply to Matjoks to secure the safety of officials. She added that Matjoks was also identified as a red zone in terms of firefighting services. She asked that the Director of Community Services, Mr K. Stuurman liaise with Mr R. Geldenhuis regarding an awareness campaign on preventative fire safety measures.

Councillor E.J. Lamprecht suggested that the municipality sent out a notification to the public to inform them that Matjoks has been identified as a red zone for firefighting services.

Mrs Vorster said that Illegal littering cleanups and refuse removal would continue as per normal and the municipality was waiting on the delivery of the additional skips.

Mr K. Stuurman, Director of Community Services indicated that the seven skips have already been delivered and a plan for the skips has been formulated.

- **Toilets in Matjoks:**

Mrs Vorster shared that they have to look at the placement of the 25 toilets in Matjoks Informal Settlement. She said that the municipality requested funding from the Department of Infrastructure Services to appoint a service provider to install the toilets.

- **Upgrade of the Informal Settlements:**

The survey of the Informal Settlements has been completed but a committee for the upgrade of the Informal Settlement has to be selected.

The Director of Financial Services, Ms E. Wassermann suggested that a report be tabled to Council recording the process and the need to establish a committee but in light of the current circumstances, a committee could not have been appointed yet.

- **Restriction of Further Development and Emergency Housing:**

The Municipal Manager said that the municipality's attorneys were instructed to issue eviction notices to people in illegal structures.

She said that a service provider was contracted for the implementation of demolishing illegal structures. She added that a special contact number would be made public for the community to be able to report any new illegal structures.

The Municipal Manager added that the municipality would have to contact the Department of Labour, Home Affairs and Immigration Services for follow-up operations.

The Executive Mayor, Councillor H.F. Du Rand raised concern with regard to how the monitoring of the Informal Settlement will be done in order to ensure that no new structures were erected.

The Director of Financial Services, Ms E. Wasserman said that the idea was to use a drone but that the municipality did not have one yet. She added that if the drone became critically important, a Section 29 expenditure can be tabled to Council under the Mayor's delegations per Section 29 of the MFMA.

The Executive Mayor, Councillor H.F. Du Rand requested that a process plan on monitoring the process of demolishing new structures in the Informal Settlement, be provided by Friday, 13 October 2023. He added that the administration must ensure that appropriate measures be put in place in order to ensure that the municipality was protected in case of resistance from residents of the Informal Settlement.

Councillor F. Kees asked that the municipality focused on all the towns of the municipality. He asked that a meeting be held with farmers in the area to discuss the appointment of illegal immigrants who later became the problem of the municipality when they erect illegal structures in the different towns.

The Director of Community Services, Mr K. Stuurman shared that the Court was expected to rule in an application brought in terms of the ESTA Act in the Barrydale district on 1 November 2023 obligating the municipality to provide alternative accommodation to the evictees.

Mr Stuurman said that the code stated that the municipality must provide a 25m² structure that would last 5 years and could to be moved 3 times. He added that according to a quotation received, the cost of the material for such structure will be R16 000. He said that if the Court issued the eviction notice, the municipality will be obligated to react to provide emergency housing to the evictees.

The Municipal Manager, Mrs A. Vorster indicated that the municipality did not have the funds to provide emergency housing at this stage. She suggested that the municipality formally tabled the matter to the SALGA Working Groups in order to state the municipality's challenges.

Mrs Vorster said that the Emergency Housing Policy was published for comments and asked that Councillors discussed the policy in their Wards.

- **Security:**

The Municipal Manager reported that the Red Ants' total cost for phase 1 was R580 000 and for the second phase the amount was about R800 000 with a total of R1.38 million. She said this was for August and September 2023 which means that October 2023 still needs to be added.

The Municipal Manager, Mrs A. Vorster said management planned to review the rendering of security services including evaluating the SLA of the current service provider. She added that issues to be reviewed inter alia included the identification of critical points such as the water works, the municipal stores and electrical substations with the level of security required being determined.

Thusong Centre:

The Municipal Manager, Mrs A. Vorster said that the Thusong Centre has been closed temporarily with one security guard at the building.

Risk Assessments:

The Municipal Manager, Mrs A. Vorster said that there will be a risk assessment done for two persons as one Councillor together with one official remained in protective accommodation at the Caravan Park.

Councillor Insurance under SASRIA:

The Municipal Manager, Mrs A. Vorster said that Councillors must ensure that their SASRIA information was updated.

- **Mental Health Support to Staff:**

The Municipal Manager said that mental health support to staff continued.

- **Insurance Claims Under Investigation:**

The Municipal Manager said that the Provincial Department will be providing a Structural Engineer to do the assessment of the damaged building followed by a quantity surveyor.

- **Office Accommodation:**

Tenders have been invited for the lease of office accommodation after which one bid was received for an excessive amount which led to the re-advertisement of the tender.

Credit Control:

The credit control division was still at the Traffic Department. The Side Hall of the Town Hall was in the process of being renovated to move the credit control division there along with one cashier.

Income Division:

The income division was moved to the hall of the Desmond Tutu Library.

Remote Working:

Some of the administrative personnel were working from home due to the shortage of office space.

- **Pay points:**

The current pay points were at PEP Stores and the Traffic Department but residents could pay at house shops as well.

- **Indigent support registration:**

A video will be made to explain the online registration process for indigent support.

- **Performance Report**

Mrs Vorster reported that the performance report was submitted after the due date due to a verification issue and may be flagged as non-compliance. She said that an Item will be tabled to Council.

- **Office Equipment:**

The Municipality received a donation from George Municipality and Mr Stuurman received office furniture from the Western Cape Department, Cape Town which had to be collected by Friday, 13 October 2023.

- **ICT Communications:**

ICT communications has been restored but the municipality had trouble with repeated theft of cables and vandalism. The Director of Financial Services, Ms. E. Wasserman said that she installed an alarm system at the damaged head office building because the repeated theft put the entire network at risk.

The Municipal Manager said that there has been a deviation for the purchase of a new telephone communication system.

- **Public Participation:**

The IDP meetings have been cancelled, however, the sector meetings will continue in October 2023. IDP public participation meetings will commence in November 2023. The Municipal Manager, Mrs A. Vorster suggested that a meeting be held once a month with Senior Management and the Chairpersons of Portfolios where the public could come and ask questions on matters, they needed clarity on. The Executive Mayor, Councillor H.F. Du Rand said that the exercise must be done in all towns of the municipality.

Mrs Vorster said that she will formulate a meeting schedule and communicate to all relevant parties.

- **COGTA / SALGA**

The Municipal Manager said that the municipality had a meeting with CoGTA where it was confirmed that Council's Indigent Policy was in line with national prescriptives. Councillors will have SALGA training on 18 – 19 October 2023. Ward Committee training will take place on 21 October 2023.

- **Disciplinary Processes**

The Municipal Manager reported that she had an interview with Mr T. Giliomee as a bid was out for an investigator for Councillors and Ward Committee member transgressions. She said

that the costs will be high for the process. She added that if the cost was too high for both Councillors and Ward Committees, then the second option would be to approach another municipality for professional assistance in the disciplinary process for the ward committee members.

The Executive Mayor, Councillor H.F. Du Rand said that every person who had a hand in the recent events will be charged for the damages caused.

The Municipal Manager said that three local SAPS cases were open. The SAPS videos have been requested and interdicts were to be implemented.

5. CONFIRMATION OF MINUTES

Proposer: Councillor F. Kees
Seconded: Councillor E. J. Lamprecht

RESOLVED:

- 5.1** that the minutes of the Mayoral Committee meeting held on Wednesday, 21 June 2023 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.
- 5.2** that the minutes of a continuation meeting of the Mayoral Committee held on Thursday, 22 June 2023 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.
- 5.3** that the minutes of a Special Mayoral Committee meeting, held on Monday, 04 September 2023 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

The Executive Mayor, Councillor H.F. Du Rand indicated that there were items that were approved by Council that will be rescinded and according to the delegations, items that may be approved by the Mayoral Committee will be handled as such.

6.1 Matters arising from the minutes: p.5: Section 71 Report – May 2023:

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to the R6 million additional funding that was received from WSIG, Mr W. Treurnicht, Acting Director Infrastructure Services said that the R6 million was for the Barrydale Water Works and that the working team was currently in the process of completing the filters at the water works. He said that the project was well in progress and based on the last feedback received from WSIG, the Provincial and National Department supported the roll-over of the grant.

With regard to the R350 000 roll-over amount of the Sewer Pipeline Project in Railton, Mr W. Treurnicht reported that the contractor was scheduled to start within the next two weeks. The Director Financial Services, Ms E. Wassermann said that she will provide the final

figures of the available funds for the project to Mr Treurnicht before the commencement of the project and calculate the total project cost.

6.2 Matters arising from the minutes: p.13: Item number A84 Blue Drop Watch Report:

The Chairperson asked whether the water meter has been installed as indicated in point 3 of the recommendation whereby Mr. Treurnicht indicated that the meter has not been installed, however, the contractor has been appointed and the final arrangements for the installation will be finalised within the next two weeks.

Mr Treurnicht said that some of the corrective actions that needed to be addressed as indicated in the Blue Drop Watch Report have been included in the current contract but that the specifications for the railings at the waste water plant were being drafted.

The Executive Mayor, Councillor H.F. Du Rand asked whether the information on Iris has been updated whereby Mr W. Treurnicht responded that the appointed Process Controller was in the process of updating the correct information on the system. Mr Treurnicht said that he was waiting for the final Blue Drop Report that will be released in October 2023.

6.3 Matters arising from the minutes: p. 20: Item number A86 SSEG Policy and Application Guidelines:

The Executive Mayor, Councillor H. F. Du Rand asked whether the SSEG Policy will be tabled to Council on 31 October 2023 whereby the Municipal Manager, Mrs A. Vorster confirmed that the Item will be on the agenda as the second round of public participation has been completed. Mrs Vorster reported that no other comments have been received in the public participation process and was now closed for further comments.

The Director Financial Services, Ms E. Wassermann reported that the tender for the drones have been published on Friday, 6 October 2023 to determine who in the community has solar panels installed at their residences to date.

The Acting Director, Infrastructure Services, Mr W. Treurnicht reported that the department has already received applications for the installation of solar panels and added that the platform used for registration was working effectively.

The Executive Mayor said that it would be ideal if the municipality could possess its own drone to monitor the expansion of the Informal Settlement in Railton or the progress of projects in the Swellendam area.

The Municipal Manager, Ms A. Vorster said that herself together with Mr K. Stuurman had a discussion with the Provincial Department of Infrastructure Services with regard to funding for a drone but the department indicated that there was no funds for the request but could arrange that the relevant department come to assist and provide the services to the municipality.

Mr W. Treurnicht said that he was in the process of drafting the specifications for the operation and the integration of a drone with the municipality's GIS system. He added that it will become even more important for Law Enforcement to make use of such tools in future.

6.4 Matters arising from the minutes: p.25 Item number A87 Traffic and Law Enforcement:

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to Baker Street, Mr K. Stuurman, Director Community Services said that the proposal must be advertised and comments must be obtained from the residents who will be directly affected by the decision.

6.5 Matters arising from the minutes: p.27 Item number A88 Report on Fixed Term Contracts and Appointment Policy:

The Municipal Manager, Mrs A. Vorster indicated that the Fixed Term Contract Policy will be discussed at the next LLF meeting together with the newly proposed organogram to be tabled to Council at the next Council meeting.

The Executive Mayor requested that pressure be put on the HR Department to fill the vacant positions on the organogram and that the recruitment committees consisted of the Directors of the departments as the Chairpersons and the relevant line managers in the departments as members of the committee.

6.6 Matters arising from the minutes: p.33: Item number A90: Report on: Policy to Manage Requests for Notch Increases and Once-Off Cash Compensation for unrelated and additional Duties and Functions:

The Municipal Manager, Mrs A. Vorster indicated that the policy has been withdrawn for the policy to be revisited before final approval of Council.

The Executive Mayor, Councillor H.F. Du Rand asked that the administration made the necessary arrangements for the Item to be discussed and necessary amendments be made in order to table the final item to Council.

6.7 Matters arising from the minutes: p.5: Item number A95: Community Services: Housing Development: Swellendam 950 Housing:

The Executive Mayor, Councillor H.F. Du Rand said that with regard to the supporting documents needed for housing applications, an affidavit from the police department will not be accepted for applications. He added that all applicants must provide supporting documents that served as proof that they were living in Swellendam for 11 years in order to be accepted.

The Executive Mayor indicated that the names of applicants will be advertised in October 2023 for the public to be able to comment and the Community and Housing Portfolio Committee will have a meeting in November 2023 to evaluate all the comments and applications received to verify whether the information submitted was legitimate and acceptable for approval.

7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

The Executive Mayor, Councillor H.F. Du Rand welcomed Mrs J. Etzebeth back to the municipality and expressed his gratitude towards her presence and the expertise she will be sharing with the administration.

8	DISCLOSURE OF INTERESTS BY COUNCILLORS
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None

9	FINANCIAL REPORTING
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9.1 Section 71 Report for June - August 2023:

RESOLVED

9.1.1 that cognisance be taken of the Section 71 Report for June - August 2023.

DISCUSSION

The Director of Financial Services, Ms E. Wassermann reported that she was in the process of re-establishing and reconciling all the costs incurred to date and determine what the municipality still needed to finally be 100% operational again. She added that a Special Budget Steering Committee was needed to discuss the impact of the total costs and make proposals as to where the funding could be retrieved from. She said that more detail on the costs will be provided in the Municipal Managers report.

Ms Wassermann shared that all funds from the Financial Department's votes have been fully utilised and will not be able to provide any further funds. She said that if any funding has to be moved, it would have to be moved from Repairs and Mainatenance and Infrastructure votes. Ms Wassermann added that she has not looked at the salary vote but due to vacant posts there will be savings on salaries where funding could also be retrieved from.

Ms Wassermann said that it was critical for the Credit Control Division to be stationed at a more accessible space in order to ensure an increase in the payment rate. She said that while an alternate space was being viewed for consideration in Railton, the Credit Control Division was currently operating from the Traffic Department. She said that the payment percentage has relatively decreased in August 2023 to 57%, however, in September 2023 the percentage increased to 123% which was an indication that the community needed the Credit Control Division to be more accessible in order to make payments.

Ms Wassermann shared that the Side Hall of the Town Hall was in the process of being organised in order to make it operational for the Credit Control Division to be temporarily moved to the venue. She said that a possible pay point will be developed at the Railton Library.

She added that it came to her attention that there was fear amongst the employees regarding the placement of credit control officials at their buildings. She said that the fear was due to the perception that the Credit Control Division was being targeted as seen in the recent events.

Ms Wassermann reported that the payment percentage was back to 107% which was an indication of improvement. She said that the Committee must note that the National Department has not yet paid its tax accounts. She added that the Provincial Department paid their accounts.

She said that the capital budget must also be discussed at the Budget Steering Committee meeting as all the projects on the capital budget remained critical projects and needed to proceed as-is.

Ms Wassermann reported that with the projections made to transfer funds to next year's CRR, a total amount of R22 million could be transferred to the CRR to cover the 2024 capital budget. She said that the balance statement on 30 June 2023 looked relatively promising before the recent riots took place, as even a portion of the landfill site could be made cash backed. She added that the riots in the recent months resulted in a major set back for the municipality.

She said that the operational budget was under pressure and would have to be reduced in order to cover the costs of the riots as the municipality would have to provide upfront funding before the insurance claims would be finalised.

The Executive Mayor, Councillor H.F. Du Rand indicated that he was pleased with the R22 million on the CRR for 2024's capital budget and supported the idea of proceeding with the projects on the capital budget as it would have a negative impact going forward.

In response to a question raised by the Executive Mayor with regard to the progress of the insurance claims, Ms Wassermann indicated that the finance department was in the process of finalising all the information needed by the assessors. She said that two structural engineers will now be appointed to handle the insurance claim with a quantity surveyor to do all the measurements.

The Executive Mayor, Councillor H.F. Du Rand indicated that new office buildings would have to be accessible for all members of the community including the elderly and disabled.

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to office space for Home Affairs, the Director Community Services Mr K. Stuurman indicated that the contract with Home Affairs has been cancelled and the Home Affairs employees have been placed at Bredasdorp, Robertson and Caledon. Mr Stuurman said that Home Affairs was waiting for the municipality to provide a suitable space for all their functions before they would return.

The Director Financial Services, Ms E. Wassermann shared that the municipality was extremely vulnerable in terms of the security risk and the administration would have to schedule a special meeting with the Municipal Manager and all the Directors to come up with a new security strategy. She said that access control was not effective and needed alerts at the different sites to be able to react faster. She added that she wanted to go out on a tender for specialised services other than access control to target certain areas of the municipality in order to better protect the property of the municipality.

The Municipal Manager, Mrs A. Vorster indicated that the substations, water works and the municipal stores would be the main focus points when looking at more effective security detail.

The Executive Mayor, Councillor H.F. Du Rand indicated that it was crucial to look at improved security options that would give the municipality the best value for its money.

In response to a concern raised by the Executive Mayor with regard to stationing a payment point for Credit Control in Railton, the Director Financial Services, Ms E. Wasserman responded that the Credit Control Division will be stationed at the Side Hall of the Town Hall and a media release will be made explaining to the public that account payments can be made at PEP Stores. She said that all pre-payment meter users could make full payments on their accounts at any vending point where electricity can be bought. She said that the only issue that needed to be clarified with Syntell was whether a pre-payment user could pay their account without buying electricity from a vendor if they wished to do so.

Ms Wasserman said that the Credit Control Division was sending Whatsapp or sms messages to all consumers indicating the balance of their accounts.

10	MATTERS FOR CONSIDERATION
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10.1 **Items submitted by officials of the Council**

10.1.1

Item number A116. 10.10.2023

SANPARKS' PROPERTY PROPOSAL: BONTEBOK PARK VIS-À-VIS SWELLENDAM INDUSTRIAL AREA

Report by the Manager Town Planning and Building Control (R. Brunings).

Department	Corporate Services
Section	Town Planning and Building Control
File number	7/2/1/1

PURPOSE OF REPORT

To table a development proposal received from SANParks for the use of proposed Erf 8485 (Portion 2) and proposed Erf 8486 (Portion 1), Swellendam, as per Council resolution A26/24/02/2022.

FACTS AND BACKGROUND

On 24 February 2022 Council resolved as follows:

UNANIMOUSLY RESOLVED

Item A26/24/02/2022

1. that the contents of the report on SANParks' property proposal: Bontebok Park Vis-à-vis Swellendam Industrial area, be noted.
2. that SANParks' proposal to purchase proposed Erf 8485 (Portion 2) and proposed Erf 8486 (Portion 1) be approved in-principle subject to: (i) SANParks submitting a proposal with set time frames regarding appropriate development options to create a presence on the proposed land be submitted to Council (ii) Council's intention being advertised for public comment prior to a final decision being taken, (iii) and once Portion 1 is purchased by SANParks, the portion be consolidated with erf 5338.
3. that proposed Erf 8484 (Portion 3) be sold by way of a competitive bidding process.
4. that proposed Portion 7, which comprises a small wetland area and an area of "High Sensitivity" vegetation measuring ± 1.5 ha in extent, as denoted in the botanist's report, be alienated and consolidated into the Bontebok National Park (Erf 5338), at no cost to SANParks other than the transfer and registration fee, and the moving of the fence to where the municipality indicate.
5. that an agreement be drawn up between the Municipality and SANParks with regard to the rehabilitation, alien clearing and maintenance of Area "A", which would remain in place until such time as the area is negotiated for sale to a third party for development purposes, at which point the status quo in terms of its future ownership can be reconsidered.

SANParks has since lodged its proposal (conceptual) for the use of the property, and has also given a broad timeline for implementation, contingent on procurement processes – **see Pages 1 to 12 of the Annexures.**

DISCUSSION

As noted in the Annexures attached, SANParks has proposed that the property be set aside for a farm stall, a café, ablutions, a dog-park, related parking and garden paths. The anticipated physical development would likely comprise some 3500m² in extent, with the balance of the property comprising natural vegetation. The proposed ingress and egress points are also indicated. The development would serve to create the necessary ambience for guests to the Bontebok National Park, and offer a 180° view of the Langeberg Mountain Range. It is noted that the plans and 3D renderings are still conceptual at this stage, but gives a good indication of the intent.

The bulk of the development would be constructed across the erstwhile shooting range, which is now in a severely dilapidated state. There would be very limited impact on the existing natural vegetation.

It is noted that the property will need to be rezoned (with Consent Use for Tourist Facilities) for the purpose and be consolidated with the existing Bontebok National Park property.

SANParks anticipates that the development could be complete within 3 years of registration, contingent on procurement. All necessary land use processes and building plan submissions will be followed and made.

It is considered that SANParks has hereby complied with Item 2(i) of Council's resolution of 24 February 2022, and that the intention to advertise for public comment can be commenced with. The balance of Council's resolution is in process.

LEGAL IMPLICATIONS

The following legislation regulates the management of municipal property:

- The provisions of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).
- The By-law relating to the Management and Administration of Immovable Property, 2018.
- The Municipal Asset Transfer Regulations, 2008.
- Municipal Policy in relation to the Management, Administration and Alienation of Immovable Property, 2014.
- Municipal Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

Public advertisement.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Need to prepare public advertisements.

COMMENTS FROM DEPARTMENTS

Town Planning and Building Control:

The use can be supported in principle from the town planning perspective, provided the property (2x erven) is consolidated with the Bontebok National Park and rezoned, and that the placement of the vehicle egress / ingress points vis-a-vis Produksie Street and the Park itself is finalised. There ought also to be only a single access point into the park. It would appear that the delivery yard is larger than needed, unless this will also cater for staff parking – these aspects and details will be addressed as part of the land use planning process.

Director: Community Services

No comment received.

Director: Financial Services

No comment received.

Director: Infrastructure Service

The Municipality to retain access to the embankment cut material on the site for road repair purposes.

Municipal Manager

The location and extent of the “dog park” needs to be reconsidered, particularly relative to the anticipated vehicular traffic.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that the content of the report on SANParks's property proposal: Bontebok Park vis-à-vis Swellendam Industrial Area be noted.
2. that portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) are not needed for the provision of a minimum level of basic municipal services, in terms of Section 14 of the Municipal Finance Management Act, 2003 (Act No.56 of 2003).
3. that Council's intention to alienate Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) to SANParks, and for the use as proposed, be advertised for public comment prior to a final decision being taken.
4. that a reserve price for each erf based on the findings of 2 independent valuation reports be determined and that the cost of the valuation reports be for the applicant's account.
5. that the alienation of Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) to SANParks be subject to the completion of requirements in terms of the Swellendam By-Law on Municipal Land Use Planning, 2020, more specifically: Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485), be rezoned to Natural Environment Zone (Nature Area) and simultaneously consolidated with Erf

5338 for the applicant's (SANPark's) account. Portion I (proposed Erf 8486) to also have Consent Use for "Tourist Facilities" as per the concept land use proposed.

6. that point 3 to 5 of Council's resolution dated 24 February 2022 be proceeded with.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the item as-is:

RECOMMENDED TO COUNCIL

1. that the content of the report on SANParks's property proposal: Bontebok Park vis-à-vis Swellendam Industrial Area be noted.
2. that portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) are not needed for the provision of a minimum level of basic municipal services, in terms of Section 14 of the Municipal Finance Management Act, 2003 (Act No.56 of 2003).
3. that Council's intention to alienate Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) to SANParks, and for the use as proposed, be advertised for public comment prior to a final decision being taken.
4. that a reserve price for each erf based on the findings of 2 independent valuation reports be determined and that the cost of the valuation reports be for the applicant's account.
5. that the alienation of Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485) to SANParks be subject to the completion of requirements in terms of the Swellendam By-Law on Municipal Land Use Planning, 2020, more specifically: Portion I (proposed Erf 8486) and Portion 2 (proposed Erf 8485), be rezoned to Natural Environment Zone (Nature Area) and simultaneously consolidated with Erf 5338 for the applicant's (SANPark's) account. Portion I (proposed Erf 8486) to also have Consent Use for "Tourist Facilities" as per the concept land use proposed.
6. that point 3 to 5 of Council's resolution dated 24 February 2022 be proceeded with.

10.1.2

Item number A117. 10.10.2023

PUBLIC ART: POLICY

Report by the Manager Town Planning and Building Control, Mr R. Brunings.

Department

Corporate Services

Section

Town Planning and Building Control

File number

2/B

PURPOSE OF REPORT

To table a draft policy on Public Art, for use by Council on receipt of applications as lodged by individuals, collectives, corporations or institutions.

FACTS AND BACKGROUND

Public Art, by broad definition, is art erected or installed for public consumption and enjoyment. Public Art is usually located in public spaces and / or on publicly owned land. Public art commonly takes the form of outdoor sculptures, installations, or murals.

DISCUSSION

Given that Public Art is located in public spaces and oftentimes on public land, and viewed by a broad cross section of society, Council is required to consider such initiatives with some circumspection. Council ought therefore to deliberate whether such art does not offend, discriminate, or exhibit overtly political messaging. Such art ought also to be considered in terms of its safety, integrity, visual impact and overall standard and quality. Public art should serve to contribute positively to our public spaces, by way of its aesthetics and visual interest, but should also encourage contemplation and thought. Public art should not aim to be permanent, with key public spaces to be shared equitably by approved artists.

To this end, Council must receive and consider formal submissions from applicants via the Administration, and apply its mind judiciously before issuing permission. To provide Council some basic guidelines on which to make decisions, a short policy has been prepared for consideration – refer to **Page 14 of the Annexures.**

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Publication of the draft policy.

COMMENTS FROM DEPARTMENTS

Director: Community Services

No comment received.

Director: Financial Services

The current sundry tariffs do not include tariffs for public art. Council may introduce new tariffs during a financial year, but subject to a public participation process.

The applicant who applies to display public art on public open spaces must provide a waiver to the municipality for any liability claim due to damages, theft, fire etc.

The municipality will have to report such art approvals to Council's insurers for public liability from members of the public who may be hurt when visiting the display. This will result in additional insurance costs which cannot upfront be determined as it will depend on the type of art and area.

Director: Infrastructure Service

No comment received.

Municipal Manager

No further comment received.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that the content of the report on the proposed Public Art Policy be noted.
2. that the draft policy be advertised for public comment and if no objection is received, the Municipal Manager be authorised to finalise and implement the policy as necessary.
3. that the applications for public art be circulated to all internal departments before being tabled for Council's consideration.

The Executive Mayor Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the item as-is:

RECOMMENDED TO COUNCIL

1. that the content of the report on the proposed Public Art Policy be noted.

2. that the draft policy be advertised for public comment and if no objection is received, the Municipal Manager be authorised to finalise and implement the policy as necessary.
3. that the applications for public art be circulated to all internal departments before being tabled for Council's consideration.

10.1.3

Item number A118 10.10.2023

PUBLIC ART PERMIT: APPLICATION FORM

Report by the Manager Town Planning and Building Control, Mr R. Brunings

Department

Corporate Services

Section

Town Planning and Building Control

File number

2/B

PURPOSE OF REPORT

To table the Public Art Permit Application Form, for use by Council on receipt of public art applications as lodged by individuals, collectives, corporations or institutions.

FACTS AND BACKGROUND

Public Art, by broad definition, is art erected or installed for public consumption and enjoyment. Public Art is usually located in public spaces and / or on publicly owned land. Public art commonly takes the form of outdoor sculptures, installations, or murals.

DISCUSSION

Given that Public Art is located in public spaces and oftentimes on public land, and viewed by a broad cross section of society, Council is required to consider such initiatives with some circumspection. Council ought therefore to deliberate whether such art does not offend, discriminate, or exhibit overtly political messaging. Such art ought also to be considered in terms of its safety, integrity, visual impact and overall standard and quality. Public art should serve to contribute positively to our public spaces, by way of its aesthetics and visual interest, but should also encourage contemplation and thought. Public art should not aim to be permanent, with key public spaces to be shared equitably by artists.

To this end, Council must receive and consider formal applications on application forms, and apply its mind judiciously before issuing permission. Essentially Public Art can be considered broadly in the same genre as graffiti, which could also necessitate Council to look at proclaiming a specific bylaw, particularly if it starts to receive an increasing number of applications competing for the same limited public space.

Attached at **Pages 15 to 32 of the Annexures** is a proposed Application Form, as well as a copy of the By-Law used by the City of Cape Town in relation to graffiti – which could be adjusted for Swellendam purposes if deemed necessary.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

None.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Service

None

Municipal Manager

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that the content of the report on the Public Art Application Form be noted.
2. that Council makes use of the Public Art Application Form when taking receipt of any applications for public art.
3. that applications for public art be circulated to all necessary internal departments before being tabled for Council's consideration.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the item as-is:

RECOMMENDED TO COUNCIL

1. that the content of the report on the Public Art Application Form be noted.
2. that Council makes use of the Public Art Application Form when taking receipt of any applications for public art.
3. that applications for public art be circulated to all necessary internal departments before being tabled for Council's consideration.

10.1.4

Item number A119. 10.10.2023

SUBDIVISION OF MUNICIPAL INDUSTRIAL LAND – ERF 8240 (6.0675HA)

Report by the Manager Town Planning and Building Control (R Brunings)

Department

Corporate Services

Section

Town Planning and Building Control

File number

15/2/4

PURPOSE OF REPORT

To set out a proposal for the subdivision and subsequent sale of Erf 8240 (6.0675ha), Swellendam.

FACTS AND BACKGROUND

Erf 8240 Swellendam was generated on 11 February 2019, the result of a rezoning, consolidation and subdivision process relating to the rationalisation of various portions of municipal land located in the industrial area, with a view to its sale on the open market in the short to medium term – see Subdivision Sketch Plan **on page 33 of the Annexures**.

Erf 8240 Swellendam measures 6.0675ha in extent, and comprises elements of the erstwhile municipal sewer works, which would have to be removed. It is noted that the property would likely also be subject to environmental rehabilitation processes in terms of the National Environmental Management Act 1998 prior to further development. In April 2019 the property was valued at ±R6.5million (R107 / m²).

In April 2021 Council resolved as follows:

UNANIMOUSLY RESOLVED

Item A48/29/04/2021

1. that subparagraph 3, 4, 5, 6, 7 and 8 of the Council resolution A23 of 25 February 2021 as reflected below be rescinded.
 - "3. that development proposals for the right to develop be called from prospective developers in terms of a competitive tender process by the Supply Chain Management Unit, for the subdivision and development of the balance of Erf 8241 as described in paragraph 2 above;
 4. that the three proposed development blocks relating to Erf 8240 be made available for a right of development to interested developers with the aim to create a number of Industrial erven for industrial development;
 5. that development proposals for the right to develop be called in terms of a competitive tender process by the Supply Chain Management Unit, from prospective developers for the subdivision and development of the three proposed development blocks related to Erf 8240;
 6. that the development proposals as per paragraphs 3 and 5 above be advertised for 60 days locally but also nationally making use of national marketing development platforms;

7. *that the Mayoral Committee be mandated to consider the development proposals on a report to be submitted to the Mayoral Committee by the Bid Evaluation Committee, interact and liaise with interested developers and submit a report with recommendations on the development proposals to Council for consideration;*
 8. *that the SWANSS Group of Companies be informed that there are no serviced erven available currently and that they will be informed as soon as the erven have been serviced and are ready for disposal, but if they wish to apply to rent a portion of the Traffic Services erf, the Mayoral Committee will favourably consider such an option; "*
2. that a two-phase bidding process be followed by the Supply Chain Management Unit for the subdivision and development of any or all three of the development blocks related to Erf 8240 on the basis of a right to develop with the aim to create a number of Industrial erven for industrial development but that interested industrialists also be allowed to submit bids for the purchase of a specific block or for all three blocks for own development and not for further subdivision;
 3. that a two-phase bidding process be followed by the Supply Chain Management Unit for the subdivision and development of Erf 8241 on the basis of a right to develop with the aim to create a number of Industrial erven for industrial development;
 4. that proposals for the right to develop be called in terms of a competitive tender process by the Supply Chain Management Unit;
 5. that the conditions as per paragraph 10 of the Council Resolution A35 dated 25 February be applicable to the process as per paragraphs 2 to 4 above;
 6. that the following reserve prices for offers be approved by Council:
 - 6.1 Erf 8240: R202 per square metre
 - 6.2 Erf 8241: R144.00 per square metre

In keeping with the resolution, Erf 8240 Swellendam was put out to tender in May 2021. No proposals for the 2 Stage Right-to-Develop strategy (as per Point 2 and Point 4 above) were received.

DISCUSSION

Given the lack of response to the tender, it would appear that the appetite of investors to undertake the development of industrial land in Swellendam for downstream commercial sale is lacking at this juncture. However, that is not to say that there are not currently individual business owners / operators who would not be willing to purchase an erf suited to their own needs / budget and to thereby establish themselves in the industrial area per se, even if they would be expected to lay on services to the selected erf.

Accordingly, and after substantial further consideration by Senior Management, it is proposed that Erf 8240 Swellendam rather be formally subdivided into 3 smaller portions and that the subdivision process be undertaken in-house. The 3 separate erven are then to be sold on a simple competitive bidding process (tender) or an auction, and the remaining erven out of hand. The proposed portions are set out as per Subdivision Sketch Plan **on page 33-34 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates the proclamation of by-laws and the management of Municipal property:

- The Municipal Systems Act, 2000 (Act 32 of 2000)
- The provisions of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).
- The By-law relating to the Management and Administration of Immovable Property, 2018.
- The Municipal Asset Transfer Regulations, 2008.
- Municipal Policy in relation to the Management, Administration and Alienation of Immovable Property, 2014.
- Municipal Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

Cost for the land survey process. The town planning process will be handled in-house.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Preparation of public advertisements.

COMMENTS FROM DEPARTMENTS

Director: Community Services

No comment received.

Director: Financial Services

No comment received.

Director: Infrastructure Service

No further comment received.

Municipal Manager

Agree with report.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that the content of the report on the proposed subdivision and subsequent sale of Erf 8240, Swellendam be noted.
2. that previous Council resolutions A23/25/02/2021 and A48/29/04/2021, be rescinded.

3. that it be noted that Erf 8240, Swellendam, is not needed for the provision of basic municipal services in terms of section 14 of the Municipal Finance Management Act, 2003 (Act 56 Of 2003);
4. that Erf 8240 be subdivided as per the Sketch Plan presented (**page 33-34 of the Annexures**).
5. that a reserve price for each of the three erven be determined, based on the findings of 2 independent valuation reports.
6. that the apportionment of costs for the installation of requisite bulk-link services to each of the 3 erven be determined and articulated in a Services Level Agreement signed with the purchaser by the Director Infrastructure Services, prior to registration.
7. that the 3 industrial erven be sold on the following basis:
 - each erf be put out to tender, on a competitive bidding basis, by the Supply Chain Management Unit and sold to the highest bidder;
 - successful bidders to submit suitable guarantees from registered financial institutions, within 30 days of signing the Agreement of Sale;
 - the erven that are not sold on completion of the tender process, be sold "out of hand" in a piecemeal manner, and at the average tender price (per m²) achieved for such erf / erven or at the reserve price set, whichever is the highest;
 - the full purchase price for each erf to be settled on date of registration;
 - municipal rates be payable, calculated from the date of registration;
 - a clause be registered against the title deed of each erf, specifying that in the event that the property remains vacant for two (2) years after the date of first registration, that the municipal rates for improvements will be calculated on the basis of an erected building value of R2.5 million, until such time as actual construction is complete and the actual value is determined.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the item as-is:

RECOMMENDED TO COUNCIL

1. that the content of the report on the proposed subdivision and subsequent sale of Erf 8240, Swellendam be noted.
2. that previous Council resolutions A23/25/02/2021 and A48/29/04/2021, be rescinded.
3. that it be noted that Erf 8240, Swellendam, is not needed for the provision of basic municipal services in terms of section 14 of the Municipal Finance Management Act, 2003 (Act 56 Of 2003);
4. that Erf 8240 be subdivided as per the Sketch Plan presented (**page 33-34 of the Annexures**).
5. that a reserve price for each of the three erven be determined, based on the findings of 2 independent valuation reports.
6. that the apportionment of costs for the installation of requisite bulk-link services to each of the 3 erven be determined and articulated in a Services Level Agreement signed with the purchaser by the Director Infrastructure Services, prior to registration.
7. that the 3 industrial erven be sold on the following basis:
 - each erf be put out to tender, on a competitive bidding basis, by the Supply Chain Management Unit and sold to the highest bidder;
 - successful bidders to submit suitable guarantees from registered financial institutions, within 30 days of signing the Agreement of Sale;

- the erven that are not sold on completion of the tender process, be sold "out of hand" in a piecemeal manner, and at the average tender price (per m²) achieved for such erf / erven or at the reserve price set, whichever is the highest;
- the full purchase price for each erf to be settled on date of registration;
- municipal rates be payable, calculated from the date of registration;
- a clause be registered against the title deed of each erf, specifying that in the event that the property remains vacant for two (2) years after the date of first registration, that the municipal rates for improvements will be calculated on the basis of an erected building value of R2.5 million, until such time as actual construction is complete and the actual value is determined.

10.1.5

Item number A121. 10.10.2023

APPLICATION: PURCHASE OF PROPOSED ERF 4604, INDUSTRIAL AREA IN SWELLENDAM – NICO TRUST

Municipal Manager	A. Vorster
Department	Corporate Services
Section	Property Administration
File Number	7/2/R

PURPOSE OF REPORT

To submit an application to buy a piece of municipal land in the Industrial area, Erf 4604 Swellendam.

FACTS AND BACKGROUND

An application was received from Mr Pieter Houterman, on behalf of his client, Nico Trust (C.J. Kotze), the owner of Erf 4594, adjacent to the mentioned property.

The following motivation was received in Afrikaans:

Agtergrond:

Erf 4604, Swellendam is oorspronklik geskep in 1996 en kom voor op Algemene Plan nr. 9114/1996. Hierdie erf is geskep om spoor-toegang te verleen na erf 4124, Swellendam. Daar is ook tydens die genoemde opmeting van 1996, 'n konsolidasiekaart opgestel naamlik erf 4605, Swellendam. Laasgenoemde kaart is goedgekeur maar weer teruggetrek by die kantoor van die Landmeter Generaal.

Huidige omstandighede:

Die eienaar van erf 4124, Swellendam is onder die indruk dat erf 4604, Swellendam aan hulle behoort, maar dit behoort steeds aan die Swellendam Munisipaliteit. Dit was dan die voorneme van die eienaar om erf 4604, Swellendam te vervreem aan die eienaar van erf 4594, Swellendam. Die rede vir die aanvanklike terugtrekking is aan my onbekend.

Die eienaar van erf 4594, Swellendam stel steeds belang om die betrokke erf aan te koop en te konsolideer met hulle erf.

Aansoek:

Ons, Bekker & Houterman Landmeters, doen hiermee aansoek namens die eienaars van erf 4594, Swellendam vir die aankoop van erf 4604, Swellendam om gekonsolideer te word met erf 4594. Die eiendom kan slegs aan 2 eienaars vervreem word, en die eienaar van erf 4124 het te kenne gegee dat hulle nie belangstel nie en dus kan dit slegs vervreem word aan die eienaar van erf 4594, Swellendam.

Attached find a site map, and the application **on pages 35 to 42 of the Annexures.**

DISCUSSION

The mentioned property, is still registered as Erf 4123, which forms part of Produksie Street and is registered in the name of the municipality. The proposed Erf 4604 was never registered.

The mentioned property is also adjacent to Erf 4124, which is a private owner, on the one side and Erf 158, which is the property of Transnet, on the other side. This is the only two neighbours who also have access to the piece of land.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The provisions of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

The property should be disposed of through a public bidding process.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr R. Brunings

Proposed Erf 4604 still forms part of registered Erf 4123, which comprises the erf underlying Produksie Street. There is no objection to the alienation of the proposed Erf 4604 from a town planning perspective, but the property ought to be consolidated with either Erf 4594 or Erf 4124 given the issue of access and service connection. It is noted that erf 4604 also adjoins Erf 158 (*Transnet*) which accommodates a portion of the railway line that runs through the town.

Director: Community Services

None

Director: Financial Services

See above for financial implications.

Director : Infrastructure Services

None

Municipal Manager

This matter has been dragging along for years, without a final conclusion. Should the property be alienated, the necessary land use processes must be completed within a period of twelve months.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that Council in-principle approves that proposed Erf 4604, in Swellendam, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in-principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that a market value, of the land described in (1) above, be obtained by the municipality by averaging the two property valuations as determined by the two independent valuers appointed by Council;
4. that on the determination of the market value of the property described in (3) above, Council advertises its intention to alienate proposed Erf 4604, Swellendam;
5. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
6. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
7. that the successful bidder be responsible for all costs in respect of the transfer, legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
8. that should the adjacent neighbour be the successful bidder, the land be consolidated with their adjacent property;
9. that Council's attorney be delegated to draft the applicable documents for the transfer.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the item as-is:

RECOMMENDED TO COUNCIL

1. that Council in-principle approves that proposed Erf 4604, in Swellendam, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in-principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that a market value, of the land described in (1) above, be obtained by the municipality by averaging the two property valuations as determined by the two independent valuers appointed by Council;
4. that on the determination of the market value of the property described in (3) above, Council advertises its intention to alienate proposed Erf 4604, Swellendam;
5. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
6. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
7. that the successful bidder be responsible for all costs in respect of the transfer, legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
8. that should the adjacent neighbour be the successful bidder, the land be consolidated with their adjacent property;
9. that Council's attorney be delegated to draft the applicable documents for the transfer.

10.1.6

Item number A122. 10.10.2023

APPLICATION FOR THE PURCHASE OF A PORTION OF ROTHMANN STREET, SWELLENDAM

Report of the Municipal Manager:

A. Vorster

Department

Corporate Services

Section

Property Administration

File Number

7/2/R

PURPOSE OF REPORT

To submit a request to buy a portion of a street, a portion of Erf 159, Swellendam.

FACTS AND BACKGROUND

The following application was received from Ms E. Patientia, on behalf of the Matthysen family:

"The descendants of Andrew Matthysen, the previous owner of erf 165, are the current owners of this property. All of Andrew Matthysen's children grew up on this property and were raised there and educated in Swellendam. They all hold an equal undivided share in this property.

The Matthysen family are desirous of rezoning the property to permit a general residential development of the property in order that they may share in the family property more beneficially. Their objective is consistent with Swellendam's Municipal Spatial Development Framework as far as it reflects the proposed land use for this property and is also consistent with the Municipality's densification policy. The property falls outside of the Municipality's designated Heritage Zone.

In the past, significant portions of the original (close to 12 Ha) property were expropriated and deducted by SANRAL and others, resulting in a significantly diminished remainder of just under 1 Ha.

To the South-east, there is a road reserve for a portion of Rothmans Street that appears to be closed but has not been constructed and serves no apparent purpose. Across the road to the east is an undeveloped "agricultural" property, with an allocated land-use of "mixed development" with its northeastern boundary running all the way down Rothman Street's southwestern edge, to across the Koornlands river.

The Matthysen family would like to acquire that portion of Rothman Street that abuts its south-west boundary to an approximate extent of 1 620 odd square metres and to consolidate it with the remainder of erf 165 so that the resultant enlarged property can be more generously shared among the surviving heirs. "

Find attached the applicable documents **on pages 43 to 60 of the Annexures.**

DISCUSSION

The portion of land proposed to be purchased forms part of Erf 159, which exists as part of the adjoining road network. More specifically, said portion of land enables access, below or over the N2, to Railton,

which may be required in the medium to long term. The alienation of the requested portion of land for development purposes is therefore not supported from a town planning perspective.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Municipal Asset Transfer Regulations, 2008.
- Municipal Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

The property should be disposed of in terms of the municipal disposal policy.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

The disposal of the municipal land must be in accordance with Chapter 2 of the Municipal Asset Transfer Regulations.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr R. Brunings

All applications for rezoning are to be directed to the Division Town Planning and Building Control as per the requirements, for consideration in terms of the relevant legislation.

Director: Community Services

None

Director: Financial Services

Should Council decide to alienate a portion of Erf 159, it must be alienated at a market-related price except if it is in the plight of the poor.

Director: Infrastructure Services

This is a portion of the road reserve towards the N2 and may be needed to connect the areas under or above the N2.

Municipal Manager

As this is a road reserve that can possibly be used for an underpass to connect Railton with the Cooper Street area. A second entrance to Railton is a high priority and though a lease agreement could be considered, alienation is not supported.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that Council may need a portion of Erf 159, Swellendam for a possible underpass to connect Railton with the Cooper Street Area as possible future development and therefore the alienation is not supported.
2. that the applicant be informed accordingly.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee did not support the alienation of Erf 159 and accepted the recommendation as-is:

RECOMMENDED TO COUNCIL

1. that Council may need a portion of Erf 159, Swellendam for a possible underpass to connect Railton with the Cooper Street Area as possible future development and therefore the alienation is not supported.
2. that the applicant be informed accordingly.

10.1.7

Item number A123. 10.10.2023

PURCHASE OF A PORTION OF STREETRESERVE (PORTION OF ERF 2217) IN VAN STADEN STREET, SWELLENDAM – OWNER: MR NICOLAAS FRANCOIS NEL

Report of the Municipal Manager:

A. Vorster

Department

Corporate Services

Section

Property Administration

File Number

7/2/R

PURPOSE OF REPORT

To submit a request to buy a portion of a street, a portion of Erf 2217, Swellendam.

FACTS AND BACKGROUND

Mr Nel is the owner of Erf 2215, van Staden Street in Swellendam. Mr Nel's house is the last house in the street and is adjacent to open municipal land on the one side and the store premises of the municipality on the other. He would like to put up a fence in the front of his property, for safety reasons, but then he would not be able to drive into his driveway and close the gate behind him, before entering his garage.

See his application in Afrikaans:

1. "Sekuriteit is 'n groot probleem hier en die behoefte is om 'n sekuriteitsheining van "clear view" aan die voorkant van die erf aan te bring. Langs die sykant en agter is reeds ge-elektrifiseer.
2. Die probleem is egter dat die afstand tussen die bestaande motorhuis en die boulyn te kort is dat 'n motorvoertuig daar sal inpas.
3. Die versoek is dat toestemming verleen word om die heining met 2 meter vanaf die landmeter penne nader aan die straat opgerig word.
4. Die sypaadjie vanaf die landmeter penne tot by die randsteen is 5.5 meter. Vanaf die lyn wat die ander huise in die straat se heinings tot by die randsteen vorm is 4.5 meter. Effektief sal dit dus beteken dat ek die heining slegs 1 meter nader aan die straat wil skuif.
5. Die erf is geleë aan die einde van Van Staden straat en die straat loop hier dood. Daar is dus geen deurverkeer nie en hier is dus baie min beweging van ander voertuie en mense.
6. Langs en agter die erf is munisipale grond wat begroei is met lang gras (wat van tyd tot tyd gesny word), maar sekuriteit is 'n groot probleem aangesien ons die afgelope maand reeds verskeie probleme ondervind het.
7. Indien die motor uit die motorhuis getrek word is die heining te naby om die deure toe te maak en die motor nog binne die heining te parkeer. Sekuriteit gaan dus totniet aangesien alles dan sou

oopstaan. Dit is belangrik vir sekuriteit dat daar nie toegang tot die erf sal wees wanneer die motorhuis deur of enige ander deure sou oopstaan nie. Ook is dit belangrik om eers die veiligheidsheining se hek toe te maak voordat enige ander deure oopgemaak word by jou tuisOMS.

8. Volgens die lugfoto, wat mnr Schutte aan my voorsien het, sou die skuif van die heining nie 'n risiko vir bestaande dienslyne wees nie aangesien die dienslyne nogsteeds buite die beplande heining sal wees.
9. Sekuriteit is vir ons die grootste belang aangesien ek en my vrou soms nie hier sal wees nie en dan sal my dogter, wat by ons inwoon, alleen hier wees. Ons kan nie die risiko loop om haar hier alleen te los nie.
10. Na die onlangse moord en tragiese dood van 'n egpaar van Piketberg kan ek seker veiligheid nie genoeg beklemtoon nie. Veiligheid en sekuriteit het vir te lank nie deel van ons bestaan uitgemaak nie, maar sal nou dringend en daadwerklik aangespreek moet word.
11. Soos ek dit sien sal die skuif van die heining niemand benadeel of verontref nie. Dit sal egter net 'n nuwe intrekker baie meer gerus en gelukkig maak in Swellendam."

Find attached the applicable documents **on pages 61 to 65 of the Annexures.**

DISCUSSION

In the middle of Mr Nel's driveway is 'n municipal lamp pole. When a fence will be erected, as requested by the owner, the pole will form part of Mr Nel's property, hampering maintenance.

The request to move the boundary will mean that the road reserve will be compromised and this may hamper future development.

Road reserves serve a crucial future planning purpose and should not be alienated lightly.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Municipal Asset Transfer Regulations, 2008.
- Municipal Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

The property should be disposed of through a public bidding process.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

According to the resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr R. Brunings

This is a direct consequence of poor on-site planning by the property owner of his garage vis-a-vis the property boundary. This should not now become a municipal problem. The road reserve is in place for good reason and may be required for future services and road upgrading, particularly in this area, where there is still potential for future residential development. Moreover, if we were to concede to this request, all of the neighbours would likely want to do the same, which cannot be accommodated in this area. Whilst the applicant's security concern is noted, the application is not supported from a town planning perspective.

Director: Community Services

The piece of land cannot be sold to the owner as there is already a service pole in the existing driveway. A new 2-metre allocation will effectively put the pole about half a meter inside the property line, but still accessible for servicing. All the properties on that side of the streets' fences are already 1 metre outside of the boundary. I would propose that a long-term agreement be entered into with the owner. There will still be a 2-metre sidewalk left after the new fencing is erected.

Director: Financial Services

The property should be disposed of in terms of the municipal disposal policy.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

The disposal of the municipal land must be in accordance with Chapter 2 of the Municipal Asset Transfer Regulations.

Infrastructure Services:

An on-site investigation was conducted to consider the setting. The request is not supported. The area down towards the river could possibly be developed in the future and a ring road at the bottom would give access to the area.

The road reserve should therefore not be alienated in this case for an individual who wants to extend his property, as it may be needed for the purpose of a road reserve in the future.

The individual must address his own security risks.

Municipal Manager

As it is indicated that the road reserve may be needed for future services, the application is not supported.

This item served on the Corporate and Financial Services Portfolio meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that the application to alienate a portion of street reserve (portion of Erf 2217) in Van Staden Street, Swellendam not be supported as it may be needed for future services when the area is developed.
2. that the applicant be informed accordingly.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee did not support the alienation of a portion of street reserve of Erf 2217 and accepts the recommendation as-is:

RECOMMENDED TO COUNCIL

1. that the application to alienate a portion of street reserve (portion of Erf 2217) in Van Staden Street, Swellendam not be supported as it may be needed for future services when the area is developed.
2. that the applicant be informed accordingly.

10.1.8

Item number A124. 10.10.2023

APPLICATION: PURCHASE OF A PORTION OF CHURCH STREET (REMAINDER ERF 1191) IN SWELLENDAM – AAN DE LEISURE COLLECTION (PTY) LTD

Municipal Manager	A Vorster
Department	Corporate Services
Section	Property Administration
File Number	7/2/R

PURPOSE OF REPORT

To submit an application from Mr Casper Bosman, on behalf of Aan de Leisure, to purchase a portion of street, adjacent to their properties in Church Street, namely Remainder erf 1191 Swellendam.

FACTS AND BACKGROUND

Aan de Leisure is the owner of erven 4085, 4086 and 4087, Church Street, Swellendam. The portion of Church Street, Erf 1191 Swellendam, services these three properties and three other privately owned properties (Erf 6232, Erf 4084 and 1182).

These three houses are used to accommodate guests of the Aan de Leisure group and the safety of the guests is very important to them. During the last months, a lot of incidents occurred because people can get access to these properties by way of the street.

The fencing of the properties is at its maximum height, according to the building regulations of the municipality. The erecting of an electrical fence is also an option, but does not look that inviting to guests.

The request is thus to purchase the mentioned portion of Church Street, (Remainder erf 1161), by Aan de Leisure Collection (Pty) Ltd, and maintain it as a private street, by putting up a motorised gate at the entrance and providing entrance to only the involved parties.

Attached find a site map, and the application **on pages 66 to 74 of the Annexures.**

DISCUSSION

Remainder Erf 1191, Swellendam is 379 square metres in size and is owned by Oorgangsrada Swellendam. It was privately owned in 1981 and then transferred in 1996 for an amount of R10.00.

By alienating remainder Erf 1191, Swellendam, a private development area will be created. As several properties will be affected, right of way must be protected as well as the Municipality's access to services.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The provisions of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr W. Schutte

Erf 1182 should also be allowed access, as they have a gate at the back as far as I know.

A Home Owners Association will have to be created to take ownership of the road. All the owners would have to agree to that.

Town Planning & Building Control – Mr R. Brunings

Remainder Erf 1191 exists as a separate subdivision, measuring 369m² in extent. The property ought to be zoned Transport Zone. There is no objection to the alienation of Remainder Erf 1191 from a land use perspective, provided it is zoned Transport Zone (*Private Road*), that the road is closed as a public place if it is currently so denoted at the Deeds Office, that all adjoining property owners provide written consent, and that the Administration is afforded unfettered access to its existing service infrastructure.

Director: Community Services

None

Director: Financial Services

The property should be disposed of through a public bidding process.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

The disposal of the municipal land must be in accordance with Chapter 2 of the Municipal Asset Transfer Regulations.

Director: Infrastructure Services

The process of purchasing the portion of Church Street in question, to create a private access road and gated development, would in essence result in the formation of a "Mini Sub" development (collection of freehold sites) that would require the establishment of a Homeowners Association and conclusion of a Service Level Agreement between the Homeowners Association and the Municipality for the maintenance & operation of all internal services and infrastructure (roads, sewers, water, electricity, etc). In addition, all required service servitudes would need to be registered in both the names of the Homeowners Association and the Municipality.

Municipal Manager

As the alienation of the area will in actuality result in a private development, consideration should be given to transferring all internal services to the applicant.

This item served on the Financial and Corporate Services Portfolio meeting held on Monday, 18 September 2023.

RECOMMENDED TO MAYCO

1. that Council in principle approves that Remainder Erf 1191, Church Street in Swellendam, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that Remainder Erf 1191, be utilized as a street and no permanent structures may be erected on it;
4. that the owners of Erf 6232, Erf 4084 and Erf 1182 have access to Remainder Erf 1191, Swellendam;
5. that the municipality have access to Remainder Erf 1191, for maintenance on services;
6. that a market value, of Remainder Erf 119, Swellendam be obtained based on the average of two independently obtained valuations as compiled by Council's appointed valuers;
7. that on the determination of the market value of the property, Council advertises its intention to alienate Erf 1191, Swellendam;
8. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
9. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
10. that the successful bidder be responsible for all costs in respect of the transfer, legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
11. that Council's attorney be delegated to draft the applicable documents for the transfer.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation as-is:

RECOMMENDED TO COUNCIL

1. that Council in principle approves that Remainder Erf 1191, Church Street in Swellendam, as indicated on the attached map, is not needed for essential municipal services;
2. that Council in principle has no objection to alienating the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant asset transfer regulations;
3. that Remainder Erf 1191, be utilized as a street and no permanent structures may be erected on it;
4. that the owners of Erf 6232, Erf 4084 and Erf 1182 have access to Remainder Erf 1191, Swellendam;
5. that the municipality have access to Remainder Erf 1191, for maintenance on services;
6. that a market value, of Remainder Erf 119, Swellendam be obtained based on the average of two independently obtained valuations as compiled by Council's appointed valuers;
7. that on the determination of the market value of the property, Council advertises its intention to alienate Erf 1191, Swellendam;
8. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Transfer Agreement, according to her delegated powers;
9. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
10. that the successful bidder be responsible for all costs in respect of the transfer, legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
11. that Council's attorney be delegated to draft the applicable documents for the transfer.

10.1.9

Item number A125. 10.10.2023

Resolved as Item B1/10/10/2023

APPLICATION: LEASE OF ERF 8241, INDUSTRIAL AREA IN SWELLENDAM – SENTRAAL-SUID CO-OPERATIVE LTD

Municipal Manager

A Vorster

Department

Municipal Manager

Section

Property Administration

File Number

7/2//1/3

PURPOSE OF REPORT

To consider an application to lease municipal land in the Industrial Area of Swellendam for temporary storage of grain.

FACTS AND BACKGROUND

An application was received from Mr Henry Gale, Senior Manager Grain, on behalf of SSK to lease Erf 8241 in the Industrial area in Swellendam. The lease period will only be for one year, starting in September 2023. They want to store their grain/grain bags on the premises, during the harvesting period.

SSK has proposed to clean the mentioned plot, level it and put up fencing, at their cost. SSK will also manage the traffic when entering and exiting the premises.

Find the applicable documents attached **on pages 75 to 79 of Annexures.**

DISCUSSION

Other enquiries and applications have also been received for the lease of the mentioned property.

Town Planning is in the process of subdividing the premises into smaller erven to be alienated on a tender process.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

The property should be disposed of through a public bidding process.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

The applicant property is in process to be subdivided, but this ought not to impact its actual use in the next 12 months. There is no objection to the application to lease the property (which is zoned Industrial Zone) for the purposes proposed, from a land use planning perspective.

Director: Community Services

None

Director: Financial Services

Section 40(c) of the Supply Chain Management regulation informs that:

- "(i) – Immovable property is let at market-related rates except when the public interest or the plight of the poor demands otherwise and
- (ii) – All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed"

Any improvements to the property should be for the account of the applicant subject to the municipality's approval.

Director: Infrastructure Services

None

Municipal Manager

A short-term lease can be considered as the land use process and even possible alienation processes can continue while the lease runs out.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that it be confirmed that erf 8241, Industrial Area, Swellendam, is not needed to provide the minimum level of basic municipal services;
2. that Council in-principle has no objection to leasing the land on a short-term basis, described in (1) above by way of a competitive bidding process, led by the Supply Chain Management Unit;
3. that the lease period be for one year, with a cancellation clause of 2 months' notice from both parties;
4. that the average of two market valuations be used to determine the lease amount;
5. that the decision of Council be advertised for public comments.
6. that should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
7. that should no objection be received; the Municipal Manager be mandated to commence with the competitive bidding process;
8. that all costs be for the successful bidders' account;
9. that the Municipal Manager be mandated to conclude a Leasing Agreement with the successful bidder on conclusion of the supply chain processes.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation as-is:

RESOLVED

Item B1/10/10/2023

1. that it be confirmed that erf 8241, Industrial Area, Swellendam, is not needed to provide the minimum level of basic municipal services;
2. that Council in-principle has no objection to leasing the land on a short-term basis, described in (1) above by way of a competitive bidding process, led by the Supply Chain Management Unit;
3. that the lease period be for one year, with a cancellation clause of 2 months' notice from both parties;
4. that the average of two market valuations be used to determine the lease amount;
5. that the decision of Council be advertised for public comments.
6. that should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
7. that should no objection be received; the Municipal Manager be mandated to commence with the competitive bidding process;
8. that all costs be for the successful bidders' account;
9. that the Municipal Manager be mandated to conclude a Leasing Agreement with the successful bidder on conclusion of the supply chain processes.

10.1.10

Item number A126. 10.10.2023

Resolved as Item B2/10/10/2023

APPLICATION: LEASE OF A PORTION OF REMAINDER ERF 1, INDUSTRIAL AREA IN SWELLENDAM – SOUTHERN OIL (PTY) LTD

Municipal Manager

A Vorster

Department

Municipal Manager

Section

Property administration

File Number

7/2/1/3

PURPOSE OF REPORT

To consider an application to lease municipal land in the Industrial area of Swellendam, a portion of Remainder erf 1 Swellendam, for renewable energy installations.

FACTS AND BACKGROUND

The following application was received from Mr K. Becker, Managing Director of SOILL:

"I hereby apply on behalf of Southern Oil (Pty) Ltd for access to a portion of Remainder of Erf 1 as per attached map, approximately 20 000m² on the eastern side of Koringland Street adjacent to the company's existing premises. Kindly take note of the following points:

- *SOILL is asking for a long-term rental agreement;*
- *The first 20 metres of this area next to Koringland Street is already used for parking under a similar arrangement;*
- *Finding an alternative to diesel generators during load-shedding is crucial for the sustainability of the business;*
- *After thorough research and consultation with various experts, we are convinced that installing a battery system is the only feasible solution in the short term;*
- *It is imperative to install sufficient solar panels with this battery installation to prevent recharging from the electrical network, as this will push the maximum demand of SOILL (and potentially also of Swellendam Municipality) above that of the installed capacity;*
- *The premises do not have sufficient roof space, and then the dust loading on site is not conducive to solar panels;*
- *Panels will be mounted on structures that can accommodate river flow, if necessary;*
- *Considering the area is a crucial biodiversity area, we will conduct a comprehensive environmental impact assessment. As part of this process, guidance would be provided*

concerning the suitability of such an installation, its impacts, and mitigation measures needed to minimize those impacts;

- *This planned installation does not replace the plans for a more comprehensive total energy solution discussed with Swellendam Municipality."*

SOILL already has a long-term lease agreement (9 years and 11 months) with the Municipality from 1 October 2019, for a piece of commonage land (2210 square metres) adjacent to their property in the Industrial area in Swellendam. This portion of erf 1 may only be utilized for parking of vehicles. The lease amount is R1 395.00 per month, with an annual increase of 7.5%.

Find the applicable documents attached **on pages 80 to 85 of Annexures.**

DISCUSSION

The property in question forms part of municipal commonage land (*Remainder Erf 1, Swellendam*) and is zoned Extensive Residential Zone. Extensive Residential Zone makes no provision for the erection of renewable energy structures. Moreover, the property is located within a recognised floodplain area, hence the location of the flood mitigation structures. The property is also indicated as being a Critical Biodiversity Area 2 (*Terrestrial*) in terms of the Biodiversity Spatial Plan.

Given the above, the property has not been set aside for development purposes, and is therefore not considered suitable to accommodate the placement of a PV Panel Field development as proposed.

Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the Supply Chain Management Policy of the Municipality.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

The property may only be disposed of through a public bidding process.

Section 40(b) of the Supply Chain Management Regulations stipulates that immovable property may be sold only at market-related prices except when the public interest or the plight of the poor demands otherwise.

It is further recommended that once the property is alienated, it be removed from the municipal asset register.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr R. Brunings

Given current zoning, the proximity of the Koringlands river, the fact that the property forms part of a recognized floodplain area and is identified as a CBA 2, the proposal cannot be supported from a land use perspective. That said, if the applicant were to commission a professional floodline study and a botanical assessment refuting, or adequately mitigating, current findings, the matter could be reconsidered.

Director: Community Services

None

Director: Financial Services

Section 40(c) of the Supply Chain Management Regulations informs that:

- "(i) – Immovable property is let at market-related rates except when the public interest or the plight of the poor demands otherwise and
- (ii) – All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed"

Any improvements to the property should be for the account of the applicant subject to the municipality approval.

The right to use the property must be granted in terms of the municipality's disposal management system.

The property must be leased in terms of the Asset Transfer Regulations, chapter 4.

Director: Infrastructure Services

No services can be installed as this is a floodplain.

Municipal Manager

SOILL is one of the biggest employers in Swellendam and it is thus recommended that they commission a professional floodline study and botanical assessment to support their application.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that it be confirmed that the Municipality does not require the area of Remainder Erf 1, Swellendam next to the Koorlands, approximately 20 000m² for essential service delivery;
2. that Council in principle approves that Remainder Erf 1, Swellendam, next to the Koorlands, approximately 20 000m², as indicated on the attached map, is not needed for essential municipal services;
3. that Council in principle has no objection to lease out the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant Asset Transfer Regulations;
4. that the applicant be informed that the area is situated in a critical biodiversity area and a floodplain, and that their application must be supported by a professional floodline study and botanical assessment at their cost;
5. that should the applicant indicate their willingness to undertake (4) above, Council obtains a market value, of a portion of Remainder Erf 1, Swellendam, along Koorlands river, approximately 20 000m², based on the average of two independently obtained valuations as compiled by Council's appointed valuers;
6. that on the determination of the market value of the property, Council advertises its intention to lease out a portion of Remainder of Erf 1, along the Koorlands, approximately 20 000m².
7. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Lease Agreement, according to her delegated powers;
8. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
9. that the successful bidder be responsible for all costs in respect of the legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
10. that Council's attorney be delegated to draft the applicable documents for the lease.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation, however, if the flood line study and botanical assessment indicates environmental implications, the matter will be reconsidered.

RESOLVED

Item B2/10/10/2023

1. that it be confirmed that the Municipality does not require the area of Remainder Erf 1, Swellendam next to the Koorlands, approximately 20 000m² for essential service delivery;
2. that Council in principle approves that Remainder Erf 1, Swellendam, next to the Koorlands, approximately 20 000m², as indicated on the attached map, is not needed for essential municipal services;
3. that Council in principle has no objection to lease out the land described in (1) above, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance with relevant Asset Transfer Regulations;

4. that the applicant be informed that the area is situated in a critical biodiversity area and a floodplain, and that their application must be supported by a professional floodline study and botanical assessment at their cost;
5. that should the applicant indicate their willingness to undertake (4) above, Council obtains a market value, of a portion of Remainder Erf 1, Swellendam, along Koorlands river, approximately 20 000m², based on the average of two independently obtained valuations as compiled by Council's appointed valuers;
6. that on the determination of the market value of the property, Council advertises its intention to lease out a portion of Remainder of Erf 1, along the Koorlands, approximately 20 000m².
7. that, should no objection be received, the Municipal Manager be mandated to invite competitive bids, via a tender process and be mandated to sign the Lease Agreement, according to her delegated powers;
8. that should any objections be received in respect of this application, the matter be referred back to Council, for consideration;
9. that the successful bidder be responsible for all costs in respect of the legal cost, advertisement costs, as well as the procurement of a valuation of the applicable property;
10. that Council's attorney be delegated to draft the applicable documents for the lease.

10.1.11

Item number A135. 10.10.2023

RESUBMISSION: ALIENATION OF VACANT MUNICIPAL ERVEN IN BARRYDALE – RESIDENTIAL ZONE 1

Municipal Manager	A Vorster
Department	Corporate Services
Section	Property Administration
File Number	7/1/4/2

PURPOSE OF REPORT

To submit valuation reports to determine the reserve prices on the three municipal plots in Barrydale.

FACTS AND BACKGROUND

EXTRACT COUNCIL MINUTES: 8 DECEMBER 2022

Item A213:
That Council:

1. Resolves that:

- 1.1. "the erven are not needed to provide the minimum level of basic municipal services;
- 1.2. each property be made available on tender by way of a competitive bidding process, led by the Supply Chain Management Unit, based on a fair market value, as determined by an average of two valuation reports;
- 1.3. valuation reports be secured and tabled for Council to determine a reserve price for each property;**
- 1.4. the reserve price for each property be valid for twelve (12) months;
- 1.5. Properties not sold on completion of the tender process, be sold "out of hand" in a piecemeal manner, based on the reserve price and /or at the average tender price (per m²) achieved for such property.
- 1.6. the full purchase price for each property be settled on date of registration;
- 1.7. municipal rates be payable, calculated from the date of registration;
- 1.8. the decision of Council to alienate the properties be advertised for public comments.**
- 1.9. that cognisance be taken of the remaining erven in the Panorama Development that was not taken up by a competitive bid process and that Council gives permission that the erven be taken up into the inventory at the reserve price to be sold out of hand.

- 1.10. that erf 1715, 1717 and 1718 in Upington and Van Riebeeck Street, Barrydale, be excluded from the alienation process in order to be preserved for possible middle-class income housing."

EXTRACT COUNCIL MINUTES: 08 MAY 2023

UNANIMOUSLY RESOLVED

Item A51/08/05/2023

1. "That it is confirmed that erven 7106, 7165, 8500, 8501, 7585, 6715 and 8484, Swellendam and Erven 643, 1689, 1690, 1691 and 1692, Barrydale are not needed for essential services and may be alienated.
2. That the market values per erven, be as indicated in table A below, per square metres, excluding VAT, as determined by the average of two valuation reports;

Table A

Erf number	Town	Size Per square metres	Average per square metres (excluding VAT)
7106	Railton	1802.7	R32,50
7165	Railton	1306.4	R32,50
8500	Railton	5322	R101,00
8501	Railton	594	R104,50
7585	Railton	425	R63,00
6715	Swellendam	21.598	R151,50
8484	Swellendam	13.416	R121,50
643	Barrydale	312	R47,50
1689	Barrydale	232	R53,00
1690	Barrydale	200	R55,00
1691	Barrydale	200	R55,00
1692	Barrydale	200	R55,00

3. That each property be made available on tender, by way of a competitive bidding process;

4. That the reserve price for each property, as indicated in table A above, be valid for a twelve (12) month period;
 5. That the properties not sold on completion of the tender process, be sold "out of hand" in a piecemeal manner, based on the reserve price and /or at the average tender price (per m²) achieved for such property;
 6. That the full purchase price for each property be settled on date of registration;
 7. That the municipal rates and availability fees be payable, calculated from the date of registration;
 8. That a building clause for a two (2) year period be included in the sales agreement;
 9. That the Municipal Manager be mandated to sign the sales agreement, as drawn up by Council's attorney, in terms of the existing delegations.
1. that the objection from Mr M. Pieterse be noted and rejected as the current policy is adhered to in terms of alienation.
 2. that erf 1715, 1717 and 1718 in Upington and Van Riebeeck Street, Barrydale be included in the alienation process and made available on tender, by way of the competitive bidding process."

DISCUSSION

Notice V3/2023 was placed in the media on 20 July 2023 to advertise the decision of Council to also alienate Erven 1715, 1717 and 1718 in Barrydale. The time period for comments or objections closed on 11 August 2023. No feedback was received.

The following table indicates the market values (VAT excluded) received from M. Heyns and C. van Wyk:

Erf number	Town	M. Heyns		C.L. van Wyk		Average per square metre (excluding VAT)
			Per square metre		Per square metre	
1715	Barrydale	R413 400.00	R200	R430 000.00	R208.03	R204.02
1717	Barrydale	R522 200.00	R200	R500 000.00	R192.00	R196.00
1718	Barrydale	R356 600.00	R200	R380 000.00	R213.12	R206.56

Find the valuation reports on **pages 86 to 149 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The provisions of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

No further comments.

Director: Community Services

No further comments

Director: Financial Services

No further comments.

Director: Infrastructure Services

No further comments.

Municipal Manager

No further comments

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that resolutions A213 of 08.12.2022 and A51 of 08.05.2023 still remains valid;

2. that the market value per erf, be as indicated in table A below, per square metre, excluding VAT, as determined by the average of two valuation reports:

Table A

Erf number	Town	Size Per square metre	Average per square metre (Excluding VAT)
1715	Barrydale	2067	R204.02
1717	Barrydale	2611	R196.00
1718	Barrydale	1783	R206.56

3. that each property be made available on tender, by way of a competitive bidding process.

DISCUSSION

The Director of Financial Services, Ms E. Wassermann suggested the following amendment to the recommendation with a fourth point added:

- that the properties be transferred to the inventory account.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the amendment by the Director of Financial Services and accepted the recommendation as follows:

RECOMMENDED TO COUNCIL

1. that resolutions A213 of 08.12.2022 and A51 of 08.05.2023 still remains valid;
2. that the market value per erf, be as indicated in table A below, per square metre, excluding VAT, as determined by the average of two valuation reports:

Table A

Erf number	Town	Size Per square metre	Average per square metre (Excluding VAT)
1715	Barrydale	2067	R204.02
1717	Barrydale	2611	R196.00
1718	Barrydale	1783	R206.56

3. that each property be made available on tender, by way of a competitive bidding process.
4. that the properties be transferred to the inventory account.

10.1.12

Item number A136. 10.10.2023

APPLICATION: LEASE OF WOLVAARDT TRUST BUILDING

Municipal Manager

A. Vorster

Department

Municipal Manager

Section

Property Administration

File Number

7/2/1/3

PURPOSE OF REPORT

To consider the lease of the Wolvaardt Trust Building for a 36-month period for interim municipal offices.

FACTS AND BACKGROUND

Management has visited various buildings in town which can be used as interim offices. Office space for +-22 employees is required. The Wolvaardt Building in Stasie Street was identified as the most suitable with parking for personnel at the showgrounds.

The Show Committee has verbally indicated that the municipality can use the corner for parking purposes. The terms and conditions and lease amount still need to be finalized.

At the Wolvaardt Trust Building, there are three portions of which two are connected namely B1 and B2 as well as the old clinic space. The cost for the B1 and B2 is R16 000 pm and the old clinic portion is R6 500 pm, thus totalling R22 500 pm.

DISCUSSION

The rental of the building was not included in the budget, but to normalize the municipal activities it is essential to obtain a new workplace. This space will be insufficient to accommodate all personnel who were situated in the main municipal building.

The finance department (revenue and expenditure personnel) will be accommodated in the new building, whilst credit control and one cashier will remain at the Thusong MPCC and one cashier at the Traffic department.

Minor renovations will be required to allow for a cashier cubicle and enquiries, some partitioning, and carpets for the floors. The estimated cost for the renovations will be +-R80 000. Should approval be granted to proceed with the lease of the Wolvaardt Trust Building, formal engagements can be entered into with the owner on possible renovations.

The municipality will be responsible for the water and lights account, excluding property rates.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018
- SCM Policy and Regulation;

FINANCIAL IMPLICATIONS

The estimated cost per annum is +-R410 000 which includes the ad hoc renovations if required and service account. The annual lease amount included is R270 000.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services

None

Director: Community Services

None

Director: Financial Services

In terms of the SCM Policy, the lease of the building will be by means of a deviation as it is impractical to follow a procurement process as the office space in town which can meet the requirements of the municipality, is limited. The municipality has contacted the local estate agents to indicate potential places of which the Wolvaardt building was the most suitable.

Before the incident, the finance department was in the process of finalizing the lease of an office container for SCM. The department has entered into negotiations with the successful bidder to cancel the tender. The budgetary funds of R180 000 can then be made available towards the lease of the Wolvaardt Trust Building. The water and lights will be funded from the current provision of the main municipal building.

The renovations can be funded from property services for the maintenance of office buildings where an amount of R220 000 is available.

The remaining amount of R90 000 can be funded from the ICT software licences vote. This means that the planned implementation of the Adobe signature licences will not proceed until additional budget funds can be secured.

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that Council approves the leasing of interim office space by way of a competitive bidding process.

DISCUSSION

The Municipal Manager, Mrs A. Vorster shared that the process was followed and only one tender application was received but that the cost was too high at an amount of R45 000 per month. She said that the municipality will now advertise the tender for a second round.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation with the following amendment:

RECOMMENDED TO COUNCIL

1. that the Mayoral Committee recommends the leasing of office space by way of a competitive bidding process.

10.1.13

Item number A137. 10.10.2023

APPLICATION: ALIENATION OF A PORTION OF COMMONAGE LAND (between van Eeden- and Moolman streets), SWELLENDAM, ADJACENT TO ERF 1203, SWELLENDAM

Municipal Manager

A Vorster

Department

Corporate Services

Section

Property Administration

File Number

7/2/R

PURPOSE OF REPORT

To submit an application to purchase a portion of municipal land for residential development in Swellendam.

FACTS AND BACKGROUND

An application was received from Mr Hans J. Steyn, owner of Erf 1203, Swellendam, who already submitted the same application in 2019, but did not want to proceed at that stage.

The following decision was made by Council:

UNANIMOUSLY RESOLVED: Item A55/30/05/2019

1. "that Council resolves that the land parcel, comprising approximately 3881m² of municipal commonage situated between Buitekant and van Eeden Streets, Swellendam, as depicted on the plan as per the annexure, and hereafter further referred to as "the development area" is not needed for the provision of a basic level of municipal services in terms of Section 14 of the Municipal Finance Management Act, 2003.
2. that the alienation of "the development area" as described in Paragraph 1 above to the applicant, Dr H Steyn, be approved in principle at a fair market related price to be determined by Council, subject to the following:
 - a. that public be invited to make comments or to lodge objections to the Council resolution relating to the proposed development and alienation of the "development area"; and
 - b. that two fair market related valuations be obtained for consideration by Council;
 - 2.1.1 that, after the Council has considered feedback from the community and has determined a reserve price on the land, the applicant be requested to submit a detailed proposal for consideration by Council;
 - 2.1.2 that the applicant be informed that the land will be offered for sale as unproclaimed and unserviced and that the purchaser will be responsible for the township establishment process, environmental impact assessment, biodiversity study and for the provision of all engineering infrastructure;
 - 2.1.3 that the applicant be informed that the following conditions will be applicable to the construction of engineering infrastructure:
 - a. All municipal services, including roads must be built to the standard set by the Director Infrastructure Services and the funding thereof must be done proportionality

amongst the proposed new stands to be developed and must include the proposed six new full title stands of Erf 1504;

- b. The owner of Erf 1504 will not be exempted to make a financial contribution towards the new development, specifically for the establishment of the new road;*
- c. The engineering infrastructure that will be required to make basic services available to the new stands must be installed and paid for by the successor in the procurement process of the land. The engineering infrastructure will consist of the:*
 - Internal reticulation in front of the new stands;*
 - The bulk link infrastructure that must connect the new internal reticulation with the backbone infrastructure;*
 - The developer and /or applicant will also pay a proportional contribution towards the bulk backbone infrastructure for the capacity allocation or creation towards these new stands."*

DISCUSSION

Mr Steyn wants to buy the mentioned portion (3881 square metres) of municipal land to upgrade the street, that service his property on Erf 1203. It is still a gravel road and his only access. He wants to create a private establishment, with a private road (*extension of Moolman Street*), to serve his existing three units and the newly development on portion G, as indicated on the attached map.

A servitude will also be registered for the municipality to have access to the bulk services on portion G.

Find the applicable documents on **pages 150 to 154 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The provisions of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

According to the resolution.

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

The previous decision was taken some 4 years ago. The process was then subject to considerable further discussion between Mr Steyn and the Administration, particularly Infrastructure Services. The project was not taken further given the cost and servicing implications, these issues remain. Notwithstanding, the proposal cannot be supported in its current format, from a land use perspective, for 2 key reasons; 1. The proposal will cut off future municipal access to the balance of Remainder Erf 1 from both Moolman and Van Eeden St for potential residential development, 2. We need to have further detail as to what is proposal on the property, given its location. Finally, and as was discussed at length with the applicant previously, Mr Steyn continues to utilise a portion of Remainder Erf 1 in an unauthorised manner to access his units. He was advised at the time that this needs to be addressed, this is yet to be done.

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

Selling a portion of Erf 1 in that location will essentially block and close the road reserve on the edge of the developed part of town in order to create a private estate with no development possibilities further down.

The Council decision stated seems to speak to an extension of a road reserve to service a single erf with multiple dwellings that should not have been constructed in that way in the first place.

It is still a very different decision than to buy the land to create a private estate.

For the purpose of protecting and reserving access to the outlying parts of Erf 1, the proposal is not supported.

Municipal Manager

The application is not supported due to the reasons provided by Town Planning and the Infrastructure Department.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that the application by Mr Hans J. Steyn to purchase a portion of municipal land approximately 3881m² of municipal commonage situated between Buitekant and van Eeden Streets, Swellendam be **REFERRED BACK** for further discussion with Mr Steyn to provide Council with more information regarding his development plans on the property.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation to refer back the item in order for Mr H. Steyn to provide more information in terms of his development plans on the property.

RECOMMENDED TO COUNCIL

1. that the application by Mr Hans J. Steyn to purchase a portion of municipal land approximately 3881m² of municipal commonage situated between Buitekant and van Eeden Streets, Swellendam be **REFERRED BACK** for further discussion with Mr Steyn to provide Council with more information regarding his development plans on the property.

10.1.14

Item number A138. 10.10.2023

TENDER NO: SM-T31/14-15 – AMENDMENT OF AGREEMENT_ RENTAL FOR RUBBISH DUMPSITES FARM RIETFontein INFANTA (ERF 140,141 AND 201) AND FARM MELKHOUTRIVIER PORTION 1 OF THE FARM 492

Report by the Director Financial Services: Ms. E. Wasserman

Department	Financial Services
Section	Supply Chain Management
File number	8/2

PURPOSE OF REPORT

To inform Council in terms of a proposed amendment of the existing agreements between Swellendam Municipality and Mr. J. Kemp and T. Sedgwick Holdings (Pty) Ltd.

FACTS AND BACKGROUND

Tender SM-T31/14-15 was awarded to Mr. J. Kemp and T. Sedgwick Holdings (Pty) Ltd as per the below table for the period from 01 November 2014 to 31 October 2017.

Name of suppliers	Description
Mr. J. Kemp	Refuse dumpsite: Farm, Melkhoutrivier, Portion 1 of the farm 492
T. Sedgwick Holdings (Pty) Ltd	Refuse dumpsite: Farm Rietfontein, Infanta (erf 140,141 and 201)

The agreement was amended for a further period from 01 November 2017 to 31 October 2020. The agreement was again amended from 01 November 2020 to 31 October 2023. Both these amendments were done by following Section 116(3) of the MFMA.

A request was received from the user department for the amendment of the agreement for a further period of 3 years from 01 November 2023 to 31 October 2026.

The reason(s) for the amendment of this Service Level Agreement are as follows:

- The Service Providers are the owners of the land and the only Service Providers of a licensed landfill site in the area.
- Service delivery to the community is of the outmost importance.

LEGAL IMPLICATIONS

In terms of section 116(3) of the Municipal Finance Management Act the following needs to be followed when amending a contract which was procured through a supply chain management policy:

A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after—

(a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and

(b) the local community—

(i) has been given reasonable notice of the intention to amend the contract or agreement; and

(ii) has been invited to submit representations to the municipality or municipal entity.

Notices about the proposed amendment was placed in the Langeberg Bulletin and on the municipal website on Thursday, 08 June 2023. To date no representations were received. Please note that the closing date and time was Friday, 30 June 2023 at 12:00.

FINANCIAL IMPLICATIONS

The total estimated cost for this amendment is R1,725,547.46 (Net) as per the below table.

Description	Price per month (NET)	Total cost Year 1 (NET)	Total cost Year 2 (NET)	Total cost Year 3 (NET)	Total cost over three (3) year contract period
Mr. J. Kemp					
Rental	9,243.85	110,926.20	118,691.03	126,999.41	356,616.64
T. Sedgwick Holdings (Pty) Ltd					
Rental	14,725.53	176,706.38	187,308.76	198,547.28	562,562.42
Management and maintenance	21,107.35	253,288.23	268,485.52	284,594.65	806,368.40
Total Estimated Cost					1,725,547.46

COMMUNICATIONS IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on 18 September 2023.

RECOMMENDED TO MAYCO

1. that the proposed amendment of the agreements between Swellendam Municipality and Mr. J. Kemp and T. Sedgwick Holdings (Pty) Ltd for the rental for rubbish dumpsites Farm Rietfontein Infanta (Erf 140,141 And 201) And Farm Melkhoutrivier Portion 1 of the Farm 492 for the period 01 November 2023 to 31 October 2026 to the estimated amount of R1,725,547.46 (Net), be noted by Council.

The Executive Mayor, Councillor H.F. Du Rand indicated that the Mayoral Committee was in support of the recommendation as-is:

RECOMMENDED TO COUNCIL

1. that the proposed amendment of the agreements between Swellendam Municipality and Mr. J. Kemp and T. Sedgwick Holdings (Pty) Ltd for the rental for rubbish dumpsites Farm Rietfontein Infanta (Erf 140,141 And 201) And Farm Melkhoutrivier Portion 1 of the Farm 492 for the period 01 November 2023 to 31 October 2026 to the estimated amount of R1,725,547.46 (Net), be noted by Council.

10.2 Consideration of matters which require non-disclosure

None

10.3 Consideration of urgent matters

None

11 MINUTES OF THE PORTFOLIO COMMITTEES

None

12 GENERAL

The Executive Mayor, Councillor H.F. Du Rand said that the emergency contact number for reporting on illegal structures must be made available to the public as soon as possible and the provision for a drone must be prioritised in order to monitor and report on illegal occupation.

13 CLOSURE

The Executive Mayor thanked everybody for their time and commitment to attend the meeting.

The meeting adjourned at 11:24.