



KOUGA

local municipality

Good Governance through Service Excellence

VOLUME 3

ORDINARY COUNCIL MEETING

AGENDA

Date	:	29 October 2020
Time	:	10:00
Venue	:	Virtual Meeting

VOLUME 3

16.2 REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES

- 20/10/CORP2** HR Report for July 2020
Pages 999-1022
- 20/10/CORP3** Monthly Report For The Corporate Services Directorate:
Administration Section As At July 2020
Pages 1023-1033
- 20/10/CORP4** Ward Committee Report
Pages 1034-1056

16.3 REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING

None

16.4 REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES

- 20/10/CS4** Disaster Management Joint Operations Committee Meetings Report
Pages 1058-1059
- 20/10/CS10** Close Out Report on the Seekoei River Estuary Artificial Breach
Pages 1060-1075
- 20/10/CS14** Progress Report on EIA for Cemeteries
Pages 1076-1077

16.5 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT

- 20/10/PD3** Monthly Progress Report on 2021/22 Human Settlements Grant Funded
Pipeline Projects
Pages 1079-1083
- 20/10/PD4** Monthly Progress Report on Human Settlements Grant Funded Pipeline
Projects
Pages 1084-1092

- 20/10/PD6** Progress Report on Implementation of outstanding Council Resolutions on Land Disposals
Pages 1093-1113
- 20/10/PD7** Report On Cellphone Towers Of MTN And Vodacom
Pages 1114-1116
- 20/10/PD8** Approval of Council Policies: Planning & Development
Pages 1117-1231
- 20/10/PD9** Re: Disposal Of Erf 1382, Sea Vista (St Francis Bay) Through Sale To Edg3 Projects
Pages 1232-1240
- 20/10/PD10** Application: Alienation Of Land And Purchase Of Various Properties In Hankey: MGM Trust (Mr. Du Preez)
Pages 1241-1254
- 20/10/PD12** Section 14 (2) Verifications In Respect Of A Portion Of Erf 17 Hankey And Erf 8813 Ocean View, Erf 4587 & 4588 Kruisfontein And Erf 190 Pellsrus, Erf 589 Oyster Bay
Pages 1255-1259

16.6 **REPORTS BY THE CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT & TOURISM**

- 20/10/LED&T1** Biomass Harvesting Project
Pages 1261-1268
- 20/10/LED&T2** Support To Emerging Farmers: Personal Protective Equipment
Pages 1269-1270
- 20/10/LED&T3** LGSETA SMME and Co -Operatives Database for Training
Pages 1271-1273
- 20/10/LED&T6** Report on the Kouga Homeless Shelter Established in Pellsrus Caravan Park as Covid-19 Response at Lockdown Level 5
Pages 1274-1288
- 20/10/LED&T7** Grant-in-Aid 2020/2021
Pages 1289-1294

20/10/LED&f8 Partnership Agreement In Respect Of The Summer Season Programme 2020/2021 Financial Year

(To be distributed under separate cover)

17. **REPORTS FOR INFORMATION PURPOSES**

17.1 **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/MM1 Mayoral Resolutions: Actions Sheets – 21 July 2020
Pages 1296

17.2 **REPORTS BY THE CHAIRPERSON: FINANCE**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/F9 Monthly Report Of All Council Properties Leases As At 31 July 2020
Pages 1296

17.3 **REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/CORP5 OHS Risk Assessment
Pages 1297

17.4 **REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

None

17.5 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/CS1 Monthly Report Community Services: July 2020
Pages 1297

20/10/CS5 Traffic Fine Revenue Income- July 2020

Pages 1298

20/10/CS7 St Francis Bay Construction Of Emergency Revetment

Pages 1298

20/10/CS13 Completion Report for R1 Million Donation from Santam to assist in Fire Prevention

Pages 1298

17.6 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

(The items below were submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/PD1 Town Planning Progress Report: June to August 2020

Pages 1298

20/10/PD2 Preparation of the Jeffreys Bay Central Business District Precinct Plan

Pages 1299

17.7 **REPORTS BY THE CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT & TOURISM**

(The below item was submitted to the Mayoral Committee meeting held on 1 October 2020)

20/10/LED&T5 2020/2021 Annual Work Plan Progress Quarter 1 Report

Pages 1299

18. **CLOSURE**

Distribution list:

Executive Mayor

Speaker

All Councillors

Municipal Manager

All Directors

Relevant Managers

Committee Services

REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
CORPORATE
SERVICES

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****CORPORATE SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CORP2****HR REPORT FOR JULY 2020****1. Introduction**

The intention of this item is to present a comprehensive overview to the committee on the status of various components within HR.

The reporting period contained herein is for July 2020. The report will present a month to month comparative assessment.

2. Background

Below is a high-level overview of activities in the Human Resource section. The detail of each functional area within HR appears on the tables and graphs below. With information of this nature, the committee can track month to month progress of HR activities and exercise oversight.

HR REPORT JULY 2020

	Actual July 2020
HEADCOUNT	
MM	18
Infrastructure & Engineering	281
Corporate Services	74
Community Services	447
Planning, Dev, & Tourism	31
Finance	96
TOTAL	947
% Permanent Staff growth	0,00%
% Total Staff Growth	0%
EQUITY REPORTING -	Jul-20
African Male	311
African Male (Temporary)	74
%	34,62%
African Female	178
African Female (Temporary)	30
%	18,71%
Coloured Male	270
Coloured Male (Temporary)	51
%	28,87%
Coloured Female	119
Coloured Female (Temporary)	10
%	11,60%
Indian male	1
%	0,09%
Indian Female	3
%	0,27%
White Male	37
White Male (Temporary)	0
%	3,33%

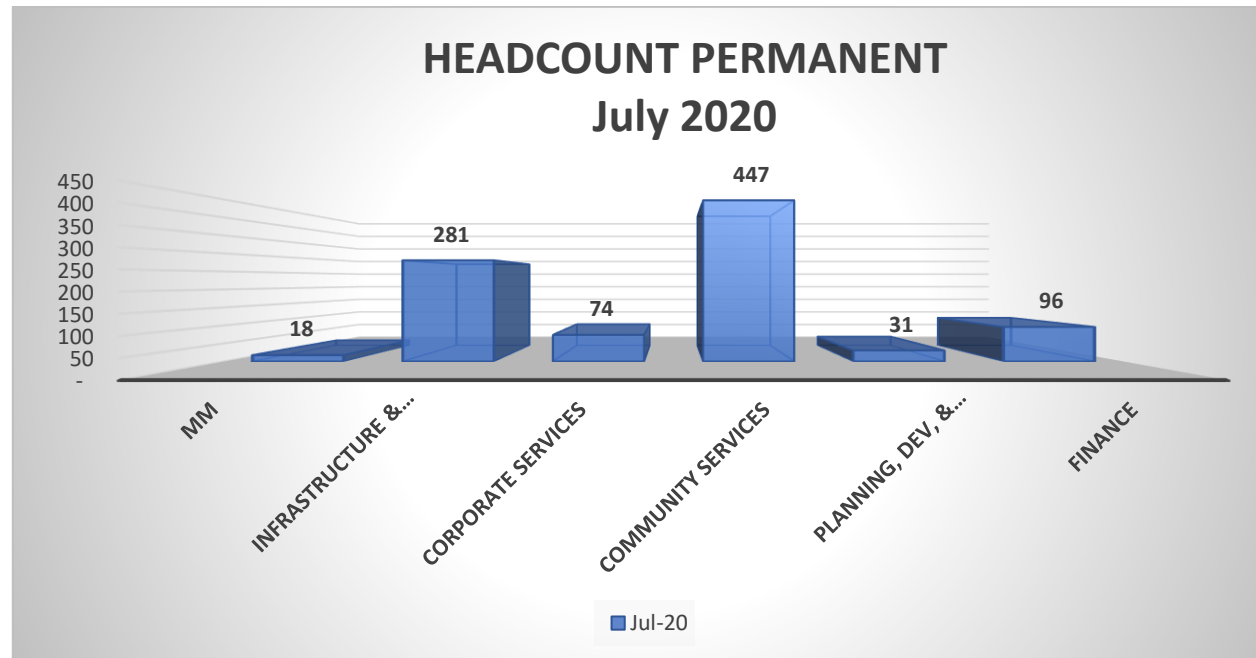
White Female	28
White Female (Temporary)	0
%	2,52%
Number of Permanent Employees	947
Number of Temporary Employees	165
TOTAL PERMANENT, CONTRACT & TEMPORARY	1112
RECRUITMENT	Jul-20
Number of Discharges	18
% Staff Turnover	2%
Number of Promotions	1
Number of new employees	5
WAGE BILL	Jul-20
Gross Wage Bill	R26 376 835,83
% Increase - Gross Wage Bill	0%
Net Wage Bill	R12 823 928,81
% Increase - Net Wage Bill	0%
TRAINING COSTS	Jul-20
Training Cost	R0.00
Associated costs	R0.00
Categories of Beneficiaries	
Legislators	0
Managers	0
Professionals	0
Technicians and Associate Professionals	0
Clerical Support Workers	0
Service & Sales Workers	0
Skilled Agricultural, Fishery and Related Trade Workers	0

Plant & Machine Operators and Assemblers	0
Elementary Occupations	0
Total Number of beneficiaries	0
LEAVE DAYS TAKEN	Jul-20
Annual Leave	140
Sick Leave	94
DISCIPLINARY MATTERS	Jul-20
Number of disciplinary matters	2
Number of Matters at arbitration	4
Number of Matters in the Labour Court	1
Number of Matters Finalised	0
Number of Grievances	1
Number of Grievances finalised	0
TOTAL	8
OVERTIME PER DEPARTMENT	Jul-20
COMMUNITY SERVICES	R494 218,17
CORPORATE SERVICES	R25 068,86
INFRASTRUCTURE AND ENGINEERING	R879 314,08
FINANCE	R28 606,99
PLANNING, DEVELOPMENT AND TOURISM	R24 657,58
TOTAL	R1 451 865,68
S & T PER DEPARTMENT	Jul-20
COMMUNITY SERVICES	R15 493,75
CORPORATE SERVICES	R0,00
INFRASTRUCTURE AND ENGINEERING	R3 865,01
FINANCE	R0,00
PLANNING, DEVELOPMENT AND TOURISM	R0,00
MUNICIPAL MANAGER	R660,00
TOTAL	R20 018,76
OCCUPATIONAL HEALTH AND SAFETY	Jul-20
Number of Injuries on duty reported	2
Number of Medical Surveillance	60
Number of monthly safety representative meetings	4

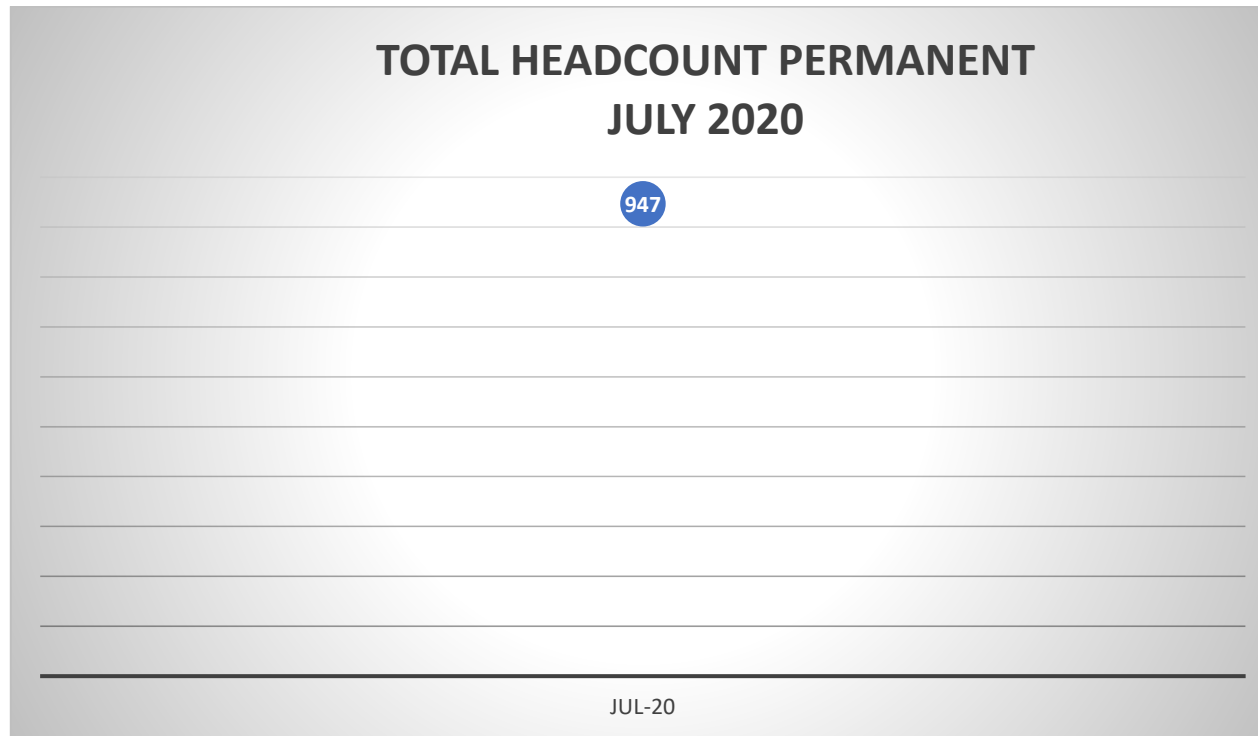
Number of Employee Assistance interventions	1
TOTAL	67

2.1 Headcount

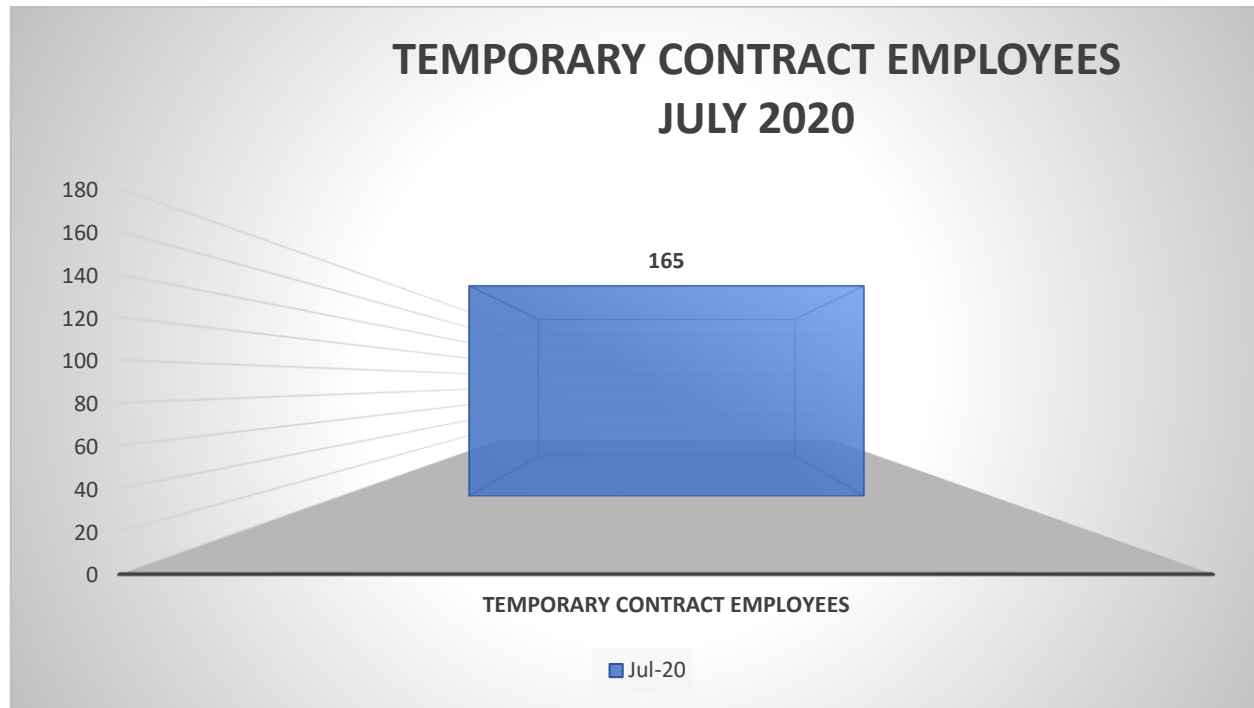
The total permanent headcount is 947. It is important for the committee to pay careful attention to headcount which has a direct linkage to the wage bill. The Community Services department is the largest department in the Municipality with a workforce of 447 employees, and the Municipal Manager's office the smallest with a workforce of 18 employees.



Graph 1

**Graph 2**

The total permanent staff compliment as at 31 July 2020 is 947 and temporary staff stands at 165.



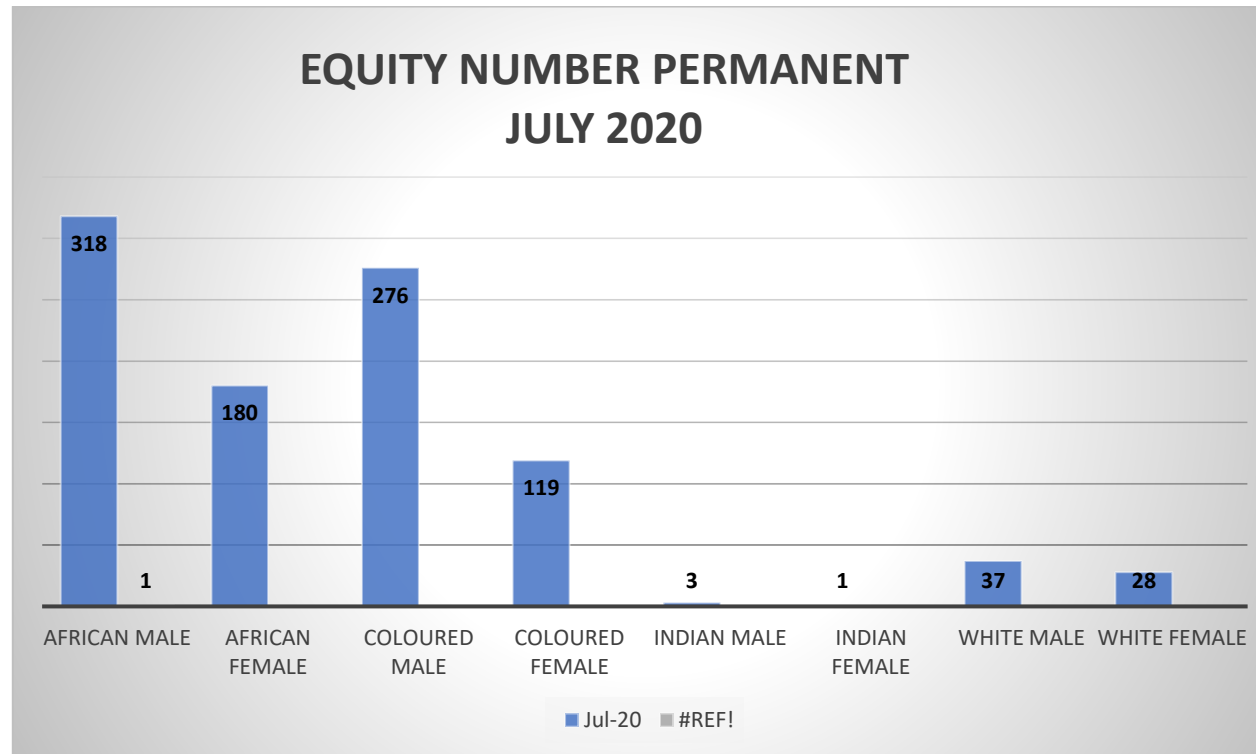
Graph 3

The Municipality has several projects running like the electrification project, the War on potholes, and the Cleaning campaign projects in which temporary and EWP employees are employed.

All these appointments are done in line with section 198(b) of the Labour Relations Act as amended, in order to avoid the same disputes that plagued the Municipality in the past.

2.2 Employment Equity

The graph below reflects the current workforce numbers per race, per gender for permanent staff.



Graph 4

The graph and table below show our current demographics against the Provincial EAP demographics. The percentage below is for both permanent and temporary staff.

It is important to note the underrepresentation of African Males & Females. Much attention must be given to increase the number of African Males & Females. It is however, pleasing to note the steady increase in the number of African Males & Females. There is a considerable overrepresentation of Coloured Males & Females and slight underrepresentation of Indian Males & Females and White Females.

	Jul-20	REQUIRED PROVINCIAL EAP %
African Male %	34,62%	42,30%
African Female %	18,71%	39,50%
Coloured Male %	28,87%	5,60%
Coloured Female %	11,60%	5,00%
Indian Male %	0,27%	0,40%
Indian Female %	0,09%	0,20%
White Male %	3.33%	3,80%
White Female %	2,52%	3,10%

Table 1

Table 2 below indicates the progress that the Municipality has made in terms numerical targets as set out in the Employment Equity Plan.

The table depicts the status of the workforce profile at end of March 2018, the numerical targets that were set out in the Employment Equity Plan, and the current profile as at 31 July 2020. As per the table below, it's clear that significant strides have been made to appoint African Females, African Males, and Females in general.

		Male Race			Female Race					Foreign Nationals		
		A	C	I	W	A	C	I	W	Male	Female	
	Top management											
MARCH 2018		0	0	0	1	0	0	0	0	0	0	1
SEPTEMBER 2020 TARGET		0	0	0	1	0	0	0	0	0	0	1
JULY 2020		0	0	0	1	0	0	0	0	0	0	1
	Senior management											
MARCH 2018		0	1	0	1	2	0	1	0	0	0	5
SEPTEMBER 2020 TARGET		0	1	0	1	2	0	1	0	0	0	5
JULY 2020		0	0	1	1	2	0	1	0	0	0	5
	Professionally qualified and experienced specialists and mid-management											
MARCH 2018		2	6	0	1 0	2	3	0	2	0	0	25
SEPTEMBER 2020 TARGET		4	6	0	7	6	3	0	2	0	0	28
JULY 2020		5	5	1	1 1	3	2	0	4	0	0	31

	Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents											
MARCH 2018		32	68	0	14	29	23	0	16	0	0	182
SEPTEMBER 2020 TARGET		41	66	0	13	39	26	0	16	0	0	201
JULY 2020		46	69	1	16	31	28	0	15	0	0	206
	Semi-skilled and discretionary decision making											
MARCH 2018		134	125	0	7	33	35	0	3	0	0	337
SEPTEMBER 2020 TARGET		147	112	0	8	54	31	0	3	0	0	355
JULY 2020		154	139	0	5	69	48	0	7	0	0	422
	Unskilled and defined decision making											
MARCH 2018		101	83	0	0	61	47	0	1	0	0	293

SEPTEMBER 2020 TARGET		99	75	0	4	61	4 0	0	3	0	0	282
JULY 2020		106	57	0	3	73	4 1	0	2	0	0	282

Table 2

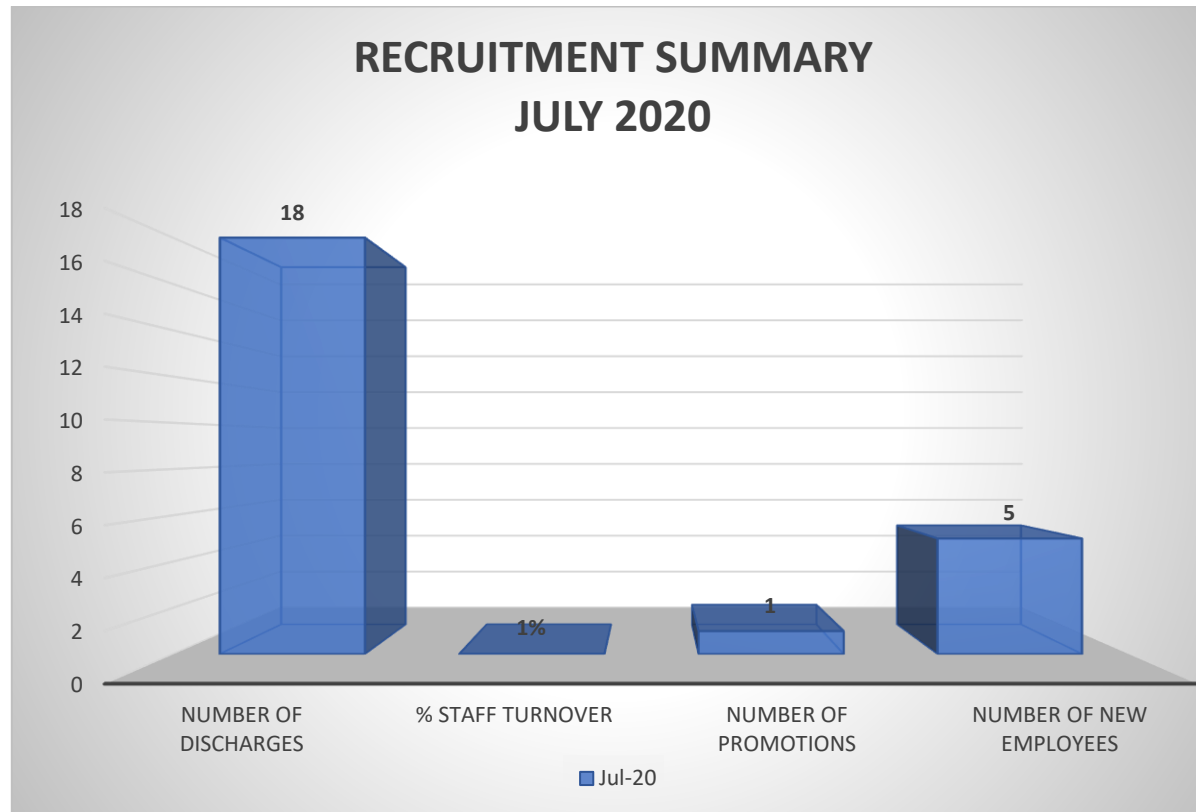
It is very pleasing to note from the above figures, that the Municipality is edging towards achievement of its targets.

With regards to staff with disabilities, 14 staff have been identified.

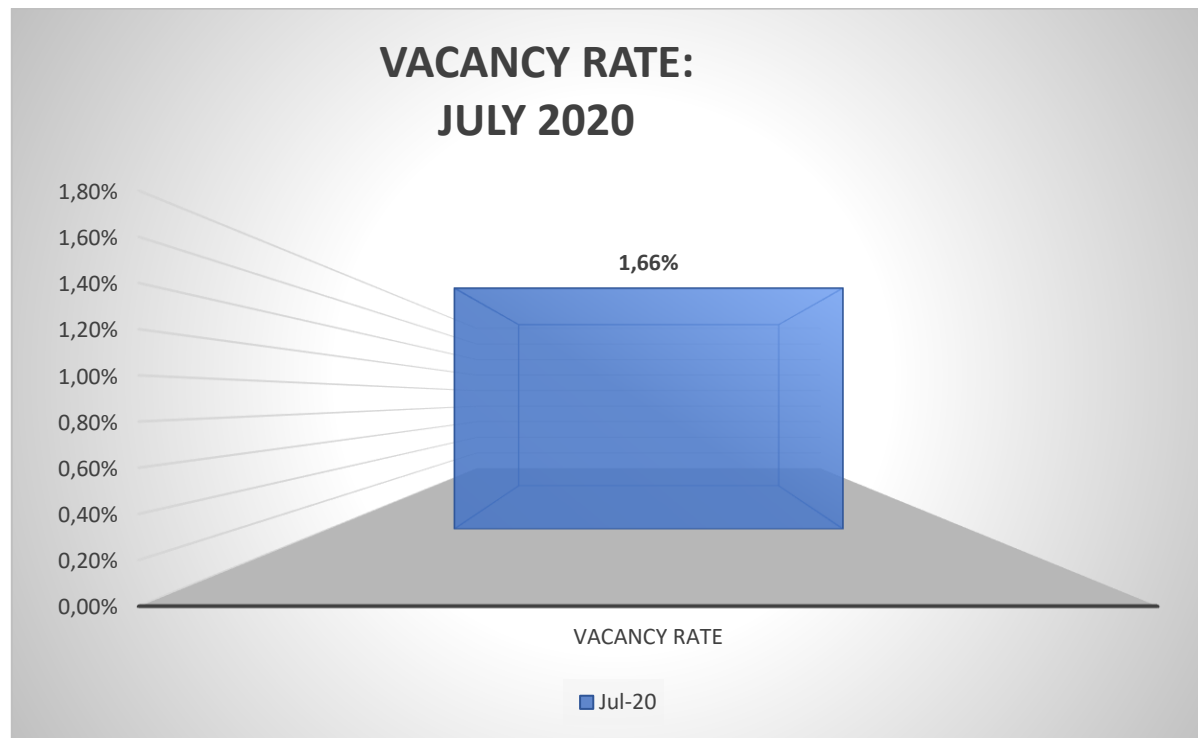
2.3 Recruitment Summary

The total number of 18 discharges (resignations, boarding, retirement, death & dismissal) have been recorded in the reporting period, with staff turnover standing at 1%.

5 new employees were appointed on contract.



Graph 5

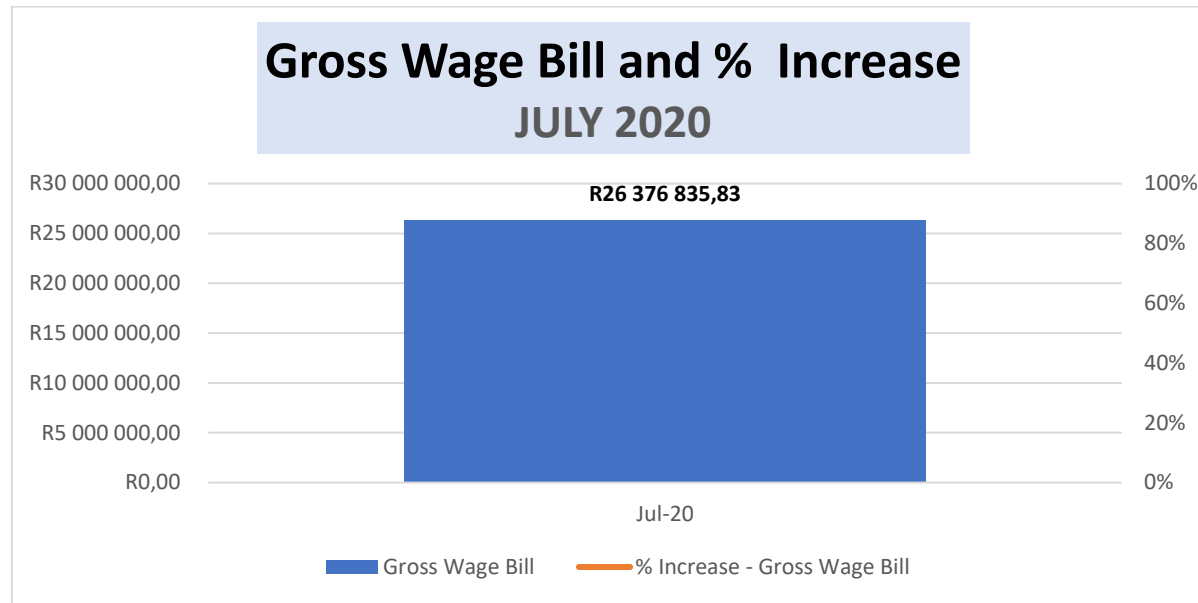


Graph 6

From the graph above, the vacancy rate stands at 1,66%.

2.4 Wage Bill

The wage bill stood at R 26 376 835,83 for the month of July 2020.



Graph 7

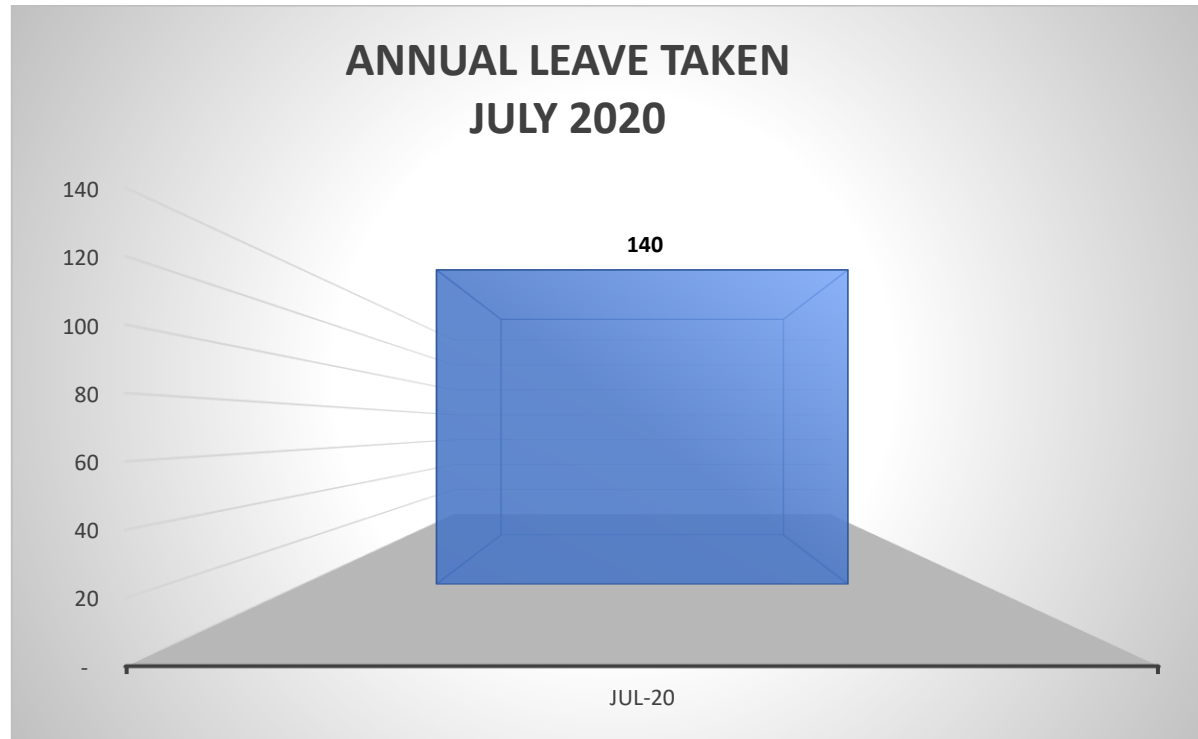
It must be noted that the yearly increases were paid to all employees falling under the scope of the SALGBC.

2.5 Training

There was no training expenditure in the reporting period due to the Nationwide Lockdown. However, these figures will drastically change due to the implementation of Virtual training and learning platforms.



Graph 8

2.6 Leave Taken**Graph 9**

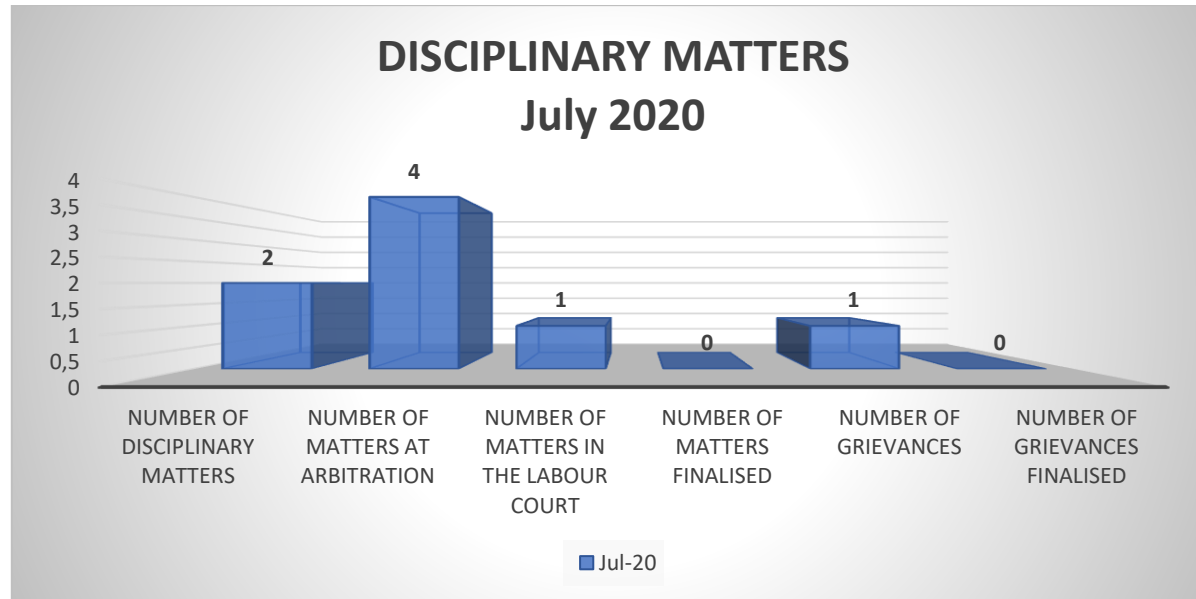


Graph 10

The sick leave and annual leave statistics for July 2020 was low due to the Nationwide lockdown. The sick leave was 94 days, and the Annual leave for the reporting period was 140 days.

2.7 Disciplinary Matters

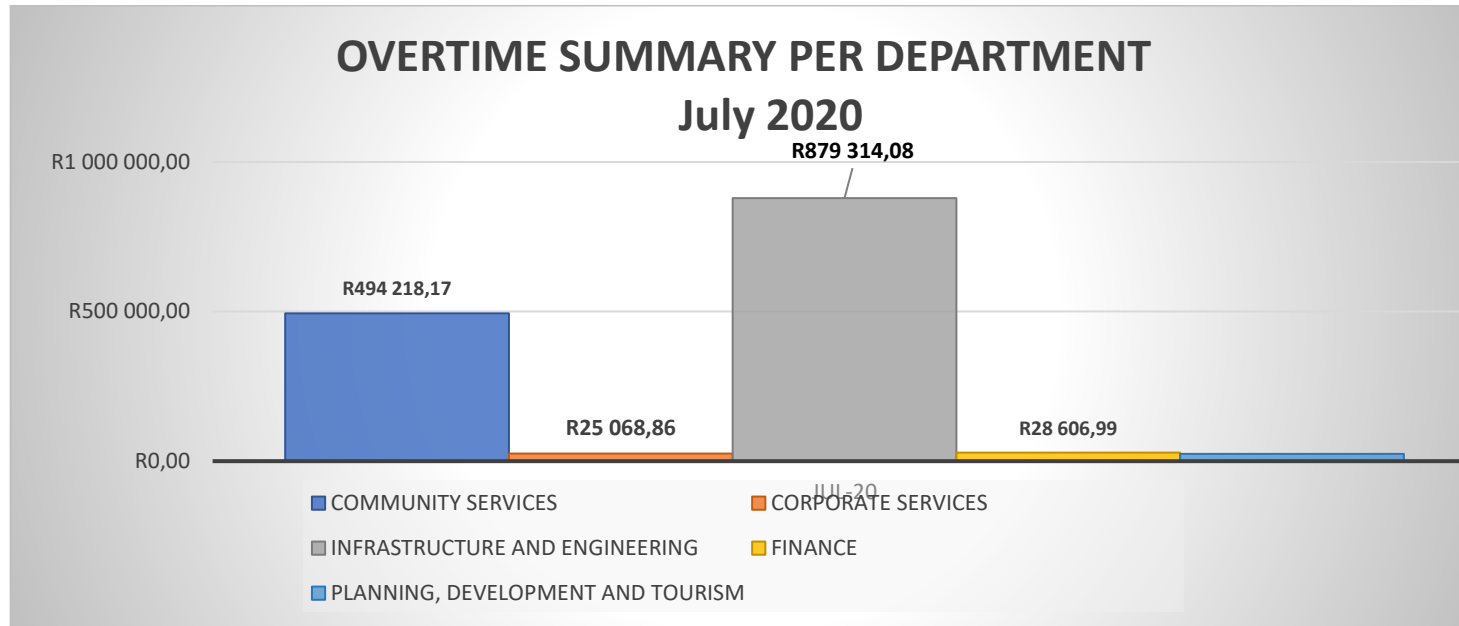
For the reporting period there have been a total of 8 disciplinary matters. Matters for arbitration and the Labour Court have decreased significantly due to older outstanding matters being swiftly dealt with. Grievances have also decreased significantly with 1 grievance submitted during the reporting period.



Graph 11

3. Overtime

In the reporting period the overtime of the Infrastructure and Engineering's department was the highest at R 879 314, 08, whilst the Community Services department was relatively low at R 494 218,17.



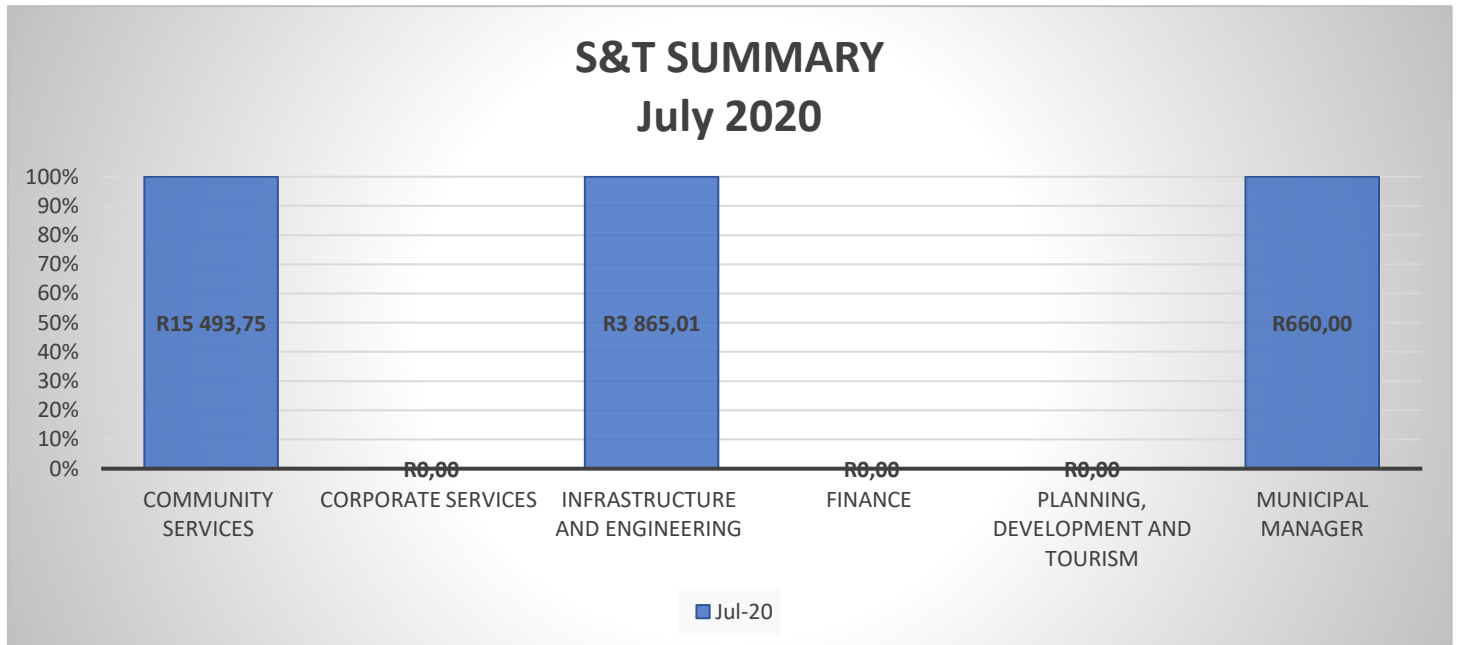
Graph 12

4. Subsistence and Travel

Subsistence and travelling for the month of July was extremely low. This can be mainly attributed to the Nationwide Lockdown period.

The Community Services department had the highest expenditure at R 15 493,75.

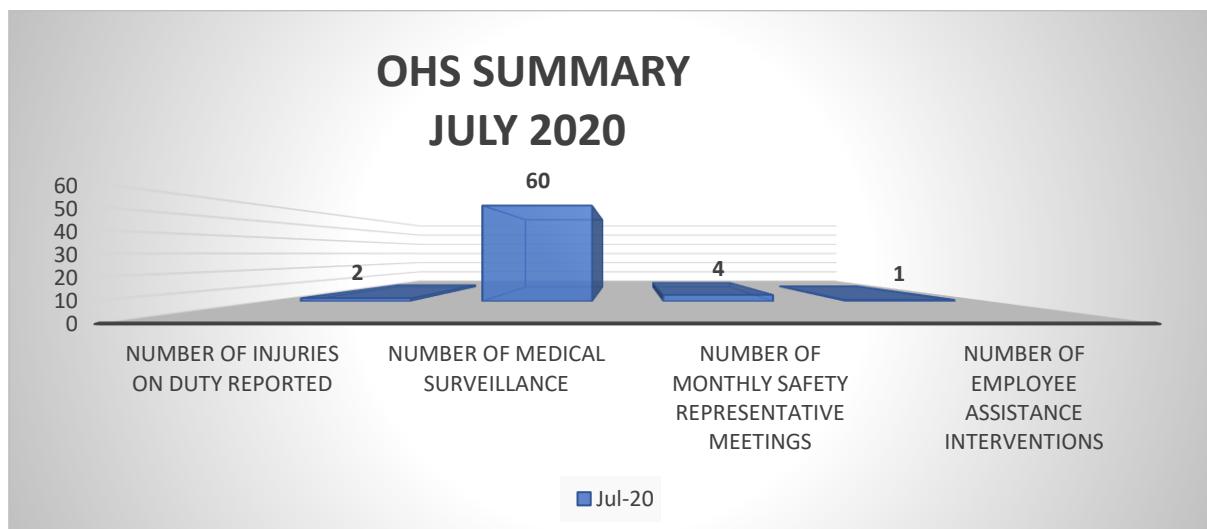
The Subsistence and Travel expenditure per department is depicted as follows:



Graph13

5. Occupational Health and Safety

For the reporting period, the OHS section reported 2 cases of injury on duty, 60 Employees attended Medical Surveillance, 4 Health and Safety meetings occurred, and 1 Employee Assistance Intervention occurred.



Graph 14

5.1 COVID-19

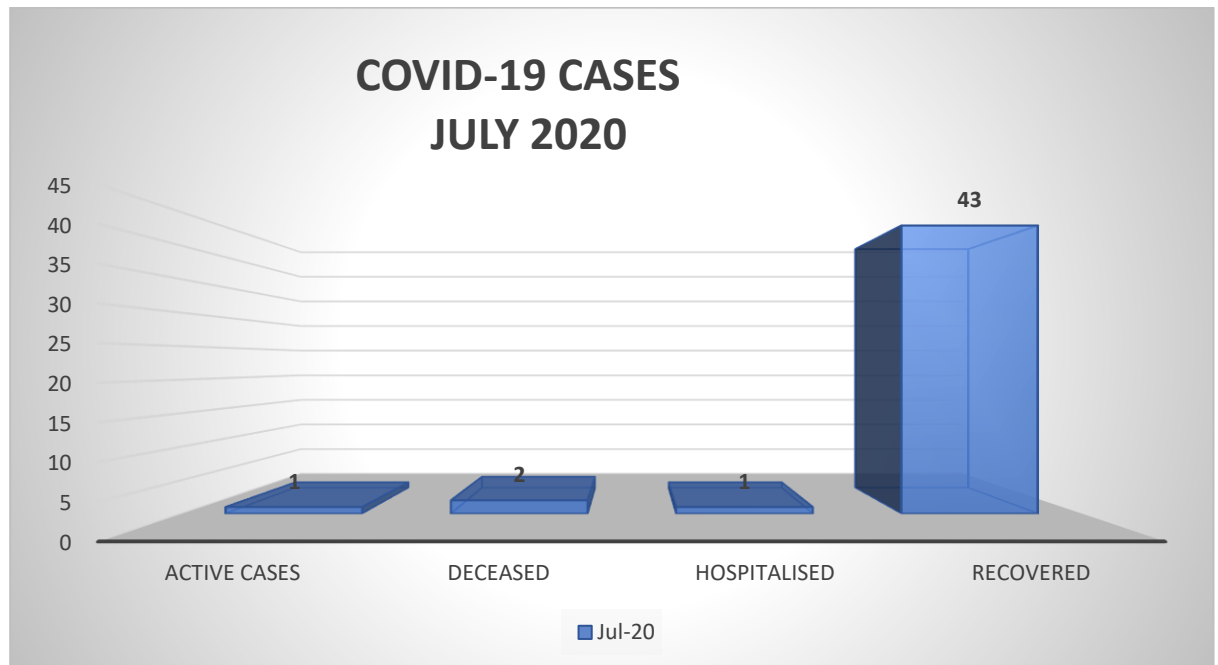
On 11 March 2020, the World Health Organisation ("the WHO") officially declared that the spread of Coronavirus had reached the level of a pandemic.. In respect of the workplace immediate steps were taken in order to reduce its impact.

Employers are subject to both a common law and a statutory duty in terms of the Occupational Health and Safety Act to provide a safe and healthy working environment for their employees including the Disaster Management Act regulations and the -Directives set out by the Minister of Employment and Labour for COVID-19 Occupational Health & Safety measures in Workplaces for COVID-19 (C19 OHS).

The OHS section implemented COVID-19 response measures during the Lockdown period. This was to ensure that the Municipal employees work in a Healthy and Safe environment, and that the Municipality adhered to the Lockdown regulations and safety directives as issued by Government.

In the graph below the following statistics are illustrated:

1. 47 Employees tested positive for Covid-19
2. 43 Employees have recovered from the virus
3. 2 Employees are deceased
4. 1 Employee is still in hospital
5. 1 Employee is still positive with Covid-19



Graph 15

As per table 3 below, the following strict measures have been implemented to manage the COVID-19 requirements and plans.

COVID-19 Health and safety mitigation measures implemented	In Place	
	Yes	No
1. A COVID-19 risk assessment	x	
2. All employees working at the workplace have permits to work	x	
3. A valid COVID-19 Management Plan	x	
4. A COVID-19 Contingency Plan	x	
5. A COVID-19 Policy	x	
6. Staff rotational schedules have been implemented	x	
7. All building and work areas have been sanitized and disinfected	x	
8. Cleaning routines in place (Sanitizing surfaces, sweeping floors and walkways)	x	
9. Floors cleaned thoroughly once a day	x	
10. All employees always have access to hand sanitizer	x	
11. All employees have access to clean water, soap & dry disposable towels	x	
12. Security access control and visitors screening	x	
13. Employees have access to masks, gloves, and sanitizer	x	
14. Employees working with public have access to face shields or screens	x	
15. Employees trained on the use of PPE (Masks, Respirators, gloves)	x	
16. Employees being screened daily upon entry	x	
17. All relevant employees received and signed acknowledgement for COVID-19 effects on vulnerable employees	x	
18. Social distancing being practiced (1.5m) and all facilities / areas meet the max. capacity rule (i.e. 1 person per 4 square meters)	x	
19. Procedures in place to deal with sick employees	x	
20. Restriction to access to premises	x	

21. All essential service employees and permitted services employees went for Medical screening conducted by the Medical surveillance service provider	x	
22. All vulnerable employees identified and referred for medical assessments	x	

Table 36. Comments by Directorates6.1 Director: Corporate Services

The report is noted. WRT Covid19 and the mitigation measures, it is important for both Cllrs and officials to continue to maintain all protocols.

7. Financial implications

None.

8. Legal implications

None.

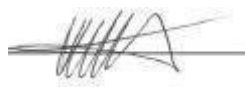
9. Other implications

None.

10. Recommendation:

10.1 That the monthly HR report be noted.

Item prepared by: Manager: Human Resource



Item approved by: Director: Corporate Services



Item noted by: Portfolio Councillor



KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****CORPORATE SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CORP3****MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION AS AT JULY 2020****1. Introduction**

The purpose of this item is to report on the functional activities of each of the sections within Administration as at end of July 2020.

2. Background

The Directorate submits monthly reports to inform the committee of the activities performed during the previous months.

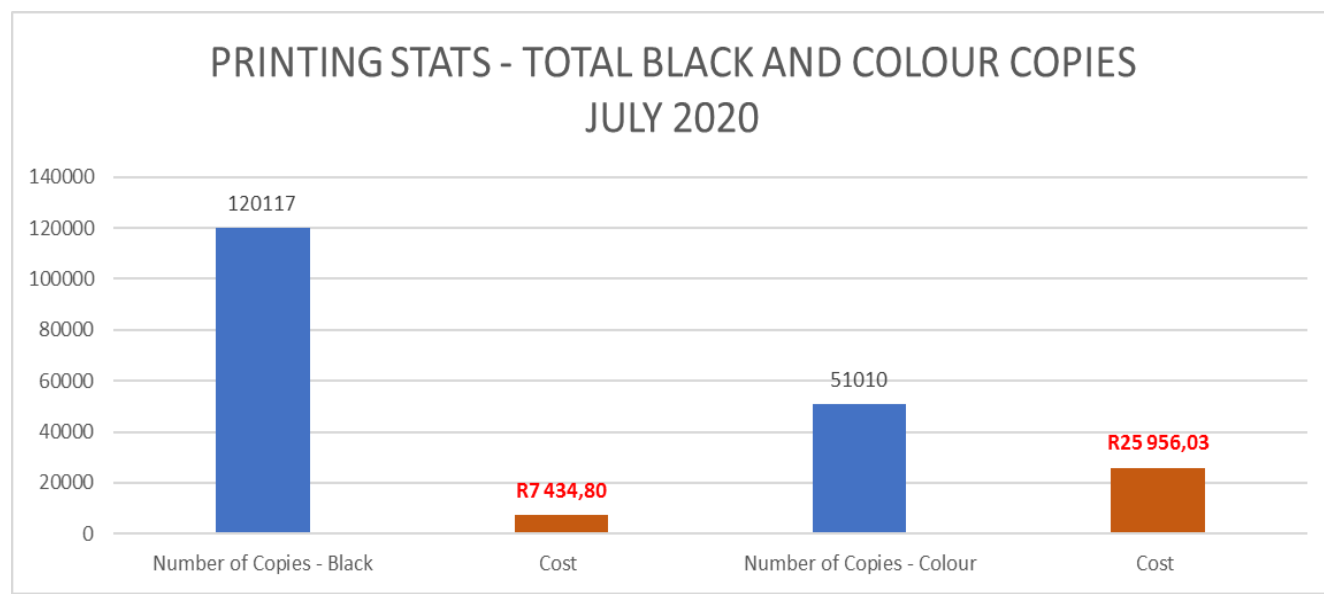
3. Discussion

The report below outlines the individual activities of the administration section:

4. Comparative Stats Summary: July 2020

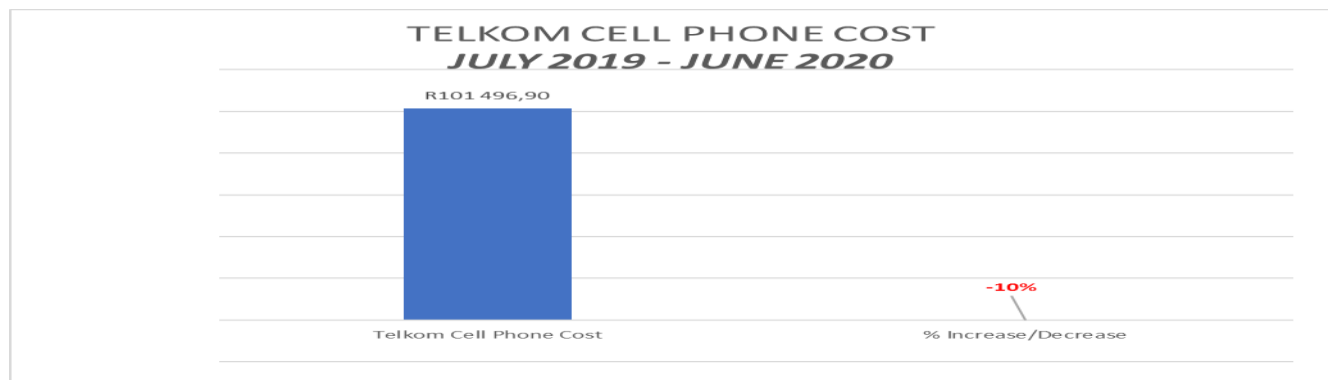
AUXILIARY:	
PRINTING	Jul-20
Number of Copies - Black	120117
<i>Cost</i>	<i>7434,8</i>
Number of Copies - Colour	51010
<i>Cost</i>	<i>25956,03</i>
Total Copy Cost	33 390,83
Lease Cost	65000
% Increase/Decrease	34%
TELEPHONE	Jul-20
Telkom Landline Cost	R0,00
<i>Credits received</i>	-
% Increase/Decrease of final balance	-100%
Telkom Cell Phone Cost	R101 496,90
% Increase/Decrease	-10%
BUILDING & MAINTENANCE	Jul-20
Capital Expenditure	R0,00
Council Operational Expenditure	R0,00
Corporate Operational Expenditure	R0,00
Total Expenditure	R0,00
% Increase in Ops Expenditure	-100%
REGISTRY	
OTHER STATS	Jul-20
Number of Incoming mail	197
Number of Letters Posted	104
Number of Facsimiles Received	0
Number of cheques received	0
SCANNED DOCUMENTS	Jul-20
Patensie	0
Hankey	0
Jeffreys Bay Finance: Expenditure	0
Jeffreys Bay Finance: Income	0
St Francis Bay Finance: Income	220223
HR	0
SCM	0
TOTAL SCANNED DOCUMENTS	220223

COMMITTEES:	
MEETINGS	Jul-20
Council	1
Maycom	1
Corporate Services Portfolio	1
Finance Portfolio	1
P&D Portfolio	1
LED & Tourism Portfolio	1
I&E Portfolio	1
Community Services	1
MPAC	0
IGR	0
LLF	2
Top Management	2
Maycom Exec	1
Kouga Audit Committee	0
Bid Specification Committee Meeting	2
Bid Evaluation Committee Meeting	11
Bid Adjudication Committee Meeting	2
Policy Workshops	0
Ad-hoc Committees Meetings	0
German Delegation visit	0
Strategic Workshop	0
Loud Hailing	0
Ward Committee meetings	0
Total Number of Meetings	28
VEHICLE EXPENDITURE	Jul-20
TOYOTA DTD514EC	
Fuel Cost	R0,00
No. of Litres	0
% Increase/Decrease in fuel cost	-100%
Opening Odometer Reading	0
Closing Odometer Reading	0
No of km travelled	0
NISSAN JFK384EC	
Fuel Cost	R1 623,87
No. of Litres	117,05
% Increase/Decrease in fuel cost	-3%
Opening Odometer Reading	28076
Closing Odometer Reading	29370
No of km travelled	1294

5. Auxiliary:5.1 *PRINTING STATS - JULY 2020*GRAPH 3: PRINTING STATS – TOTAL BLACK AND COLOUR COPIES:

5.2 TELKOM CELL PHONE COSTS - JULY 2020:

GRAPH 1: TELKOM CELLPHONE COSTS:



The cell phone bill decreased by **10%** from June to July 2020.

5.3 TELKOM CELL PHONE CLAIMS SUBMITTED BETWEEN AUGUST 2018 - JULY 2020:

5.3.1 The table below indicates a summary of cell phone claims submitted during August 2018 to July 2020. The claims are a result of stolen/lost cell phones:

No:	Date of incident	Name and Surname of Employee	Department	Cellphone Type	Price
1	20-Aug-18	SJ Mkosana	I & E	Samsung Galaxy J5	R3 999,00
2	30-Aug-18	S Mashicila	I & E	Samsung Galaxy J5	R3 999,00
3	01-Sep-18	C Jooste	I & E	Samsung Galaxy J5	R3 999,00
4	19-Sep-18	V Citwa	Community Services	Samsung Galaxy J5	R3 999,00
5	06-Oct-18	T Perils	Community Services	Samsung Galaxy J5	R3 999,00
6	21-Oct-18	S Harmse	Community Services	Samsung Galaxy J5	R3 999,00
7	25-Oct-18	A Blaauw	Finance	Samsung Galaxy J5	R3 999,00
8	26-Oct-18	J Luthuli	Community Services	Samsung Galaxy J5	R3 999,00
9	17-Nov-18	N Poti	Corporate Services	Samsung Galaxy J5	R3 999,00
10	27-Nov-18	C Plaatje's	Corporate Services	Samsung Galaxy J5	R3 999,00
11	15-Dec-18	Z Gongqoba	Finance	Samsung Galaxy J5	R3 999,00
12	20-Dec-18	J Hayward	Community Services	Samsung Galaxy J5	R3 999,00
13	23-Dec-18	E Madatt	Community Services	Samsung Galaxy J5	R3 999,00
14	23-Dec-18	M Grootboom	Full Time Shop Steward	Samsung Galaxy J5	R3 999,00
15	24-Dec-18	D Kabani	Community Services	Samsung Galaxy J5	R3 999,00
16	06-Jan-19	R Fredericks	I & E	Samsung Galaxy J5	R3 999,00
17	21-Jan-19	J Fontein	Community Services	Samsung Galaxy J5	R3 999,00
18	30-Jan-19	VD Tshunungwa	I & E	Samsung Galaxy J5	R3 999,00
19	18-Feb-19	M Maziko	Community Services	Samsung Galaxy J5	R3 999,00
20	23-Feb-19	D van Rensburg	Finance	Samsung Galaxy J5	R3 999,00
21	27-Feb-19	N Nkosana	Community Services	Samsung Galaxy J5	R3 999,00
22	02-Mar-19	V Walters	Community Services	Samsung Galaxy J5	R3 999,00
23	06-Mar-19	F Muller	Community Services	Samsung Galaxy J5	R3 999,00
24	12-Apr-19	A Rossouw	Community Services	Samsung Galaxy J5	R3 999,00
25	27-Apr-19	J Marais	PDT	Huawei P20 Pro	R13099,00
26	29-Apr-19	N Siwela	Community Services	Samsung Galaxy J5	R3 999,00
27	01-May-19	J Felix	Community Services	Samsung Galaxy J5	R3 999,00
28	03-May-19	J Swartz	I & E	Samsung Galaxy J5	R3 999,00
29	03-May-19	N Poti	Corporate Services	Samsung Galaxy J5	R3 999,00
30	08-May-19	A Potgieter	Corporate Services	Samsung Galaxy J5	R3 999,00

31	27-May-19	L September	Corporate Services	Huawei P20 Pro	R13099,00
32	07-Jun-19	D Rondganger	Community Services	Samsung Galaxy J5	R3 999,00
33	29-Jun-19	A Jafta	I & E	Samsung Galaxy J5	R3 999,00
34	05-Jul-19	A Meyer	Community Services	Samsung Galaxy J5	R3 999,00
35	06-Jul-19	S Siwephu	Finance	Samsung Galaxy J5	R3 999,00
36	15-Jul-19	S Meleni	Community Services	Samsung Galaxy J5	R3 999,00
37	23-Jul-19	N.V Katsiwe	I & E	Samsung Galaxy J5	R3 999,00
38	27-Jul-19	T Maclean	I & E	Samsung Galaxy J5	R3 999,00
39	11-Aug-19	M Khatshiwe	Corporate Services	Samsung Galaxy J5	R3 999,00
40	25-Aug-19	X Wagosa	PDT	Samsung Galaxy J5	R3 999,00
41	01-Sep-19	C de Villiers	I & E	Samsung Galaxy J5	R3 999,00
42	06-Sep-19	S Khanye	Finance	Samsung Galaxy J5	R3 999,00
43	06-Sep-19	C Lucas	Finance	Samsung Galaxy J5	R3 999,00
44	15-Sep-19	P Dayimani	I & E	Samsung Galaxy J5	R3 999,00
45	18-Sep-19	S Mayinje	Community Services	Samsung Galaxy J5	R3 999,00
46	27-Oct-19	M Kota	Community Services	Samsung Galaxy J5	R3 999,00
47	Nov-19	Ngxesha	I & E	Samsung Galaxy J5	R3 999,00
48	06-Nov-19	M Mkani	Community Services	Samsung Galaxy J5	R3 999,00
49	11-Nov-19	I Jacobs	I & E	Samsung Galaxy J5	R3 999,00
50	22-Nov-19	E Maya	Community Services	Samsung Galaxy J5	R3 999,00
51	23-Nov-19	J Jacobs	Community Services	Samsung Galaxy J5	R3 999,00
52	06-Dec-19	X Kepe	Corporate Services	Samsung Galaxy J5	R3 999,00
53	20-Dec-19	R Joubert	I & E	Samsung Galaxy J5	R3 999,00
54	25-Dec-19	J Brown	Community Services	Samsung Galaxy J5	R3 999,00
55	27-Dec-19	M Memani	PDT	Samsung Galaxy J5	R3 999,00
56	31-Dec-19	A Xotongo	Community Services	Samsung Galaxy J5	R3 999,00
57	15-Jan-20	W George	Community Services	Samsung Galaxy J5	R3 999,00
58	24-Jan-20	F Gqozo	Community Services	Samsung Galaxy J5	R3 999,00
59	03-Feb-20	V Adams	PDT	Huawei P20 Pro	R13099,00
60	10-Feb-20	L Johnson	I & E	Samsung Galaxy J5	R3 999,00
61	10-Feb-20	A Alexander	Finance	Samsung Galaxy J5	R3 999,00
62	18-Feb-20	T Mahlanza	I & E	Samsung Galaxy J5	R3 999,00
63	29-Feb-20	T Swepu	Community Services	Samsung Galaxy J5	R3 999,00
64	26-Feb-20	S Latile	Corporate Services	Samsung Galaxy J5	R3 999,00
65	13-Mar-20	T Hesha	Community Services	Samsung Galaxy J5	R3 999,00
66	08-Mar-20	J Jantjies	Community Services	Samsung Galaxy J5	R3 999,00
67	07-Mar-20	E Msizi	I & E	Samsung Galaxy J5	R3 999,00
68	14-Mar-20	M Grootboom	Community Services	Samsung Galaxy J5	R3 999,00
69	20-May-20	L Sweli	I & E	Samsung Galaxy A3	R3 999,00
70	12-Mar-20	D Visagie	Community Services	Samsung Galaxy J5	R3 999,00
71	30-Jun-20	H Mintoer	Community Services	Samsung Galaxy J5	R3 999,00
72	30-Jun-20	E Heynes	Community Services	Samsung Galaxy J5	R3 999,00
73	08-Jul-20	N Rabella	Community Services	Samsung Galaxy J5	R3 999,00
74	27-Jul-20	Z Antoni	Community Services	Samsung Galaxy J5	R3 999,00
TOTAL					R283 929,00

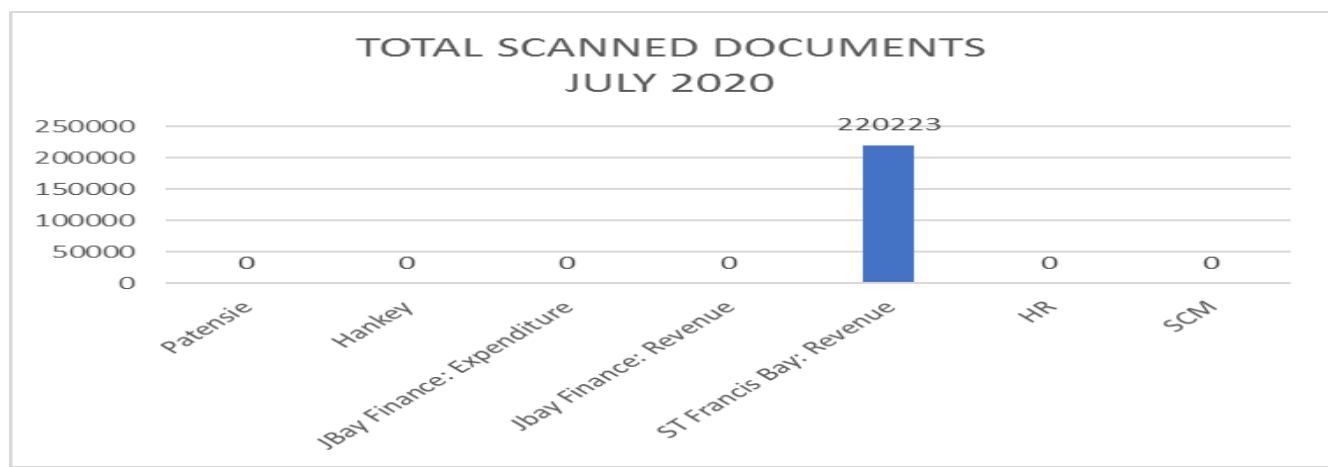
GRAPH1: NO OF CELLPHONE CLAIMS:



A total of **74** phones have been lost/stolen with the highest claims being in 2019 by the Community Services Department. The total rand value of claims is a staggering **R283 929,00**

6. Registry:6.1 *DOCUMENT, IMAGING AND STORING JULY 2020:*GRAPH 1: DOCUMENTS COLLECTED AND SCANNED TO DATE BY METROFILE:

Department	Scanned documents
Patensie	0
Hankey	0
JBay Finance: Expenditure	0
Jbay Finance: Revenue	0
ST Francis Bay: Revenue	220223
HR	0
SCM	0

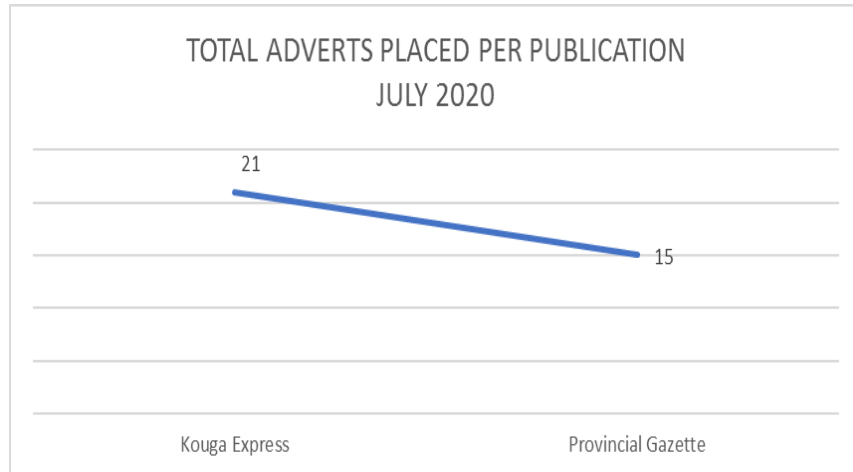
GRAPH 2: TOTAL SCANNED DOCUMENTS:

6.2 ADVERTISEMENTS:- JULY 2020:

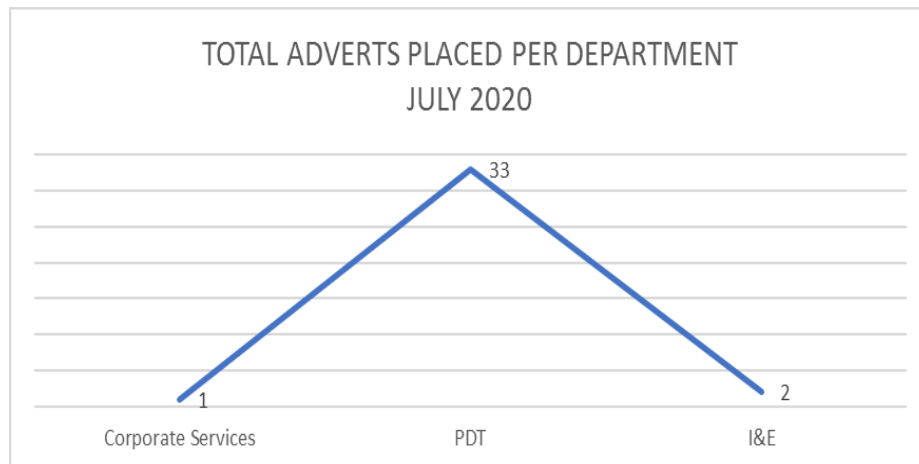
6.2.1 The table below indicates a summary of advertisements placed during July 2020:

DATE	NOTICE NO.	DESCRIPTION	1st PUBLICATION	2nd PUBLICATION	MUNICIPAL WEBSITE	DEPARTMENT	SECTION
02/07/2020	73/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
02/07/2020	74/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
02/07/2020	75/2020	Misc. Land use application	Kouga Express			PLANNING & DEVELOPMENT	TOWN PLANNING
02/07/2020	76/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
02/07/2020	77/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
02/07/2020	78/2020	Misc. Land use application	Kouga Express			PLANNING & DEVELOPMENT	TOWN PLANNING
09/07/2020	96/2020	Misc. Land use application	Kouga Express			PLANNING & DEVELOPMENT	TOWN PLANNING
13/07/2020	68/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
13/07/2020	69/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
13/07/2020	70/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
13/07/2020	71/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
13/07/2020	72/2020	Bisho Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
16/07/2020	83/2020	PPP for Electricity By-law	Kouga Express		Kouga municipal site	INFRASTRUCTURE& ENG.	TECHNICAL SERVICES
16/07/2020	84/2020	PPP for SSEG Policy	Kouga Express		Kouga municipal site	INFRASTRUCTURE& ENG.	TECHNICAL SERVICES
23/07/2020	98/2020	Misc. Land use application	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
23/07/2020	99/2020	Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
23/07/2020	100/2020	Bisho removals: finals	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
23/07/2020	101/2020	Draft Land Use Scheme	Kouga Express	Provincial Gazette	Kouga municipal site	PLANNING & DEVELOPMENT	TOWN PLANNING
23/07/2020	102/2020	Removal of restrictive conditions	Kouga Express	Provincial Gazette		PLANNING & DEVELOPMENT	TOWN PLANNING
30/07/2020	104/2020	Notice of Missing beneficiaries	Kouga Express		Kouga Municipal site	PLANNING & DEVELOPMENT	TOWN PLANNING
30/07/2020	105/2020	Misc. Land use application	Kouga Express			PLANNING & DEVELOPMENT	TOWN PLANNING
31/07/2020	133/2018	Extension of drought declaration	Provincial Gazette			CORPORATE SERVICES	REGISTRY

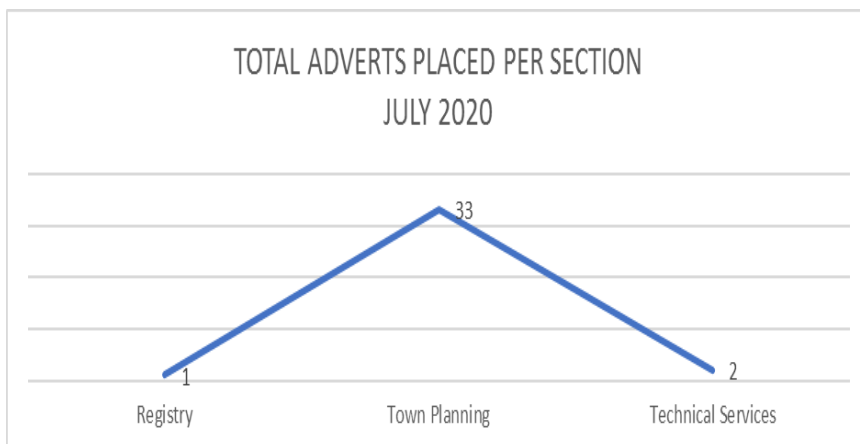
GRAPH 1: TOTAL ADVERTS PLACED PER PUBLICATION:
PER DEPARTMENT:



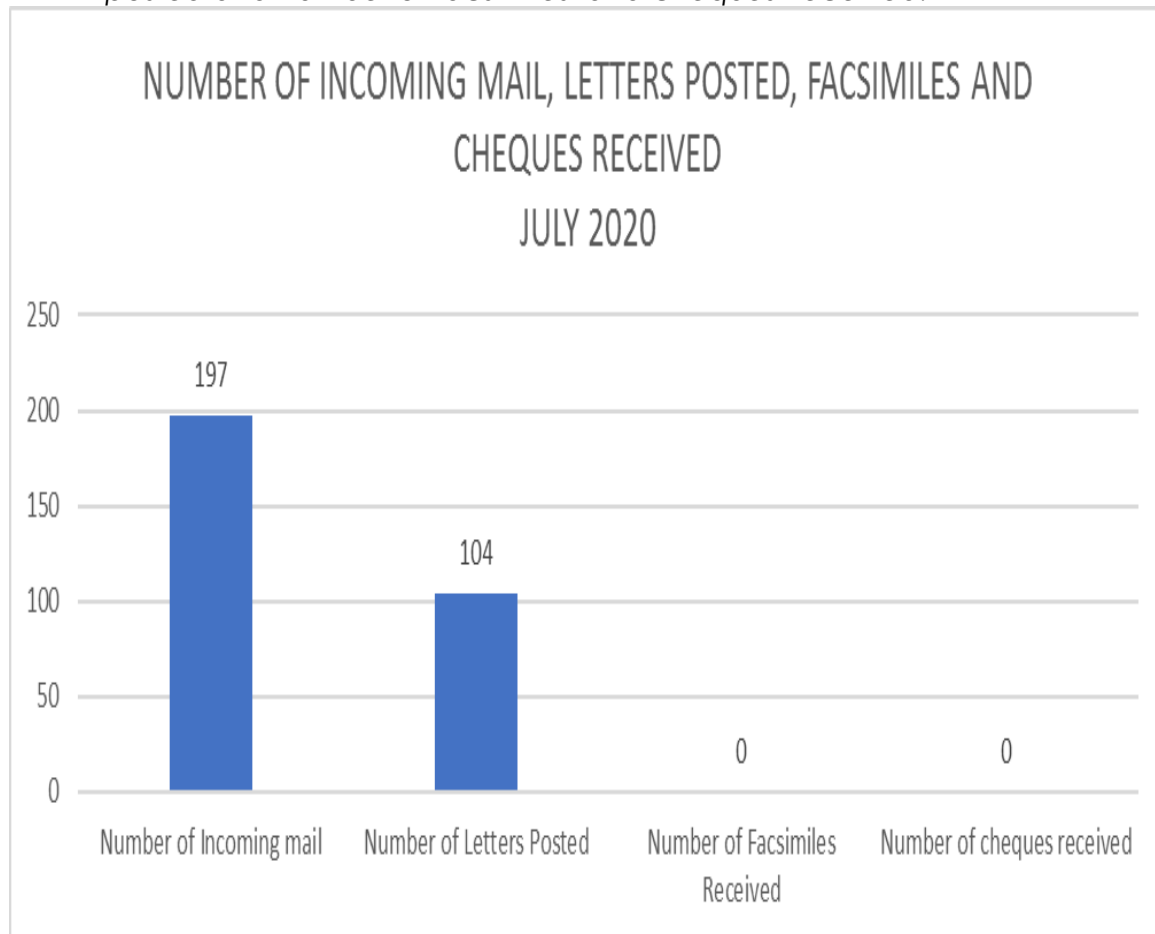
GRAPH 3: TOTAL ADVERTS PLACED



GRAPH 4: TOTAL ADVERTS PLACED PER SECTION:



6.2.2 Below graphs are an indication of the number of incoming mail received, number of letters posted and number of facsimiles and cheques received:



7. Comments by Directorates:Director: Corporate Services

The report is noted.

8. Recommendation

- 8.1 That the monthly report for the Corporate Services Directorate: Administration Section be noted.

Item Prepared by : **Manager Administration**

Item approved by : **The Director: Corporate Services**

Item noted by : **The Portfolio Councillor**





KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****CORPORATE SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CORP4****WARD COMMITTEE REPORT AS AT END JULY 2020****1. Introduction**

The purpose of this report is to give the Committee an overview of the progress of the Public Participation Section as at end July 2020

2. Purpose

The report below outlines the activities of the Public Participation Section in the Speaker's office.

2.1 Ward Committee Meetings:

WARD	COUNCILLOR	PUBLIC PARTICIPATION OFFICER	WARD COMMITTEE MEETINGS
			JULY 2020
1	Cllr Mayoni	Eric Blaauw	None
2	Cllr Meleni	Fumanekile Lloyd	None
3	Cllr Gertenbach	Fumanekile Lloyd	None
4	Cllr Campher	Bessil Jaffa	None
5	Cllr Coenraad	Bessil Jaffa	None
6	Cllr Vumazonke	Eric Blaauw	None
7	Cllr Februarie	Eric Blaauw	None
8	Cllr Vorster	Fumanekile Lloyd	None
9	Cllr Jujwana	Bessil Jaffa	None
10	Cllr Mabukane	Bessil Jaffa	None
11	Cllr Bornman	Fumanekile Lloyd	None
12	Cllr Rheeder	Fumanekile Lloyd	16 July 2020
13	Cllr Peters	Eric Blaauw	None
14	Cllr Makasi	Eric Blaauw	None
15	Cllr Hendricks	Bessil Jaffa	None

2.1 Issues discussed:

WARDS	MATTERS DISCUSSED	RECOMMENDATION	PERSON RESPONSIBLE	FEEDBACK FROM RESPONSIBLE PERSON	FEEDBACK: WARD
W A R D 1	RDP house in Sea Vista not connected to the Sewerage pipeline	The municipality must intervene and connect the Sewerage pipeline to the house.	V Felton	We need house/erf number to investigate	Erf no 2564, Elf Street, Sea Vista. Outstanding
	Temporary chemical toilets in Sea Vista at Zwelitsha - given by the MEC	The municipality must assist by maintaining The chemical toilets.	V Felton	We do not have the required equipment or chemicals to maintain chemical toilets	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Squatter camp – shack was burnt down and one person was burnt.	The municipality must formalize the squatter camp.	F Mabusela	Business Plan submitted to ECDHS for Upgrading of Informal Settlements Grant has been approved. 2 informal settlements (Khosovo & Zwelitsha) in this ward will benefit in this financial year.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Land for commonage	- Mr. Johannes is willing to sell piece of land for R35million. - Mr. McKenzie also willing to sell his land to his workers at Duineval farm. - Municipality to engage with farm owners	MM/ F Mabusela/Cllr Mayoni		Cllr to engage with Municipality Outstanding
	Formalization of squatter camp in Sea vista and Umzomowethu.	The municipality must formalize the two squatter camps.	F Mabusela	Business Plan submitted to ECDHS for Upgrading of Informal Settlements Grant has been approved. 2 informal settlements (Khosovo & Zwelitsha) in this ward will benefit in this financial year.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Request to use the taxi rank	The application must be sent to the office of the M.M by the Councillor	M.M. & Z Mayoni		No response from the M.M Outstanding

	Land for houses (14ha)	- Negotiate with Department of Public Works - Land donated to Kouga - That the housing project on 14 hector can accommodate 500 houses	F Mabusela MM		Waiting for transfer Municipality to provide pegging
	SMME'S Training	Request for training for SMME's	F Mabusela	The request must be submitted in writing to the office of Director: PDT for prioritization in this Financial Year. The areas of interest and participating SMMEs should be included in the correspondence.	
	Rectification of houses in Oyster Bay	- Human Settlement must be clear on rectification programme - Inspectors will complete an assessment in Umzamowethu	F Mabusela	The Provincial Department is no longer funding the rectification programme.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Breaking in the office and hall	Burglars to be install in office and the hall	N Machelesi K Moodley	M Rossouw – Will get quotes for the Ward 1 office. (awaiting quotes) Community Services to get quotes for the hall N Machelesi – Sea Vista Community hall Burglars will be installed in the new financial year (2020/21)	Outstanding
	Sea Vista Housing Project	- Ward Committee acknowledge the unlocking of the project - The project must be put on the 2012_22 budget by the Province.	Office of the MEC		Outstanding-process Delayed to Covid 19
	P Tyala house	The department is going to build Mr, Tyala House	Office of the MEC		Outstanding-process delayed to Covid 19

	Paving and resealing of roads	Municipality started in Jeffreys Bay only	V Felton	I&E deals with MIG Funded Projects.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Sport Field in Sea Vista	Contract should be on site as soon as possible	N Machelesi		In progress Contractor on site
W A R D 2	Sewerage spillage in Haring street, Dune road and Pellsrus day camp beach	Replace the aging and corroded piping system in the affected areas	V Felton	Funding dependent. More detail required address.	Noted, spillage occurring in Haring and Dune Road Will give feedback on exact address
	Formalization of Squatter Camp	Relocate the people of No Ten Rand or provide an alternative.	F Mabusela	The Informal Settlement is in the land that does not belong to the Municipality, however, the Municipality has commenced with the electrification programme. Business Plan was submitted to ECDHS for Upgrading of Informal Settlements Grant has been approved. No R10 in this ward will benefit in this financial year.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Tokyo Sexwale play park	Play park needs to be levelled	N Machelesi/V Felton	N Machelesi - Will attend to it in the new financial year 2020 / 21	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Rectification program In Ward 2	Voorblok need to be renovated	F Mabusela	The Provincial Department is no longer funding the rectification programme.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Land for school	Relocate the people on school land	F Mabusela	The negotiations were initiated and temporarily suspended due to	Awaiting feedback

				lockdown restrictions. The negotiations for relocation of the school will commence in this FY.	from Ward Committee and Councillor in terms of feedback given
	220 Housing Project - Lights	Residents are requesting that street lights be Installed. They do not feel safe	V Felton		Outstanding. Require feedback from Director
W A R D 3	Fitting of new street names and poles	That Eddie give assurance on completion of this project by the end of the month by Contractor	V Felton	In progress – funding dependent.	Resolved
	Neighborhood Watch	- Negotiation with ward 8 & 11 for cooperation to establish a well -organized neighborhood watch for the entire area - Neighborhood watch establishment is Hampered by the fact that nobody is willing to take the responsibility to manage a neighborhood for 3 wards.	CLLR Gertenbach	No success due to a lack of interest.	Still ongoing
	Free -WIFI	Still possible	CLLR Gertenbach	Still on IDP and Ward Dev. Fund priorities	This is still a high priority
	Upgrading of Trim Park At Mimosa and Poplar	Ward committee prefer to upgrade this Park	N Machelesi	Awaiting feedback on investigation	Ms Rodriquez & Mr. Heystek to investigate the issue Outstanding
	Issues raised by community to the Municipality	Slow pace on resolving issues of the community	MM		MM need to focus on the productivity of

					Municipality
	Extension of Dodwood Street to St Francis Street	Negotiation to take place soon	Cllr and Municipality (I&E)		Outstanding Waiting for response from I&E
	Ward Development Fund	Play Park	Speaker Office		Outstanding
	Poplar Dam	- Remains a bone of contention. - A tree is blocking the Outlet of the dam - Rubbish on the bushwillow side of the dam has still not been removed	N Machelesi	The waste was collected on the bushwillow side and the area monitored for dumping. I&E is investigating possibility of removing the tree without damaging any infrastructure.	Outstanding
	Owner of 10 Pogoda street	Block the entrance to the sea	F Mabusela		Outstanding
	The house at Tecoma 12	Build over the lines	F Mabusela		Outstanding
	Sign Board	To prohibit littering in front of Jam in Noorsekloof	N Machelesi	Sign boards have been procured, and to be erected within first quarter of new financial year	Outstanding
	Fixing of potholes	Municipality to do all streets	V Felton		Ongoing
	Ward boundaries	IEC has jurisdiction over the establishment of Voting station. Mr. Fouche will give a report after the meeting of 24 March 2020	Mr. Fouche		IEC to come to finalize boundaries
	Amnesty Period	Amnesty Period should be extended by a year	MM F Mabusela	MM - Amnesty period has been extended by 1 year. F Mabusela - The Item for extension approved by Council . The Amnesty Period will now end in June 2021.	Resolved
	Under Cover Benches	Required for the Red Current Park	Cllr Gertenbach	In IDP and Ward Dev. Fund priorities	Outstanding

W A R D 4	EQS applications	That the council scrutinize applicants and which shops receive EQS	CFO	The Councillors receive the updated list every month, but we do not get any feedback from the Councillors. The only Councillor that gives feedback is Councillor Rheeder. This is a Government Regulation that Councillors must peruse and give feedback. Since lockdown this has been difficult, and there was no new applications. The lists can also be e-mailed to the Councillors and they must then they must acknowledge receipt, this will then be our proof for the Auditors that were compliant.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Littering of Spaza shop	Committee was elected	N Machelesi	Educational and awareness campaigns conducted and monitored by Environmental Health / Law Enforcement	Still occurring
	Housing committee in Ward 4	Create health hazard among members	F Mabusela	More detailed information required to enable the Directorate to respond	Ward 4 and 5 still need to meet in order to select committee
	Illegal Spaza shop	A concern in 391 housing development	F Mabusela	Matter dealt with by Law Enforcement and Legal Services.	Still occurring
	Dark and bad streets	People are scared to attend meetings at night	V Felton		Prioritize this 2 issues Kruisfontein Community (Leyonk Street and William Street) Outstanding
	Naming of street names	Ward members to name the street in 391 and Donkerhoek	Ward committee / Cllr Campher	Because of Covit-19 ,we could not meet as Ward Committee to attend to the matter	Ward Committee busy with process

	Old projects not completed	Grievances be table to the Mayor and Speaker	Mr. Jaftha / MM	Because of Covit-19 ,we could not meet as Ward Committee to attend to the matter	
	Illegal Tavern	Should take photos	M Geswint / Speakers office	The Matter was referred to the Speakers office.	Still occurring
	Illegal refuse dumping	To put sign boards on illegal dumping site	N Machelesi	Dumping signs procured and they will be erected within the first quarter of new financial year	Still waiting for sign boards
	Potholes and Gravel roads	Roads to be tarred/paved	V Felton		Ward Committee To provide list of street names
W A R D 5	Street lights	- We have a problem with dark areas - T Potgieter was invited to meeting	V Felton	3 High mast lights will be installed in the area, the gangsters damage the normal streetlights to keep areas dark.	Outstanding
	Establishing of a clinic Committee	Committee should comprise of ward 4, 5 and 15	W Coenraad & Sr Domingo		Outstanding
	SAPS	Urgent meeting with Brigadier Lebok	Cllr Coenraad C Jaars		Outstanding Crime still occurring
	Sport field	Need to identify sport field	N Machelesi	There are 2 informal Sports Fields in Vaaldam and Graslaagte, An investigation will be conducted to find the owner of the land so that it can added on the IDP to be integrated in MIG funding.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	New Sport Council	- Careful consideration needs to be taken when selectin. - Draft letter to relevant stakeholders, invite V Zana to next meeting.	Cllr Coenraad		Outstanding

W A R D 6	Renovation at Councillors office in KwaNomzamo	The outstanding work at the office must be done -still need a toilet, currently no toilet	Maalia Rossouw	Awaiting order	Noted
	Ward development fund	- Paving of cemetery- from the old to the new - cemetery (Driveway) 500m - Speedhumps in 2 streets - Play Park - New floor for classroom at 1 school	Office of the Speaker	Playpark to be installed Speedhumps – done New classroom floors not done	Play park and new Floor for classroom outstanding
	Widening of the entrance road to KwaNomzamo township.	The road is too small needs to be widen as a matter of urgency.	V Felton	Being investigated – Funding dependent	Outstanding
	Renovation of Country club	Budget be put aside for 2020/21	CFO	There was an insurance claim submitted. The insurance paid out the amount R1.1million for the fire and the building.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
W A R D 7	Speed humps in Thornhill streets	Street humps must be installed at all identified streets in Thornhill (to avoid accidents)	V Felton / N Machelesi	V Felton - Speedhumps cannot be installed on gravel roads.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Bulk infrastructure for ward 7	The committee wants to know about the money that was budgeted for bulk infrastructure.	V Felton / Speaker	Speaker - It's in the IDP due to covid19 could not be budgeted for in this financial year. To be priorities in the new financial year.	
	Road/streets sign boards in both Loerie & Thornhill	The municipality must install road/street Signs at all streets. This will be identified by Councillor & committee	V Felton		Outstanding

Motor Bike rallies in Thornhill	The matter to be addressed at a CPF meeting, because community members are sick & tired of being abused by the Bikers during rallies in Thornhill	Councillor & CPF Mr. Lebok Cluster Commander.		Outstanding Cllr to have meeting with Mr Lebok
Ward development fund	- Building of play park, Thornhill - Building of play park, Loerie	Office of the Speaker	Playparks to be installed	Outstanding – Thornhill
Club house	To be upgraded	N Machelesi	In Progress Upgrades will be finalized within the new financial year 2020/21	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
Land for Churches	Churches still waiting for municipal response	Speaker/MM	F Mabusela - The identification and packaging of land parcels for Churches has been initiated. An item will be tabled to Council by end August 2020.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
Loerie clinic	- Need be extended because they can't accommodate all community - New sister must be invited to a community meeting in Loerie	Cllr Februarie		Cllr to talk the Department Outstanding
Houses not connected to sewer - housing project	That Mr. Felton be invited to ward 7 committee meeting in March 2020	Cllr Februarie / V Felton		Invite Mr. Felton EFR NO'S 332,326,515 SHERLEY ST. LOERIE. Outstanding
Mr. Madiba house	- House to be connected to sewer line - House was never connected, since hand over	V Felton	Erf number required to investigate	ERF NO'S 336 , SHIRLEY ST LOERIE Outstanding

	Transport for Longmore Learners	To invite Mr. Gandhi & Mr. Miggels	Cllr Februarie		Cllr to set up meeting Outstanding
	Sport field	Need to upgrade. Put in 2020/2021 budget	N Machelesi		Prioritize in 2020/21 budget
	Establishment of Ward Sub-committees	Cllr urged all Ward Committee members to start establishing their sub-committees	Ward Committee/ Cllr Februarie		Outstanding
	Houses for Ward 7	Need clarity on why ward 7 does not get Houses like the other areas?	F Mabusela	The Housing projects are blocked in ward 7 due to insufficient bulk services.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
W A R D 8	Pre-School	Open field across Pre-School, bushes to be removed and to be used for parking	N Machelesi	To be addressed in conjunction with Town Planning	
	Squatting in Ward area	"Bos-slaapers" (Land grabbing)	N Machelesi		Need space for people
	Illegal dumping	Community Services to respond to illegal dumping	N Machelesi	Cleared on a regular basis and no dumping signs will be erected in the first quarter of the new financial year 2020/21	
	Water leaks	Water Leak detector to be purchased to detect the origin of water leaks	V Felton		Purchase water detector
	Water restriction	Require strict water-saving requirements	V Felton		Need to save water
	Ward development fund	- Street names and poles in ward - Water detector - Warning ribs on roads in front of two creches in Blackwood street	Office of the Speaker	Street names done Water detector to expensive Warning ribs done	

	Sewerage main hole leak	Repair leak and fill conservation tanks	V Felton	Filling of conservancy tanks - owners responsibility	
	Seesaw	Some parts are missing needs to be repaired	N Machelesi	Repairs will be done within the new financial year 2020/21	
	Golf course	Close the gap at golf course - to stop people in using it as a shortcut	N Machelesi		Will monitor the situation
	Chinaberry street	Replace the water pipes and repairs	V Felton	Budget dependent	
	Speed humps	Request to install speed humps at the following Streets: Myrtle, Flamboyant, Dogwood, Sally and Broom street	V Felton	Budget dependent	
	Clearing of overgrown Plots	Municipality continue to get hold of owners	MM		Continue searching
	Play Parks	Should have indemnity board place at all play parks	N Machelesi	Indemnity boards will be placed in the new financial year.	
	Running business at home	- Law enforcement need to investigate. - The address is as follows, on the corner of NelVan Der Pol and Koko	N Machelesi	Will monitor the situation	
	Amnesty Period	To use SPLUMA Act	F Mabusela	The Item for extension of Amnesty period was approved by Council . The Amnesty Period will now end in June 2021.	
	Accounts from the municipality	Residents need to register on Kouga web site on line to receive their emails	CFO	This is done on a daily basis. It is advertised everywhere	Refer to Income
	Dumping site	Discussed with Mr. Barnard	N Machelesi	Resolved	
W A R	State of Hankey cemeteries	Municipality to fence the cemeteries	N Machelesi	Partly done on the side of New Development, Will source funding in new financial year to complete whole cemetery.	Awaiting feedback from Ward Committee and Councillor in

D 9					terms of feedback given
	Crime	Councillor to hold public meeting due to high risk	N Machelesi S Jujwana		Outstanding
	Identification of New cemetery in Hankey	- The EIA process should be finalized - Burying of people at Milton cemetery was not accepted by the community	N Machelesi	Waiting for response as the application was lodged with the Department of Environmental Affairs	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Housing committee	Will be elected in public meeting	S Jujwana F Mabusela	The meeting had to be cancelled due to National Lockdown. The process will commence when restrictions have been lifted on convening big public meetings.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Road between the Bridge and town	Needs to be maintained	V Felton & dept of Roads		Outstanding
	Jazz Festival	That Jazz Festival will be back in 2020	F Mabusela	The proposal must be submitted to the office of Director: PDT for consideration and further actioning.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Building of Police station	Minister approves budget to build police station in Hankey	Public Works		In progress
W A R D 10	278 houses	Need to finalize the GP and engineering design, identify beneficiaries	F Mabusela		In progress
	Drought projects	Contractor is appointed and doing well	MM		In progress
	Cemetery	Identify land for cemetery	N Machelesi	Awaiting for response as The application was lodged with the Department of Environmental Affairs	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Land for churches	Identify plots or land for churches	F Mabusela	The identification and packaging of land parcels	Awaiting feedback from

				for Churches has been initiated. An item will be tabled to Council by end August 2020.	Ward Committee and Councillor in terms of feedback given
	Building over the Boundaries	Invite town planning	F Mabusela	More detailed information required to enable the Directorate to respond	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Commonage	Buy land for stray animals	F Mabusela	This needs to be prioritized in the budget and IDP. The reviewed SDF will guide on desired patterns of land use and development. The Project is in Public Participation process.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Lights along the road to Ramaphosa Village	Repair the lights	V Felton	Reported to Eskom several times. Follow up will be done.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Ward development fund	- Indoor gym within library premises - Gym equipment - Play park	Office of the Speaker	Gym to expensive Gym equipment not enough Opps funds Playpark to be installed	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Plots	Several invitations sent to the Housing Manager. No reason was given as to why the plots were put on hold or on a way forward	F Mabusela	More detailed information required to enable the Directorate to respond	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Paving and Storm drain problem in Stuurman Street and Rooikloof Street	Awaiting resolution from Mayor	Mayor		Outstanding
W A R	Koraal street pump	Budget allocated for upgrade to the dam	CFO	No budget available in 2019/20, I&E to look within their Budget	Prioritize for 2020/21
	Aesthetic committee	1 representative by ward committee	F Mabusela	Establishment of Ward 11 Aesthetic Committee will be appointed together with	Awaiting feedback from Ward Committee

D 11		Member per Ward		the Jeffery's' Bay Precinct Steering Committee.	and Councillor in terms of feedback given
	Outdoor gym	That beachfront be the perfect place to build Outdoor gym	Speaker		Awaiting feedback
	Play park	To install at Gesiggie and Kersie street	Office of the Speaker	Playpark to be installed	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Ward development fund	- Street names - G5 level at main beach parking area - Play park- Gesiggie street - Revamp of Boardwalk- Verbena street	Office of the Speaker	Street names done G5 level Done Boardwalk – Verbena waiting for quotes	Outstanding – Boardwalk
	Taxis in CBD	A Law enforcement should be enforced on taxis that drive reckless	N Machelesi	Daily visibility will be increased	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Leaking of water pipe at Uys street	Repair pipe	V Felton		Awaiting feedback
	Koraal street	Road built between Koraal street as a means to deviate Aston Bay/Paradise beach Traffic	F Mabusela		Outstanding
	Infrastructure and Sewerage- Koraal street	To acquire funds to maintain and upgrade the Koraal street	V Felton		
	CBD upliftment	Involve stakeholders and business people in public participation program	MM		Outstanding
	Clinic	Need to be extended	Health N Machelesi		Outstanding
	Roads	To obtain the rights to the Provincial roads that run through towns	V Felton		Outstanding

WARD 12	Illegal shacks on Tarragona road road 746/72 St Francis Bay	- The ward Cllr, who is the Portfolio head of Town Planning and Development is working on the plan to look on illegal dwellers along Tarragona road in St Francis Bay - The Municipality is waiting for MEC Public Works to sign the transfer of the land. The Planning department is busy with the planning for that area. At this stage there are no funds available for building houses	F Mabusela	Land to be transferred	Some of the shacks are on wetland and are of a great concern to the Committee. Committee requests a deadline for 30 October 2020.
	ERF 554 Parking in St	- To table the draft plan to the Ward Committee meeting - Consultant to be appointed - Advert gone out for erf 554 for consultant to do all the work for erf 554. At this stage we are sitting with the road that needs to be rezoned, actually the rezoning of the whole erf 554 should be changed. - Erf 554 should be sub-divided regarding all cost or request that the different spaces be rezoned - Consultant to be appointed.	F Mabusela	Advert gone out for erf 554 for consultant to do all the work for erf 554. This stage we are sitting with the road that needs to be rezoned, actually the rezoning of the whole erf 554 should be changed. The process for the appointment of the Service Provider in final stages.	The Ward Committee voiced its dissatisfaction regarding the delay in this process.
	ERF 400	The legal team is working on this, not yet approved	F Mabusela	Ongoing negotiations with Dept. of Public Works.	The committee requests a deadline of 30 October 2020.

Water restriction	- Water restriction signs to be kept and be more prominent - The Mayor instructed officials to re-plan the water restriction and water. Still severe	V Felton		Big signs need to be repaired and replace.
Canal Bridge	Need to be added to the budget for 2020/2012	V Felton/ CFO	V Felton - Budget provision to be made	No feedback received
Boat Launching	Not finalized. Needs be Gazettes	N Machelesi	Awaiting Gazzette by the MEC	Repairs and maintenance of boat launching site at Paradise Beach should be added to IDP during the next round.
Waterborne sewerage	- To be addressed through IDP process in 2019. - Discussion with MM taking place	V Felton/CFO/ MM		Prioritize through IDP processes. Nothing has happened since 2011
Lower Kwanomzamo	Need to be formalized, still waiting for pegging.	F Mabusela	The project will be prioritized in this FY.	Still outstanding
Aesthetic Committee	Meeting to be held within 21 days and an advert must be placed in the Kouga Express	F Mabusela	Meeting was held	Should have been advertised by for public participation
St Francis Main Beach	Blue Flag status is required	N Machelesi	Proper investigation must be done to determine the extent of erosion on the Main Beach, sewerage and water supply, costing of the project in terms of employees, Law Enforcement, Lifeguards, etc	St Francis Home Owners Association is busy with the EIA.
Upgrading or Maintenance of septic Tanks at beach ablution	To be addressed before season starts.	V Felton	Beach, sewerage and water supply, costing of the project in terms employees, Law Enforcement, Lifeguards, etc	Was the septic tanks been cleaned?
Replace old pipe in St Francis Bay	Put in IDP for 2020/21	MM / V Felton		Feedback received after Ward Committee meeting

	War on pot holes	CLLR to monitor the situation. Still ongoing	V Felton	CLLR to monitor the situation	Back-lock needs urgent attention.
	Merrie Place Street Paradise	Need urgent attention	V Felton	Budget dependent	Need feedback on plan to repair.
	Plot numbers	Request to allocate erven into house numbers at Lower Kwa-Nomzamo	F Mabusela	Waiting to mark plots	Outstanding
	Wetland dried up	Must be maintained.	N Machelesi	To be investigated and discuss with Nature Conservation for solution. It is also due to drought in area	Need regularly maintenance
	Hamonie road	Rain water causes problem from the street into erf of the owner	V Felton		Outstanding
W A R D 13	Ward development fund	- Taxi Shelter Weston - New play park- Rosedale - Sport clothing Soccer clubs	Office of the Speaker	Taxi Shelter waiting quotes Playparks to be installed Sport clothing waiting on design from club	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Councillors office	Require flooring in Cllr Office and blinds for the entire building.	Maalia	To request quotes in new FY (July 2020)	Flooring of office outstanding
	Housing committee	The housing committee be elected in both Rosedale & Weston.	F Mabusela	The meeting had to be cancelled due to National Lockdown. The process will commence when restrictions have been lifted on convening big public meetings.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Land for churches in ward 13	The municipality must first do an audit of Churches that are registered, and then allocate land only to Registered Churches.	F Mabusela	The identification and packaging of land parcels for Churches has been initiated. An item will be tabled to Council by end August 2020.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given

Street hawkers stands for both Ward 9 & 13.	- The stands must be built by the local SMME's from both wards 9 & 13. - Interested hawkers must apply in order to get stands - Erf 2055 was identified as a suitable erf.	N Machelesi	Competency of Economic Development. After erection of stands hawkers can apply for permits from Environmental Health department	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
Cemetery for both Weston and Hankey	Need to identify land for cemeteries in Hankey. Investigate erf 17 for Weston	N Machelesi	Awaiting for response as The application was lodged with the Department of Environmental Affairs	Outstanding
Formalization of Stovolk	Stovolk projects must accelerate, Because the pace is too slow	F Mabusela	The construction of temporary houses are under construction currently. 10 SMM	In progress
728 houses to be build Hankey and 196 Weston	- Identify and register beneficiaries for both Hankey and Weston project - Prioritize this project for 2020/21	F Mabusela	In process.	In progress
Lake in Stolkvolk	Need to close this lake	V Felton		Outstanding
Sewer internal reticulation	Install internal sewer system in Weston for 2021	V Felton		Outstanding
Sewer dam, fence stolen in Weston	A person to be employed	V Felton		Outstanding
Land claims	Need to invite land claims - Regional office in East London to give the update on finalization of claims	F Mabusela		Outstanding
Erf 18	Council to investigate the owner of the farm And current use of farm. The land must be Used for future housing development	F Mabusela	The Farm is owned by Kouga Local Municipality and Zoned for Agriculture1.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
Mobile Clinic	Farm workers at Donkerkloof farm requested A mobile clinic	Cllr Peters		Outstanding

	Stofwolk and Rosedale Community Meeting	- Residents will not move from current site. - The proposed site is too small - Want to be moved from shacks to descent RDP houses	F Mabusela	The Directorate ran a survey to determine the community buy-in for relocating to proposed sites. The stofwolk residents signed the individual consent forms to relocate to temporary housing.	People occupying Houses are not on the List
	Weston Community Meeting	Residents requested that both the MM and Mr A Perils address them in a community meeting	MM/A Perils / V Felton		Outstanding
	Land for future housing development	That the land be used for Weston housing	F Mabusela	Weston has an approved pipeline project (196 housing opportunities). The project is a priority in this FY. The revised SDF will guide on the suitable land parcels for Human Settlements. The Department has also appointed a service provider to review the Housing Sector Plan.	Awaiting feedback from Ward Committee and Councillor in terms of feedback given
	Sewerage dam and Sport Field In Weston	Vandalism in both Projects taking place in Weston.	V Felton		Outstanding
W A R D 14	Park for ocean view	Site to be identified for the playing park in the area.	N Machelesi	N Machelesi - Speaker's office	Outstanding
	Ward development fund.	- New play park -Opposite King College 10x spotlights/flood lights - Boxing club equipment - The Heal Traditional Dance beads/clothing - Speed humps dolphin and Swan Drive	Office of the Speaker	Playparks to be installed Spotlights to be installed Boxing equipment done Traditional dance done Speedhumps done	Outstanding: Playpark Spotlights
	Illegal dumping sign boards	The municipality must put up signage for illegal dumping sites to all affected areas.	N. Machelesi	Dumping signs was procured and they will be erected within first quarter of new financial year 2020/21	Outstanding
	Land for churches	- Need land for churches. - Audit the land for wards	F Mabusela	The identification and packaging of land parcels for Churches has been initiated. An item will be	Outstanding

				tabled to Council by end August 2020.	
	Land for commonage	Land must be identified for the commonage.	F Mabusela.	The revised SDF will be completed in Q2 and will guide on desirable usage of land.	Outstanding
	Internal sewer for 1500 housing project	Project is limited due to people not moving	F Mabusela	This is vague. More information needed to enable the Directorate to respond.	To get more information from Cllr
	Top structure	Project is limited due to people not moving	F Mabusela	This is vague. More information needed to enable the Directorate to respond.	To get more Information from Cllr
	Over bridge	Cllr to engage business people regarding this idea	Cllr Makasi and Speaker		This must be treated as a matter of urgency
	Victory site for garden	To inform the community on issues relating to ward	MM		Outstanding
	1500 Housing project	Steering committee feels that they are excluded on issuing houses.	F Mabusela	The Dept. will engage on the issue with Steercom upon relaxation of lockdown restrictions	Outstanding
W A R D 15	Plots in Golf course	Town planning officials need to attend to the sizes	F Mabusela		In progress
	Ward development fund	Tender awarded for play parks	Office of the Speaker	Playparks to be installed	In progress, playpark Outstanding
	Housing committee	All members be trained	V Felton		Completed
	Keep Kouga clean	- Get more bins for shoppers - Waste department to discuss and revert to Committee with resolution	Mr. Ndaku		In progress – more bins and skips are being procured
	Bush clearing	Bushes must be cleared	N Machelesi	Continuous programme	In progress
	Street Names	Council need to develop a policy to guide the Ward Committee.	Cllr Jantjies		In progress (delayed Due to COVID 19)

		Was agreed that item be placed in abeyance until policy has been developed and approved by Council.			
	Piggery Place	Notice must be sent to Mr Crowch (all information must be sent to the Legal Manager)	J Madatt		Awaiting feedback
	Illegal dumping Kwanomzamo	Dumping be monitored	N Machelesi	Ongoing cleaning of sites and monitoring. Need for community education.	Outstanding

3. Comments by Directorates:

3.1 Director: Corporate Services

The report is noted

4. Recommendation

4.1 That the report on the progress of Public Participation be noted.

4.2 That respective departments action the issues raised at Ward Committee meetings

4.3 That the Public Participation Officers give feedback on progress at the Ward Committee meetings

4.4 That Ward Councillors be requested to identify tasks which have been completed in their respective Wards in order to assist Auxiliary Services in updating the report for submission to the next Corporate Services Portfolio Committee Meeting

Item Prepared by : The Manager: Administration



Item approved by : The Director: Corporate Services



Item noted by : The Portfolio Councillor



REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
COMMUNITY
SERVICES

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****COMMUNITY SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CS4****DISASTER MANAGEMENT JOINT OPERATIONS COMMITTEE MEETINGS REPORT****1. Introduction**

The purpose of this report is to report to the Community Services Portfolio Committee on the number of meetings that have been tabled by the Disaster Management Joint Operations Committee.

2. Background

Following the outbreak of COVID-19 across the globe, Kouga sought it necessary to establish a Joint Operations Committee to mitigate the spread of the virus within the municipality. Given the scale and the speed at which the virus was spreading, it became clear that the mitigating measures would have to be drastic and immediate. President Ramaphosa declared a state of national disaster due to the COVID-19 pandemic on March 15, 2020 and the Fire & Disaster Management department was mandated to run with the guidelines issued from the national level. The declaration of a national state of disaster would enable the country to have an integrated and co-ordinated disaster management mechanism that will focus on preventing and reducing the outbreak of this virus and to manage the disease, protect the people of our country and reduce the impact of the virus on our society and on our economy.

The following are the dates that the Joint Operations Committees tabled urgent pressing matters and compliance issues in terms of the COVID-19 regulations.

Command/Workstream meeting	Kouga JOC Meetings	SBDM JOC Meeting
July	July	July
10 July 2020	7 July 2020	9 July 2020
17 July 2020	14 July 2020	16 July 2020
24 July 2020	21 July 2020	23 July 2020
31 July 2020	28 July 2020	29 July 2020

The minutes of the above-mentioned meetings are available upon request.

3. Recommendation

- 3.1 That the Disaster Management Joint Operations Committee Meetings Report be noted.

Item prepared by : Chief Fire & Disaster Management

Item prepared by : Director Community Services

Item noted by : Portfolio Head

A handwritten signature in black ink, appearing to read 'Benson', is written over the 'Portfolio Head' line. The signature is stylized and includes a long horizontal stroke extending to the right.

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****COMMUNITY SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CS10****CLOSEOUT REPORT ON THE SEEKOEI RIVER ESTUARY ARTIFICIAL BREACH****1. Purpose**

The purpose of this report is to provide the Committee with an update and closure reports of the Seekoei River Estuary artificial breach that was submitted to DEDEAT for approval.

2. Background

Due to Climate change conditions (low rainfall & increased evaporation) and illegal instream dam up stream of both Seekoei River and Swart River the conditions of the Seekoei River Estuary had deteriorated and fish were dying and the department could not wait on the adoption of the Estuary management plan for remedial action.

On March 2020 Kouga Municipality submitted a section 30[A] application in terms of the National Environmental Management Act (Act 108 of 1998) for approval for breaching the Seekoei estuary.

The estuary mouth was artificially opened, the sand had built up to a level of 2.5m above mean sea level with high salinity concentration. The objective of the operation was to allow the inflow of seawater to increase water volume in the estuary, reconnect isolated pools, to dilute the excessively high salt concentration, to avert further mortality of fish and other biota and to enable surviving fauna to return to sea. On March 2020 the Department granted the Section 30A approval for artificial breach of the Seekoei Estuary with reference number SBD/S30A-EC/19-20.

3. Comments

Kouga Municipality commenced with the breach of the Estuary mouth as in March, a salinity of 84 and 80 was recorded above and below the causeway, respectively. Fish mortality had increased significantly (>95% were white Steenbras (*Lithognathus lithognathus*), most around 25 - 40 cms total length). Permission was then granted to artificially breach the estuary mouth.

Excavation started the following morning (Saturday 7 March) linking the estuary with the sea by the afternoon high tide on Sunday (8 March). The objectives of the operation were the same as described for the 2019 breach (refer to last paragraph on page 1 of this report). The modus operandi during excavation of the channel across the 450 m wide berm was planned so that inflowing seawater would persist for about 3 - 4 hours around high tide. Peak spring tide occurred on Monday 9 March.

Work commenced using three municipal machines, but a further two were added during the operation. Excavation of the channel began at either end. The channel at the estuary outflow 7m wide and 30 – 40cm deep and would eventually link with the sea. Larger machines focused on the sand berm immediately adjacent to the beach. Here, the channel was about 75m wide and 100 m long.

On 26 March 2020 all work had to stop due to the National lockdown due to COVID -19 and works could not be completed. During May and June, the Estuary Mouth closed up and the Municipality had to reopen the channel in July 2020. On 26 July 2020 the close out report (Attached) for the Section 30 A application was submitted to DEDEAT.

4. Recommendation

- 4.1. That the Seekoei River Estuary artificial breach closure report to DEDEAT for the NEMA Section 30A application be noted.
- 4.2. That the Seekoei River Estuary Artificial Breach Closure Report be submitted to Council for endorsement prior to submission to DEDEAT for approval

Item prepared by : Environmental Specialist

Item prepared by : Director Community Services

Item noted by : Portfolio Head



Annexure 1: Closure Report

Artificial breaching of the Seekoei Estuary Mouth, March and July 2020

Tris Wooldridge

Since 2016, mean annual rainfall has remained well below average in parts of the Eastern Cape. Human demand for freshwater is high and there are currently strict guidelines on the consumptive use of the resource in many towns and cities in the region. Low rainfall coupled with high demand has also impacted natural ecosystems in a negative way - rivers and estuaries are examples. Temporary closed estuaries are particularly vulnerable. In the Seekoei Estuary, high levels of evaporation coupled with zero freshwater inflow has resulted in the deteriorating health of the system. Reducing water volume and hypersalinity (salt concentration above that of seawater) has persisted for much of the time, exacerbated by the numerous storage reservoirs in the catchment that trapped all freshwater runoff. Currently, calculations suggest that storage capacity of dams in the Seekoei catchment now exceed mean annual runoff.

By May 2019, salinity in the Seekoei Estuary reached 74 and 58 immediately above and below the causeway, respectively. Invertebrate populations such as the sandprawn *Callichirus kraussi* were decimated, although a few scattered burrows remained at higher elevations where seepage from the adjacent ridge on the eastern side was present. Many dead fish were observed throughout the estuary (small Cape Stumpnose *Rhabdosargus holubi* particularly) and unofficial reports suggest that fish up to 2-3 kilograms weight were netted or caught by hand. At the time, only isolated bodies of water remained above and below the causeway.

A motivation to artificially breach the mouth was submitted to the relevant government department by the Kouga Municipality. Permission to breach the mouth was granted. The objective of the operation was to allow the inflow of seawater to increase water volume in the estuary, reconnect isolated pools, to dilute the excessively high salt concentration, to avert further mortality of fish and other biota and to enable surviving fauna to return to sea. These objectives were achieved (water level was raised by approximately 35 cms and salinity reduced to 40 immediately above and below the causeway). Further mortality of fish was averted, and large numbers of birds returned to the estuary (communication from the St Francis Bird Club). Residents also reported that '*thousands of fish*' returned to the nearshore after dark, including Dusky Kob and White Steenbras. In addition, many fish were also observed moving into the estuary, also after dark.

Artificial breaching of the mouth in May 2019 provided only temporary relief for the estuarine biota. The summer of 2019/2020 was characterized by hot and windy conditions and by 22 January 2020, salinity above and below the causeway reached 65. In addition, minimal connectivity between the main water masses on either side of the causeway remained. Although dead fish began to appear, a potential artificial breach of the mouth was delayed. By 6th March, a salinity of 84 and 80 was recorded above and below the causeway, respectively. Fish mortality had increased significantly (>95% were white Steenbras *Lithognathus lignognathus*, most around 25 - 40 cms total length). Permission was then granted to artificially breach the estuary mouth. The following photographs document the process. Given the limited time to prepare and excavate the channel before afternoon high spring tides on the 8th March, a second skimming of the channel was planned for the following spring tide (equinox) around the 23 March to continue the flushing process.



Fig 1. The Seekoei River was choked with vegetation and no surface water flow was evident (March 2020). Picture taken at the causeway a short distance above the Happy Hippo reservoir shown in Fig 2. The photo is typical of the lower river course and zero river inflow to the estuary had persisted for >4 years.

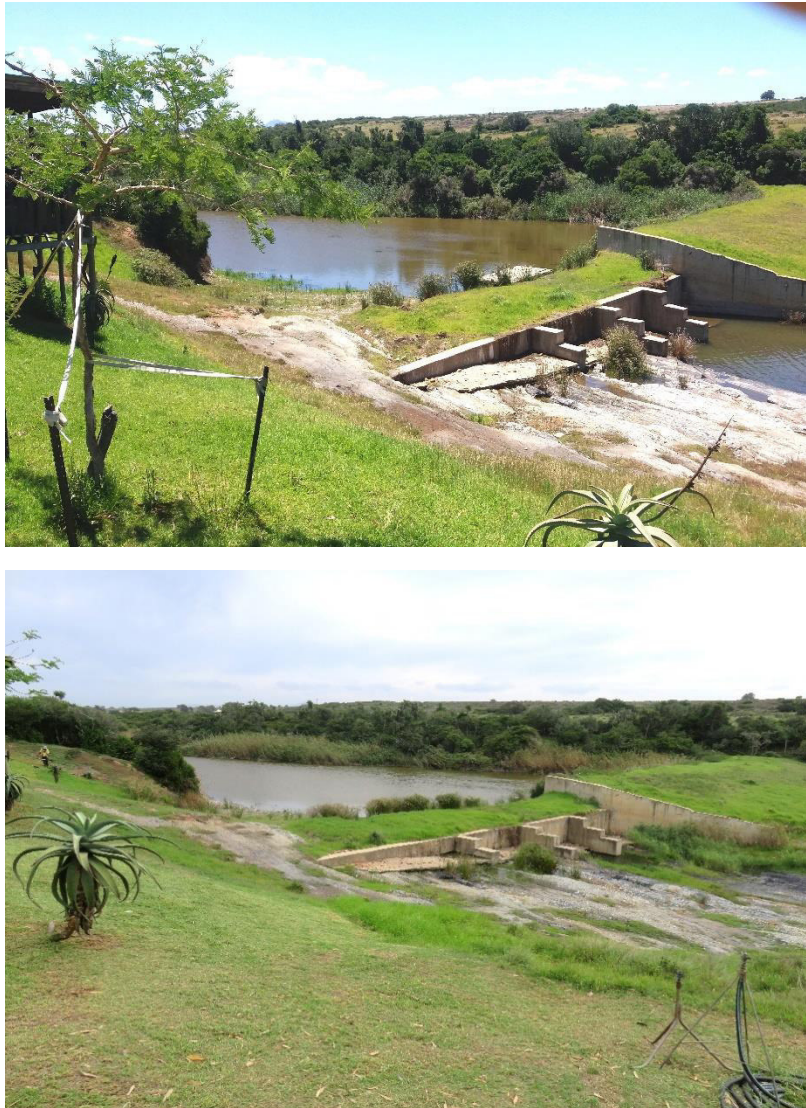


Fig. 2. The reservoir at the Happy Hippo restaurant. This is the last storage dam above the upper reaches of the main arm of the estuary. Any localized runoff is retained by this water storage facility.

The upper picture (taken November 2017) shows the estuary reaching the base of the cement spillway (high water level in the estuary)

The lower picture reflects the same situation in March 2020. Water level in the reservoir was 1.5 m below the top of the spillway.

Table 1 below reflects water salinity over the past 3-4 years. Whitfield and Bruton (1989) described the estuary as an example of a local system that has suffered extreme deprivation of freshwater over the years.

Table 1. Documented salinity readings from the Seekoei Estuary since July 2017. Readings done by the author on an irregular basis using an Atago hand refractometer. Immediately prior to 6th March 2020, many dead fish were again observed (mainly White Steenbras *Lithognathus lithognathus*).

Date	Salinity psu	Mouth State	Comments
13 Jul 17	46	Closed	
05 Aug 17	40	Closed	Sea overtopping
24 Aug 17	45	Closed	As above
14 Jan 18	50	Closed	Measured above causeway
24 Jan 18	42 – 55	Closed	Below and above causeway
11 May 19	54 – 65	Closed	As above
20 May 19	58 – 74	Closed	As above
24 May 19	42 – 55	Breached	As above
29 May 19	58 – 60	Breached	As above
03 June 19	50 – 61	Breached	As above
24 June 19	47 - 49	Closed	As above
01 Oct 19	47	Closed	As above
13 Nov 19	46	Closed	As above
22 Dec 19 causeway	56 – 58	Closed	Four sites, above & below
08 Jan 20	54 – 62	Closed	As above
22 Jan 20	65	Closed	Below and above causeway
06 Mar 20	81 – 84	Closed	Four sites, biota decimated
18 Mar 20	65 – 68	Breached	As above
25 Mar 20	40 – 51	Breached	Below and above causeway
05 June 20	57	Closed	As above
10 July 20	40 – 49	Breached	As above, channel 35
19 July 20	42 – 44	Breached	As above, strong outflow
24 July 20	40 – 42	Breached	Above and below causeway, weak outflow

Excavation started the following morning (Saturday 7 March) linking the estuary with the sea by the afternoon high tide on Sunday (8 March). The objectives of the operation were the same as described for the 2019 breach (refer to last paragraph on page 1 of this report). The modus operandi during excavation of the channel across the 450 m wide berm was planned so that inflowing seawater would persist for about 3 - 4 hours around high tide. Peak spring tide occurred on Monday 9 March.

Work commenced using three machines, but a further two were added during the operation.

Excavation of the channel began at either end. The channel at the estuary outflow (Fig 3) was ca 7 m wide and 30 – 40 cms deep and would eventually link with the sea. Larger machines focused on the sand berm immediately adjacent to the beach. Here, the channel was about 75 m wide and 100 m long (Fig 4).



Fig. 3. Excavation of a channel across the 450 m berm on the norther side (adjacent to the estuary). The channel was about 7 m wide and excavated to a depth of 30-40 cm below the water surface. This channel would link with the beach excavated channel seen in the background.



Fig 4. Skimming the dune-sand across the beach adjacent to the sea. The two excavators shown in Fig 3 are seen in the distance. Paradise Beach is on the left of the picture.



Fig 5. The final sand barrier was removed a few hours before high tide on Sunday 8th March. Here, the entrance to the channel was about 75 m wide.



Fig 6. Tidal water entering the channel connected to the estuary was not excessively vigorous, reducing sand transport. Maximum depth on the incoming tide at the channel entrance was ca 30 – 50 cms.



Fig 7. Seawater velocity flowing into the estuary was greater (reduced channel width compared to the seaward entrance - Fig. 6). This facilitated mixing (seawater salinity 35) in the estuary (salinity >80). The water column naturally stratified, but wind mixing would follow (see Fig. 9). Water depth over much of the estuary was <50 cm prior to the breaching event. The causeway can be seen in the background.



Fig 8. Following a high tide, the entrance to the channel was again skimmed aimed at regulating the inflow of seawater on the following high tide. A total of nine regulated inflows occurred (Sunday afternoon high tide to Thursday 12 March afternoon high). Max tidal height over the period was predicted to be around 2 m.

Following the initial breach, water depth in the estuary increased by 14 - 15 cms and salinity reduced to <70. Although fish deaths ceased after the 1st tidal inflow on Sunday 8th March, stratification persisted (particularly above the causeway), making it difficult to flush the estuary more effectively on subsequent high tides. A second session of tidal flushing was planned for the following spring tide period. This also allowed for additional time to continue excavating the entrance to the channel. The following photos reflect this process.



Fig. 9. Removal of the final sand barrier connecting the channel to the sea was completed on Sunday 22nd March. The picture reflects estuary water flowing seawards and just before the flood tide began moving up-channel. The depth of the channel entrance was about 80-100 cms deeper compared to the previous spring tide flush.



Fig. 10. The start of the incoming tide also provided opportunity for recreational activities.



Fig. 11. Strong inflow to the estuary persisted over the following 4-5 flood tides.



Fig. 12. At low tide on 25 March, the mouth was almost closed. The six flood tides following the Sunday breach raised the water level in the estuary by an additional 30 cms and reduced salinity in the lower estuary to <50 (refer to Fig. 13). The open phase was characterized by major fish activity as they moved in and out of the estuary at night (generally described as possibly thousands of fish by observers). In comparison to the 1st breach two weeks previously, the estuary remained open to the sea for the duration of the ebb tide, although mouth closure was progressive. No excavating or skimming was done after Monday 23 March, allowing natural processes to follow. This slide also reflects the known outcome where mouth closure following an artificial breach is usually limited in terms of the duration of the open phase. During the open mouth phase throughout the 2nd breach, salinity at low tide and in the mouth persistently registered around 40 - 42, reflecting export of hypersaline water from the estuary. This observed salinity also results from dilution of out-flowing estuary water by groundwater seepage from the Aston Bay Ridge. Unfortunately, it was not possible to continue the monitoring process after Thursday 26 March – Country lockdown due to the COVID -19 pandemic.

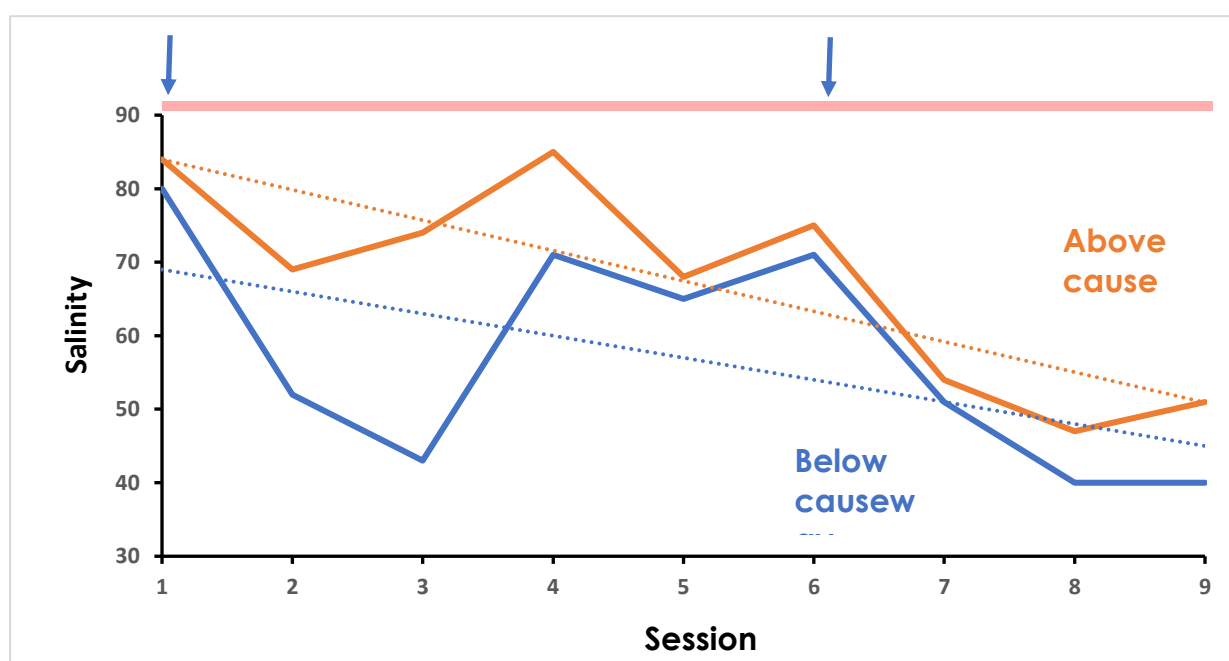


Fig 13. Salinity readings taken above and below the causeway on nine occasions at low tide. The graph reflects reading between 6 March and 25 March 2020 and includes both mouth breaching events over two successive spring tides (mouth opening events shown by the vertical arrows along the top of the graph). The graph reflects uneven patterns and is probably due to partial breakdown in salinity stratification driven by strong winds that occasionally occurred between Sessions 1 - 5. However, trendlines suggest a general decline in salinity over time. The red bar across the top of the graph represents the upper salinity tolerance threshold for White Steenbras *Lithognathus lithognathus* (after Whitfield 2020, Smithiana Monograph Number 4, pp 214-215). Although many dead white steenbras were observed before this threshold was reached, other factors such as water quality, food availability and summer water temperatures would also contribute to fish stress levels. Invertebrate prey such as sandprawn *Callichirus kraussi* for example, were no longer present in the estuary when salinity levels moved above 50 – 55.

On the 5th June, it was again possible to monitor salinity values in the estuary (>2 months after the March artificial breach). In the interim, a major storm surge deposited a large volume of seawater into the estuary. Good rains were also recorded on the coast (approximately 45 mm) and provided some freshwater relief to the estuary, although no river inflow via the Seekoei River occurred (see Fig. 1). Notwithstanding, a salinity of 47 was recorded above and below the causeway. A salinity value of 28 was also recorded at the channel entrance across the berm (refer to Fig. 3) and reflects seepage from the Aston Bay Ridge. Fish were active and numerous piscivorous birds (among other species) were also present foraging in the shallows. However, no *Callichirus kraussi* burrows were observed.

The mouth was again opened on the 8th July following strong storm surges a week or so previously (Fig 10). These surges raised water level in the estuary to +1.82 MSL and overtopping of the causeway resulted. The mouth stayed open over the following two high tides, closing again in the early morning on the 10th July. Water level in the lagoon had dropped to +1.70 MSL providing temporary relief from causeway overtopping. Further storm surges occurred over the following week, again filling up the estuary. A decision was taken to delay re-opening of the mouth until the 18th when calmer weather was predicted. The mouth was again opened on the 18th when water level in the estuary registered +1.81 MSL. A relatively strong outflow followed (Fig 11), decreasing over the following few days before closing again on Wednesday 22nd. Light skimming of the mouth was undertaken on the following day, but tidal exchange was weak, and closure followed within 24 hrs (Fig. 14).



Fig. 15. Photo of the estuary mouth on the 4th July 2020. Overtopping of the berm occurred across a wide area leading to the rise in water level in the estuary. (photo provided by Councillor Brenton Williams). Note the sand delta in the estuary formed by overtopping events.



Fig 16. Water outflow was relatively strong on the 19th July, but as water level in the estuary dropped, a weakening outflow resulted in mouth closure within a few days.



Fig. 17. The mouth closed rapidly when outflow from the estuary was relatively weak. This photo was taken at 12h30 on 24 July 2020 , shortly after low tide at sea.

By the 24 July, water level in the estuary had dropped to +1.48 MSL (a decrease of ca 35 - 40 cm) compared to six days previously. Tidal pumping had also reduced estuarine salinity to 40 and 42 (below and above the causeway respectively). Many fish were observed at night moving in and out of the estuary. However, illegal netting was observed, leading to confiscation of the gear by the Paradise Neighbourhood Watch (R. Kolesky, personal communication).

General conclusions

- Water level in the estuary increased by 14-15 cm by the end of the 1st breaching (8 March) and by an additional 30 cms after the 2nd breaching (23 March). On the previous breach (May-June 2019), water level was increased by 35 cms and the salinity reduced from a maximum of 74 to 40.
- Salinity in March 2020 was reduced from >80 to <50. This was achieved over two high spring tide periods.
- Artificial breaching of the Seekoei mouth provides only temporary relief for surviving biota in the estuary during periods of excessive hypersalinity.
- Although a major fish kill was averted (a key objective), salinity levels were still relatively high after the first breaching session.
- Consideration should be given to the timing of an artificial breach during summer. If a breach occurs in the early summer months, more juvenile fish are likely to enter the estuary; but the hottest and often more windy periods (southeasterly winds mainly) towards midsummer would rapidly elevate salinity levels that may again become lethal to the biota in a relatively short time.

- Fish activity was described as high, moving in and out of the estuary at night and on both breaching events (observers described activity as *extremely high*). Some fish were said to be in the 3-4 kg range.
- On a previous breach (May/June 2019), the main species killed by high salinity was the Cape Stumpnose *Rhabdosargus holubi*. On this occasion it was White Steenbras *Lithognathus lithognathus*.
- Without an adequate supply of freshwater, the health status of the Seekoei Estuary will continue to deteriorate in the long-term. Artificial breaching of the mouth is only a short-term solution to an emergency and the estuary cannot be managed by focussing on mouth management only.
- The frequency and magnitude of hypersaline events in South African Temporary Closed estuaries (TOC's) is likely to increase in future and there is an urgent need to review existing protocols to address a changing situation.
- The frequency and magnitude of storm surges impacting TOC's may also be increasing. Consideration should be given to harnessing such events to help flush hypersaline Temporary Closed estuaries and in the absence of adequate river runoff (refer also to 2019 report).
- When water level in the estuary drops to about +1.5m MSL, only a weak outflow occurs and mouth closure follows almost on the next high tide. Underlines the importance of a high water level in the estuary. We should strive for the maximum water level possible in the estuary before breaching.
- In general, maximum change following an artificial breach adjusts water level in the Seekoei Estuary by about 35 – 45 cms under current protocols.

TWooldridge
26 July 2020.

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****COMMUNITY SERVICES****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/CS14****PROGRESS REPORT ON EIA FOR CEMETERIES****1. Purpose**

The purpose of this report is to inform the Committee on the status of the EIA Processes for the cemeteries.

2. Background

Kouga Municipality has applied for an authorization in term of section 30A (1) of the National Environmental Management Act No. 107 of 1998 (NEMA), which provides that a competent authority may upon request direct a person to carry out a listed activity or specified activity, without obtaining an environmental authorization contemplated in section 24(2)(a) or (b) in order to prevent or contain an emergency situation or prevent, contain or mitigate the effects if the emergency situation.

Since the National lockdown, due to the COVID19 pandemic, pronounced on 26 March 2020 the Kouga Municipality had experienced a significant increase in the number of deaths, which posed additional strain on the current cemetery capacity in the Kouga Municipal area. Department was aware of the status that most of Kouga Municipality cemeteries had reached their maximum capacity and it had become more critical to find alternative burial grounds.

3. Comments

A meeting was held by Kouga Municipality with the Department Economic Development Environmental Affairs and Tourism and the Environmental Impact Assessment Practitioners. During the meeting the Department was considering the NEMA Section 30 Application but requested that the EAP submits the application and that an application with the Department of Water and Sanitation be submitted for an integrated approval.

On 8 July 2020 Kouga Municipality, SRK and Department of Water and Sanitation the discussion of requirements and way forward for Water Use Authorisations for four new cemeteries within Kouga Local Municipality, given the COVID-19 emergency situation with regard to cemetery space. (See Annexure 'A')

Department of Water and Sanitation clarified that Section 67 of the National Water Act will be applied for within the emergency situation to issue authorisations required for the cemeteries. They also noted that if any of the Section 21 c & i activities are triggered, that an Aquatic Impact Assessment will be required. They requested that the EAP conduct the Aquatic Impact Assessment before the submission to Water and Sanitation.

DWS was to supply additional requirements of the authorisation, in a consolidated document with comment from all the relevant DWS departments, once the requested information is supplied by the EAP.

4. Recommendation

- 4.1. That the progress report on EIA for cemeteries be noted by the committee.

Item prepared by : Environmental Specialist

Item prepared by : Director Community Services

Item noted by : Portfolio Head



REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
PLANNING
AND
DEVELOPMENT

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO. 20/10/PD3****MONTHLY PROGRESS REPORT ON 2021/22 HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS****1. Introduction**

The South African Constitution, 1996 enshrines the right of everyone to have access to adequate housing and makes it incumbent upon the State to take reasonable legislative and other measures within its available resources to achieve the progressive realization of this right.

The Provincial Department of Human Settlements has requested all municipalities to submit their 2021/22 human settlements pipeline projects for inclusion in the Provincial Human Settlements Business Plan.

The role of the Municipality is to plan and coordinate the delivery of integrated human settlements as captured in its Integrated Development Plan. These identified pipeline projects are in line with the National and Provincial Policy Guidelines.

2. Purpose

This report is to appraise the Portfolio Committee about planned projects for 2021/22 financial year. Below is a list of the submitted 2021/22 Human Settlements Pipeline Projects that are implementation ready.

3. Comments by the relevant Director

Item is supported.

4. Financial implications

No comment

5. Legal implications

None

6. Other implications

None

7. Recommendation

- 7.1 That the report on the 2021/22 integrated human settlements grant - funded projects be noted.

Item prepared by: Manager: Integrated Human Settlements

Approved by Director: PDT Mrs. F Mabusela:



Item noted by Portfolio Chairperson: Planning & Development:



PLANNED PROJECTS: 2021 / 2022			
1. Arcadia 139 (Ward 5)	Pipeline Project Plan	Planning of BNG housing, provision of basic services to 139 families	• Funding was approved for planning activities • Land Surveyor appointed in February 2019 • General Plan is approved • Revised top structure application in accordance with the 18/19 subsidy quantum was submitted on 24/5/19 • Pegging of sites completed • Beneficiary administration is complete • ROD still active • Project implementation is planned for 2021/22
2. Weston 196 (Ward 13)	Pipeline Project Plan	Planning of BNG housing, provision of basic services to 196 families	• Funding approved for planning activities • Land Surveying is complete • General Plan is approved • Verification of potential beneficiaries is complete • Revised top structure application in accordance with the 18/19 subsidy quantum was submitted on 24/5/19 • Beneficiary administration is complete • ROD still active • Project implementation is planned for 2021/22

3. Hankey 990	Pipeline Project Plan	Planning of BNG housing, provision of basic services to 990 families	• Land Surveyor appointed in March 2019 • Final Engineering designs are complete and sent to province • Awaiting approval of services funding application • Verification of potential beneficiaries in Stofwolk is complete • Pegging of project sites is complete • Beneficiary administration is complete • Land transfer of PPC land to KLM is underway • ROD still active
4. Patensie 278	Pipeline Project Plan	Planning of BNG housing, provision of basic services to 278 families	• Beneficiary list submitted for pre – screening • Approved layout • Request for extension of Extension of ROD was approved on 8/3/2020 • Beneficiary administration is complete • Project implementation is planned for 2021/22
5. Oceanview Top structures 1500(200)	Pipeline Project Plan	Construction of 200 BNG houses	• ECDHS approved construction of 200 top structures • Servicing of 1130 sites is complete
6. Pellsrus 53 (Galjoen Street)	Pipeline Project Plan	Infill project	• Town planning processes are complete • Surveying is complete • Top structures funding application was submitted on 24/5/19 • Verification and Prescreening of potential beneficiaries is complete

			• Beneficiary/subsidy administration is complete
7. Financed Linked Individual Subsidy Program (FLISP) and Social Housing	Pipeline Project Plan	Mixed development	• Request for Proposals (RFP) closed on 28/6/2019 • Pre Evaluation of bids commenced on 2/9/2019 • Own Haven Social Housing Association was awarded tender on 28/10/19 • Council endorsed Own Haven's Housing Association's appointment on 12/12/19 • Demand and needs analysis study for proposed FLISP/Social housing project is complete • Finalization of Land Availability Agreement • Funding application to Social Housing Regulatory Authority (SHRA) was sent on 7/8/2020

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO. 20/10/PD4****MONTHLY PROGRESS REPORT ON HUMAN SETTLEMENTS GRANT FUNDED PIPELINE PROJECTS****1. Introduction**

The Municipality has identified a number of human settlements projects which are intended to yield a number of housing opportunities.

The Provincial Department of Human Settlements has allocated funding for all approved pipeline projects over the MTREF

The Municipality must coordinate the planning and delivery of housing projects in line with the National and Provincial Policy.

2. Purpose

This report is to appraise the Portfolio Committee of progress and status of the approved housing projects in Kouga Municipality

3. Background

There are currently 12 BNG (Breaking New Ground) housing projects in the Kouga Municipality, and 1 FLISP/Social Housing Project.

The progress in these projects is monitored technically through the Human Settlements Co-ordinating Forum encompassing Kouga and ECDHS officials on a monthly basis.

4. Comments by the relevant Director

Item is Supported

4. Financial implications

No comment

5. Legal implications

None

6. Other implications

None

7. Recommendation

- 7.1 That the report on the human settlements grant funded projects be noted.

Item prepared by: Manager: Integrated Human Settlements

Approved by Director: PDT Mrs. F Mabusela:



Item noted by Portfolio Chairperson: Planning & Development:





DEPARTMENTAL OBJECTIVES

- ✓ To prioritise the housing needs in the municipality
- ✓ To co - ordinate the implementation of different housing options in line with the National and Provincial Policy

IMPLEMENTATION OF INTEGRATED HUMAN SETTLEMENT GRANT FUNDED PIPELINE PROJECTS

PROJECT NAME	DELIVERABLES	TIMEFRAME	BUDGETED AMOUNT	DELIVERED TO-DATE	PROGRESS/STATUS
TOP STRUCTURES					
1. Kruisfontein 391 (Ward 4)	391 Units	30/09/2019	R 43 500 000	• Slabs: 391 • Wall Plates: 391 • Roof: 391 • 100% completed: 391	• <i>Project was completed in December 2019</i> • <i>All houses are provided with a water and pre-paid electrical meter</i>

2. Pellsrus 220 Ward 2)	220	1087	31/1/2019 R 27 4226 678.31	None	• Clearing of site is ongoing • 218 beneficiaries approved • Slabs casted: 214 • Top structures completed with roofs: 214 • Top structures 100% completed: 170 • Slabs to be cast for the disabled: 4 • Handed over: 102 •
3. Oceanview 1500 (Ward 14)	1500 Units			None	• 1500 beneficiaries approved • Top structures funding application was submitted on 24/5/19 • First phase of top structures will be 200 • Procurement process for 200 top structures has not commenced
4. Kouga Destitute (Wards 1 - 15)	25 Units			None	• Awaiting approval from province • Province was requested to extend scope of project to 75 opportunities (5 houses per ward)
SERVICES					
1. Oceanview 1500 (Ward 14)	1500 Sites (services)	20/3/2020	R 46 904 141.03	Earth works: 100% Water: 100% Sewer: 100 %	• Phase 1 (413) is complete • Phase 1 practically handed over on 08/8/19 • Phase 2 (632) is complete

				Roads: 100 % Stormwater: 100 %	- Phase 4a (88) is complete - Project was completed on 4 December 2019
2. Pellsrus 220 (Ward 2)	220 Sites (services)	31/11/2019	R 9 597 720.00	Earth works: 100% Water: 100% Sewer: 100% Roads: 100% Stormwater: 100%	220 services is complete
BLOCKED PROJECTS					
1.Sea Vista 2000	Pipeline Project Plan			Planning of BNG housing, provision of basic services to 400 families	- Report on the development of Sea Vista was commissioned by Aurecon - Report recommends provision of 400 housing opportunities instead of the initial 2000 - Upgrading of WWTW is estimated to be completed in December 2019 - Beneficiary administration is in progress - Project implementation is planned for 2021/22

					Land transfer of DPW land to KLM is underway
2. Kwanomzamo 400	Pipeline Project Plan			Planning of BNG housing, provision of basic services to 400 families	- Funding of the WWTW is approved for the 2019/2020 financial year - Consulting Engineers are appointed to conduct Feasibility Studies - WWTW upgrading tender is approved - Project to be implemented over three financial years - Planning process to be completed in the 2020/21 financial year
3. Thornhill 390	Pipeline Project Plan			Planning of BNG housing, provision of basic services to 390 families	- WWTW to be upgraded - Bulk water connection from NMBM to be finalized and associated infrastructure . Planning process to be completed in the 2020/21 financial year

LAND PURCHASE					
Loeriehuwel Farm	Pipeline Project Plan			Planning of BNG	Offer to Purchase document was signed on 20/6/2019 Planning will commence after land transfer • Subdivision of the land is complete • Beneficiary administration is in progress • Planning process to be completed in the 2020/21 financial year
Kwanomzamo Farm	Pipeline Project Plan			Planning of BNG	Offer to Purchase document was signed on 21/6/2019 Planning will commence after land transfer • Subdivision is complete • Beneficiary administration is in progress

					Planning process to be completed in the 2020/21 financial year
UPGRADING OF INFORMAL SETTLEMENTS					
Upgrading of informal settlements	Pipeline Project Plan			Provision of interim basic services	Funding Business Plans were submitted on 25/10/19 for the upgrading of the following 10 informal settlements: - Donkerhoek - 363 - Oceanview - 730 - Cyril Ramaphosa - 278 - Polar Park - 350 - Shukushukuma - 250 - Thornhill – 160 - Bungalows - 103 - Golf Course - 153 - Sea Vista – 2000 - No. R10 – 190 - R 18 000 000,00 was approved in the 2020/21 financial year for the upgrading of 9 informal settlements excluding Sea Vista

					• The upgrading of the remaining 12 informal settlements will be approved in the 2021/22 financial year
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KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO. 20/10/PD6****PROGRESS REPORT ON IMPLEMENTATION OF OUTSTANDING COUNCIL RESOLUTIONS ON LAND DISPOSALS**1. Purpose

The purpose of the item is apprise the Committee on status of outstanding Council Resolutions on land/ immovable property disposals.

2. Background

The KLM Council took resolutions on disposal of immovable property from 2017-2020. The item is a summary of the outstanding council resolutions and the status on the implementation of those resolutions to date.

3. Legal Implications

None

4. Financial Implications

None

5. Recommendation

5.1 That the report be noted.

Approved by Director: PDT Mrs. F Mabusela:



Endorsed by C. du Plessis: Municipal Manager

Item noted by Portfolio Chairperson: Planning & Development:



PROGRESS REPORT ON OUTSTANDING COUNCIL RESOLUTIONS TAKEN ON THE ALIENATION/DISPOSAL OF FIXED MUNICIPAL ASSETS 2017 – 2019

ERF/AREA	EEXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
873 Jeffreys Bay	82,908Ha	Open Space 2	Leases			151/2017 Comments / objections	R33 133 000	31 August 2017 □□ That processes for the renewal of the lease contract for the Jeffreys Bay Bowling Club commences in March 2018. That the lease contracts for the Jeffreys Bay Golf Club and the Driving Range be renewed. That the rental income complies with the MFMA. That a termination clause be included in the lease contracts which gives Council six (6) months to terminate the lease should the property be required for development.	Assets	A Council item was tabled to rectify the resolution and enable LEC to proceed with the disposal of the item. The Budget adjustment has made allowance for the Town Planning processes to commence. The rezoning and Subdivision is in the planning stage and will be completed in 3-6 months.
1568 Pellsrus 33 Pellsrus 74 Thornhill 570 Patensie 492 Pellsrus	1012m² 1955 m² 2149 m² 206 m² 6,969Ha	Res 4 Inst 1 Restr Bus Restr Bus Restr Bus	Crèches leases			151/2017 Comments / objections	R500 000 R702 000 R200 000 R180 000 R700 000	31 August 2017 That the erven be advertised for leasing purpose and the set use of operating a crèche on these properties.	Assets	Completed. These leases have been concluded with the creches on these premises.
ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
346 portion 4 Humansdorp	?	Agriculture	Stulting School	Vacant		9/2018 Comments & objections	Sub-division first	Special Council 19 December 2017 i) That the land required by Stulting Primary School – erf 346 Portion 4 of Humansdorp – be donated to the school on condition of the erf swap from the Department of Education – erf 3840 Wavecrest (9,264Ha). ii) That a Deed of Donation to the Department of Education be drawn up. iii) That erf 346 portion to be sub-divided according to the extent required by the new school. iv) That the Municipal Manager and the GIS Mapper meet with the Headmaster of Stulting to discuss the extent required including a sports field etc.	MM & GIS	Deed of Donations signed by MM and sent to Department for signature.

2 Humansdorp	?	Agriculture	St Patricks School				Sub-division first	Special Council 19 December 2017 i) That a Deed of Donation be drawn up – the erf number and extent to be confirmed as soon as sub-divisions have been completed. ii) That the GIS Mapper confirm the extent of the land required. iii) That a trade-off be done with the Department of Education – land swap will be identified. iv) That the sports field be made available to the school as well as the community.	MM & GIS	Deed of Donations signed by MM and sent to Department for signature.
5059 & 2306 Kruisfontein		Education	Earmarked for High and Primary schools			9/2018 Comments & objections	Unreg R200 000	Special Council 19 December 2017 i) That erf 5059 Kruisfontein earmarked for a High School and erf 2306 Kruisfontein earmarked for a Primary school be donated to the Department of Education with the understanding that erf 2264 Wavecrest belonging to the Department be donated to Kouga Municipality. ii) That a Deed of Donation be drawn up.	MM & Legal	There has been no confirmation received from the Department to support the swap. Letter from the office of MM to be sent out to Department of Education, communicating the resolution from Legal by 22 May 2020. Deed of donation to be sent through
620 Oyster Bay			Donation Dept Edu.			9/2018 Comments & objections	R790 000	Special Council 19 December 2017 Transfer erf as stated in the signed deed of donation	Legal.	Deed of donation has been signed by MM and sent to the Department of Education. Transfer process is the liability of the Department. The Department confirmed receipt of the signed documents and are processing same for signature.
2253 Hankey			Donation – Dept Edu.	Vukani School		9/2018 Comments & objections	R69 000	Special Council 19 December 2017 i) That a Deed of Donation be drawn up to transfer erf 2253, Weston Primary School, to the Department of Education	Legal	Deed of Donation referred to Depart Public Works for perusal and signature – signed agreement not returned yet. The Department confirmed receipt of the signed documents and are processing same for signature.

6797 Jeffrey's Bay			Donation – Dept Edu				Unreg	Special Council 19 December 2017 That erf 6797 be transferred to the Department of Education as per a Deed of Donation signed previously as well as a Council Resolution taken on 30 March 2010: 10/03/WTP18.	Legal	Deed of Donation referred to Depart Public Works for perusal and signature – signed agreement not returned yet. The Department confirmed receipt of the signed documents and are processing same for signature.
3492 Sea Vista			Sale of erf				R15 000	Special Council 19 December 2017 That the sale of erf 3492 Sea Vista (480m²) for R45 000.00 be concluded	Legal	Completed. CW Malan has completed the process. Transfer completed.
3082, 3296 & 3297 Humansdorp			Tender			9/2018 Comments & objections	R48 000 Unreg. Unreg.	Special Council 19 December 2017 i) That the unregistered erven 3296 and 3297 be registered to Kouga Municipality after C Grootboom has confirmed the current status of said erven. ii) That open tender procedures be followed to alienate these erven. iii) That there must be full compliance with Section 14 of the MFMA.	GIS Legal Assets Land	Done: Woodlands Property. Its confirmed that the land belongs Kouga Municipality. The Tender process to alienate these properties has been concluded.
Farm 169 portions 2 & 4 Lorie			Lease or consent use				?	Special Council 19 December 2017 i) That the said portions be transferred to Kouga Municipality – Section 12 of MFMA. ii) That both portions be put out on a lease tender in full compliance with Section 14 of the MFMA. iii) That current valuations be obtained on the two portions. iv) That the land be either leased or given as consent use.	Legal	Not registered to the Municipality. Valuations can only be obtained on registered erven. Legal Services is in the process of appointing a panel of legal team to deal with registration of unregistered properties and other related transactions. Effective date of panel will be 1 September 2020.
275 Humansdorp			Old market – proposals			9/2018 Comments & objections	Unregistered	Special Council 19 December 2017 That erf 275 – Market Building – be advertised for alienation with full compliance for a competitive bidding process.		There is a month to month limited to 3 -year lease agreement with Nation Builders church. In a process of evicting current tenants. The ownership of erf 275 is unregistered and not Kouga Municipality. The Council

										Resolution can only be implemented once the property is registered to Kouga. Legal and GIS to investigate and start the process to register Erf 275 to Kouga. Legal Services is in the process of appointing a panel of legal team to deal with registration of unregistered properties and other related transactions. Effective date of panel will be 1 September 2020.
8813 Ocean View 4587, 4588 Kruisfontein 190 Pellsrus			Victory 4All All these properties are for schools			9/2018 Comments & objections	R525 000 R170 000 R190 000 R225 000	Special Council 19 December 2017 i) That erf 8813 Ocean view be donated to Kings College and that a Deed of Donation be concluded. ii) That the facilities of Victory 4All be packaged and the principle of 25% of the value be applied for the sale of the erven where the other facilities are – in full compliance with legislation: Erven 4587 & 4588 Kruisfontein – Sonstraal School and foster homes – unregistered erven Erf 190 Pellsrus – Noah's Ark – pre-school/play school. Valuations for the abovementioned erven will be obtained. iii) That the outstanding debt on erf 8813 be referred to the Bad Debts Committee to authorise the amount to be written off in respect of rates only and not service related charges. iv) That only consumption be charged for erf 8813 Ocean view and erven 4588 and 4587 Kruisfontein (Resolution 12/06/IPD5).	Legal	Erf 8813 – donation to Victory 4All school Other erven sold at 25% of valuation. The deviation for appointment of service provider submitted – once approved the SP is ready to complete the transfer process. Section 14 outstanding and will be done as a parallel process.
2251 Hankey			Mud house				R50 000	Special Council 19 December 2017 Erf 2251 mud house to be transferred to Katoo family	Assets	An item needs to be prepared to Council to confirm the method of

										alienation. Motivation for out of hand process. The item will be tabled in Portfolio Committee in June 2020. Completion date is September 2020
Farm 374 ptn 4 Zwartbosch Humansdorp			Teen Challenge – wind farm sponsorship			9/2018 Comments & objections	Sub-division	Special Council 19 December 2017 i) That the people occupying the municipal houses on the said property be identified. ii) That C Grootboom determines the extent of the smaller piece of land and that a value be obtained from a valuer. iii) That discussion be held with Teen Challenge regarding a smaller piece of land as proposed by the Land Advisory Committee. iv) That Council approves the sub-division of the portion indicated at the Land Advisory Committee meeting. v) That the portion be alienated through specified tender process. vi) That it be a condition that the land is to be developed within the next 3 years.	Assets GIS Legal Town Planning	Teens have a 9-year lease. We are not billing on this property. A month to month as a direct short- term lease be entered into with occupants of the house so that the revenue is not lost. GIS will prepare a “dummy” / overlay layout and assign land parcel ID for all properties (i.e. houses, Teen project site). The layout and erf numbers created will be used to determine the extent of properties in order for the lease agreements to be concluded and Finance enabled to bill the properties. Deadline 29August 2020, An item be submitted to Council to rescind parts of this resolution and replace with one indicating the current activities on this land parcel.
8783 Ocean view taxi rank			Leasing and sub-dividing – small businesses			9/2018 Comments & objections	Unreg.	Special Council 19 December 2017 i) That C Grootboom determines the correct zoning of the area as well as do a breakdown of the	GIS Town Planning	The correct zoning is “Authority” A precinct was prepared making provision for business, residential,

								different areas available to be leased. ii) That the old buildings and other available areas on the erf be leased through a competitive bidding process. iii) That the applicant for the placing of a container be given permission to operate his business from said erf.		institutional, authority, public road and special zones. The Precinct will be tabled at Portfolio Committee and Council meeting of June 2020 for approval. The Council Resolution that areas be leased through a competitive bid will be implemented on approval of the layout.
Farm 436 ptn 98 Uitenhage RD Loerie			Land for housing					Special Council 19 December 2017 i) That the purchase of farm 436 portion 98 Uitenhage RD for the construction of low -cost housing be supported. ii) That the valuation of the land be undertaken. iii) That the matter be considered for possible inclusion in the 2018/2019 budget subject to financial implications being determined	Housing Director PD&T	Done, Deed of sale is signed.
2330 Kwanomzamo	1315m²		Transfer to church					Special Council 19 December 2017 i) That Council notes the transfer of erf 2330 to the Moravian Church of South Africa.	Legal	Deed of Sale and payments done. Legal received this instruction from PD&T just before lockdown and is busy attending to same. Delay was caused due to the lockdown of service providers in this time. The service provider to be appointment as per the Panel of legal services – 1 September 2020.
3292 Humansdorp		Humansdorp	SPCA relocation -					Special Council 19 December 2017 i) That the SPCA identify suitable land to be re-located to. ii) That the SPCA submit a formal application for the re-location to the Land Advisory Committee for consideration.	GIS Community Services	Erf 3292 was identified as a suitable site
2216, 2217, 2225, 2226			Old Apostolic church				R10 000 R10 000 R10 000 R10 000	Special Council 19 December 2017 i) That the legitimacy of the resolutions as well as the Deed of Sale be investigated before a	Assets MM Legal	No Resolution of Council. File submitted to Legal Services by Assets (to give back feedback in).

Hankey								recommendation regarding transfer is made to Council.		Investigation herein not completed – proposed completion date end of September 2020.
589 Umzamawethu			Living water			9/2018 Comments & objections	R60 000	Special Council 19 December 2017 i) That erf 589 be sold on auction for the specific use. ii) That all the applicable legislation be complied with in terms of Section 14.	Auction – Assets	Item will be referred to the appointed Auctioneer. All Auctioneers. Tender already awarded for Auctioneers. Completion date is 30 September 2020/. Section 14 to be confirmed for this property (Section 14 will go to Council)
620 Oyster Bay			Sandwater Primary school			9/2018 Comments & objections	R790 000	Special Council 19 December 2017 i) The erf 620 be transferred to the Department of Public Works by means of the Deed of Donation that has been signed by all parties, be supported	Legal	DONE. Deed of Donation has been signed and sent to the Department. The transfer should be initiated by the Department. The Department confirmed receipt and is busy processing same.
1325 - Kwanomzamo 2253 - Hankey 347 - Patensie 560 - Pellsrus			Donation to Public works			9/2018 Comments & objections		Special Council 19 December 2017 i) That it be noted that schools have already been erected on the four erven in question: Erf 1325 Kwanomzamo – Mzingisa Primary School Erf 2253 Hankey – Vukani Combined School Erf 560 Pellsrus - Makukhanye Primary School Erf 347 Patensie – Patensie Primary School & sports field. ii) That Council approves the donation of the four erven to the Department Public Works Eastern Cape Government as per their request. iii) That a Deed of Donation be concluded	Legal Council	DONE. Deed of Donation has been signed and sent to the Department. The transfer should be initiated by the Department. The Department confirmed receipt and is busy processing same. Section 14 Council resolution to be sought in an item to Ordinary Council in September 2020.
554 Sea Vista			Bowling club			9/2018 Comments & objections	Sub-division	Special Council 19 December 2017 i) That erf 554 be sub-divided and the section of the bowling club be valued.	Town Planning	In progress, about to go out on tender. The initial tender expired during lockdown period.

								ii) That the sub-divided portion be sold to the St Francis Bowling Club by means of an unsolicited bid in compliance with Section 14 legislation. iii) That all processes in terms of legislative requirements be complied with.		
1245 Pellsrus	1749m ²	Pellsrus	Meals on Wheels community project			9/2018 Comments & objections	R60 000	Special Council 19 December 2017 i) That a meeting be held with Meals on Wheels to determine the extent they require. ii) That erf 1245 be sub-divided and the re-zoning be put in place. iii) That the valuation of the sub-divided portions be submitted to Council for approval iv) That the Deed of Sale be drawn up for the disposal of erf 1245 to Meals on Wheels.	Assets GIS	Meals on Wheels want all the erf as confirmed at the meeting held with Assets and confirmed in writing. Undetermined zone so there is no need for rezoning. Item to Council, no need for a Subdivision. Item submitted and stuck with Cllr. Williams. Section 14. In terms of Policy. Public Participation was done.
17 Hankey			Milton farmers & Red Lions			9/2018 Comments & objections	Portions	Special Council 19 December 2017 i) That the previous lease agreement with the Milton Farmers be rescinded and a new lease agreement with a realistic rental amount be drawn up in line with the policy. ii) That the writing off of the outstanding rental debt of R734 775.38 due to the very high rental charged to these emerging farmers, be referred to the Bad Debts Committee for approval. iii) That a Lease Agreement be entered into with the Red Lions Rugby Club for the utilization of the derelict building and sports field as per their request.	Assets	Done. The lease has been concluded.
Farm 689 ptns 13 & 8 Kwanomzamo			Low cost housing Vukani fisheries					Special Council 19 December 2017 i) That Council gives in principle approval for the purchasing of farm 689 portions 8 & 13 Kwanomzamo, Humansdorp in order to relieve the urgent need for low cost housing development land in the area.		Done. The registration process completed.

								ii) That the Municipal Manager enters into negotiations with Vukani Fisheries. iii) That an updated valuation be done on the two portions where after Council is to consider, once the valuation is done, the purchasing prices of said properties.		
719 Sea Vista Canals			Temporary Vodacom tower					Special Council 19 December 2017 i) That a blanket approval be considered subject to complying with the following conditions: a) Conducting of public participation process (Ward Councillors) b) A market related rental amount is paid per m² extent required. c) That notices are published for comments and inputs by the members of the public. d) That the required portions of land is available and suitable as approved by Town Planning. e) That it is clearly understood that they are just temporary sites. f) That all aspects of Section 14 is complied with. g) Proof of payment from consent use in 2016/2017.	Finance/ Town Planning	Meeting with TP and Service Providers. Compliance issues that need to be done. Feedback from Lawrence. No Valuation done, last 2017.
1324 Kwanomzamo			Municipal houses			9/2018 Comments & objections	R990 000	Special Council 19 December 2017 i) That the four municipal houses on erf 1324 Kwanomzamo be sold voetstoots by means of competitive bidding processes, be supported. ii) That Council approves the alienation of these houses. iii) That the valuations be submitted to Council, for approval.		The process of alienation to commence. Completion date December 2020
33 Pellsrus 1568 Pellsrus 492 Pellsrus 74 Thornhill 570 Patensie 1320 Phillipsville 59 Loerie	1955 m² 1012 m² 6,96Ha 2149 m² 206 m²	Inst. 1 Res 4 Restr. Bus Restr Bus Resr Bus/Res1	Leases				R702 000 R500 000 R700 000 R200 000 R180 000	Special Council 19 December 2017 i) That in accordance with section 14(2)(a) of the MFMA, the Council confirms that the following erven is not required for the minimum level of basic municipal services: Crèches ☐ Erf 33 Pellsrus ☐ Erf 1568 Pellsrus ☐ Erf 492 Pellsrus		Town Planning to do an overlay layout inorder to enable billing process. Completion date October 2020.

								☐ Erf 74 Thornhill ☐ Erf 570 Patensie ☐ Erf 1320 Phippilsvile ☐ Erf 59 Loerie ii) That a 5-year lease period for crèches, with an option to renew for a further period of 5 years thereafter, be approved. iii) That the application to erect a cellphone tower at the water tower on erf 6797, Jeffreys Bay not be supported as recommended by the Land Advisory Committee dated 2 November 2017. iv) That market related rentals be determined by a registered Valuer and that the respective lessees be responsible for all municipal charges, be supported. v) That lease agreements be concluded with the lessees, be approved. vi) That the outstanding Town Planning process be concluded in relation to erf 1568 Pellsrus, Erf 492 Pellsrus, Erf 74 Thornhill, Erf 1320 Phillipsville, Erf 873 Jeffreys Bay and Erf 59 Loerie		
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2018

ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
7222 Ocean View	868m²	Inst 2	Presbyterian Church of Africa - transfer	Assets verify			R70 000	7 March 2018 i) That erf 7222 be transferred to the Presbyterian Church of Africa – all the necessary processes and legislation was adhered to. The erf was awarded through the tender processes	Legal	Services Provider appointed. Transfer is in progress. Payments done. Investigation on who is the premises to commence with evictions. In -order to give vacant occupation of property.
7263 Ocean View	2343 m²	Inst. 3	Presbyterian Church of Africa & Community Christian Centre	Assets verify		44/2018 comments /objections	R90 000	7 March 2018 i) That the erf be made available subject to the successful application to re-zone or through consent use ii) Look at possible sub-division		Rescind to go on open tender. Church properties to be packaged into one project. Item will be prepared to the next Council meeting for Initiating the disposal process. Section 14 verification to be confirmed in Council meeting as per MFMA. Verification of current land uses will also be undertaken.
7517 Ocean View	596 m²	Inst. 2	Apostolic Church of God in Zion & Assemblies of God EPDCC			44/2018 comments /objections	R30 000	7 March 2018 i) That this erf be sold for the erection of a church building.		Rescind to go on open tender. Church properties to be packaged into one project. Item will be prepared to the next Council meeting for Initiating the disposal process. Section 14 verification to be confirmed in Council meeting as per MFMA
7292 Ocean View	1660 m²	Business	Church & Business (Butchery combined with food programs	Assets to verify		44/2018 comments /objections	R60 000	7 March 2018 i) That erf 7292 be utilized for business development purposes		The process of verification on land use on site is underway. The item for Council the method of

			and community projects)							disposal, market value and section 14 verification. The completion August 2020.
7217 Ocean View	210 m²	Restricted Business	Church	Assets verify			R55 000	7 March 2018 i) Not recommended Erf extent much too small for church development ii) Recommend to utilise as business site		The process of verification on land use on site is underway. The item for Council the method of disposal, market value and section 14 verification. The completion August 2020.
1714 Pellsrus	1128 m²	Inst. 2	2 x churches applied	Assets verify		44/2018 comments /objections	R30 000	7 March 2018 i) That this erf be sold for the erection of a church building		Selling processes
1773 Pellsrus	1225 m²	Inst. 2	Elliot Memorial Congregational Church	Assets verify			R98 000	7 March 2018 i) That the letter of transfer be drafted subject to confirmation of the Council resolution taken on the sale of the erf.		Information. Discuss with Legal
3481 Sea Vista	475 m²	Informal Res	Residential – no church	Assets verify		44/2018 comments /objections	R15 000	7 March 2018 i) That the erf be made available for residential use	Vague.	Item to Council for a proper resolution. Deadline 30 September 2020
2734 Sea Vista	514 m²	Special Business	Church	Assets verify		44/2018 comments /objections	R90 000	7 March 2018 i) That this erf be sold through the tender process for the erection of a church building	Too small and rezoning necessary.	Item to Council for a proper resolution. Deadline 30 September 2020.
849 Thornhill	1110 m²	Inf. Res	EC Prov erf			44/2018 comments /objections	R15 000	7 March 2018 That the sale of erf 849 be concluded after all compliant legislation and processes have been completed and verification of the Council resolution taken on the sale of this erf.		Rescind this resolution. Establish ownership. Null and void
7413 Ocean V	1823 m²	Open space 1					R20 000	7 March 2018 That the possibility of rezoning to Authority 2 be investigated That the buildings on erf 7413 be investigated.		The revised ILUS to consider or effect the resolution . Item to be tabled at Council in December 2020.

3493 Sea Vista	2033 m²	Open space 1/ Make sure that zoning is correct as it was zoned Institutional 2 in the original SDF.				44/2018 comments /objections	R20 000	7 March 2018 That the possibility of sub-division be investigated. That the possibility of re-zoning to Authority 2 be investigated		The revised ILUS to consider or effect the resolution . Item to be tabled at Council in December 2020.
	3480 m²	Open space 1				44/2018 comments /objections	R35 000	7 March 2018 That the possibility of sub-division be investigated. That the possibility of re-zoning be investigated.		The revised ILUS to consider or effect the resolution Item to be tabled at Council in December 2020.
3049 K-fontein	455 m²	Res. 1	Private			44/2018 comments /objections	R48 000	7 March 2018 i) That erf 3049 be leased/sold.		Council may not dispose privately owned land. Rescind item.
2789 K-fontein	1117 m²	Res 1				44/2018 comments /objections	R73 000	7 March 2018 That erf 2789 be registered to Kouga Municipality. That erf 2789 be re-zoned to Authority 2 That the building on erf 2789 be investigated.		Unregistered erf. Erf to be registered to KLM. Completion date December 2020. Rezoning be considered through ILUS review.
2307 K-fontein	4650 m²	Open space 1				44/2018 comments /objections	R23 000	7 March 2018 That the possibility of sub-division be investigated. That the possibility of re-zoning to Authority 2 be investigated. That the buildings on erf 2307 be investigated		There is informal settlements in the Waldaam area.
600 Pellsrus	454 m²	Res.B				44/2018 comments /objections	R20 000	7 March 2018 i) That the land be made available for leasing ii) That the existence of building plans for erf 600 be verified		Vacant erf. and no building plans submitted.
227 Patensie	2,4808H a	Open space 1					R150 000	7 March 2018		The revised ILUS to consider or effect the resolution Item

								That the possible rezoning of erf 227 be investigated. That the buildings on erf 227 be investigated. That the SDF for the Patensie area be consulted.		to be tabled at Council in December 2020
940 Patensie	360 m²	Res. 1				44/2018 comments /objections	R10 000	7 March 2018 That Council approves the sale of erf 940		
898 Patensie	679 m²	Res. 1				44/2018 comments /objections	R7 000	7 March 2018 i) That erf 898 be registered to the Kouga Municipality. ii) That erf 898 be leased/sold		Re-advertise tender
233 Patensie	12,9288 Ha	Open space 1					R750 000	7 March 2018 That the possible rezoning of erf 233 be investigated.		Re-advertise tender
1074 Patensie	1639 m²	Inst. 2				44/2018 comments /objections	R60 000	7 March 2018 That Council approves the sale of erf 1074		Re-advertise tender
952 Patensie	360 m²	Res.1				44/2018 comments /objections	R22 000	7 March 2018 That Council approves the sale of erf 952		Re-advertise tender
930 Patensie	286 m²	Bus/Rest . Bus				44/2018 comments /objections	R10 000	7 March 2018 That Council approves the sale of erf 930		Re-advertise tender
929 Patensie	297 m²	Bus/Rest . Bus				44/2018 comments /objections	R78 000	7 March 2018 That Council approves the sale of erf 929		Re-advertise tender
936 Patensie	288 m²	Res.1				44/2018 comments /objections	R10 000	7 March 2018 That Council approves the sale of erf 936		Re-advertise tender
938 Patensie	288 m²	Res.1				44/2018 comments /objections	R10 000	7 March 2018 That Council approves the sale of erf 938		Re-advertise tender
900 Patensie	587 m²	Res.1				44/2018 comments /objections	R11 000	7 March 2018 That Council approves the sale of erf 900		Re-advertise tender

871 Patensie	505 m²	Res.1				44/2018 comments /objections	R12 000	7 March 2018 That Council approves the sale of erf 871		Re-advertise tender
939 Patensie	288 m²	Res.1				44/2018 comments /objections	R10 000	7 March 2018 That Council approves the sale of erf 939		Re-advertise tender

2019

ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
353 H-dorp	3,5054Ha	Resort 1	Development proposals	Unused			R 9 000 000 000	18 February 2019 5.1 That, Council approve the Proposal Call for Development of ERF 353, Humansdorp and that the relevant department proceed with the process as stipulated in the Policy and Procedure for the disposal of Immovable Assets, as approved by Council for the Proposal Call for Development in respect of the said Erf 353, Humansdorp. 5.2 That, the process complies with the MFA to ensure compliance with the Act. 5.3 That SCM proses to be followed to ensure legislative compliance. 5.4 That the Department Planning, Development & Tourism prepare the necessary tender documentation and advertisement in accordance to MFMA and MATR processes. 5.5 That, the Department Planning, Development & Tourism commence with the "rezoning" of Erf 353, Humansdorp.	Director PD&T	Re-advertise
ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
Erf 3012 Hankey Erf 1999 Kwanomzamo Erf 713 Kruisfontein Erf 968 Patensie		Masakhane Clinic Lungisa Public High School Kruisfontein Clinic	Transfer of properties				R660 000 Unregistered R420 000	28 February 2019 1. That Council notes the application submitted by the Department of Public Works for the transfer of properties to the Eastern Cape Provincial Government.	Legal	Deed of Donation referred to Depart Public Works for perusal and signature – signed agreement not returned yet. Department confirmed receipt and is

Erf 34 Pellsrus Erf 2600 Sea Vista		Masisebenze Primary School Pellsrus Clinic St Francis Clinic					Unreg. R1 900 000 R500 000	2. That Council approves the transfer of properties as per the letter submitted by Department Public Works: Erf 3012 Hankey Masakhane Clinic Erf 1999 Kwanomzamo Lungisa Public High School\ Erf 713 Kruisfontein Kruisfontein Clinic Erf 968 Patensie Masisebenze Primary School Erf 34 Pellsrus Pellsrus Clinic Erf 2600 Sea Vista St Francis Clinic 3. That the Department Public Works be liable for all and any costs derived from the transfers.		processing the documents.
ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
7292 O- View	1200 m²	Bus 1	Business		Yes	44/2018 Comments/ objections	R60 000	30 April 2019 1. That the valuations of the erven contained in the item, which are based on the 2018 Municipal Valuation Roll, be accepted. 2. That the proposed land sales already finalised and processed be accepted. 3. That the outstanding proposed land sales be advertised by open public tender, adhering to all legislative requirements and processes to be followed, be approved.		
225 Pellsrus	480 m²	Single Res	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
835 Patensie	465 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
908 Patensie	312 m²	Res. 1	Private Res		Yes	44/2018 Comments/ objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
940 Patensie	360 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020

898 Patensie	679 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R7 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
952 Patensie	360 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R22 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
703 Patensie	395 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
701 Patensie	394 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
702 Patensie	395 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
938 Patensie	288 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
871 Patensie	587 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R12 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
939 Patensie	505 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
900 Patensie	587 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R11 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
897 Patensie	583 m²	Res. 1	Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R11 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
184 ptn 1 H- dorp RD	218,3343 Ha	Agri	Private Game farm		Yes	44/2018 Comments/ Objections	R830 000	30 April 2019	"	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020

182 ptn 0 H-dorp RD	81,9073H a	Agri	Private game farm		Yes	44/2018 Comments/ Objections	R290 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
2337 S-Vista	324 m²	Res 1	Private Res		Yes	44/2018 Comments/ Objections	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
2217 Hankey	296 m²		Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
2225 Hankey	281 m²		Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
2226 Hankey	289 m²		Private Res		Yes	44/2018 Comments/ Objections 115/2019 Tender	R10 000	30 April 2019 "	LEC Director PD&T	Re-advertise tender. Deadline 30 November 2020
5832 JBay 5833 JBay 5838 JBay 5839 JBay	707 m² 706 m² 707 m² 707 m²	Single Res 1	Private Res		Yes	115/2019 Comments/ objections	R180 000 R180 000 R180 000 R180 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
5408 JBay	538 m²	Res.	Private Res		Yes	115/2019 Comments/ objections	R150 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
533 Pellsrus	264 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R15 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
5304 Oyster Bay	571 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R150 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
5429 Oyster Bay	520 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R150 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
5820 Oyster Bay	698 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R170 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
4916 Oyster Bay	736 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R160 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020

130 Pellsrus	487 m²	Single Res B	Private Res		Yes	115/2019 Comments/ objections	R80 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
6275 Kabeljous	525 m²	Res.	Private Res		Yes	115/2019 Comments/ objections	R170 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
6276 Kabeljous	522 m²	Res.	Private Res		Yes	115/2019 Comments/ objections	R170 000	30 April 2019 "	Director PD&T Land	Re-advertise tender. Deadline 30 November 2020
ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
Public works properties Farm 448 portion 15 — Uitenhage RD Pellsrus: 677; 678; 733; 751 ; 753; 794; 812 826; 854; 862 Humansdorp: 1 968 Thornhill: 221 ; 237 333; 334; 342;362;376;75 1v; 762; 763; 775; 776; 777; 778; 779; 780; 781 ; 782; 783; 784; 785; 788; 789; 790; 791 ; 792; 805; 845; 846; 849; 850; 852; 855; 857; 859; 860; 861 ; 862; 863; 865; 866; 868; 870; 874; 875; 883; 884; 885; 886; 887; 888; 889; 891; 892; 894; 895; 897; 898; 896			Transfer to Kouga					30 May 2019 That Council accepts the following erven from Public Works and that they are added to the asset register of Kouga Municipality: Farm 448 portion 15 — Uitenhage RD Pellsrus: 677; 678; 733; 751 ; 753; 794; 812 826; 854; 862 Humansdorp: 1 968 Thornhill: 221 ; 237 333; 334; 342;362;376;751v; 762; 763; 775; 776; 777; 778; 779; 780; 781 ; 782; 783; 784; 785; 788; 789; 790; 791 ; 792; 805; 845; 846; 849; 850; 852; 855; 857; 859; 860; 861 ; 862; 863; 865; 866; 868; 870; 874; 875; 883; 884; 885; 886; 887; 888; 889; 891; 892; 894; 895; 897; 898; 896 2. That the Municipal Manager write a covering letter to the Department Public Works requesting the transfer of these properties. 3. That a Deed of Donation be sent to the Department Public Works for the transfer of these properties. 4. That Kouga Human Settlement Department proceed with the transfers of these erven to the owners of the properties as soon as registration to Kouga has been completed.	Legal MM	Deed of Donation referred to Depart Public Works for perusal and signature – signed agreement not returned yet – regular follow ups are being attended to

ERF/AREA	EXTENT	ZONING	APPLICATION	STATUS	SECTION 14	NOTICE	VALUATION	COUNCIL RESOLUTION	DEPT	ACTION
ERF NUMBERS: 3535 – 3634 Kruisfontein		Residential	Selling erven	High water table erven - Kruisfontein			R8 000/erf	30 October 2019 1. That the alienation of the 98 erven in Kruisfontein, be supported. 2. That the selling price of R8 000 per erf, be supported. 3. That the sale of these erven be advertised for input from the public. 4. That the people currently occupying erven be given first option to buy the erf that they are occupying. 5. That these erven be sold voetstoots with the following recommendations by SRK Consulting included in the Deed of Sale should the owner wish to build a brick house:- • Individual erven need to be box cut and compacted to the recommended founding depth and graded towards the stormwater network; • A layer of course river sand and/or gravel ($\pm$ 100mm in thickness) to be placed at the base of the box cut to act as a preferential flow path for ground water see page; • A subsoil drain (at the lowest point of the erf) to be installed and connected to the stormwater network to remove excess groundwater seepage from the site; and • The finished floor level of the house should be at least 2 brick courses above the level of the road if the site is level; otherwise two brick courses above the highest ground level on the site." 6. That all proceeds from the sale of the 98 high water table erven be ringfenced for projects namely the upgrading of gravel roads to paved roads.	Land	The Offer to Purchase for the residents in drafting stage. Deadline 10 September 2020.

KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO.: 20/10/PD7****REPORT ON CELLPHONE TOWERS OF MTN AND VODACOM****1. Purpose**

The purpose of this item is to submit a report on the revenue owed, to date, to the municipality by certain telecommunication network services providers in respect of property leases.

2. Background

The land and property section embarked on an extensive investigation on the status of cellphone towers around our municipality from various service providers. It was discovered that, some of the contracts that were entered into by the municipality with these service providers have already lapsed and some council resolutions remained unactioned and therefore no lease agreements/ contracts were not entered into with the respective service providers. The reconciliation report indicates that the rental payment ceased after the lapse of the lease agreements. The telecommunication network service providers are willing to pay all the monies due to the municipality after, the council accepted the report submitted in the form of reconciliation.

3. Status of lease agreements

In this section of the report, the status of the different types of lease agreements are reflected and the name of the service providers is written. The tables below are reconciliations that reflect the monies owed to the municipality by the two service providers.

Table 1: Vodacom outstanding balances due:

Escalation	Starting Rental Month	Starting Rental Accrual Amount	Rental Object ID	Rental Object Name	Vendor/Supplier Name	Rental Accrual for THIS month	Rental Accrual total
CPI	8/1/2004	R 1,500.00	JBC0627	Jeffreys_Bay	Kouga Municipality	R 3,449.26	R 454,950.97
CPI	12/1/2015	R 2,800.00	2587	Paradise Beach	Kouga Municipality	R 3,410.90	R 169,897.29
CPI	12/1/2014	R 2,700.00	13645	St Francis Drive	Kouga Municipality	R 3,440.38	R 203,765.69

Total due R828,613.95

Table 2: MTN outstanding balances due:

Payment Period	Area	Payment Amount	per lease	Difference
October 2007 to September 2017	Paradise Beach	R 98,612.9	R 341,074.73	R 242,461.75
August 2006 to July 2020	J/Bay Golf Course	R 108,477.51	R 186,066.37	R 77,588.86
June 2007 – June 2015	Centerton Reservoir	R 410,800.24	R 415,982.51	R 5,182.27

Total due = R325,232.88

4. Financial implications

The Municipality will receive rental income of **R325,232.88 + R828,613.95 = R1, 153,846.80**

5. Applicable legislation

Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003, Sections 14, 33, 90, 97 and 98 (MFMA).

6. Comments from Chief Financial Officer

The report is supported to ensure that the revenue outstanding can be invoiced and received, as these amounts were confirmed by Finance and agreed upon by both MTN and Vodacom.

I note the reconciliations are up to a certain date. Further reconciliations must be performed to determine the outstanding amounts by MTN and Vodacom up to end of September 2020. Further Agreements should then be entered into to ensure that the rental billing is current.

I have also noted that there are other leased properties for Towers by MTN which are not included in the above, as well as leased properties for Towers by Cell C.

The above must be attended to, to ensure that the revenue from the Towers are up to date.

7. Recommendations

- 7.1 The report to be noted and supported.
- 7.2 That Council authorises the Accounting Officer to sign an acceptance the outstanding monies due to the Municipality from Vodacom and MTN for the period of expired lease, in the amounts of Vodacom: **R828,613.95** and MTN: **R325,232.88** respectively.
- 7.3 That the Accounting Officer in accordance to the powers delegated to him enter into a Lease Agreement with Vodacom and MTN for a period not exceeding three years, provided that Vodacom and MTN complies with any provisions stipulated in the Kouga Telecommunication Mast Policy.
- 7.4 That the fair market related monthly rental be determined.

Item prepared by : Vuyisani Dala:

Item approved by : The Director: Planning, Development & Tourism

Item endorsed by : The Municipal Manager:

Item noted by the Portfolio Chairperson





KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING, DEVELOPMENT & TOURISM****DATE: OCTOBER 2020****ITEM NO: 20/10/PD8****APPROVAL OF COUNCIL POLICIES: PLANNING & DEVELOPMENT****1. Introduction**

The policies as tabled below were considered and recommended for approval at the Council policy workshop on the 13 October 2020.

ITEM NO	POLICY	RESOLUTIONS	AMENDMENTS / ADDITIONS
20/10/PW- PD1	Street Name Policy	Refer to Council with amendments	- Page 24, 5.4 to be corrected to read: the Portfolio Committee LED/T and not Engineering & Planning. - Page 24, 6.18 should not only honour the deceased Kouga residing individuals but also honour individuals who have contributed to the nation at large.
20/10/PW- PD2	Policy and Procedures for the Disposal of Immovable Assets	Refer to Council with amendments	Page 17, 6.11.1 should have an addition that states that all 3-year leases signed by the Accounting Officer should be formalized and reported quarterly to the Portfolio Committee.
20/10/PW- PD3	Lease Policy	Refer to Council with amendments	- That a report regarding leased Municipal properties to employees and the public to be included on this policy. - Page 120, 11.5.7.1 should have an addition stating that the Annual increase be linked to the Consumer Price Index (CPI). - Page 121, 11.5.13.1 should have an addition stating that upkeeping of properties should be encouraged subject to the authorisation from Council, especially in properties like creches.

4. Recommendation**4.1 That Council Approves the following policies:**

- Policy on Naming/ Renaming and Numbering of streets
- Policy and Procedures for the Disposal of Immovable Assets
- Policy on Leasing of Council Owned Immovable Assets

4.2 That the policies approved above replaces all policies and procedures previously used for the same purposes.

Item prepared by : Land & Property Administration Dept.

Item approved by : The Director: Planning, Development & Tourism

Item endorsed by : The Municipal Manager:



Item noted by the Portfolio Chairperson



ANNEXURE:

POLICY ON STREET NAMING/RENAMING AND NUMBERING

STREET NAME SUFFIXES & DEFINITIONS

ENGLISH	AFRIKAANS	DEFINITION
Avenue (Ave)	Laan (Ln)	A city street usually with significant horticultural features.
Boulevard (Blvd)	Boulevard (Blvd)	A wide, pretentious street, usually with horticultural or landmark features.
Bypass	Verbypad	A usually wide road which takes traffic around developed areas.
Circle	Sirkel	A road which roughly forms a circle.
Close (Cl)	Slot	A minor dead-end street
Court (Crt)	Hof	As a Square, but normally surrounded by residential buildings
Crescent (Cres)	Singel (Sng)	A relatively short street which forms part of a circle.
Drive (Dr)	Ryiaan (Rln)	A relatively long, usually scenic route.
Expressway	Snelweg	A dual carriageway with limited, signal controlled or interchange access only.
Freeway	Deurpad	A usually dual carriageway road with access limited to interchanges only.
Lane	Steeg	A narrow street, usually short
Mall	Wandelhal	A major road mainly for pedestrian use, serving mostly commercial developments
Parkway (PW)	Parkweg (PW)	A dual carriageway with limited, signal controlled or interchange access only, which has horticultural features.
Path	Voetpad	Surfaced road for walking
Place (Pl)	Plek / Oord	A minor dead-end street
Road (Rd)	Weg	General term for streets usually, but not always, outside developed areas, streets which perform a distributor function as well.
Square (Sq)	Plein (Pln)	A road or portion of road the shape of which resembles a square or rectangle.
Steps	Trappe	Street with steps, for pedestrian use only.
Street (St)	Straat (Str)	General term for streets usually in developed areas.
Terrace (Ter)	Terras (Ter)	A road, normally for pedestrian use, which serves houses on a raised level.
Trail	Wandelpad	Unsurfaced road for walking.
Walk	Voetpad	Narrow street normally for pedestrian use only.
Way	Weg	General term for streets usually, but not always, outside developed areas, streets which perform a distributor function as well.

Cul-de-sac	Cul-de-sac	a short street or “dead end” street or cul-de-sac.
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1. Preamble

The naming and renaming of streets and other public places is recognized as being an integral part of place making. This includes, but is not limited to the creation of places that residents and users can relate to and take pride in. The naming of streets and public places after memorable events is a way of etching the country’s history, both pleasant and unpleasant in people’s memory. The allocation of names of people is recognized as being a way of honouring certain individuals for their contribution to the development of the Country, generally and Kouga Municipality, in particular. The process should therefore be done with careful consideration

2. POLICY OBJECTIVES

This Policy seeks to address the following objectives:

2.1 The purpose of the Policy is to identify solutions to the common problems that are being experienced in with regards to street naming and numbering, including the need for a standardized procedure, to set out the responsibilities of the relevant parties involved in the process and to outline effective administrative and decision-making procedure in order to guide the Municipality’s functions relating to street naming and numbering.

2.2 To ensure timeous and effective allocation and recording of street names in order to fast-track the following;

- the completion of the registration of ownership in new subdivisions;
- the provision of municipal services;
- the billing for rates and municipal services used;
- the provision of emergency services;
- postal delivery;
- data integrity in Council; and
- To ensure that property owners can be contacted for public participation purposes.

Any delay in the provision of street naming and numbering can cause inconvenience with regard to these aspects; a loss in revenue to Council and delays in property transfers.

2.3 The general term “street” used in the Policy, includes all classes of streets which serve a public right-of-way, the naming of which is the responsibility of the Council. This includes parking areas, squares, malls, paths, lanes and other public places.

2.4 All decisions made in terms of this Policy at any specific time will be in accordance with the current delegation of powers relating to street naming and numbering as approved by the Council of Kouga Local Municipality.

- 2.5 To guide renaming of public streets and council-owned features which have names that is in conflict with the rules of the “Policy on Street Naming and Numbering”.

3. **SCOPE**

- 3.1 The policy replaces the current procedures previously followed by the municipality and shall be applicable to the entire Kouga municipal area.
- 3.2 The general term "street" used in this policy, includes all classes of streets which serve as a public right-of-way, the naming of which, is the responsibility of the relevant authority.
- 3.3 All decisions made in terms of this policy at any specific time shall be in accordance with the applicable delegation of powers relating to the naming and renaming of streets (including numbering), public places (including numbering), natural areas, artefacts and Council-owned buildings & facilities as approved by the Council.

4. **LEGISLATIVE CONTEXT**

This Policy took cognisance of all relevant legislation and policies interalia:-

- Constitution of the Republic of South Africa, 1996
- South African Geographical Names Council Act, 1998 (Act No.118 of 1998)
- Land Survey Act, 1997 (Act 8 of 1997)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- Local Government: Municipal Systems Act, 2000 (Act 36 of 2000)
- Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Municipal SPLUMA By-Laws adopted by Council.
- Municipal Public Participation Policy

5. **PROCEDURE FOR NEW STREET NAMING & NUMBERING IN PRIVATE AND PUBLIC SUBDIVISIONS**

The new street naming and numbering process in private and public subdivisions shall be as follows:

- 5.1 When submitting an application to Council, the applicant shall discuss the street names with the GIS Official.
- 5.2 If there is no duplication of street names, then the names are reflected on street name plan which is based on the proposed subdivision. The street name plan will be represented by a erf number on the proposed subdivision and no farm portions will be allowed.
- 5.3 In the case of Council subsidized housing projects, the proposal must be circulated additionally to the relevant Ward Committee for street names.
- 5.4 If the proposed street names comply with this policy, the decision to approve or not approve is taken by the Portfolio Committee: **Planning & Development**
- 5.5 The applicant is informed of their right of appeal against the decision. When an appeal(s) is submitted, it is assessed by the appropriate appeal body or bodies.

- 5.6 If there are no objections to the names^{1,2,3} or Council's decision is upheld to approve the street names, then the street name register and where applicable, the relevant cadastral layers on Council's GIS are updated.
- 5.7 Upon receipt of the approved Surveyor General Plan, street numbers will be allocated by the GIS Official and forwarded to the relevant financial department.

6. **RULES & GUIDELINES FOR STREET NAMING**

The following rules for the naming of street shall apply:

- 6.1 There shall preferably be no duplication of street names within a town.
- 6.2 There shall be no similarly spelled names within a town.
- 6.3 There shall be no phonetically similar names within a town.
- 6.4 Names, where appropriate, should be in keeping with the theme of the surrounding street names when falling within an established suburb.
- 6.5 Where a street is interrupted by a natural or man-made barrier, the resulting portions of that street may be named in the appropriate language by the addition of an appropriate identifier to one or both portions, such as North, South, East, West, Lower, Upper, Central, extension.
- 6.6 A continuous street should maintain its name throughout its length, to avoid confusion.
- 6.7 Only appropriate suffixes or their accepted abbreviations shall be used. See annexure A for guidelines in this respect.
- 6.8 A suffix to a street name shall form part of the name and shall, where appropriate, be in the same language as the street name.
- 6.9 The length of a name would preferably be limited to what can be practically accommodated on name boards, kerbs and on maps, which are no more than 20 characters including spaces.
- 6.10 Names shall not be offensive.
- 6.11 If historical names are used, they should be historically correct and relevant.
- 6.12 Street names shall be displayed on name boards or kerbs, which shall comply with the relevant Municipal design standards, in appropriate locations.
- 6.13 Offensive or insensitive names should be avoided
- 6.14 Names that are cumbersome in the sense that the name may be construed as unintelligible in spoken or written form, and physically in the sense that the length of the name may be considered impractical on a street sign;
- 6.15 Similar sounding names within a town should be avoided.
- 6.16 Names that could be construed as commercial advertising should be avoided.
- 6.17 Names of living persons must be avoided. Should person names be considered, preference should be given to deceased individuals of noteworthy association with the municipal area.
- 6.18 Proposed names should therefore meet one of the following criteria;

- i) *Honour and commemorate noteworthy deceased persons associated with the Kouga Municipal Area.*
 - ii) *Commemorate local, national or international history, places, events, memories or culture or relevance to the people of Kouga Municipal Area.*
 - iii) *Strengthen community identity*
 - iv) *Recognize indigenous and international flora, fauna or natural features relevant to the Kouga Municipal Area*
 - v) *Promote improved place orientation and recognition;*
 - vi) *Recognize the cultural diversity of Kouga Municipal Area*
- 6.19 In addition to considerations of sensitivity and offensiveness, the renaming of a specific street, public place, natural area and council-owned building, facility or artefact may be considered when duplication of the name occurs within a town and/or when renaming would generally improve the Municipality's administration of essential services.
- 6.20 Street names on opposite sides of intersections should have the same name. In exceptional circumstances this standard may be deviated from.

7. RULES & GUIDELINES FOR STREET NUMBERING

This section must be read in conjunction with **Annexure A**.

The numbering of erven shall be done as follows:

7.1 Streets- West to East (Horizontal)

Numbering must be done from left to right, west to East, with even numbers on the southern side of the street, and the odd numbers on the northern side of the street. (Fig.1)

- The above will be applicable if a new street has access from both sides. (Fig.1)
- If a new street has access from the western side, Fig.2 will be applicable.
- If a new street has access only from the eastern side, street numbering must be done from East to West (not from West to East as mentioned above), with the even numbers on the southern side and the odd numbers on the northern side. (Fig.3)

7.2 Streets- South to North (Vertical)

Start by numbering from south to north, with the even numbers on the eastern side of the street, and the odd numbers on the western side of the street. (Fig.4)

- If the new street has access on both sides, the situation shown in Fig.4 will be applicable.
- If the new street has access only on the southern side, Fig.5 will be applicable.
- If the new street has access only on the northern side, street numbering must be from North to South (and not from South to North as mentioned above). Even numbers must be on the western side and odd numbers on the eastern side. (Fig.6)

A minimum of two street numbers must be provided for a corner erf, with a minimum of one street number bordering each street. The street number provided will be determined by the direction of the front door of the new or existing structure. (Fig.7)

7.4 Corner Erf (Three Streets)

A minimum of three street numbers must be provided for a corner erf. A minimum of one street number bordering each street. The street number provided will be determined by the direction of the front door of the new or existing structure. The direction of the building/front door/entrance will determine which street number will be used. (Fig.8)

7.5 Cul-de-Sac

If there are fewer than seven properties on the same side of the road in a cul-de-sac with no possibility of development on the others side of the road, they are numbered sequentially.

7.6 Crescent

The street numbering of all other properties in a crescent should start at the entrance of the cul-de-sac (at the corner erf). Odd numbers must be on the left-hand side. The island in the middle must be numbered with the smallest even number at the entrance to the circle.

(Fig.9)

7.7 Public Open Space

Public Open Space must also be numbered. Numbering should be done on both sides of the erf if the erf borders on two streets. The lowest value street number allocated to the erf will be used for administrative purposes.

7.8 Existing street numbers

In cases where an existing street is already numbered, the existing numbers must be taken into account. The street numbering must also fit into the General Plan of the area.

7.9 General

On completion of any building on a property, it shall be the duty of the property owner to obtain and install suitable address numerals for property identification on a location that is clearly visible from the street.

8. PROCESS & CONDITIONS BY WHICH RENAMING & RENUMBERING TAKE PLACE

- 8.1 Any person, community or organization within the boundaries of the Kouga Municipal Area shall be entitled to propose the renaming of a street or the naming or renaming of a public place, council-owned building, facility or artefact in accordance with the procedures outlined in this policy.
- 8.2 Proposals shall be in writing and shall include full details of the affected street, public place, council-owned building, facility or artefact as well as the proposer, proposed name change and

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fully motivated reasons which shall include research references and evidence of professional or community support. Where the portfolio committee is advised in advance that it is difficult for a written submission to be made due to illiteracy or other circumstances, it may use its discretion to entertain oral submissions according to the rules for public hearings.

- 8.3 Proposals may include the results of referenda or similar consultation within communities by way of evidence of support or opposition but shall not be considered as a defining criterion by the Portfolio Committee.
- 8.4 Proposals will be received and scrutinized by the GIS section to ensure that they comply with the provisions of this policy. Renaming proposals that do not contain all the requisite information will be returned to the proposer with a request for the missing information.
- 8.5 The recommended name changes will be advertised and interested and affected parties will be given 30 days within which to submit comments.
- 8.6 Comments received on the renaming proposals will be considered by the GIS section who will then make a final recommendation to the Portfolio Committee.
- 8.7 Proposals of re-allocating street numbers will be received and scrutinized by the Planning & Development Department- GIS section to ensure that they comply with the provisions of this policy.
- 8.8 The recommended street numbers will go through a public participation process where interested and affected parties will be given 30 days within which to submit comments.
- 8.9 Comments received on the re-numbering proposals will be considered by the GIS section who will then make a report with recommendations to Director: Planning, Development & Tourism on whether to accept the reallocation of street numbers.
- 8.10 The Council via the Portfolio Committee will take the final decision on whether to accept the implementation of the proposed renaming.
- 8.11 Administrative errors and/or incorrect spelling of names may be rectified without going through the process contained in this policy.
- 8.12 On approval by the municipality, the Planning Department shall notify all affected stakeholders such as the GIS, Finance- municipal accounts section, Community Services Directorate, Infrastructure & Engineering Services Directorate, Ward Councillor/s, Surveyor-General, Registrar of Deeds, Telkom, Postmaster General, South African Police Service of the new street names and numbers.

3. FINANCIAL CONSIDERATIONS

The following financial aspects shall be taken into account:

- 9.1 All costs relating to street naming in new subdivisions shall be borne by the developer, or where the developer is Council, the costs shall be borne by Council.
- 9.2 The costs of erecting or changing street name boards and signs resulting from the naming of existing streets shall be borne by the Council.
- 9.3 Legal and administrative costs resulting from the naming of streets shall be borne by the Council.

7. **Exclusions**

- 10.1 The naming of features other than streets as defined in this policy is excluded including naming of geographical features and Buildings / monuments etc .
- 10.2 The naming and renaming (“geographical names”) of features falling within the “national competence” to do so, is subject to approval by the National Minister (responsible for arts and culture) and should be undertaken in terms of the provisions of the National Geographical Names Council Act (Act 118 of 1998) and the Regulations thereof as well as the “Handbook on Geographical Names” (hereinafter referred to as the Handbook). The naming of features falling under Provincial and National “competence” is therefore excluded from this policy.
- 10.3 The municipality should however, continue to function in accordance with the provisions of the Act (including Regulations and policies) in the allocation of geographical names that fall within the municipal area.
- In instances where the naming or renaming process of the feature is the responsibility of another sphere of government or is owned by another sphere of government, then permission of that sphere of government to proceed with the naming or renaming process, should be sought in writing, prior to the process being commenced with. The said authority should also indicate if there are any procedures that the municipality should comply with in managing the process.

ANNEXURE A



Fig 1

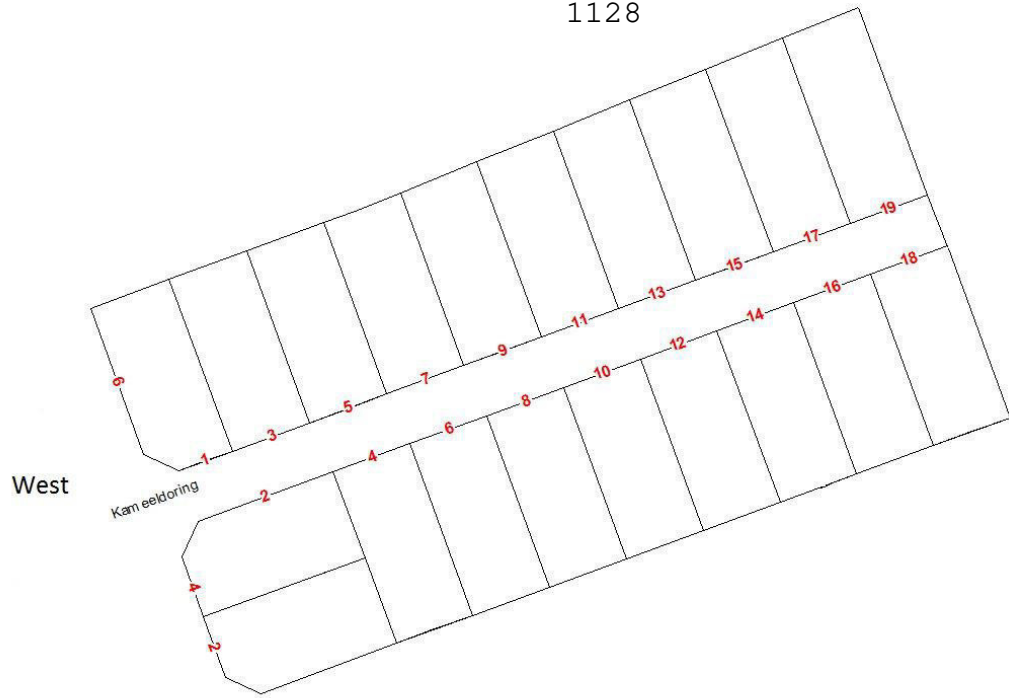


Fig. 2



Fig. 3

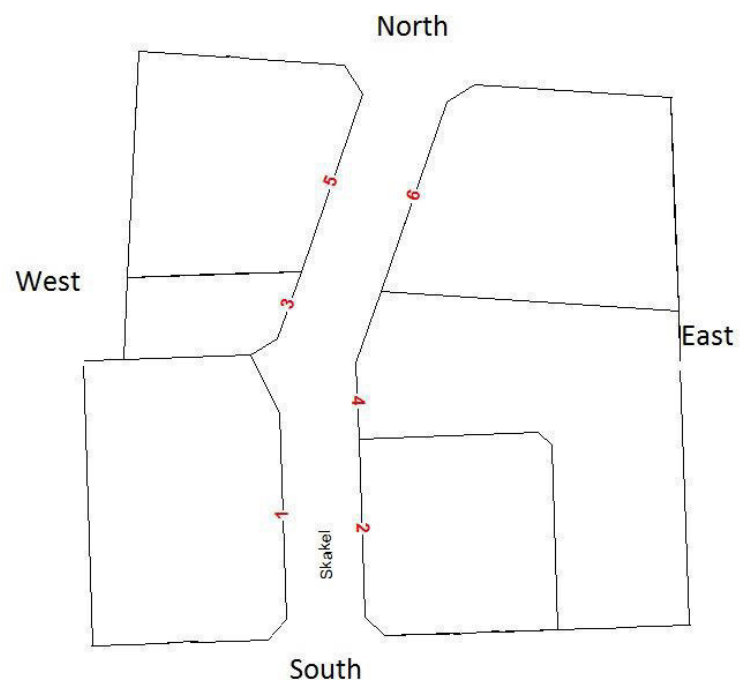


Fig. 4

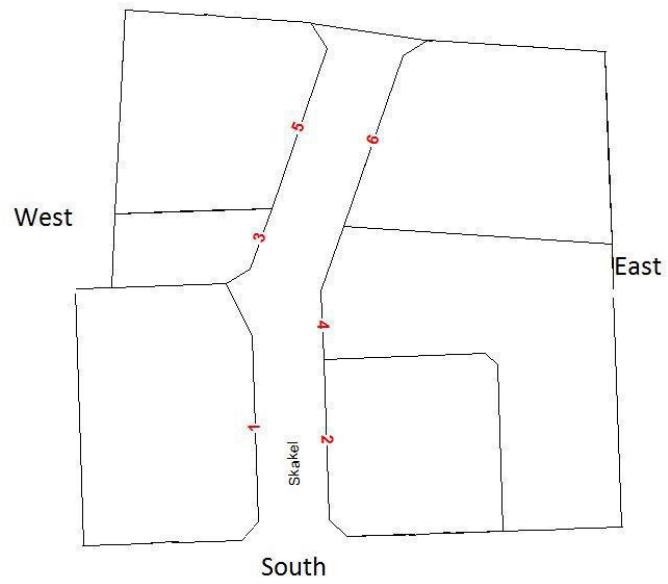


Fig. 5

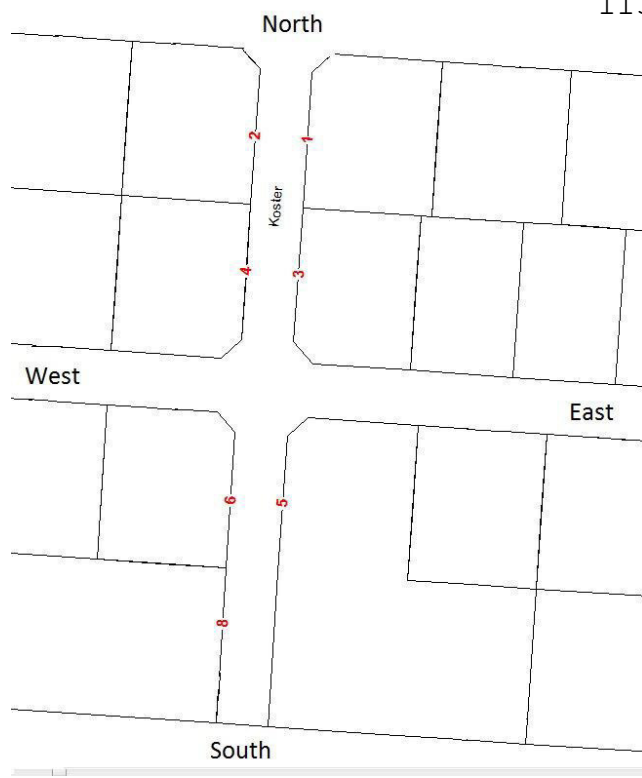


Fig. 6

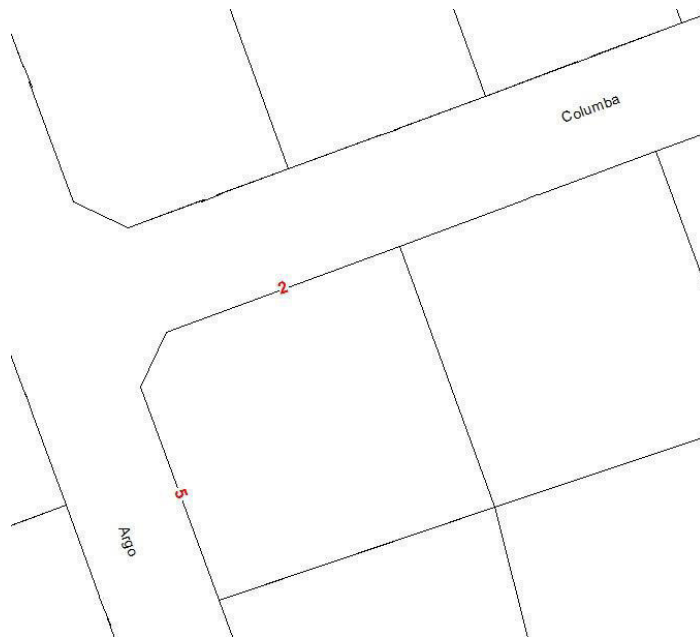


Fig. 7

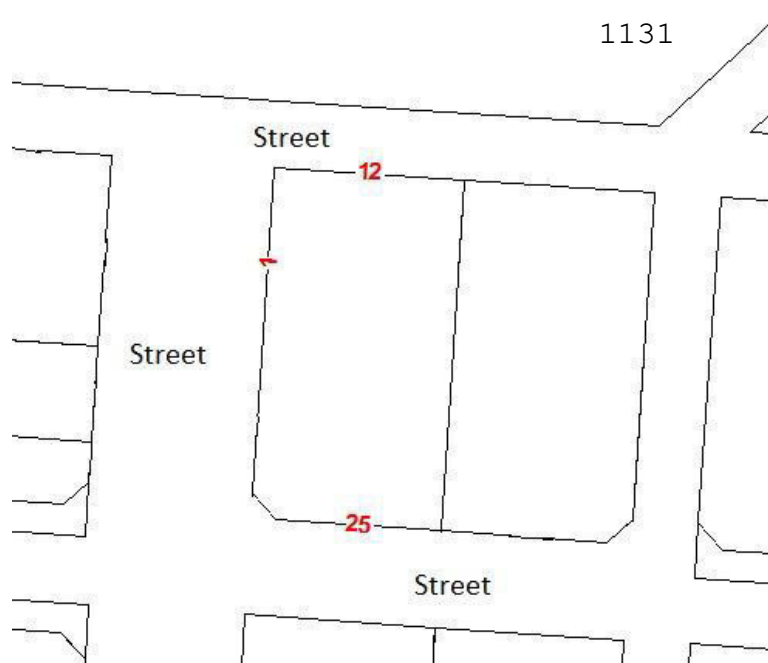


Fig. 8



Fig.9

Annexure2:

**LEASING POLICY FOR MUNICIPALLY
OWNED IMMOVABLE PROPERTY
2020**

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1. Purpose of the Policy

The purpose of this Policy is to provide a procedural and management framework for leasing of all municipally owned real estate assets in accordance with the Supply Chain Management Policy, Policy and Procedures for the Disposal of Immovable Assets, Local Government: Municipal Financial Management Act 2003 and associated regulations (Municipal Asset Transfer Regulations, Municipal Supply Chain Management Regulations). In the event that any provision of this Policy is found to be contradictory to any law, such law shall take precedence over such provision.

2. Objectives and High level Principles

The Leasing Policy will:

2.1.1. Facilitate equitable access to the Municipality's immovable assets by applying the contents of section 217 of the Constitution of South Africa (which states that government procurement must be in accordance with a system which is fair, equitable, transparent, competitive and cost-effective).

2.1.2. Enable lease transactions and leases to be processed in a legislatively compliant yet efficient manner.

2.1.3. Secure future financial gains for the Municipality

2.1.4. Support the Municipality's social and environmental agendas by making provision for residents pursuing social, economic development and environmental activities to be granted access to real estate assets at affordable rates.

2.1.5. Support the Municipality's economic development imperatives by:

- (a) Facilitating the expedited processing of leases with developmental impact.
- (b) Aligning development with the strategic plans of the Municipality

2.1.6. Assist with the upkeep of properties in the portfolio insofar as maintenance requirements may be stipulated in rental agreements.

2.1.7. Provide a practical framework for the managing and letting of the Municipal owned Immoveable Property.

3. Definition of Terms

3.1.1. **Beneficial Occupation** refers to that period where the Municipal Manager or his delegatee has given the Lessee occupation of the Property, or portion thereof, prior to the signing of a Lease Agreement or Property Transfer. During this time the Lessee shall not be required to pay rental. The beneficial occupation period will be restricted to 6 (six) months.

3.1.2. **Bid** means an offer to lease a property from Kouga Municipality at a specified rental.

3.1.3. Bidder means any person offering to lease a property owned by Kouga Municipality.

3.1.4. Municipality shall mean Kouga Local Municipality

3.1.5. Municipality Manager shall mean the Municipal Manager of Kouga Municipality or his or her delegate.

3.1.6. Council shall mean the Council of Kouga Municipality

3.1.7. Competitive Process means a call for alternative proposals, closed/selective/targeted group tender, or a public tender.

3.1.8. Custodian Department shall mean the Land & Property Administration Department of Kouga Municipality accountable for the optimal management, deployment and maintenance of the assets under its control in accordance with applicable legislation and policy.

3.1.9. Expense Lease Agreements shall mean Lease Agreements entered into between Kouga Municipality and owners of privately owned land or buildings where Kouga Municipality is the Lessee.

3.1.11. HOD, unless otherwise stated, shall mean the Director: Planning, Development & Tourism of Kouga Municipality or the delegated official.

3.1.12. In principle approval shall mean a decision taken by the Council, or if the decision making powers have been delegated to the Municipality Manager or delegatee, in terms of Regulation 34 of the MATR to grant the rights to use, control or manage an municipality owned immovable asset.

3.1.13. Lease Agreement shall mean a contract between a Lessor and Lessee that allows the Lessee rights to the use of a property owned or managed by the Lessor for a period of time. The agreement does not provide ownership rights to the Lessee; however, the Lessor may grant certain allowances to modify, change or otherwise adapt the property to suit the needs of the Lessee.

3.1.14. Lease Commencement Date shall mean the first day of the month following the final signature of the Lease Agreement by both Parties or any other date as may be agreed between the Municipality and the lessee.

3.1.15. Lease End Date shall mean the last day of the Lease Period as stipulated in the Lease Agreement or the Lease Termination Date whichever comes first.

3.1.16. Lease Period shall mean the period of months/ years stipulated in the Lease Agreement commencing on the Commencement Date and expiring at either the Lease End Date or the Lease Termination Date, whichever comes first. The Lease period shall be a continuous period not linked to Kouga financial periods.

3.1.17. Lease Termination Date shall mean the date on which the Lease Agreement has been cancelled prior to the Lease End Date.

3.1.18. Lessor shall mean Kouga Municipality.

3.1.19. Lessee shall mean the user of Kouga Municipality immovable property.

3.1.20. **Local newspaper** means a weekly newspaper circulating in the relevant CCA in which the Property is situated.

3.1.21. **Long Term Lease** shall mean a Lease Agreement entered into between the Municipality and a Lessee of which the lease period is longer than three (3) years but less than 30 years, excluding the renewal period.

3.1.22. **MATR** means the Municipal Asset Transfer Regulations promulgated in terms of the MFMA and published in Government Gazette No. 31346 of 22 August 2008, as amended from time to time.

3.1.23. **MFMA** means the Local Government Municipal Finance Management Act, Act 56 of 2003 including any Regulations promulgated in terms thereof, as amended from time to time.

3.1.24. **Option to Renew** shall mean the opportunity provided to an existing Lessee to renew a Lease Agreement for a further period to be negotiated between the Lessor and Lessee.

3.1.25. **Permission to Occupy** shall mean permission granted by the Municipal Manager or his delegatee in the prescribed form to any person or organization or organ of state to occupy a specified Property or portion thereof for a specific purpose and for a predefined period.

3.1.26. **Policy** shall mean the Leasing Policy for Municipally Owned Immovable Property.

3.1.27. **Property** shall mean any immovable asset acquired or owned by the Municipality and is further described as land and any immovable improvement on that land, and which have enduring value and consists of assets of residential, non-residential or infrastructure nature and include machinery and equipment that have been installed and are an integral part of the immovable assets. The following types of assets listed hereunder will be construed to be immovable assets for the purposes of this policy:

- (a) land including but limited to developed, undeveloped, vacant, cultivated, non-useable or inaccessible land;
- (b) buildings including but not limited to office accommodation, residential buildings, police stations, courts, schools, hospitals and community facilities;
- (c) rights in land including servitudes, "rights to use" or leases;
- (d) infrastructure including but not limited to roads, railway lines/sidings, airports, transmission lines, dams, road reserves, pipelines, bridges, reservoirs; and
- (e) conservation, cultural and heritage assets including but not limited to historical sites, conservation areas and sites of scientific significance.

3.1.28. **Property Transaction** means the granting of a Property Right.

3.1.29. **Property Right** means a right to use, control or manage an Municipality owned immovable property for a period exceeding one calendar month without ceding ownership thereof.

3.1.30. **Regional newspaper** shall mean a daily newspaper circulating within the municipal boundaries of the Municipality

3.1.31. **Rental** shall mean the applicable rental payable by a Lessee as determined by a Valuer on a monthly or annual basis including any rental discounts (if applicable).

3.1.33. **Rental for out of home advertising** shall mean a monthly rental payable in arrears per advertisement area determined by whichever is greater of the fixed rental for media owners or the percentage income as prescribed in the annual tariff or alternatively, a tendered rate payable.

3.1.34. **Rental Discount** shall mean the percentage with which the calculated market related rental tariff (valuation) will be discounted.

3.1.35. **Short Term Lease** shall mean a Lease Agreement entered into between Municipality and a Lessee whereof the total lease period shall not exceed three (3) years.

3.1.36. **Right to use, control or manage** in relation to a capital asset, means a right to use, control or manage the capital asset for a period exceeding one calendar month, without ceding legal ownership of the asset.

3.1.37. **Termination** shall mean the termination of the Lease Agreement by either party (i.e. the Lessee or Lessor).

3.1.38. **Turnover Rental** shall mean a rent that is calculated as a percentage of the gross revenue or total sales of a Lessee's business in addition to the calculated market related rental e.g. the Lessee of a filling station shall be required to pay a monthly amount to Municipality in respect of the number of litres fuel pumped during the preceding month.

3.1.39. **Uitval grond** (remnant) shall mean a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics.

3.1.40. **User Agreements** shall mean agreements entered into in respect of facilities occupied by multiple users for short periods of time who will be charged the promulgated Municipal tariffs applicable at that time for the usage of the facility.

3.1.41. **Valuation** shall mean the determination of the value of municipal immovable property (or portion thereof) and the applicable rental.

3.1.42. **Valuer** shall mean a professional person registered, in terms of the Property Valuers Profession Act, 2000, with the South African Council for the Property Valuers Profession.

All other terms shall have the same meaning as defined in standing legislation and associated regulations, as amended from time to time.

4. Legislative and Governance Framework

This policy must be read in conjunction with the latest versions (including amendments) of the following legislation and regulations.

- 4.1 Constitution of RSA, 1996, as amended.
- 4.2 Kouga Supply Chain Management Polic.
- 4.3 Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003, Sections 14, 90 and 33 (MFMA).
- 4.4 Municipal Assets Transfer Regulations, 2008 (MATR).
- 4.5 Municipal Supply Chain Management Regulations, 2005- Regulation 40 (MFMA SCMR).
- 4.6 Local Government: Municipal Systems Act, 2000.
- 4.7 Kouga Municipal SPLUMA By-Laws
- 4.8 Any other applicable legislation, regulations and policies that may govern the disposal, letting or transfer of ownership of municipal land and related activities that are not in contradiction with the primary legislation referred to above.

5. Responsibilities

5.1 The Planning, Development & Tourism Directorate (PDT) is the custodian of this policy. The Director: PDT in conjunction with the relevant Heads of Departments shall be responsible for the implementation of the policy as well as the monitoring of adherence thereof. Said department is to be contacted for clarification of the content of the policy if such a need exists.

5.2 The afore-mentioned officials shall also be responsible for the revision of the policy, as and when required, to ensure that the policy addresses the challenges it was designed to remedy.

6. Scope

6.1 The policy is applicable to all Kouga Municipality owned Immovable Properties (including road reserves) and must be complied with in all instances where the letting of municipal owned Immoveable Properties is concerned and includes all existing leases

Examples of leases covered by this policy are for land, buildings, outdoor, cellmasts/telecommunications, airspace, and any other immovable property belonging to council.

6.2 The lease portfolio will consist of a variety of different types of leases based on both the usage and value of a particular asset as well as the term of the lease. Lease types are grouped into segments (see Section 9.2). The policy also includes an overall lease management framework (see Section 11) that will apply to all leases.

7. Exclusions

7.1 Section 14 of the MFMA and the MATR apply to capital assets which are defined in the MATR to include Immoveable Property, as well as certain moveable assets. This policy only applies to Immoveable Property. In addition, the policy does not apply in the following instances:

- (a) Expense Lease Agreements;
- (b) Leases administered by the Kouga Human Settlements Department; and
- (c) User Agreements that are administered by Community Services Directorate and Municipal Buildings administered by Corporate Services Directorate,
- (d) Leasing of council property for Municipal employees will be addressed through HR policy.

8. Alignment with the Land & Property Administration Department

8.1 This Policy will assist the Land & Property Administration and Finance Directorates by providing lease processes as well as providing a framework for the on-going management of leases, to maximise the returns to the Municipality and its residents.

8.2 Since leases will be processed within the land & Property Department of the PDT Directorate, all processes and frameworks of this policy inform the Land & Property Administration strategy, structures and processes. The department must be able to execute processes in accordance with this policy.

9. Segmentation of Leasing Portfolio^{11.40}

9.1. Segmentation Criteria

Legislation implies important segmenting dimensions, some of which have been further divided to generate additional benefits for the Municipality.

9.1.1 The term of a lease directly affects what processes have to be followed from both national and municipal legislative perspectives. According to the MFMA ATR, a long term lease is defined as a lease with a lease period greater than 3 years. A long term lease of a high value asset (asset valued at or above R10 million) requires a public participation process. In addition, lease terms are a determinant of relevant delegations and also used for GRAP reporting on the Municipality's assets. Segmenting leases by lease periods enables the municipality to forecast the future financial revenue for the Municipality as well as conduct age analyses of the lease portfolio. All leases must have definite terms in order to forecast the value of the contract in terms of GRAP asset reporting. An upper limit of 30 years will apply for all Long Term Leases, and that may be subject to renewal.

9.1.2 The value of the leased asset is also a critical segmenting dimension insofar as it dictates, in conjunction with the lease period (see 1 above) whether or not a public participation process is required, as well as what delegations apply. The asset value assists with the determination of market related rentals and therefore the valuation of the lease portfolio. The value of the capital asset will be determined on a pro-rata basis in the event that the entire immovable asset i.e. immovable property is not let to a single tenant.

9.1.3 Usage: The Municipal Supply Chain Management Regulations states that rentals must be market related unless the lease is considered to be in the public interest, and the plight of the poor clause is invoked (i.e. the asset is used to fulfil a social purpose)¹

This reference to usage in standing legislation does not go far enough in terms of segmenting the lease portfolio. Further dividing non-social use leases into 5 categories facilitates the qualitative analysis of the lease portfolio by usage of asset. The deeper segmentation also allows the Municipality to use lease type as a measure of the Municipality's achievement of social, environmental and economic goals.

9.2. Usage Segmentation

Leases will be classified into the following usage segments:

9.2.1 **Long Term Lease** (lease longer than 3 years)

9.2.2 **Developmental impact leases** defined as:

- Any Lease Agreement in excess of nine (9) years and eleven (11) months),
- Having an estimated value of capital outlay for the development and related operations that represent a significant capital injection to the Municipality,
- Containing a design concept that is aligned to the Growth and Development Strategy, Spatial Development Frameworks and other Kouga Municipality spatial, environmental and/or economic plans , and
- Leases anticipated to create a number of temporary and/or permanent jobs.

¹ MSCM Regulation 40 (c) (i)

9.2.3 **Outdoor or Out-of-home advertising** (predominantly but not limited to billboards, litter bins and street furniture)

9.2.4 Other **commercial use** (Telecommunications, SMMEs, industrial, agricultural, etc.)

9.2.5 **Social use** (e.g. church grounds, crèches, NGOs, old age homes, cultural societies, sports and recreational facilities, federations/bodies/clubs etc.)

9.2.6 **Private use** (e.g. parking, gardening, security and includes encroachments into road reserves for the purposes of parking, security, landscaping or gardening). This type of agreement also includes Lease Agreements where consent is granted to a user in respect of remnants (uitval grond), small portions of land, sanitary or pedestrian lanes and properties which place maintenance burdens on Municipality.

9.2.7 The above classification only serves as a guide and some segments may be consolidated or split.

10. The Rights to Use, Control or Manage Municipality Owned Immoveable Assets

10.1 General principles and guidelines pertaining to the letting by Council of Immovable Property

10.1.1 Where possible, Council's Immovable Property should be managed as a sustainable resource by leveraging environmental, social and economic returns on such Immovable Property while Council retains ownership thereof.

10.1.2 Immovable Properties that have been let shall be inspected at reasonable time periods to ensure compliance with the terms and conditions of the agreement of lease.

10.1.3 Council reserves the right, where necessary, to resume Immovable Property let, or a portion thereof, and to cancel an existing lease in its entirety where such Immovable Property is required for operational purposes, in pursuance of Council's strategic objectives or in the interests of the community. In such an event the Lessee shall be compensated for improvements established by him/her on a basis to be determined by a registered Valuer, taking into account the remaining period of the lease agreement.

10.2 Municipal Asset Transfer Regulations (MATR)

10.2.1 Chapter 4 of the Municipal Asset Transfer Regulations (MATR) governs the granting of a right to use control or manage an immoveable capital asset.

10.2.2 In terms of Regulation 34, only the Council of a municipality may grant an in-principle approval to grant the rights to use, control or manage an immoveable capital asset if the lease period exceeds three years and the value of the asset exceeds R10 million.

10.2.3 Regulation 34(4) of the MATR does however allow for the Council of a municipality to delegate its authority to grant an in-principle approval to the Accounting Officer i.e. the Municipal Manager in instances where the:

- (a) Property Value is less than R10 million and the Property Right exceeds 3 years;
- (b) Property Value is more than R10 million and the Property Right does not exceed 3 years;
- (c) Property Value is less than R10 million and the Property Right does not exceed 3 years.

10.3. Public participation:

10.3.1 Council is required to follow the provisions of provisions of Section 79 (10) and (18) of the Local Government Ordinance, 17 of 1939, as well as the relevant regulations included in Part 1 of Chapter 4 of the MATR. The relevant processes are more fully described in Section 9.3 above.

10.4. Methods of awarding leases:

Once an in-principle decision has been obtained that the rights to use, control or manage a Municipality owned immovable asset may be granted, any of the following methods may be used to conclude a property transaction to ensure that the principles of fairness and transparency are given effect to:

10.4.1. Bidding (Tender/Auction process)

It is noteworthy that the MFMA does not regulate leasing of council-owned immovable property. However, leasing was later regulated by promulgation of the MATR. Although MFMA explicitly states that disposal of council-owned property must be competitive, the MATR do not make such a requirement in case of leasing. In the absence of such express requirement, it is imperative that Municipality has a lease framework that embodies a transparent bidding process under some circumstances. This is to ensure fairness and transparency in land management. Bidding may either be by public tender or auction.

10.4.1.1 Bidding process may be applicable where:-

- (a) the property is required by more than one person; and/or
- (b) the project is a mega or priority project and it is therefore deemed in the interest of the Municipality that the lease follows a bidding process, and/or
- (c) Economic benefits are likely to accrue to Municipality and it is deemed to be in the best interest of the community if the specific land parcel is to be leased by public tender, with approval of a Bid Specification Committee

10.4.1.2 The nature of the competitive process is that a legally binding relationship is formed between the parties when Council accepts a tender in writing. It is essential therefore, that key aspects of the lease are specified in the bid documents. The bid documents may include a contract for sale or lease which could be completed with the bidder's details, the bidding price and be signed by the bidder. A binding legal agreement is created upon the acceptance in writing of a bid by the Municipality.

10.4.1.3 Such a process may, depending on the nature of the transaction, include a one-stage, two stage or two-envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

10.4.1.4 bidding process may also be qualified, with the following as examples:-

- (a) bidders from Kouga Municipality (in line with SCM policy & SMME policy on local preference) or
- (b) bidders from an area within Kouga Municipality, or
- (c) only disabled bidders, or
- (d) orphanages registered with the National department, etc.

provided that the above do not contradict any¹¹⁴³ legislation pertaining to supply chain issues. The above is sometimes referred to as a closed tender.

10.4.1.5 Process to be followed for bidding process

- (a) Council process is undertaken to obtain an in-principle determination that the property may be leased
- (b) Where required, a public participation process shall have been undertaken
- (c) A bidding process is initiated;
- (d) Lease Agreement is concluded with the assistance of the Municipality's Legal Services.
- (e) Where a bidding process is initiated before an in-principle determination in (a) above is obtained, the Lease agreement shall not be signed until such determination is made

10.4.2. Outright lease / Private Treaty

10.4.2.1 Outright lease / private treaty shall be applicable under any one or more of the following:-

- (a) the property is required by only one person; and/or
- (b) the property may only be utilised by one adjacent land owner; and/or
- (c) where there are more than one potential users, the other potential users were given opportunity to make comments and representations; and/or
- (d) the property is a road reserve, sanitary or pedestrian lane, uitval grond (remnant), irregular-shaped land; and/or
- (e) in the case of a lease renewal where the Lessee conducted the account in a manner acceptable to the department and the departments wants to sign a new lease or renew with the same lessee; and/or
- (f) for the purposes of expanding the current operations of an existing commercial entity
- (g) the applicant is an SMME and wants to develop an entity which has a potential to create jobs and alleviate poverty (subject to approval by relevant Director for Economic Development)
- (h) any circumstances where the Municipal Manager or delegatee may consider to qualify for this form of leasing, which would be in the interest of Municipality and its community

provided that the lease period shall not exceed 9 years 11 months and that permanent structures may not be allowed. Where the lessee decides to construct permanent structures at his own will, the lessee must undertake to remove them at his own cost at the end of the lease, or where the structures are acceptable to Municipality (at its own discretion), ownership of such structures shall revert to Municipality without reimbursement to the lessee. The department may require a refundable deposit that will cover demolition costs at the end of the lease.

10.4.3. Unsolicited bids (only for mega / high value projects)

10.4.3.1 Kouga Municipality is in terms of Section 113 of the MFMA not obliged to consider unsolicited bids received outside a normal bidding process. However, s113 is applicable for acquisition and not disposal. This paragraph is specifically introduced to regulate unsolicited bids for disposal of land. It is, however, important that the municipality is in a position to entertain unsolicited proposals in exceptional circumstances. Such proposals may inter alia include property development proposals and leases. In this regard the following principles will apply:

10.4.3.2 Proposals received will be analysed and assessed by Land & Administration Department and may be referred to Land Evaluation Committee;

10.4.3.3 The Municipal Manager shall have the discretion (on recommendation by Immovable Assets Adjudicating Committee) to accept or decline applications that do not meet the criteria of an unsolicited bid outlined hereunder even before the process in Section 10.4.4 is followed; The minimum criteria for an unsolicited bid will be as follows:

- (a) Only long term development leases will be considered
- (b) Market related price (or above) to be offered for the lease of the property;
- (c) Significant capital injection to the Municipality's Economy in a form of the estimated value of capital outlay for the development and related operations;
- (d) Details on feasibility and viability of the project;
- (e) Design concept fit in terms of aesthetics with the surrounding area, layout, and alignment to existing LSDF/Local Integrated Development Plan; LED Policy;
- (f) A clear financial plan with evidence of finances secured for the development;
- (g) The number of temporary and permanent jobs envisaged in the development; and
- (h) BBBEE status

10.4.3.4 The lease period for unsolicited bids shall be from 10 years up to a maximum of 30 years. Renewal shall be at the discretion of the Municipal Manager for any period up to a maximum of a further 30 years (subject to applicable legislation). The period of lease shall depend on both the size of capital injection and benefits accruing to the community. The Manager: Land & Property Administration shall be required to introduce an electronic model to determine the lease period.

10.4.4 Process to follow for unsolicited bids

If the Land & Property Administration Department is of the view that the application meets the above framework requirements and therefore decides to consider an unsolicited bid, it shall do so in the following manner:

10.4.4.1 If the application meets the criteria of an unsolicited bid, the matter shall be referred to the Director: Planning, Development & tourism. The latter shall be required to comment on the desirability of the investment in the chosen area and advise Land & property Administration of such an opinion in writing.

10.4.4.2 Should the Director: PDT recommend that the investment is required in the chosen area, Land & Property Administration Department will proceed to get comments from other departments in terms of Section 14 of MFMA .

10.4.4.3 Should departmental comments support the lease, the application shall be sent to the Municipal Manager via Director: PDT, asking the Municipal Manager to authorise that public comments be solicited.

10.4.4.4 The public shall have 30 days from the date of notice to make comments, raise objections or submit counter bids

10.4.4.5 All written comments, objections, representations or counter bids shall be assessed and consolidated by Land & Property Administration Department and sent to IPAC via LEC.

10.4.4.6 All comments (if any) received and a recommendation shall be made to the Municipal manager to make a decision.

10.4.4.7 When considering the matter, the Municipal Manager shall take into account (not limited to):

- (a) any comments submitted by the public; and
- (b) any written comments and recommendations of the National and Provincial Treasury Departments (if any).
- (c) comments from IPAC.

10.4.4.8 If any recommendations of the National Treasury or Provincial Treasury Departments are rejected or not followed, the Municipal Manager must:

- (a) submit to the Auditor General, the relevant National and Provincial Treasury Departments the reasons for rejecting or not following those recommendations.
- (b) the above Treasuries shall be given 14 days to reply to the Municipal Manager's rejection decision (if any).

10.4.4.9 The above process may be done simultaneous, before or after an in-principle approval by Council (or a delegated official/committee) that the land may be leased. However, the lease agreement shall not be signed until Council (or a delegated official/committee) has approved in-principle that the land can be leased.

10.4.4.10 The above process shall not preclude compliance with Regulation 34 (2) (a) of the MATR for public participation. The Information Statement shall be incorporated in the above process in order to ensure an all-inclusive process.

10.5. Committee System for Competitive Bids:

10.5.1 Where the Municipal Manager deems appropriate, taking into account the nature of the proposed property transaction, the Municipal Manager may establish special committees to assist in this process. The composition of such committee is to be at the discretion of the Municipal Manager, but may not include any councillor.

10.6. Compensation and Fair Market Value:

10.6.1 Property may be let only at market-related prices, except when the plight of the poor or other public interest factors which impact on the economic and community value to be received by the Municipality demand otherwise. The discretion to charge below market rates may be exercised by the relevant Director (subject to delegations existing at the time).

10.6.2 The Local Government Municipal Property Rates Act of 2004 permits exemptions, rebates or reductions in basic service tariffs for indigent owners, owners temporarily without income and owners dependent on pensions or social grants for their livelihood. These are some of the basic criteria for invoking the plight of the poor, however, the decision to ease such service charges rests with Chief Financial Officer.

10.6.3 The Director: PDT shall furthermore have the discretion to appoint a Valuer to determine rentals in respect of land parcels or land uses stated (but not confined to) in Section 9.2.6. Such rental shall escalate from time to time. A Valuer shall however be appointed every 3 years during the lease period to review the market relatedness of the afore-mentioned rentals.

10.6.4 Outdoor and Out-of-home advertising rentals shall be based on a combination of a basic minimum monthly rental charge and a revenue share or alternatively, a tendered rate payable.

11. Framework for Lease Processing

11.1. Elements of a Lease

All the essential requirements listed below must exist simultaneously to constitute a valid lease of an Municipality owned immovable asset.

11.1.1 The parties to the agreement i.e. the Lessor and the Lessee;

11.1.2 The correct legal description of the subject immovable property and its locality; and

11.1.3 Applicable rental which must be market related unless the lease is in the public interest or the plight of the poor demands otherwise, or an outdoor / out of home advertising lease;

11.1.4 The duration of the lease; and

11.1.5 Annual rental escalation percentage which must be agreed upon and noted in the Lease Agreement and must be in line with market related rental escalations.

11.2. Generic detailed Lease Process

A lease application follows the ensuing steps from receipt to conclusion (not necessarily in any order) (this are only guidelines):

11.2.1 Application and supporting documents are received and verified for correctness;

11.2.2 Property description of proposed lease premises and ownership status verified as Municipality owned;

11.2.3 Conduct site inspection to establish condition of premises;

11.2.4 Credit check conducted to verify applicant's ability to fulfil rental commitments (where required);

11.2.5 Item drafted and circulated for comments from departments and affected ward councillors, and any other relevant government departments (where desirable);

11.2.6 Valuation performed by a registered Valuer instructed by Land & Property Administration Department

11.2.7 Final item drafted and submitted for approval to the relevant delegated Municipality authority.

11.2.8 Applications that require Council approval may follow the following route, which may be amended from time to time (not necessarily in any order):

- (a) Land Evaluation Committee
- (b) Immovable Assets Adjudicating Committee
- (c) Municipal Manager
- (d) Mayoral Committee
- (e) If required, the relevant Oversight Committee
- (f) Council

11.3. Renewal of Leases

11.3.1 Where the lease has the option to renew and the lessee is exercising his option to renew, Municipality shall assess whether the lessee conducted the account satisfactory. If so, the lease may be renewed to a set maximum period.

- (a) Where the lease **DOES NOT** have an option to renew but the lessee has applied to extend or continue the lease, the department will advertise the intention to renew on the, **newspaper, website public and notice board** of the in which the currently leased land parcel/building is situated, calling for interested parties to make comments.
- (b) A comments window of 14 days will apply during which time complete comments must be submitted. Any late or incomplete comments will be disregarded.
- (c) Should there be no acceptable objection to the afore-mentioned advertisement, the Land & Property Administration will continue to conclude the Lease Agreement with the current Lessee.
- (d) The renewal of a Lease Agreement may only be done for a set maximum period. Such renewal shall only be done once. Should the Lessee request renewal for the second time, the department will treat the application as new and follow all the processes relevant for the new lease.
- (e) Where timeous and complete objections are received, a closed tender process may be followed wherein only those parties that applied for the land parcel / building will be invited to submit detailed documentation in support of their bid.
- (f) Approval/Rejection of counter applications will be decided by the Municipal manager or his delegatee (or as per delegations”.

11.4. Specific Lease Processes

The full application process (see Sections 11.2 and 11.3 for details) culminates in the signing of the Lease Agreement between the applicant and Kouga Municipality. There are five distinct high-level procedures that apply under different circumstances that may first have to be finalised before the above-mentioned lease processes can be attended to. These procedures are elaborated upon hereunder.

11.4.1 Local Government Municipality Systems Act, 2000 -SECTION 21 (1)

11.4.1.1 This requirement applies to all leases of which the lease period exceeds nine (9) years and eleven (11) months. Section 21 of the Municipal Systems Act 2000 states that when anything must notified in terms of this Act or any other applicable legislation, it must be done-

- a) in the local newspaper or newspaper of its area
- b) in the newspaper or newspapers circulating in its area and determined by council as newspaper of record;

11.4.1.2 Process to be followed for the Public Notice

- (a) If applicable, Council's intent to enter into a Lease Agreement that exceeds a nine (9) years and eleven (11) months lease period needs to

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be publicised in terms of Section 79 (18) (b) of the Local Government Ordinance, 17 of 1939 for a period of 14 days. Leases not exceeding a nine (9) years and eleven (11) months lease period do not, in terms of the afore-mentioned legislation, need to be advertised;

- (b) Should objections to the proposed Lease Agreements be received within the objection period, such objections will be submitted to the Land Evaluation Committee or any other applicable committee or tribunal established, or to be established, to consider the objections brought against the proposed conclusion of the long term lease Agreement;
- (c) After the objections have been heard and the committee referred to in (b) above has decided to recommend the Lease, the item shall be sent to Council (or a delegated official/structure) for an in principle approval / determination that the land may be leased; and
- (d) After the above determination, a supply chain process may follow as guided by SCM policy and Council's Lease of Council owned immovable property Policy (where required).

11.4.2 Deeds Office Registration

11.4.2.1 Although the Formalities in respect of Leases of Land Act, Act 18 of 1969 does not specifically require the registration of Lease Agreements that exceed Lease Periods of 9 years and 11 months against the deed of title of a Property, the Land & Property Administration Department may nonetheless proceed to register all such Lease Agreements against the title deed of the Property to ensure good governance.

11.4.3 Single Stage Competitive Bidding

Competitive bidding is used to evaluate multiple applications to lease a particular real estate asset. The following process is a guideline: 11.4.3.1 Compilation of bidding documentation

- 11.4.3.2 Public invitation of bids
- 11.4.3.3 Site meetings or briefing sessions, if applicable
- 11.4.3.4 Handling of bids submitted in response to public invitation
- 11.4.3.5 Evaluation and rejection of bids
- 11.4.3.6 Award of contracts
- 11.4.3.7 Administration of contracts
- 11.4.3.8 Records Management

Kouga Municipality reserves the right to invite competitive bids for any lease; this includes leases that originate from unsolicited bids that may contain a unique concept.

11.4.4 Two Stage Competitive Bidding

11.4.4.1 Process and guidelines are established in the KLM SCMP as per single phase bidding however, the first stage is used to establish inter alia, capacity and acceptability while the second stage is generally used to evaluate the financial value of the bids. According to the MFMA SCM Regulations, Section 25:

Two Stage Bidding may be allowed for:

- (a) large complex projects,

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- (b) projects where it may be undesirable to prepare complete detailed technical specification, and/or
 - (c) long term projects with a duration period exceeding three years.

11.4.4.2 In the first stage, technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustments, while in the second stage final technical proposals and priced bids are invited. This process is required for high value contracts that require a high level of technical specification however, a single stage process can be followed for these contracts at the discretion of the Municipal Manger or his delegatee.

11.4.5 Public Participation Requirement

11.4.5.1 In the event that Council intends to enter into a Lease Agreement that has a lease period of more than three (3) years **and** a capital asset value exceeding R10 million, Council must be requested to authorise the Municipal Manager to conduct

a public participation process. This process is described in Regulation 35 of the MATR and includes the required details for the information statement in Regulation 34 (3) (b).

Regulation 35: Public participation process for granting long-term rights to municipal capital assets with value in excess of R10 million reads as follows:

“If the municipal council has in terms of regulation 34 (3) (a) authorised the accounting officer to conduct a public participation process in connection with any proposed granting of a long term right to use, control or manage a capital asset with a value in excess of R10 million, the accounting officer must at least 60 days before the meeting of the municipal council at which the decision referred to in regulation 34 (1) (b) is to be considered-

- a) *In accordance with section 21A of the Municipal Systems Act-*
 - i) *make public the proposal to grant the relevant right together with the information statement referred to in regulation 34 (3) (b); and*
 - ii) *invite local community and other interested persons to submit to the municipality comments or representations in respect of the proposed granting of the right; and*
- b) *solicit the views and recommendations of the National Treasury and the relevant provincial treasury on the matter.” Regulation 34 (3):*

“a) Only the municipal council may authorise the public participation process referred to in subregulation (1) (a)

b) A request to the municipal council for authorisation of a public participation process must be accompanied by an information statement stating-

- i) *the reasons for the proposal to grant a long-term right to use, control or manage the relevant capital asset;*
- ii) *any expected benefits to the municipality that may result from the granting of the right;*
- iii) *any expected proceeds to be received by the municipality from the granting of the right; and*
- iv) *any expected gain or loss that will be realised or incurred by the municipality arising from the granting of the right.”*

11.5. Additional Requirements and Considerations

11.5.1. Lease Commencement Date and the collection of rentals past the Lease Expiry Date

11.5.1.1 The Lease Commencement Date is defined in the Section 3 “Definitions” of this Policy.

11.5.1.2 There may, however, be instances where a new Lease Agreement in respect of current Lessees of the Municipality cannot be concluded prior to the Lease Expiry Date. In such instances, the current Rental payable as at the Lease Expiry Date shall be escalated as per the stated annual escalation percentage of the expired Lease Agreement. The escalated Rental shall become payable by the 7th (seventh) day of the first month following the Lease Expiry Date.

11.5.1.3 The Lessee shall be required to pay the escalated Rental until such time that a new Lease Agreement has been concluded, i.e. the signing of the new Lease Agreement by both Parties.

11.5.1.4 The Lessee shall however, once provided with the new Lease Agreement, be required to sign such agreement within two months from the date the Lease

Agreement was submitted to the Lessee. Failure by the Lessee to sign the new Lease Agreement will result in the Lessee being given one month’s notice to vacate the Property.

11.5.1.5 The Municipal Manager or his delegatee will in such instances decide the manner in which the vacated Property will be made available for rental purposes.

11.5.2. Sub-Letting

11.5.2.1 The Lessee shall not be entitled to sub-let the Property or any part thereof nor assign, cede or transfer its interest under the Lease Agreement nor part with possession of the premises to any other party or body without the written consent of the HOD having been first obtained.

11.5.2.2 In the event of Municipal Manager consenting to the sub-letting of the Property or a portion thereof, the Lessee shall in no way be relieved of its obligations to Kouga Municipality under the main Lease Agreement by reason of any sub-lease.

11.5.3. Maintenance

11.5.3.1 Each immovable property owned by Kouga Municipality is unique and the maintenance responsibilities of the Lessor (KLM) and the Lessee will differ depending on the nature of the maintenance that needs to be undertaken by both parties.

11.5.3.2 In general, for council owned buildings, the maintenance responsibilities of the Lessor (KLM) will be to maintain in good order and repair all structural portions of the premises, including the roof and exterior walls, floor structures, pipes and conduits, central air-conditioning equipment, escalators and utility installations. The Lessor shall also make all repairs to the interior of the premises which may be of a structural nature or which are caused by structural failures or movement, repairs to the interior of the premises made necessary by leakage of the roof, or by leakage of any utility installation; provided, however, that Lessor shall not be obligated to make such repairs for any structural damage caused by Lessee, its agents or employees or in instances where the Lease Agreement stipulates that the Lessee is responsible for all maintenance..

11.5.3.3 The Lessee accepts the premises “as is” and shall keep the interior of the premises in good condition and repair including the water heating units, related plumbing, air-conditioning equipment, at its expense. The Lessee shall however not be responsible for ordinary wear and tear, obsolescence and damage by fire, act of God. The Municipality may issue written notice calling on the Lessee to carry out any remedy to ensure that Lessee meets its maintenance responsibilities.

11.5.3.4 The relevant Director shall have^{11.5.1} the discretion to determine the maintenance responsibilities of a Lessee in the event that:

- (a) the leased property is legally occupied by multiple Lessees; or
- (b) the Lessee is performing the total maintenance of the leased premises on behalf of Council (specific reference is made to Sports Clubs, Federations or similar bodies); or
- (c) consideration is granted in relation to the plight of the poor.

11.5.3.5 All Lease Agreements shall clearly state the maintenance responsibilities of both the Landlord (KLM) and the Lessee.

11.5.4. Provision to waive rental in lieu of maintenance/upgrading

11.5.4.1 In cases where the asset to be leased is in poor condition or in need of urgent upgrading, a portion of rental may be waived in exchange for effecting such repairs or installations as may be required. In some instances occupation can be delayed until the repair and/or installation is complete i.e. the period of the lease would begin after the repairs are completed. In other instances, a portion of rental could

be discounted for an agreed number of months. An inspection at the end of the agreed repair period must be conducted to ensure that the Lessee has fulfilled his/ her commitments in terms of this arrangement, failing which, he/she becomes liable for the full rental amount i.e. the waiver is invalidated. Such waiver may only be authorised by the Director: Planning, Development & Tourism.

11.5.5. Determination of market related rentals

11.5.5.1 A registered Valuer, appointed by the Manager: Land & Property Administration will be contracted to provide an objective estimation of the rental valuation in respect of the Property or portion thereof. Such valuation shall be used as the point of departure in all rental negotiations and any rebates or discounts to be granted shall be calculated against the said market valuation. The calculated market related rental may be made payable either on a monthly or annual basis.

11.5.5.2 The Director: PDT or delegate shall have the discretion to decide when Turnover Rental shall be payable in respect of the activities conducted on the leased property.

11.5.5.3 In the event that the current land use rights do not permit the proposed land use, the prospective Lessee shall be required to apply to Kouga Municipality for such land use rights. Should any suspensive conditions be imposed by the Lessor on the prospective Lessee, the prospective Lessee shall be required to, within three (3) months from being notified by the Land & Property Administration Department to do so, accept in writing to undertake all steps or actions necessary at his/her own costs to ensure that such suspensive conditions will be initiated within three (3) months from the date of notification by Land & Property Administration Department. No Lease Agreement shall be concluded unless the prospective Lessee has submitted proof to the effect that all suspensive conditions have been complied with to the satisfaction of the Lessor.

11.5.5.4 Any prospective Lessee who does not initiate the required actions to comply with the suspensive condition(s) within the three (3) months mentioned above will be notified by the Land & Property Administration Department that the process to conclude the Lease Agreement will be terminated unless the prospective Lessee can substantiate reasons for non-compliance.

11.5.5.5 Since the acquisition of land use rights may be prolonged process, the Municipal Manager or his delegatee shall adjust the rental payable by the prospective Lessee to be market related at such time the Lease Agreement is to be concluded i.e. after the land use rights have been approved by the Municipality. In such instances, the lease period shall only commence

once the Lessee has met all the suspensive conditions and no occupation of the said land shall be permitted prior to finalisation of any such processes.

11.5.5.6 Furthermore, if a valuation is older than fifteen (15) months at the time of signature of the Lease Agreement, the rental value may be adjusted upwards administratively by the department. Valuations older than 24 months shall have to be re-done.

11.5.5.7 All rentals to be payable in advance on signing of the agreement and thereafter on the first day of the month, but not later than the 7th day of the said month for leases payable monthly, or annually in advance for those cases to be paid annually.

This Section must be read in conjunction with Section 10.6 above.

11.5.6. Determination of Out of home advertising rentals

This section must be read in conjunction with the Municipality's By-Law on Outdoor Advertising and Spatial and Land Use By-Laws

11.5.6.1 Out of home advertising rentals will be based on a combination of a minimum monthly rental charge with a revenue share, or alternatively a tendered rate. The rental is determined by whichever is greater of the fixed rental for media owners or the percentage income as prescribed in the annual Municipality's tariff or the tendered rate.

11.5.6.2 The Lessee shall, submit to the Municipality a certified statement of the gross income per month payable for the advertisement on the advertising sign. In addition to this, the Lessee shall submit audited financial statements of gross income generated by the advertising sign within three months of the Lessee's financial year-end.

11.5.7. Annual escalation of rental amounts

11.5.7.1 Unless expressly otherwise indicated, all Lease Agreement shall be subject to an annual escalation to be determined by the Consumer Price Index (CPI).

11.5.7.2 The Director PDT in consultation with Chief Financial Officer shall however, have the discretion to review the annual escalation percentage in respect of long term Lease Agreements at three (3) yearly intervals during the lease period.

11.5.8. Non-Payment of Rental

11.5.8.1 All Lessees who are in default with regards to the payment of their monthly or annual rental will be dealt with in terms of the Council's Credit Control and Debt Collection By-laws. This include handing them over to Council's Legal Services.

11.5.8.2 The Land & Property Management Department will in instances where an Organ of State does not honour its rental obligations address such non-performance in terms of the Intergovernmental Relations Framework Act, Act 13 of 2005.

11.5.9. Payment of Costs Incurred

Lease Agreements entered into requires the Municipality to incur costs in respect of:

- Valuations to determine market related rental tariffs.

11.5.9.1 In instances where the Municipality takes the initiative to advertise identified land parcels for letting purposes, The Municipality shall be responsible for all costs pertaining to the advertisement and valuation of such land parcels.

11.5.9.2 The applicant may be required to pay application fees as per tariffs

11.5.9.3 Those leases that fall within the¹¹⁵³ ambit of the Portfolio Segmentation and Implementation Plan for Social Use Properties may be exempted from the afore- mentioned costs at the discretion of the Municipal Manager or his delegatee.

11.5.9.4 Should it be required that the permissible land use rights need to be amended to accommodate the proposed land use/s, the Lessee shall be responsible to appoint the necessary consultants to finalise all the relevant applications to acquire the land use rights at their own cost, which Municipality will not reimburse.

11.5.9.5 In such instances the lease shall commence only after the Lessee has met all the applicable suspensive conditions imposed by any of the Municipality user departments with the understanding that the Property is **NOT** occupied or used by the Lessee until the necessary approvals have been granted.

11.5.9.6 All Lessees shall (if required) be responsible for the payment of connection fees in respect of any municipal services required.

11.5.10. Payment of interest on outstanding rental balances

11.5.10.1 The Lessee shall be responsible for the payment of all outstanding rental balances. The applicable interest shall be calculated at a rate specified in the applicable schedule - Tariffs for Financial Services and will be charged per month or part thereof on all arrear balances.

11.5.10.2 No Lease Agreement shall be entered into unless the Lessee has submitted proof to the effect that his/her current municipal account in respect of municipal services as well as rental charges pertaining to any property leased from KLM, are up to date.

11.5.11. Payment for the consumption of municipal services

11.5.11.1 Lessees in respect of single leased properties shall be required to pay for the consumption of municipal services, i.e. electricity, water, sewerage, refuse removal etc. Copies of all Lease Agreements entered into by Land & Property Administration Department will be provided to the Finance Department to open services accounts in name of Lessees. The Finance Department shall be responsible for the reading of the relevant meters, the invoicing and collection of outstanding monies from the Lessee in respect of the services consumed.

11.5.11.2 In instances where multiple Lessees occupy the same leased premises, the Finance Department may in conjunction with the relevant engineering services departments calculate a pro-rata amount in respect of the consumption of municipal services which each Lessee shall be required to pay in addition to the calculated monthly or annual rental. Where separate meters can be installed, such may be provided for each tenant.

11.5.12. Payment of a rental deposit

11.5.12.1 The Lessee shall be responsible for the payment of a deposit that will be determined based either on the previous rental payment history of the applicant or on a recent credit check to verify the applicant's ability to pay the required rental tariff.

11.5.12.2 Every deposit paid shall be placed in a non-interest bearing account and shall be refunded when the Lease Agreement has reached its natural expiry date or in the event that the Lease Agreement was terminated at an earlier date.

11.5.12.3 Any Lessee who has breached any clause contained in the relevant Lease Agreement, shall forfeit the deposit or such proportionate part thereof taking into consideration the costs incurred by Municipality to rectify the breach.

11.5.12.4 The HOD shall determine the deposit in accordance with the above principles.

11.5.12.5 No deposit will be payable for out of home advertising leases.

11.5.13. Improvements to Council Property and buildings by the Lessee

11.5.13.1 No improvements may be made to Council's immovable property unless permission for such improvements have been obtained by the Municipal Manager or his delegatee as the duly delegated authority of the Landlord. All proposed improvements shall be submitted to the Building Control Division of the Municipality's Planning Department for approval. **Upkeeping of properties should be encouraged subject to the authorization form Council, especially in properties like crèches.**

11.5.13.2 Apart from the above, all improvements may only be made once the relevant building plans have been approved by the Planning Department in terms of the National Building Regulations and Building Standards Act, 103 of 1977.

11.5.13.3 Any improvements to Council's immovable property effected by the Lessee and which Council wishes to retain shall revert to Council free of compensation at the expiry of the Lease Period or on the termination of the Lease Agreement. Where such improvements are not required by Council, the Lessee shall at its own cost remove such improvements to the satisfaction of the Council, unless agreed otherwise by both parties.

11.5.14. Re-instatement of the Leased Property

11.5.14.1 Lessees may be required, at their cost, to re-instate the Property, or the portion thereof leased, to the condition it was at the time of occupation, fair wear and tear excepted. The Municipality reserves the right to re-instate the leased Property and recover all costs incurred from the Lessee.

11.5.15. Insurance of Leased Property

11.5.15.1 By default, the Municipality shall be responsible for the insurance of all leased premises and any improvements thereon, although exceptions may be negotiated, e.g. for example long term leases, etc. Insurance premiums may be recovered from the Lessee either in full if the Lessee is the only occupant of the Property, or on a pro- rata basis if multiple Lessees occupy the same Property. The insurance costs may be added to the determined Rental.

11.5.15.2 Unless where the lease specifies otherwise, the Municipality shall be responsible for the insurance of all immovable assets in its possession but may recoup such insurance amounts from the lessee.

11.5.15.3 In addition thereto, the Lessee may be responsible for Public Liability Insurance.

11.5.16. Letting of Immovable Property required by Kouga Municipality Departments

11.5.16.1 The Land & Property Department shall be responsible to reserve those immovable assets required by any municipality department to render the minimum levels of municipal services. In the event that a property is not immediately required by any Department, the Municipal manager shall at his discretion negotiate short term Lease Agreements in respect of such immovable property.

11.5.16.2 Any Lease Agreement entered into in respect of immovable assets required by any municipal department shall include an early termination clause which will allow the termination of the Lease Agreement following three months' written notice to the Lessee.

11.5.17. Authority to decline applications or to terminate Lease Agreements prior to the lease expiry date

11.5.17.1 The Municipal Manager or his delegatee is in terms of this Policy duly authorised to decline lease applications that do not fulfil requirements laid out in this Policy.

11.5.17.2 In the event that a Lessee has not met his/her/its contractual obligations in terms of the relevant Lease Agreement and therefore is in breach of contract, the HOD: Land & Property administration shall have the mandate to terminate such Lease Agreement prior to the lease expiry date.

11.5.18. Sports and Recreational Facilities and other public amenities

11.5.18.1 Sports and recreational facilities and other public amenities may be let by private treaty to Sports Boards, Sports Federations, cultural clubs and other similar bodies in accordance with the relevant Portfolio Segmentation and Implementation Plan.

11.5.18.2 Community based organizations/clubs and non-professional sporting bodies may be charged the discounted rental as stipulated in the afore-mentioned Portfolio Segmentation and Implementation Plan.

11.5.18.3 In the event that sports facilities or clubhouses/halls are shared by multiple users, the Sports Recreation, Arts and Culture Department shall manage such agreements as tariff agreements and apply the relevant annual municipality's promulgated tariffs.

11.5.18.4 Professional sports bodies and bodies operating for profit shall be charged a fair market related rental based on the market value of the property to be leased. The Municipal Manager or his delegatee may however, at his discretion, offset any maintenance costs incurred by the Lessee against the rental tariff.

11.5.19. Permission to Occupy/Beneficial Occupation

11.5.19.1 The relevant Director shall have the discretion to, under certain circumstances, to permit an applicant of Kouga Municipality owned Property to occupy the said Property prior to the Lease Commencement Date. Such permission shall only be granted in the following instances:

- (a) In the case of an emergency where the safety and security of the residents of the Municipality will be negatively affected should the applicant not gain immediate occupancy of the Property, the Municipal Manager or his delegatee may issue a Permission to Occupy Certificate to the applicant. No rental shall be payable in such instances but municipal services e.g. electricity, water, sewerage and refuse removal will be for the account of the occupant.
- (b) Where Council has appointed a contractor to render a specific service e.g. the installation of water pipelines and the contractor needs to establish a construction yard or base camp from where his activities will be performed, the relevant Director may grant such contractor Permission to Occupy the Property for a period not exceeding 6 (six) months, following which the contractor will have to re-apply for continued occupation of the Property. The Land & Property Administration Department has a discretion to charge rental to the applicant. Where no rental is payable, municipal services, e.g. electricity, water, sewerage and refuse removal will be for the account of the occupant.

- (c) Where Council has^{1 156} already resolved to permanently dispose of municipal owned immovable property and the purchaser requires occupation of the property prior to the transfer and registration of the Property in the name of the purchaser, the municipality may grant beneficial occupation to the purchaser subject to the payment of a market related monthly occupational rental to be determined. Should the transfer/registration of the Property be delayed as a result of a delay on the side of the purchaser, the Municipal manager may cancel the proposed sale agreement (subject to any council resolution where applicable).
- (d) Development Leases where Council has already taken an in-principle decision that a Property may be let and the applicant/prospective Lessee requires occupation of the Property, prior to the signing of the Lease Agreement, to conduct professional studies e.g. environmental impact assessments, geotechnical surveys, traffic studies etc. to expedite the development of the Property. In such instances the may grant the prospective Lessee beneficial occupation rights for a period not exceeding 3 (three) months during which no rental is payable but municipal services e.g. electricity, water, sewerage and refuse removal will be for the account of the prospective Lessee. However, Municipal Manager shall have a discretion to charge a rental where it deems fit to do so.
- (e) Under any circumstances where the department deems fit to be in the interest of Municipality's for Permission to Occupy to be granted.

11.5.20. Organs of State

11.5.20.1 In terms of Section 239 of the Constitution of the Republic of South Africa, 1996 (Act 106 of 1996), an Organ of State is defined as follows:

“Organ of state means-

- (a) *any department of state or administration in the national, provincial or local sphere of government; or*
- (b) *any other functionary or institution-*
 - (i) *exercising a power or performing a function in terms of the Constitution or a provincial constitution; or*
 - (ii) *exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer;”*

11.5.20.2 Services rendered by Organs of State cannot be provided by any other service provider e.g. South African Police Services, Social Security Services etc.

11.5.20.3 To ensure the uninterrupted services rendered by any Organs of State, all Lease Agreements concluded in respect of Council's immovable property where any Organ of State is a Lessee or prospective Lessee shall be exempted from the competitive bidding processes as mentioned in Section 11.4.3 above. Such exemption will adhere to the requirements of Regulation 41 (3) of the MATR which permits direct negotiations between the Council and any Organ of State.

11.5.20.4 All Organs of State shall be required to pay a market related rental.

11.6. Site inspections

11.6.1 All properties leased must be inspected by the Land & Property Department or the relevant custodian department to ensure compliance with the terms and conditions of the Lease Agreement. Over and above this, the Municipality reserves the right to gain access to and inspect the premises at any point in during the period of the lease.

11.7. Records management

11.7.1 The original Lease Agreement shall be scanned into the Property Information Management System at the Land & property Department before being sent to the Legal Services Officet for filing and permanent storage. Copies of Lease Agreements shall also be forwarded to the Finance Department for furtherbilling and contract management.

11.8. Payment and evictions

11.8.1 Payment of rental fees shall be in accordance with the signed Lease Agreement and in the event of non-payment, appropriate measures shall be taken. Action taken by Municipality ranges from letters of demand to notice to vacate. Should the Lessee refuse or fail to vacate, or lodge a dispute or a notice to object, an application to evict may be lodged.

11.9. Lease expiry and re-applications

11.9.1 Lease Agreements with existing Lessees of Immovable Properties may be re- negotiated where the Municipal Manager or his delegatee is of the opinion that public competition would not serve a useful purpose. In such instances, a new lease with new lease terms may be entered into between the Lessor and Lessee and the applicable rental payable will be determined by way of a market valuation. The

process to enter into a new lease agreement shall commence during a reasonable period prior to the Lease End Date.

11.9.2 No new Lease Agreement(s) shall be entered into unless all fees payable in respect of the leased property are paid up to date.

11.9.3 This Section must be read in conjunction with Sections 9.2 and 9.3.

11.10. Payment of an Application Fee

11.10.1 All persons, companies, organisations, clubs etc. who apply to lease any municipality's owned immoveable property or portion thereof shall be required to pay a predetermined application fee determined by Council by means of tariffs, which fee shall be adjusted annually.

12. Short Title and Effective Date

12.1 This document shall be called the "KOUGA LEASING POLICY FOR MUNICIPALLY OWNED IMMOVABLE PROPERTY 2020" and will take effect from the date of its approval by Council.

Annexure3:**POLICY AND PROCEDURES FOR THE DISPOSAL OF IMMOVABLE ASSETS****Document Control**

Policy Title:	Policy and Procedures for the Disposal of Immovable Assets
Reference Number:	
Previously Approved:	
Directorate Responsible:	Planning, Development & Tourism
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34.	ANNEXURE "A" – LAND EVALUATION COMMITTEE	

Having regard to the provisions of, inter alia, section 14 of the Local Government: Municipal Finance Management Act 56 of 2003, Regulation 40 of the Municipal Supply Chain Management Regulations published by General Notice No. 868 of 2005 and the Municipal Asset Transfer Regulations published by General Notice No. 878 of 2008, the Kouga Municipality shall, as from the date of adoption hereof, implement this policy in respect of the sale and transfer of and the granting of rights to use, control or manage its immovable capital assets.

1. INTERPRETATION AND DEFINITIONS

The headings of the clauses in this Policy are for the purposes of convenience and reference only and shall not be used in the interpretation of, nor modify, nor amplify the terms of this Policy, nor any clause hereof. Unless a contrary intention clearly appears:

1.1 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely:

1.1.1 "Accounting Officer" means the Municipal Manager of the Municipality;

1.1.2 "Act" means the Local Government: Municipality Finance Management Act 56 of 2003 and the Regulations promulgated thereunder;

1.1.3 "Basic Municipal Service" means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, will endanger public health or safety or the environment;

1.1.4 "Capital Asset" for the purposes of this Policy, means any immovable property such as land, property or buildings owned by the Municipality;

1.1.5 "Council" means the full Council of the Municipality;

1.1.6 "Encumbrance" in relation to a Capital Asset, means a right to the Capital Asset that is held by a third party that limits the owner's use of the asset;

1.1.7 "Exempted Capital Asset" means a Capital Asset which exempted by Section 14(6) of the Act from the other provisions of that section;

1.1.8 "Fair Market Value" in relation to a Capital Asset, means the value at which a knowledgeable willing Buyer would buy and a knowledgeable willing Seller would sell the Capital Asset in an arm's length transaction which, for the purposes of this Policy, shall be determined by a Registered Valuer;

1.1.9 "High Value" in relation to a Capital Asset, means that the Fair Market Value of the Capital Asset exceeds any of the following amounts:

1.1.9.1 R50 Million;

1.1.9.2 One per cent of the total value of all capital assets of the Municipality as determined from the latest available audited financial statements of the Municipality; or

1.1.9.3 An amount determined by resolution of the Council which is less than

1.1.9.1 or 1.1.9.2;

1.1.10 "Land Evaluation Committee" means the Land Evaluation Committee established by the Municipality to evaluate tenders, auctions, expressions of interest or other bids and objections in respect of the sale and transfer of and the granting of rights to use, control or manage immovable Capital Assets of the Municipality;

1.1.11 "Long Term lease" means a period of longer than 3 (three) years;

1.1.12 "MSA" means the Local Government: Municipal Systems Act 32 of 2000;

1.1.13 "Municipality" means the Kouga Municipality, a Category B Municipality established by Part 2 of Schedule 1 of Notice 85 in the Eastern Cape Provincial Gazette No. 654 on 27 September 2000 promulgated in terms of Section 12(1) of the Local Government: Municipal Structures Act 117 of 1998, for the municipal area described in such Notice;

1.1.14 "Municipal Manager" means the person appointed by the Municipality in terms of Section 82(1)(a) or (b) of the Local Government: Municipal Structures Act 117 of 1998;

1.1.15 "Municipal Service" means a service that the Municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether:

1.1.15.1 such a service is provided or to be provided by the Municipality

through and internal mechanism contemplated in Section 76 of the MSA or by engaging an external mechanism contemplated in Section 76 of the said Act; and

1.1.15.2 fees, charges or tariffs are levied in respect of such a service or not.

1.1.16 "Non-Exempted Capital Asset" means a Capital Asset which is not exempted by Section 14(6) of the Act from the other provisions of that Section;

1.1.17 "Organ of State means:

1.1.17.1 a national department or national public entity;

1.1.17.2 a provincial department or provincial public entity;

1.1.17.3 a municipality or municipal entity; or

1.1.17.4 any other organ of state within the meaning assigned to "Organ of State" in Section 239 of the Constitution.

1.1.18 "Preference"

The local residents of a specific area will be afforded preference in respect of the letting of immovable properties within that demarcated/designated area.

1.1.19 "Private Sector Party" means a person who is not an Organ of State;

1.1.20 "Proposal" means a written offer from a seller to a prospective buyer. And vise

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All land owned by any organ of state and public property not registered in the name of the Kouga Municipality that is used, managed, protected, conserved and enhanced in the interests of the whole community, e.g. road reserves, open space and state land that vests in the Municipality or is proclaimed by any other organ of state.

1.1.22 "Public Road"

Any road, street or thoroughfare or any Public Place (whether a thoroughfare or not) which is commonly used by the general public or to which the public has a right of access, and includes:

- (a) any services servitude and public passage on public land;
- (b) the side-walk or verge of any such road, street or thoroughfare;
- (c) any bridge, structure or drift traversed by any such road, street or thoroughfare; and
- (d) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare

1.1.23 "Registered Valuer" means a person contemplated in the Property Valuers Profession Act No. 47 of 2000;

1.1.24 "Right to Use, Control or Manage" in relation to a Capital Asset, means a right to use, control or manage the Capital Asset for a period exceeding one (1) calendar month without ceding legal ownership in the Asset which, for the purposes of this Policy, shall include a Lease and servitude;

1.1.25 "Social care"

Defined as child care facilities in so far as it contributes to the functioning of a multi-use child care facility and is operated on a non-profit basis; services provided by registered welfare, charitable, non-profit, cultural organisations; centres utilised as homes for the handicapped and disabled persons; non-profit rehabilitation centres; homes or centres for indigent, battered or destitute people; organisations for the homeless and elderly; youth activity or culture centres and organisations; community development organisations operating on a non-profit basis or amateur sporting, cultural or recreational organisations.

1.1.26 "Structures Act"

The Local Government: Municipal Structures Act (nr 117 of 1998).

1.1.27 "Solicited bid" means when a municipality sends out request for proposals. This

can be done via process of an advertisement in the media. The request come with a description of what Municipality wants and as well the criteria that will be used to make a selection.

1.1.28 "Unsolicited bid" is a bid/proposal received from a developer/public to acquire immovable property, or rights in immovable property, that is owned by the Municipality, outside the normal bidding process, i.e. without the Municipality having asked for such proposal/bid.

1.1.29 "Supply Chain Management Policy"

The Supply Chain Management Policy of the Kouga Municipality approved and adopted by Council as amended from time to time.

1.1.30 "Systems Act"

1.1.31 “the Constitution”

The Constitution of the Republic of South Africa, 1996.

1.1.32 “the Ordinance”

The Local Government: Municipal Ordinance, 1974 (Ordinance 20 of 1974).

1.1.33 “The Regulations”

Local Government: Municipal Finance Management Act (no. 56 of 2003) Municipal Asset Transfer Regulations (MATR).

1.1.34 “Transfer”

Transfer of ownership as a result of sale or other transaction (e.g. exchange, donation, etc.).

1.1.35 “Acquisition Committee” – means such Committee as is established by the KLM in relation to Acquisition Management in accordance with the MFMA and the Supply Chain Management Policy;

1.1.35 “Code of Conduct for Councillors” – means item 5 or 6 of the Code of Conduct for Councillors as set out in schedule 1 to the Municipal Systems Act 32 of 2000;

1.1.36 “Code of Conduct for Municipal Staff Members” – means item 4 or 5 of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 to the Municipal Systems Act 32 of 2000;

1.1.37 “Community Value” – means any value to be received in exchange for any immovable capital asset as determined by the Municipal Council in accordance with Section 14(2)(b) of the MFMA;

1.1.38 “Councillor” – means any elected member of a Municipal Council in terms of Municipal Structures Act;

1.1.39 “Economic Value” – means any value to be received in exchange for any immovable capital asset as determined by the Municipal Council in accordance with Section 14(2)(b) of the MFMA;

1.1.40 “Gratification” – includes -

money, whether in cash or otherwise;

any donation, gift, loan, fee, reward, valuable security, property or interest in property of any description, whether movable or immovable or any other similar advantage;

the avoidance of a loss, liability, penalty, forfeiture, punishment or other disadvantage;

any office, status, honour, employment, contract of employment or services, any agreement to give employment or render services in any capacity and residential or holiday accommodation;

any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;

any forbearance to demand any money or money's worth or valuable thing;

any other service or favour or advantage of any description, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted, and includes the exercise or the forbearance from the exercise of any right or any official power or duty;

any right or privilege;

any real or pretended aid, vote, consent, influence or abstention from voting; or

any valuable consideration or benefit of any kind, including any discount, commission, rebate, bonus, deduction or percentage;

1.1.41 "Induce" – includes to persuade, encourage, coerce, intimidate or threaten;

and

1.1.42 "Inducement" – has a corresponding meaning;

1.1.43 "IPAC" - means Immovable Property Adjudicating Committee

1.1.44 "Land Evaluation Committee" – means the Kouga Municipality Land Evaluation Committee;

1.1.45 "Member" – means a member of the Land Evaluation Committee;

1.1.46 "Municipal Council" – means the Council of the Kouga Municipality;

1.1.47 "Municipal Entity" – has the meaning assigned to it in Section 1 of the Municipal Systems Act;

1.1.48 "MFMA" – means the Local Government: Municipal Finance Management Act 56 of 2003;

1.1.49 "Municipal Manager" – means the Municipal Manager of the KLM appointed in terms of the Municipal Structures Act;

1.1.50 "Municipal Structures Act" – means the Local Government: Municipal Structures Act 117 of 1998;

1.1.51 "Municipal Systems Act" – means the Local Government: Municipal Systems Act 32 of 2000;

1.1.52 "KLM" – means the Kouga Local Municipality;

1.1.52 "Official" – means –

an employee of the ; KLM

a person seconded to the KLM to work as a member of the staff of the KLM; or

a person contracted by the KLM to work as a member of the staff of the KLM otherwise than as an employee;

1.1.53 “Policy” – means the policy and procedures for the disposal of immovable capital assets as adopted by the KLM;

1.1.54 “Supply Chain Management Policy” – means the Supply Chain Management Policy adopted by the KLM in terms of the MFMA;

2. GENERAL PRINCIPLES

The Municipality may:

(a) alienate or let or permit to be built upon, occupied, enclosed or cultivated any immovable property owned by the Municipality;

(b) grant a servitude, way leave, encroachment or other rights on any immovable property of which the Municipality is the owner

i) subject to this policy document and the provisions of applicable legislation; or

ii) unless it is precluded from so doing by law or the conditions under

which such property was acquired by the Municipality.

(c) enter into a contract which will impose financial obligations on the Municipality beyond a financial year, but if the contract will impose financial obligations on the Municipality beyond the three years covered in the annual budget for that financial year, it may only do so in accordance with the provisions of Section 33 of the MFMA, and

(d) enter into a public-private partnership agreement, but only in accordance with the provisions of Section 120 of the MFMA and the Public-Private Partnership Regulations.

Any reference to an enactment is to that enactment as at the date of adoption of this Policy and as amended or re-enacted from time to time.

3. APPLICATION OF THIS POLICY

This Policy applies to:

3.1 The sale and Transfer of Capital Assets by the Municipality; and

3.2 The granting by the Municipality of the Rights to Use, Control or Manage Capital Assets.

4. EXEMPTIONS

4.1 This Policy shall not be read as permitting the sale and Transfer of Non-Exempted Capital Assets, needed to provide the minimum level of Basic Municipal Services.

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4.2 This Policy does not apply to the sale and Transfer of Non-Exempted Capital Assets in terms of Public-Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005.

4.3 This Policy does not apply to the sale and Transfer of housing on municipal land and the Transfer of that municipal land for the poor to beneficiaries of such housing.

4.4 This Policy does not apply to the granting by the Municipality of Rights to Use, Control or Manage Capital Assets in terms of Public-Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005.

4.5 This Policy does not apply to the granting by the Municipality of Rights to Use, Control or Manage municipal land for housing for the poor to beneficiaries of such housing.

5. DISPOSAL OR TRANSFER OF IMMOVABLE PROPERTY

5.1 In disposing of property, the Municipality shall seek to address: -

- i) The undoing of negative legacies
- ii) Correct socio-economic deficiencies
- iii) Adequately maintain the value of its resources
- iv) Address the social economic problems that have been handed down from the past

5.2 The determination of what is in the "public interest" when Municipal land is disposed of and what factors must or may be taken into account in deciding on the disposal

5.3 The Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a municipal immovable property needed to provide the minimum level of basic services, save where the transfer is to another organ of state, as provided for in section 14(6) of the MFMA read with Regulation 24 in Chapter 3 of the MATR.

5.4 A decision by the municipal council that a specific immovable property is not needed to provide the minimum level of basic municipal services, may not be reversed by the Municipality after that immovable property has been sold, transferred or otherwise disposed of in accordance with Section 14(3) of the MFMA.

5.5 The transfer of ownership of immovable property must be fair, equitable, transparent, competitive (unless it is not applicable or unpractical e.g. non-viable immovable property) and consistent with the supply chain management policy of the Municipality in accordance with Section 14(5) of the MFMA.

5.6 Transfer or disposal of a non-exempted high value immovable property

5.6.1 The Municipality may transfer ownership or otherwise dispose of a non-exempted high value immovable property only after:

¹¹⁶⁷
(a) the Accounting Officer, through the Estates and Property Department, has conducted a public participation process to facilitate the determinations the municipal council must make in terms of sections 14(2)(a) and (b) of the MFMA; and

(b) the municipal council has, in terms of sections 14(2)(a) and (b) of the MFMA,:

i) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;

ii) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

iii) has as a consequence to 5.6(b)(i) and (ii) above approved in principle that the immovable property asset may be transferred or disposed of.

5.7 The public participation process in terms of paragraph 8.1(a) may only be authorised by the Municipal Council. A request to the Municipal Council for authorisation of a public participation process must be accompanied by:

(a) a valuation and the method used to determine the value of the immovable property to be transferred or disposed of;

(b) the reasons for the proposed transfer or disposal of the immovable property;

(c) any expected benefits to the Municipality as a result of the proposed transfer or disposal;

(d) any expected proceeds to be received by the Municipality from the proposed transfer or disposal, and

(e) any expected gain or loss to be realised or incurred by the Municipality arising from the proposed transfer or disposal.

5.8 If the public participation is authorised, the accounting officer must at least 60 days before the meeting of Council at which the determinations referred to in 5.6(b)(i) and (ii) above are considered –

(a) make public the proposal to transfer or dispose of the immovable property;

(b) invite the local community and other interested parties to submit comments or representations in respect of the proposed transfer or disposal of the immovable property;

(c) solicit the views and recommendations of the National Treasury and the relevant Provincial Treasury on the matter.

5.9 Transfer or disposal of a non-exempted immovable property (not high value)

5.10 The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

(a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;

(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

(c) has as a consequence to 5.10(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.

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5.11 The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as non-exempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

(a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;

(b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and

(c) has as a consequence to 5.11(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval, it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.

5.12 Where viable immovable property is offered for sale by public competition, any immovable property which remains unsold in such project may be sold out-of-hand by the Municipality at the upset price or higher, as long as it is satisfied that market prices are stable. The upset price must be determined in a way that corresponds with a fair market value and must include the recoverable development costs such as municipal services, advertising and survey costs. The upset price must be reviewed at least every twelve months

5.13 The Municipality shall not act in terms of paragraphs 5.6, 5.10 and 5.11 above, unless it has:

5.13.1 advertised its intention so to act by causing a notice to that effect to be:

(a) affixed to the public notice boards of the Municipality;

(b) published in a newspaper that is circulated within the area of the town where the relevant property is situated;

(c) published on the official website of the Municipality, and

(d) in the case of immovable property valued at R2,5 million or higher, published in regional newspapers that are circulated within the province of the town where the relevant immovable property is situated unless a property valued less than R2,5 million at the sole discretion of the Municipality warrants publication in these newspapers, in accordance with Section 21A of the Systems Act, in which any person who wishes to object to the exercise of any such intention, is called upon to lodge his/her comments, objection or representations in respect of such intention in writing with the Municipal Manager within a period of not less than thirty days from the date of the publication of the notice in the newspaper;

5.13.2 considered the objections or counter offers (if any) lodged in accordance with the advertisement contemplated by paragraph 5.13.1.

5.14 Approval in terms of 5.10(c) and 5.11(c) may be given subject to any conditions, including:

(a) the way in which the immovable property is to be sold or disposed of;

(b) a reserve price or minimum compensation for the immovable property;

(c) whether the immovable property may be transferred or disposed of for less than its fair market value, in which case the criteria set out in clause 9 must be considered, and

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(d) a framework within which direct negotiations for the transfer or disposal of the immovable property must be conducted with another person, if transfer or disposal is subject to direct negotiations.

5.15 Transfer or disposal of an exempted immovable property

5.15.1 Paragraphs 5.5 and 5.13 above do not apply to the transfer of immovable property to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury in Regulation 20 of the MATR, provided that such transfers are in accordance with a prescribed framework contained in Chapter 3 of the MATR.

5.15.2 Where the requirements stipulated in Chapter 3 of the MATR are met, then notwithstanding fact that the transfer or disposal may be in respect of immovable property which is required to provide the minimum level of basic services, such disposals need not be at market related value and do not require a public participation process described in the MATR in respect of non-exempted disposals.

5.16 The Municipal Council must, when considering any proposed transfer or disposal of immovable property, take into account the aspects listed in Regulation 7 and 20(1)(f)(ii) of the MATR.

5.17 Sections 14(1) to (5) of the MFMA and Chapter 2 of the MATR must be applied if a municipality transfers a immovable property to an organ of state where none of the circumstances mentioned in regulation 20 apply, including when the immovable property is transferred in the course of an ordinary commercial transaction between the municipality and the organ of state.

5.18 Alienation of immovable property by means of a competitive process

5.18.1 The transfer of immovable property must, except in the case of non-viable immovable property, be affected by means of competitive process, which may include a public or closed tender, auction or proposal call.

5.18.2 The upset price for immovable property to be alienated by means of a competitive process will be determined in such a way that it corresponds with a fair market value and must include the recoverable development costs such as municipal services, advertising and survey costs.

5.18.3 In assessing tenders, the Municipality will take cognisance of the total cash value of the packages offered by the bidders, where such packages are permissible in terms of the conditions of tender. In other words, where the actual amounts tendered are roughly similar, but a particular bidder, for example, also offers to make improvements to the immovable property, the cash value of such improvements, which proposed improvements may not be deviated from, may also be taken into consideration to determine the highest tender.

5.18.4 Should the Municipality consider it desirable not to accept the highest tender or offer or decide to accept a particular development proposal in which the amount tendered is not the highest offer, the reasons for this decision must be fully set out and recorded in the minutes of the bid adjudication committee meeting in question and if applicable the minutes of the appeal tribunal.

5.18.5 In cases where tenders are according to the findings of the bid adjudication committee identical and the provisions of paragraph 5.18.4 are not applicable, the successful bidder may be determined by the drawing of lots in the presence of the involved parties.

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5.19 The Municipality shall at all times when considering the alienation of its immovable property, take into consideration the Municipality's obligation to, as part of its process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to identify and designate land for housing development in terms of the Housing Act, 1997 (Act 107 of 1997).

5.20 Where immovable property is alienated for development, a condition, taking into consideration the nature of the development, might be included in the Deed of Sale stipulating that such development must be completed within two years from date of registration.

Likewise a condition may be included in the agreement to provide for forfeiture in the event that the development has not been completed within the required time period, unless a written extension has been granted by the Municipality.

5.21 Plight of the poor

5.21.1 Whenever the plight of the poor shall be a consideration in any decision to be taken in respect of the acquisition, disposal or letting of immovable property, regard shall be given to:

- i) the extent to which the needs of the poor are or have been addressed,
- ii) the potential loss or benefit the poor can suffer or gain through the decision concerned and
- iii) the financial resources available to address the needs of the poor.

5.22 First time home owners

5.22.1 Immovable property purchased from Council by a first-time homeowner shall not, without Council's written consent, be resold within a period of 5 years of the date of transfer unless it was acquired through a fair tender process. This stipulation must be included in the Deed of Sale where it is applicable.

The need to promote first time home ownership in previously disadvantaged communities is recognised. The main objective of this method is the promotion of first time home ownership in previously disadvantaged communities. Natural persons who had never owned a home.

6. LEASING OF MUNICIPAL IMMOVABLE PROPERTY

The Leasing of Council owned Municipal property will dealt with in depth under a separate policy. This section should be read with that policy.

6.1 Taking into consideration the nature and duration of the lease to be entered into, the leasing of immovable property may be affected by means of either:

6.1.1 a competitive process, which may include a closed or public tender or proposal call, specifically in circumstances listed in paragraph 6.3 below; or

6.1.2 a direct lease.

6.2 Council may let immovable property for development purposes aligned with its strategic objectives.

6.3 A competitive process must at all times be followed in circumstances where:

6.3.1 the lease is for a long term with an income value in excess of R10 million;

6.3.2 the lease is for a formal business premises with a market related rental;

6.3.3 more than one party, in discretion of the municipality, is interested in the lease of the subject property; and/or

6.3.4 by discretion of the municipality, a competitive process will best serve the interests of the community.

6.4 In order to achieve the objective of broad based economic empowerment, Council may limit the number of leases per tenderer in the course of a tender process.

6.5 Council may entertain unsolicited bids for the lease of viable immovable property for development purposes, subject to Section 113 of the MFMA.

6.6 Long term lease of municipal immovable property with an income value in excess of R10 million:

6.6.1 The Municipality may grant a long term lease of municipal immovable property with an income value in excess of R10 million only after:

(a) the Accounting Officer has, through the Planning & development, conducted a public participation process; and

(b) the Municipal Council has approved in principle that the right may be granted.

6.6.2 The public participation process in terms of paragraph 6.6.1(a) may only be authorised by the Municipal Council. A request to the Municipal Council for authorisation of a public participation process must be accompanied by:

(a) the reasons for the proposal to grant the long term lease;

(b) any expected benefits to the Municipality as a result of the lease;

(c) any expected proceeds to be received by the Municipality from the

proposed lease, and

(d) any expected gain or loss to be realised or incurred by the Municipality arising from the lease.

6.7 If the public participation is authorised, the accounting officer must at least 60 days before the meeting of Council at which the determinations referred to in 6.6 above are considered

(a) make public the proposal to lease the asset;

(b) invite the local community and other interested parties to submit comments or representations in respect of the proposed lease of the asset;

(c) solicit the views and recommendations of the National Treasury and the relevant Provincial Treasury on the matter.

6.8 Non-viable streets, lanes, public open spaces and non-viable surplus immovable property may be let out-of-hand to adjoining owners. Unless otherwise provided herein, such immovable property shall be let at a fair market related value determined by a professional valuer. Leases for gardening purposes shall be at the tariff rental as approved by Council from time to time.

6.9 The Municipal Council must, when considering any proposed lease of municipal immovable property with a value in excess of R10 million, take into account the aspects listed in Regulation 36 of the MATR.

6.10 Long term lease of municipal immovable property with an income value less than R10 million:

6.10.1 The Municipality may grant a long- term lease of municipal immovable property with an income value of less than R10 million only after:

(a) the Accounting Officer has approved the lease in principle;

(b) in the case of a direct lease, the proposed lease was advertised in terms of paragraph 5.13.1 and 5.13.2 above to invite the local community and other interested parties to submit comments or representations; and

(c) the Executive Mayor, as delegated authority, has subsequently approved that the right may be granted.

6.11 Short term lease of municipal immovable property:

6.11.1 Leases for up to one month ("incidental leases") and leases in excess of one month up to three years ("short term leases") shall be approved by the accounting officer. All 3-year leases signed by the Accounting Officer should be formalized and reports quarterly to Council via Portfolio Committee. Leases for a period of longer than three years ("long term leases") and leases where the value of the immovable property is in excess of R10 000 000-00 ("high value leases") shall be subject to approval by the Council.

6.12 Immovable property may be let out-of-hand to social care users. Rentals shall be determined in terms of the tariff rentals as approved by Council from time to time and in such cases the lessee shall accept responsibility for maintenance of the immovable property and any improvements thereon.

6.13 In the case of a direct lease of immovable property to registered social care organisations/institutions, sports/public facilities or registered non-profit organisations, the rental shall be determined by the Accounting Officer taking into consideration the community value of the lease.

6.14 Immovable property let according to paragraph 6.11.1 above need not be advertised in terms of paragraph 5.13.1 and 5.13.2 and need not be subsequently approved by the Executive Mayor, but shall be subject to the following:

(a) the lessee shall be responsible for all costs regarding the connection of services, service fees and any other costs associated with the lease;

(b) the Municipality shall, if it is not prescribed that market related rental must be charged, determine the rental;

(c) the lessee shall undertake in writing to compensate the Municipality for damages caused to the immovable property for whatever reason;

(d) the lessee shall indemnify the Municipality against any claims; and

(e) the Municipality may request proof of financial viability to honour the lease.

6.15 The in principle approval of the Accounting Officer must be obtained with any request for the renewal of a lease agreement.

6.16 The Municipality may:

6.16.1 enter into a contract which will impose financial obligations on the Municipality beyond a financial year, but if the contract will impose financial obligations on the Municipality beyond the three years covered in the annual budget for that financial year, it may only do so in accordance with the provisions of Section 33 of the MFMA, and

6.16.2 enter into a public-private partnership agreement, but only in accordance with the provisions of Section 120 of the MFMA and the Municipal Public-Private Partnership Regulations.

6.17 Sports facilities and other public amenities may be let out-of-hand to Sports Boards, Sports Federations and other similar bodies. Community based bodies and nonprofessional sporting bodies shall be charged the tariff rentals as approved by council from time to time. Professional sports bodies and bodies operating for profit shall be charged a fair market related rental based on the market value of the property to be leased. The market value shall be based on the most likely alternative use for the site.

7. COMPENSATION

7.1 The fair market value for the alienation of, the rental amount for the leasing or compensation payable for a servitude over municipal immovable property shall be determined by an independent professional valuer or professional associated valuer registered in terms of the Property Valuers Profession Act, 2000 (Act 47 of 2000), or any ensuing act at the cost of the purchaser (in the case of a direct sale) or lessee (in the case of a direct lease)/servitude holder (in the case of a servitude).

7.2 The Municipality, as a rule, bearing in mind the provisions of paragraph 23 and save for those cases mentioned in paragraphs 6.11.1, 7.2, 7.3 and 12.1-12.5 shall not:

(a) let immovable property at a lower rental than market related rental or the rental approved in the tariffs;

(b) sell, alienate or dispose of immovable property, grant a servitude or alienate a right at a lower amount than the amount at which it has been valued;

except in cases when the public interest or the plight of the poor demands otherwise and taking into account the provisions of Regulation 13(2) of the MATR, the latter in circumstances of an alienation.

7.3 In cases where a rental amount has been approved in the annual budget of the Municipality for certain types of leases and encroachments, the approved amount will be used for purposes of determining the rental amount.

7.4 In the case of a direct lease of immovable property to registered social care organisations/institutions, sports/public facilities or registered non-profit organisations, the rental shall be determined by the Accounting Officer taking into consideration the community value of the lease.

8. CONDITIONS OF SALE

8.1 All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.

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8.2 Should existing services need to be relocated or secured by means of the registration of a servitude in favour of the Municipality as a result of the alienation of the immovable property, all related costs shall be for the account of the successful bidder/purchaser.

8.3 Small areas of land such as closed roads or portions of public place sold to an adjacent owner must be consolidated with the existing property of the adjacent owner, unless circumstances exist which, in the opinion of the Municipality, make such consolidation undesirable.

8.4 Where immovable property is alienated for development, a condition, taking into consideration the nature of the development, might be included in the Deed of Sale stipulating that such development must be completed within two years from date of registration. Likewise a condition may be included in the agreement to provide for forfeiture in the event that the development has not been completed within the required time period, unless a written extension has been granted by the Municipality.

8.5 Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.

8.6 The agreement might contain a suspensive condition in respect of immovable property which is sold subject to approval in terms of land use planning legislation.

8.7 A 10% deposit of the agreed/tendered purchase price will be due and payable by the purchaser/successful bidder within 10 days of date of request in writing thereof by the Municipality.

8.8 Interest on the purchase price, as from date of signature of the deed of sale, must be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder/ purchaser.

9. CONDITIONS OF LEASE

9.1 All costs pertaining to a transaction, e.g. survey, advertisements, valuation, relocation or provision of services where necessary, shall be borne by the Lessee. The Municipality may, however, waive its right to claim all or any portion of the costs. Where necessary a deposit to cover the costs may be required.

9.2 An agreement for the lease of municipal immovable property shall be in writing, stipulating the terms and conditions of the contract or agreement, which shall include provisions providing for:

(a) the termination of the contract or agreement in the case of non- or underperformance;

(b) dispute resolution mechanisms to settle disputes between the parties;

(c) a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years;

(d) any other matters that may be prescribed, and

(e) escalation in terms of paragraph 9.5 of this policy.

9.3 No immovable property shall be sub-let and no lease may be ceded or assigned without the prior written approval of the Municipality.

9.4 An owner of immovable property who leases adjoining municipal property may be substituted by his successor in title for the duration of the remainder of the lease term.

9.5 Rental, except where it is decided otherwise by the Municipality, shall escalate on the 1st of July every year, by a percentage fixed in accordance with the prevailing consumer price index (all items).

9.6 The lessee shall, as a rule, be liable for the payment of rates, taxes and service charges in respect of the leased property. In the case of leases to certain social care users and sports facilities at rentals lower than market value the Municipality may consider granting a rebate on rates in accordance with the Rates Policy of the Municipality.

9.7 The letting of lanes, public open spaces, road reserves and the like can be approved, subject to the following:

(a) closing off/securing by the lessee of the leased area to the satisfaction and discretion of the Municipality;

(b) the Lessee shall be responsible for the cost of relocation or installation of services where required and for the securing of servitudes, and

(c) the closure of the lanes, public open spaces and road in terms of the applicable legislation shall be done at the cost of the Lessee.

9.8 The lessee shall indemnify the Municipality against any possible claims arising from the lease or use of the immovable property.

9.9 Where land is leased for development, a condition, taking into consideration the nature of the development, may be included in the lease agreement stipulating that such development must be completed within two years from date of conclusion of the lease agreement. Likewise a suspensive condition may be included in the lease agreement to provide for cancellation in the event that the development has not been completed, unless a written extension has been granted by the Municipality.

9.10 Save with prior written approval of the Municipality the property may only be used for the purpose for which it was let.

9.11 The Municipality shall at all reasonable times be entitled to enter and inspect the immovable property.

9.12 Subject to paragraph 9.11 above, immovable property let by the Municipality shall be inspected at least once a year by the Municipality to ensure compliance with the terms and conditions of the agreement of sale or lease.

9.13 The lessee shall be responsible for maintaining the leased property including all improvements thereon to the satisfaction of the Municipality.

9.14 Improvements provided by the Lessee and which the Council wishes to retain, shall revert, free of charge, to the Municipality once the lease period has terminated and/or in the event the agreement, due to breach of conditions, has been cancelled. Alternatively, agreement may be reached to the effect that the Lessee may remove any improvements erected from its own funds within three months of termination of the lease agreement, failing which such improvements shall revert to the Municipality free of charge without damage and if provided for in the agreement. The Lessee shall be liable for the cost involved in the removal of such improvements not required by the Municipality.

9.15 The Municipality reserves the right, where necessary, to resume immovable property let, or portion thereof, and to cancel an existing lease in its entirety where such immovable property is required

for operational purpose or in the interest of the Community or for any reason necessitating the cancellation thereof.

10. ACQUISITION OF IMMOVABLE PROPERTY

10.1 The municipality may acquire by purchase immovable property within- or outside the municipal boundary provided it complies with the requirements of the MFMA and subject thereto that the cost of the purchase has been budgeted for and approved by Council.

10.2 The Municipality will not continue with the purchase of any immovable property where the price is in excess of the market value thereof as assessed by a registered valuer. If different market related values are obtained, but similar in nature, the Municipality may negotiate the purchase price taking into consideration the purpose of the acquisition.

10.3. The Municipality may accept a donation of immovable property.

11. SERVITUDES

11.1 A servitude can be defined as a right which one person has over the immovable asset of another and includes instances in which the Municipality grants a party a right over a municipal owned immovable property. Servitudes result in a burden on the immovable property for extensive periods of time, sometimes permanently. It is for this reason that servitudes should only be granted after careful assessment of the impact of the proposed servitude on the immovable asset.

11.2 If the proposed servitude will result in the immovable property, in discretion of the municipality, being negatively affected, including the impairment of the ability to productively enjoy, utilise, permanently dispose or otherwise deal with the immovable asset, then such servitude might not be granted.

11.3 Subject to paragraph 11.2 above, servitudes may be granted to any person (private or state organ) subject to payment of an appropriate market related compensation by such person provided that in certain circumstances, e.g. where another organ of state requires a servitude for the benefit of the general public or in cases of so called "land locked" property, and subject to the necessary authority having been obtained, the payment to the granting of the servitude, may be waived.

11.4 The party requiring the servitude on municipal immovable property is responsible for all costs relating to the granting and registration of the servitude.

12 LEASES TO INFORMAL TRADERS

12.1 The more formalised informal trading from municipal immovable property, in particular buildings/structures will be from the demarcated areas as gazetted from time to time.

12.2 The leasing of municipal immovable property to informal traders may be affected by means of a direct lease on a "first come first serve basis", subject to availability of immovable property, the nature of the trade envisaged, the rental payable and the area the immovable property is situated in.

12.3 The Municipality may at any time formulate and implement criteria for the leasing of immovable property for informal trading. In this regard, the Municipality may, amongst others, take the following criteria in consideration:

- (a) The nature of the trading envisaged on the property;
- (b) The Applicant must be in possession of a valid permit to trade;

(c) Where structures are continuously available^{1,177}, informal traders operating four days per week for at least 45 weeks a year will get preference over occasional /casual informal traders;

(d) Preference will be given to local residents of the area where the structure is situated;

(e) Only one stall will be allocated per household;

(f) Informal traders who do not already operate in other informal markets within the jurisdiction of the Municipality will get preference; and/or

(g) Unemployed people will get preference including those traders who demonstrate employment opportunities.

12.4 The Municipality will reserve the right to withdraw summarily the allocation of a municipal immovable property in the event of evidence proving that:

(a)an informal trader has willfully supplied incorrect information;

(b)an informal trader has failed to update his/her information annually;

(c)the informal trader has subleased to a third party without the approval of the Municipality;

(d)the informal trader is contravening the conditions of the lease agreement and/or any other legislation.

12.5 The rental payable for the leasing of immovable property situated in the demarcated areas will be determined taking into account the location, structure, services available, products or services rendered and any other diverse circumstances relevant to the lease.

13. SOCIAL CARE USES

13.1 Social care shall mean services provided by registered welfare, charitable, non-profit, cultural and religious organisations and includes, but is not limited to places of worship, child care facilities, rehabilitation centres, centres for the homeless, elderly and destitute persons and animal care facilities: Provided that they are registered as PBO's or are capable of being so registered should they apply for registration.

13.2 Immoveable property owned by the Municipality may be alienated or let to social care users. Unless otherwise directed by Council, the purchase price payable shall be 25% of market value subject to a suitable reversionary clause being registered against the title deed of the property. Rentals shall be determined in terms of the tariff rentals as approved by Council from time to time.

13.3 Immoveable property may be alienated or let out-of-hand to social care users in exceptional cases where the Council is of the opinion that public competition would not serve a useful purpose or that it is in the interest of the community or plight of the poor provided comments or representations on the proposed transfer or granting right to use, control of a municipal capital asset be invited from the local community and other interested persons in terms of Section 7(i) of the Asset Transfer Regulations.

13.4 No application shall be processed unless the prescribed application fee as per tariff has been paid, for example. legal, survey, re-zoning, sub-division, consolidations, advertisements, relocation, valuation, provision of services, and/or a deposit as per prescribed tariff to cover incidental costs has been paid.

13.5 The following factors shall be considered relevant in the selection and allocation of immovable property to places of worship:

13.5.1 The size of the congregation/membership (a minimum membership of 50 people.)

13.5.2 Availability of finance to acquire the site and commence with development within five years;

13.5.3 Whether or not such a denomination is already represented in the area;

13.5.4 Whether or not welfare type facilities/activities will be provided in addition to religious facilities;

13.5.5 Whether or not the congregation/membership is drawn from the area in Which a site is being applied for.

13.6 Transfer of ownership of viable immovable property arising from an unsolicited bid shall not take place unless the provisions of Section 113 of the MFMA have been complied with.

14 PROJECTIONS, PROJECTING STRUCTURES AND ENCROACHMENTS

14.1 All costs pertaining to an encroachment shall be borne by the encroacher, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs. Where necessary, a deposit to cover the costs may be required.

14.2 The Municipality may, subject to such conditions as it may deem fit –

14.2.1 encroachments on road reserves and public thoroughfares in order to encourage adjoining owners to maintain the road reserves adjoining their properties provided inter alia that:

(a) the planting of trees, shrubs and alien lawn or the erection of seating, statuary or other similar objects within 1,5 metres measured from the tarred or gravel surface of the road, are not permitted;

(b) the 1,5 meter area referred to in paragraph 14.2.1(a) may be planted with lawn of a type approved by the relevant directorate of the Municipality or paved at own costs to the satisfaction of the Municipality and subject to the owner of the adjoining property allowing at all times the free movement of pedestrians in those encroached areas;

(c) no such encroachment shall be partially or wholly enclosed or fenced

by any means whatsoever, permanently or otherwise, for the exclusive use of the encroacher; and

(d) no encroachment fee shall be charged by the Municipality and no formal agreement need to be entered into in respect of the above encroachment; and

(e) the Municipality shall have the right of free access to the encroachment at all times for inspection, maintenance and repair of any services which may traverse the encroachment or to install such services in which case the Municipality shall not be liable for any damage to the encroachment which may arise from such inspection, maintenance, repair or installation, or

14.2.2 permit the erection or retention of a veranda, balcony, sign, sign-board or similar structure, device or contrivance which projects or extends into, under or over or on any public place, public street or public thoroughfare, provided inter alia that:

(i) the erection or retention thereof shall not be permitted on the level of more than one floor;

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(ii) no such projection or structure shall be partially enclosed to a height of more than 1,5 metres measured from the floor level thereof except with the prior written approval of the municipality and subject to such conditions as it may impose,

(iii) an annual encroachment fee, determined by the municipality, be levied on successful applicants municipal account for the right obtained to encroach and a formal agreement be entered into in respect of the above encroachment;

(iv) the Municipality shall have the right of free access to the encroachment at all times for inspection, maintenance and repair of any services which may traverse the encroachment or to install such services in which case the Municipality shall not be liable for any damage to the encroachment which may arise from such inspection, maintenance, repair or installation; or

14.2.3 permit encroachments onto commonage, public open spaces or conservation areas provided inter alia that:

(a) written applications accompanied with proof of payment of the application fee shall be submitted to the Municipality;

(b) the delegated authority, through the Planning & Development, shall:

(i) obtain the comments of the relevant municipal directorates/departments;

(ii) cause the said application to be advertised in terms of paragraph 10.1 of this policy;

(iii) where objections against the said application are received, submit it to the applicant for his/her comment;

(iv) submit the application and all relevant documents to Executive Mayor;

(v) notify the applicant of the Executive Mayor's decision and where applicable furnish him/her with a copy of any conditions imposed by the Council or its nominee; and

(vi) issue a permit (to the successful applicant to give effect to the approval of the application.

(c) the planting of trees, shrubs and alien lawn or the erection of seating, statuary or other similar objects, are not permitted;

(d) no such encroachment shall be partially or wholly enclosed or fenced by any means whatsoever, permanently or otherwise, for the exclusive use of the adjacent property owner; and

(e) an annual encroachment fee, determined by Council, be levied on successful applicants municipal account for the right obtained to encroach.

14.2.4 permit the enclosure or exclusive use of portions of the commonage, public open spaces, public thoroughfares or any municipal owned immovable property for gardening purposes, provided inter alia that:

(a) written applications accompanied with proof of payment of the application fee shall be submitted to the Municipality;

(b) the delegated authority, through the Department & Planning Department, shall:

(i) obtain the comments of the relevant municipal directorate/departments;

(ii) cause the said application to be advertised in terms of paragraph 10.1 of this policy;

(iii) where objections against the said application¹¹⁸⁰ are received, submit it to the applicant for his/her comment;

(iv) submit the application and all relevant documents to the Executive Mayor for approval;

(v) notify the applicant of the Executive Mayor's decision and where applicable furnish him/her with a copy of any conditions imposed by the Council or its nominee; and

(vi) issue a permit (to the successful applicant to give effect to the approval of the application;

(c) the planting of trees, shrubs and alien lawn or the erection of seating, statuary or other similar objects, are not permitted.

(d) a monthly encroachment fee, determined by council, be levied on successful applicants municipal account for the right obtained to encroach.

14.2.5 permit the use of municipal land for outdoor seating adjoining a restaurant or for parking of vehicles, provided inter alia that this will be dealt with as a formal lease agreement and the procedure for a lease agreement be followed.

14.3 The Municipality may reduce the extent of a public place or public street which is encroached upon by the extent of the encroachment or by such greater extent as may, in its opinion, be desirable.

15. EVALUATION

15.1 A Land Evaluation Committee shall be established by the Accounting Officer in accordance with annexure "A" hereto, whose function will be to evaluate tenders, auctions, expressions of interest or other bids and objections received in response to any competitive bidding process and to make a recommendation to the Immovable Property Adjudication Committee (IPAC);

15.2 IPAC shall make the final award or to make another recommendation to the Accounting Officer as to how to proceed with the relevant transaction, which final award shall at all times be subject to the prior decision and considerations of the Council as referred to in Section 14(2) of the Act (where applicable).

15.3 In the event of the termination of any contract concluded pursuant to the application of this policy being cancelled due to a breach thereof by the party to whom the contract was awarded, the particular tender, auction, expressions of interest or other bids may be referred back to the Land Evaluation Committee to re-evaluate such tender, auction, expressions of interest or other bids so as to make an alternate recommendation to IPAC.

16. DISQUALIFICATION

The following persons shall be disqualified from participating in any process for the sale and Transfer and the granting of Rights to Use, Control or Manage Capital Assets:

16.1 Persons who have been convicted of fraud or corruption during the period of five years immediately preceding the closing date for advertisements;

16.2 Persons who have wilfully neglected, reneged on or have failed to comply with a government or local government contract during the aforesaid period of five years;

16.3 Persons whose Tax affairs have not been cleared by the South African Revenue Service and who fail to provide a Tax Clearance Certificate in this regard;

16.4 Persons who are in arrears (or who have failed to make suitable arrangements with the Municipality to settle such arrears) in respect of any charges payable in terms of Section 118 of the MSA;

16.5 Persons who have an actual or likely conflict of interest in relation to the proposed transaction.

17. RESCISSION OF DECISIONS

Where recommendations or decisions giving rise to the awarding or conclusion of contracts have been unlawfully or improperly made, the Municipality shall be entitled to rescind such decisions. The power to rescind such decisions shall be incorporated in tender documents and in contracts finally concluded with tenderers. The power to rescind decisions and to terminate contracts shall extend to decisions that were made, taken or in any way influenced by Councillors in contravention of item 5 or 6 of the Code of Conduct for Councillors as set out in Schedule 1 to the MSA, or municipal officials in contravention of items 4 or 5 of the Code of Conduct for Municipal Staff Members as set out in Schedule 2 to that Act.

18. DUTIES OF ACCOUNTING OFFICER

The Accounting Officer shall:

18.1 implement this Policy;

18.2 take all reasonable steps to ensure that proper mechanisms are in place to ensure that the objectives and requirements contained in this Policy are achieved;

18.3 notify the Auditor General as defined in Section 1 of the Municipal Finance Management Act, in the event of any bid other than one recommended in the normal course of implementing this Policy being approved and of the reasons for deviating from such recommendation, save that this provision shall not apply if a different bid was approved in order to rectify an irregularity.

18.4 be responsible for the appointment of the members of the Land Evaluation Committee and its Chairperson;

18.5 appoint an appropriately qualified person to deal with all appeals against recommendations of the Land Evaluation Committee;

18.6 be responsible for the management of all contracts concluded pursuant to the implementation of this Policy;

18.7 COUNCIL MAY DELEGATE CERTAIN AUTHORITY

For certain movable assets below a value determined by the council, a council may delegate the authority to decide if an asset is not needed to provide a minimum level of basic municipal service and consider the fair market and economic and community value of that asset, to the Municipal Manager.

It may also delegate to the municipal manager the power to approve in-principle that the asset may be transferred or disposed of (regulation 5(6)). In the case of a municipal entity, the council of the parent municipality may delegate these tasks to the chief executive officer of the entity (regulation 8(6)). When council made such a delegation, the accounting officer will have to make the required regulation 7 or 10 considerations before he/ she will be able to make an in-principle decision.

19. UNSOLICITED BIDS

The Municipality shall be entitled, but not obliged, to consider unsolicited bids received outside the processes initiated by the Municipality. To the extent appropriate in each case the principles set out in this Policy will apply, mutatis mutandis, to such unsolicited bids.

19.1 An unsolicited bid is a bid that is submitted by a prospective supplier to the municipality without any procurement requirement first having been identified and advertised. This situation arises when a supplier identifies an opportunity to render services or supply products not ordinarily required by the municipality.

19.2 In accordance with section 113 of the Act, there is no obligation upon the municipality to consider unsolicited bids received outside a normal bidding process.

19.3 The accounting officer may decide in terms of section 113(2) of the Act to consider an unsolicited bid but only if -

- a) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
- b) the product or service will be exceptionally beneficial to the municipality or have exceptional cost advantages;
- c) the person who made the bid is the sole provider of the product or service concerned; and
- d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.

19.4 If the accounting officer decides to consider an unsolicited bid that complies with sub-paragraph (3), his decision must be made public in accordance with section 21A of the Municipal Systems Act, together with -

- a) reasons as to why the bid should not be open to other competitors;
- b) an explanation of the potential benefits if the unsolicited bid were accepted; and
- c) an invitation to the public or other potential suppliers to submit their comments on the proposal within 30 days of the publication of the relevant notice.

19.5 The accounting officer must submit all written comments received pursuant to subparagraph (4), including any responses from the unsolicited bidder, to the National and Provincial Treasuries for comment.

19.6 Subject to subparagraphs (7) and (8) below, the adjudication committee must consider the unsolicited bid and may, depending on its delegations, award the bid or make a recommendation to the accounting officer.

19.7 A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.

19.8 When considering the matter, the adjudication committee must take into account

a) any comments submitted by the public; and 1183

b) any written comments and recommendations of the National and Provincial Treasuries.

19.9 If any recommendations of the National and Provincial Treasuries are rejected or not followed, the accounting officer must submit to the Auditor-General and the National and Provincial Treasuries the reasons for rejecting or not following those recommendations.

19.10 Such submission must be made within seven days after the decision on the award of the unsolicited bid is taken, but no contract committing the municipality to the bid may be entered into or signed within 30 days of the submission.

19.11 The processes to be followed by the municipality with regard to the acceptance or rejection of an unsolicited bid shall clearly be made known to the bidder who submits the unsolicited bid concerned.

19.12 The council shall exercise caution when interviewing a potential supplier or a person who may wish to offer services to the municipality in circumstance which may be tantamount to the submission of or negotiation with regard to an unsolicited bid and shall not do anything or cause anything to be done which may be contrary to this

20. POLICY REPEAL

The Policy and Procedures for the Disposal of Immovable Capital Assets adopted by the Municipality in April 2018 is hereby repealed.

21. TITLE OF POLICY

This Policy shall be referred to as the Kouga Municipality Policy and Procedures for the Disposal of Immovable Capital Assets.

The following procedure shall be followed in relation to the sale and TRANSFER of a NON-EXEMPTED CAPITAL ASSET having a HIGH VALUE to an ORGAN OF STATE or to a PRIVATE SECTOR PARTY

1. This schedule may not be read as permitting the sale and Transfer of a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the sale and Transfer of a Non-Exempted Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)
3. This schedule is not applicable to the sale and Transfer of housing on municipal land and the Transfer of such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)
4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).
5. Authorisation shall be sought from the Council to conduct a public participation process in accordance with Regulation 5(3)(a), which request for authorisation shall be accompanied by an information statement as referred to in Regulation 5(3)(b). Regulation 5(3)(a), Regulation 5(3)(b)
6. The public participation process shall be conducted in accordance with Regulation 5(1)(a) read with Regulation 6 and the publication invitation and solicitation referred to in Regulation 6(a) and (b) shall be conducted at least 60 days before the referral to Council alluded to in 7. below. Regulation 5(1)(a), Regulation 6
7. The proposal to Transfer the Non-Exempted Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that the Non-Exempted Capital Asset may be sold and Transferred in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7
8. The Council shall be entitled to furnish its approval referred to in 7. above in principle in accordance with Regulation 11. Regulation 11

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9. Any sale and Transfer of the Non-Exempted Capital Asset shall be in accordance with the Policy and procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 12, Supply Chain Management Regulation 40, Section 14(5)

10. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a Non-Exempted Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)

11. The proceeds received from the sale and Transfer of the Non-Exempted Capital Asset shall be dealt with in accordance with Regulation 16. Regulation 16

12. Any sale and Transfer in accordance with this Schedule shall be effected by a written Transfer Agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

13. Gains, losses and associated costs not budgeted for that will be incurred in respect of the sale and Transfer shall be dealt with in accordance with Regulation 47. Regulation 47

14. The sale and Transfer of the Non-Exempted Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

15. The sale and Transfer shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the sale and TRANSFER of a NON-EXEMPTED CAPITAL ASSET NOT having a HIGH VALUE to an ORGAN OF STATE or to a PRIVATE SECTOR PARTY

1. This schedule may not be read as permitting the sale and Transfer of a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the sale and Transfer of a Non-Exempted Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)
3. This schedule is not applicable to the sale and Transfer of housing on municipal land and the Transfer of such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)
4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).
5. The proposal to Transfer the Non-Exempted Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that the Non-Exempted Capital Asset may be sold and Transferred in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7
6. The Council shall be entitled to furnish its approval referred to in 5. above in principle in accordance with Regulation 11. Regulation 11
7. Any sale and Transfer of the Non-Exempted Capital Asset shall be in accordance with the Policy and procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 12, Supply Chain Management Regulation 40, Section 14(5)
8. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a Non-Exempted Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)
9. The proceeds received from the sale and Transfer of the Non-Exempted Capital Asset shall be dealt with in accordance with Regulation 16. Regulation 16

10. Any sale and Transfer in accordance with this Schedule shall be effected by a written Transfer Agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

11. Gains, losses and associated costs not budgeted for that will be incurred in respect of the sale and Transfer shall be dealt with in accordance with Regulation 47. Regulation 47

12. The sale and Transfer of the Non-Exempted Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

13. The sale and Transfer shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the sale and TRANSFER of a NON-EXEMPTED CAPITAL ASSET having a HIGH VALUE to a PRIVATE SECTOR PARTY appointed as a service provider through a competitive bidding process in accordance with Chapter 8 of the MSA.

1. This schedule may not be read as permitting the sale and Transfer of a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the sale and Transfer of a Non-Exempted Capital Asset in terms of Public-Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)
3. This schedule is not applicable to the sale and Transfer of housing on municipal land and the Transfer of such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)
4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).
5. Authorisation shall be sought from the Council to conduct a public participation process in accordance with Regulation 5(3)(a), which request for authorisation shall be accompanied by an information statement as referred to in Regulation 5(3)(b). Regulation 5(3)(a), Regulation 5(3)(b)
6. The public participation process shall be conducted in accordance with Regulation 5(1)(a) read with Regulation 6 and the publication invitation and solicitation referred to in Regulation 6(a) and (b) shall be conducted at least 60 days before the referral to Council alluded to in 7. below. Regulation 5(1)(a), Regulation 6
7. The proposal to Transfer the Non-Exempted Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that the Non-Exempted Capital Asset may be sold and Transferred in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7
8. The Council shall be entitled to furnish its approval referred to in 7. above in principle in accordance with Regulation 11. Regulation 11

9. Compliance with the Disposal Management System referred to in the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality shall not be necessary and direct negotiations may be conducted with the Service Provider. Regulation 12(2) and 12(3)

10. The provisions of Regulations 14 and 15 shall be taken into account. Regulation 14, Regulation 15

11. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a Non-Exempted Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)

12. The proceeds received from the sale and Transfer of the Non-Exempted Capital Asset shall be dealt with in accordance with Regulation 16. Regulation 16

13. Any sale and Transfer in accordance with this Schedule shall be effected by a written Transfer Agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

14. Gains, losses and associated costs not budgeted for that will be incurred in respect of the sale and Transfer shall be dealt with in accordance with Regulation 47. Regulation 47

15. The sale and Transfer of the Non-Exempted Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

16. The sale and Transfer shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the sale and TRANSFER of a NON-EXEMPTED CAPITAL ASSET NOT having a HIGH VALUE to a PRIVATE SECTOR PARTY appointed as a service provider through a competitive bidding process in accordance with Chapter 8 of the MSA.

1. This schedule may not be read as permitting the sale and Transfer of a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the sale and Transfer of a Non-Exempted Capital Asset in terms of Public-Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)
3. This schedule is not applicable to the sale and Transfer of housing on municipal land and the Transfer of such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)
4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).
5. The proposal to Transfer the Non-Exempted Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that the Non-Exempted Capital Asset may be sold and Transferred in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7
6. The Council shall be entitled to furnish its approval referred to in 5. above in principle in accordance with Regulation 11. Regulation 11
7. Compliance with the Disposal Management System referred to in the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality shall not be necessary and direct negotiations may be conducted with the Service Provider. Regulation 12(2) and 12(3)
8. The provisions of Regulations 14 and 15 shall be taken into account. Regulation 14, Regulation 15
9. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a Non-Exempted Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)

10. The proceeds received from the sale and Transfer of the Non-Exempted Capital Asset shall be dealt with in accordance with Regulation 16. Regulation 16

11. Any sale and Transfer in accordance with this Schedule shall be effected by a written Transfer Agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

12. Gains, losses and associated costs not budgeted for that will be incurred in respect of the sale and Transfer shall be dealt with in accordance with Regulation 47. Regulation 47

13. The sale and Transfer of the Non-Exempted Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

14. The sale and Transfer shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the sale and TRANSFER of an EXEMPTED CAPITAL ASSET NOT needed to provide the minimum level of BASIC MUNICIPAL SERVICES to ORGANS OF STATE.

1. It shall be determined in accordance with Regulation 20 whether Sections 14(1) to 14(5) applies to the particular transaction. Regulation 20
2. Sections 14(1) to 14(5) shall apply to the particular transaction and this Schedule shall not apply where none of the circumstances mentioned in Regulation 20 apply. Regulation 21
3. Where the provisions of Regulation 20(1)(a) apply, Regulation 22 shall be complied with. Regulation 22
4. Before a sale and Transfer of an Exempted Capital Asset to an Organ of State in circumstances described in Regulation 20(1), Regulation 23 shall be complied with. Regulation 23
5. Regulations 25, 26, and 27 shall be complied with. Regulation 25, Regulation 26, Regulation 27
6. The valuation of the Exempted Capital Asset and compensation therefore shall be calculated and agreed in accordance with Regulations 29 and 28. Regulation 29, Regulation 28
7. A written Transfer agreement shall be concluded in relation to the Transfer which shall comply with Regulation 30 and prior to entering into such Transfer agreement the Council must consider the effects referred to in Regulation 31 and the due diligence referred to in Regulation 32 shall have been conducted. Regulation 30, Regulation 31, Regulation 32

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the sale and TRANSFER of an EXEMPTED CAPITAL ASSET needed to provide the minimum level of BASIC MUNICIPAL SERVICES to ORGANS OF STATE.

1. It shall be determined in accordance with Regulation 20 whether Sections 14(1) to 14(5) applies to the particular transaction. Regulation 20
2. Sections 14(1) to 14(5) shall apply to the particular transaction and this Schedule shall not apply where none of the circumstances mentioned in Regulation 20 apply. Regulation 21
3. Where the provisions of Regulation 20(1)(a) apply, Regulation 22 shall be complied with. Regulation 22
4. Before a sale and Transfer of an Exempted Capital Asset to an Organ of State in circumstances described in Regulation 20(1), Regulation 23 shall be complied with. Regulation 23
5. The sale and Transfer of an Exempted Capital Asset needed to provide the minimum level of Basic Municipal Services may only be effected on the conditions stipulated in Regulation 24(1) and on condition that the Municipality is satisfied that the Organ of State to which the Exempted Capital Asset is to be transferred can adequately maintain and safeguard the Exempted Capital Asset as envisaged in Regulation 24(2), the Transfer agreement, service delivery or other agreement shall comply with Regulation 24(3) save that this paragraph 5. shall not apply in the circumstances referred to in Regulation 20(1)(c) or (d) relating to the assignment of powers and functions and the Transfer of Municipal housing or land to National or Provincial Organs of State for housing for the poor or in terms of a National or Provincial Housing Policy. Regulation 24(1), Regulation 24(2), Regulation 24(3), Regulation 20(1)(c), Regulation 20(1)(d)
6. Regulations 25, 26, and 27 shall be complied with. Regulation 25, Regulation 26, Regulation 27
7. The valuation of the Exempted Capital Asset and compensation therefore shall be calculated and agreed in accordance with Regulations 29 and 28. Regulation 29, Regulation 28
8. A written Transfer agreement shall be concluded in relation to the Transfer which shall comply with Regulation 30 and prior to entering into such Transfer agreement the Council must consider the effects referred to in Regulation 31 and the due diligence referred to in Regulation 32 shall have been conducted. Regulation 30, Regulation 31, Regulation 32

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Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the granting of a LONG TERM right to USE, CONTROL or MANAGE a CAPITAL ASSET having a FAIR MARKET VALUE in excess of R10 MILLION.

1. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 33(2)(a)
2. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset for housing on municipal land for the poor to beneficiaries of such housing. Regulation 33(2)(b)
3. The value of the Capital Asset shall be determined by a registered value should it be envisaged that such Capital Asset could have a Fair Market Value in excess of R10 Million and should a Long Term (longer than three (3) years) be envisaged. Regulation 34(2)
4. Authorisation shall be sought from the Council to conduct a public participation process in accordance with Regulation 34(3)(a), which request for authorisation shall be accompanied by an information statement as referred to in Regulation 34(3)(b). Regulation 34(3)(a), Regulation 34(3)(b)
5. The public participation process shall be conducted in accordance with Regulation 34(1)(a) read with Regulation 35 and the publication invitation and solicitation referred to in Regulation 35(a) and (b) shall be conducted at least 60 days before the referral to Council alluded to in 6. below. Regulation 34(1)(a), Regulation 35
6. The proposal to grant the Right to Use, Control or Manage the Capital Asset shall be referred to Council for approval in principle in accordance with Regulation 34(1)(b) in which referral the Council shall be advised of the factors referred to in Regulation 36. Regulation 34(1)(b), Regulation 36
7. The Council shall be entitled to furnish a conditional approval which may be given subject to any conditions including the conditions referred to in Regulation 40. Regulation 40
8. Any grant of a right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 41, Supply Chain Management Regulation 40

9. Prior to granting a right to Use, Control or Manage a Capital Asset, the Municipality shall satisfy itself that the Private Sector Party or Organ of State to whom the right is to be granted can demonstrate the ability to adequately maintain and safeguard the asset. Regulation 41(4)

10. Any grant of a right to Use, Control or Manage a Capital Asset shall be by way of written agreement and shall, inter alia, set out the terms referred to in Regulation 45(2)(a) and shall be signed off in accordance with Regulation 45(2)(b). Regulation 45

11. Agreements granting rights to Use, Control or Manage a Capital Asset shall be made available to the Council and shall not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act 2 of 2000. Regulation 46

12. Gains, losses and associated costs not budgeted for that will be incurred in respect of the grant of the right to Use, Control or Manage a Capital Asset shall be dealt with in accordance with Regulation 47. Regulation 47

13. The grant of the right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Capital Asset. Regulation 48

14. The grant of the right to Use, Control or Manage a Capital Asset shall be formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the granting of a Right to USE, CONTROL or MANAGE a CAPITAL ASSET where EITHER the FAIR MARKET VALUE of the CAPITAL ASSET does NOT exceed R10 Million or a LONG TERM right is NOT proposed.

1. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 33(2)(a)
2. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset for housing on municipal land for the poor to beneficiaries of such housing. Regulation 33(2)(b)
3. The value of the Capital Asset shall be determined by a registered valuer should it be envisaged that such Capital Asset could have a Fair Market Value in excess of R10 Million and should a Long Term (longer than three (3) years) be envisaged and if such value is found to be in excess of R10 Million and should a Long Term be envisaged, Schedule 7 shall be applied. Regulation 34(2)
4. The proposal to grant the Right to Use, Control or Manage the Capital Asset shall be referred to Council for approval in principle in accordance with Regulation 34(1)(b) in which referral the Council shall be advised of the factors referred to in Regulation 36. Regulation 34(1)(b), Regulation 36
5. The Council shall be entitled to furnish a conditional approval which may be given subject to any conditions including the conditions referred to in Regulation 40. Regulation 40
6. Any grant of a right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 41, Supply Chain Management Regulation 40
7. Prior to granting a right to Use, Control or Manage a Capital Asset, the Municipality shall satisfy itself that the Private Sector Party or Organ of State to whom the right is to be granted can demonstrate the ability to adequately maintain and safeguard the asset. Regulation 41(4)
8. Any grant of a right to Use, Control or Manage a Capital Asset shall be by way of written agreement and shall, inter alia, set out the terms referred to in Regulation 45(2)(a) and shall be signed off in accordance with Regulation 45(2)(b). Regulation 45

9. Agreements granting rights to Use, Control or Manage a Capital Asset shall be made available to the Council and shall not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act 2 of 2000. Regulation 46

10. Gains, losses and associated costs not budgeted for that will be incurred in respect of the grant of the right to Use, Control or Manage a Capital Asset shall be dealt with in accordance with Regulation 47. Regulation 47

11. The grant of the right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Capital Asset. Regulation 48

12. The grant of the right to Use, Control or Manage a Capital Asset shall be formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the granting of a Right to USE, CONTROL OR MANAGE a CAPITAL ASSET not of a HIGH VALUE

where the right:

- (a) is granted for an indefinite or undetermined period;
 - (b) is granted for a period which exceeds:
 - (b)(i) the useful life of the Capital Asset; or
 - (b)(ii) the economic usefulness of the Capital Asset and which would require the Asset, in order to remain economically useful, to be substantially upgraded, altered or replaced during the period for which the right is granted; or
 - (c) confers on the person to whom the right is granted:
 - (i) an option to buy or acquire ownership in the Capital Asset; or
 - (ii) the power to use, control or manage the Capital Asset as if that person is the beneficial (but not legal) owner of the Asset which, for the purposes of this Policy shall be deemed to apply where the Right to Use, Control or Manage the Capital Asset is a Lease for a period of not less than 10 (ten) years and which Lease provides for the Lease to be notarially registered and for the Lessee to mortgage the Lease.
1. This schedule may not be read as permitting the sale and granting of a Right to Use, Control or Manage a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the granting of a Right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)

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3. This schedule is not applicable to the granting of a Right to Use, Control or Manage municipal land for housing on such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)

4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).

5. The proposal to grant a Right to Use, Control or Manage the Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that a Right to Use, Control or Manage may be granted in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7

6. The Council shall be entitled to furnish its approval referred to in 5. above in principle in accordance with Regulation 11. Regulation 11

7. Any grant of a Right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 12, Supply Chain Management Regulation 40, Section 14(5)

8. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to grant a Right to Use, Control or Manage a Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)

9. The proceeds received from the granting of a Right to Use, Control or Manage shall be dealt with in accordance with Regulation 16. Regulation 16

10. Any granting of a Right to Use, Control or Manage in accordance with this Schedule shall be effected by a written agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

11. Gains, losses and associated costs not budgeted for that will be incurred in respect of the granting of a Right to Use, Control or Manage shall be dealt with in accordance with Regulation 47. Regulation 47

12. The granting of a Right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

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13. The granting of a Right to Use, Control or Manage shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

The following procedure shall be followed in relation to the granting of a Right to USE, CONTROL OR MANAGE a HIGH VALUE CAPITAL ASSET

where the right:

- (a) is granted for an indefinite or undetermined period;
 - (b) is granted for a period which exceeds:
 - (i) the useful life of the Capital Asset; or
 - (ii) the economic usefulness of the Capital Asset and which would require the Asset, in order to remain economically useful, to be substantially upgraded, altered or replaced during the period for which the right is granted; or
 - (c) confers on the person to whom the right is granted:
 - (i) an option to buy or acquire ownership in the Capital Asset; or
 - (ii) the power to use, control or manage the Capital Asset as if that person is the beneficial (but not legal) owner of the Asset which, for the purposes of this Policy shall be deemed to apply where the Right to Use, Control or Manage the Capital Asset is a Lease for a period of not less than 10 (ten) years and which Lease provides for the Lease to be notarially registered and for the Lessee to mortgage the Lease.
1. This schedule may not be read as permitting the sale and granting of a Right to Use, Control or Manage a Capital Asset needed to provide the minimum level of Basic Municipal Services. Section 14(1) Regulation 4(2)
2. This schedule is not applicable to the granting of a Right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 4(3)(a)

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3. This schedule is not applicable to the granting of a Right to Use, Control or Manage municipal land for housing on such municipal land for the poor to beneficiaries of such housing. Regulation 4(3)(b)
 4. The value of the Capital Asset shall be determined in accordance with Regulation 5(4), or Regulation 5(5). Regulation 5(4), Regulation 5(5).
 5. Authorisation shall be sought from the Council to conduct a public participation process in accordance with Regulation 5(3)(a), which request for authorisation shall be accompanied by an information statement as referred to in Regulation 5(3)(b). Regulation 5(3)(a), Regulation 5(3)(b)
 6. The public participation process shall be conducted in accordance with Regulation 5(1)(a) read with Regulation 6 and the publication invitation and solicitation referred to in Regulation 6(a) and (b) shall be conducted at least 60 days before the referral to Council alluded to in 7. below. Regulation 5(1)(a), Regulation 6
 7. The proposal to grant a Right to Use, Control or Manage the Capital Asset shall be referred to Council to make the determinations and to furnish its approval in principle that a Right to Use, Control or Manage may be granted in accordance with Regulation 5(1)(b) read with Sections 14(2)(a) and (b), in which referral the Council shall be advised of the factors referred to in Regulation 7. Sections 14(2)(a)&(b), Regulation 5(1)(b), Regulation 7
 8. The Council shall be entitled to furnish its approval referred to in 5. above in principle in accordance with Regulation 11. Regulation 11
 9. Any grant of a Right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 12, Supply Chain Management Regulation 40, Section 14(5)
 10. If the Municipality on account of the public interest, in particular in relation to the plight of the poor, intends to grant a Right to Use, Control or Manage a Capital Asset for less than its Fair Market Value, the factors referred to in Regulation 13(2) shall be taken into account. Regulation 13(2)
 11. The proceeds received from the granting of a Right to Use, Control or Manage shall be dealt with in accordance with Regulation 16. Regulation 16
 12. Any granting of a Right to Use, Control or Manage in accordance with this Schedule shall be effected by a written Agreement compliant with Regulation 17 which shall be made available to the Council and public as provided for in Regulation 18. Regulation 17, Regulation 18

13. Gains, losses and associated costs not budgeted for that will be incurred in respect of the granting of a Right to Use, Control or Manage shall be dealt with in accordance with Regulation 47. Regulation 47

14. The granting of a Right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Asset. Regulation 48

15. The granting of a Right to Use, Control or Manage shall be given effect to and formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49, Section 14(5)

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

This Schedule shall be applied in respect of the granting of a LONG TERM Right to USE, CONTROL OR MANAGE a CAPITAL ASSET having a value in excess of R10 Million to a PRIVATE SECTOR PARTY or ORGAN OF STATE appointed as a service provider through a competitive bidding process for the performance of a Municipal Service or commercial service.

1. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 33(2)(a)
2. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset for housing on municipal land for the poor to beneficiaries of such housing. Regulation 33(2)(b)
3. The value of the Capital Asset shall be determined by a registered valuer should it be envisaged that such Capital Asset could have a Fair Market Value in excess of R10 Million and should a Long Term (longer than three (3) years) be envisaged. Regulation 34(2)
4. Authorisation shall be sought from the Council to conduct a public participation process in accordance with Regulation 34(3)(a), which request for authorisation shall be accompanied by an information statement as referred to in Regulation 34(3)(b). Regulation 34(3)(a), Regulation 34(3)(b)
5. The public participation process shall be conducted in accordance with Regulation 34(1)(a) read with Regulation 35 and the publication invitation and solicitation referred to in Regulation 35(a) and (b) shall be conducted at least 60 days before the referral to Council alluded to in 6. below. Regulation 34(1)(a), Regulation 35
6. The proposal to grant the Right to Use, Control or Manage the Capital Asset shall be referred to Council for approval in principle in accordance with Regulation 34(1)(b) in which referral the Council shall be advised of the factors referred to in Regulation 36. Regulation 34(1)(b), Regulation 36
7. If the Capital Asset is required to provide the minimum level of Basic Municipal Services, the Right to Use, Control or Manage shall only be granted upon the conditions reflected in Regulation 44(a) and (b). Regulation 44(a) and (b)

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8. The Council shall be entitled to furnish a conditional approval which may be given subject to any conditions including the conditions referred to in Regulation 40. Regulation 40

9. Any grant of a right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 41, Supply Chain Management Regulation 40

10. Prior to granting a right to Use, Control or Manage a Capital Asset, the Municipality shall satisfy itself that the Private Sector Party or Organ of State to whom the right is to be granted can demonstrate the ability to adequately maintain and safeguard the asset. Regulation 41(4)

11. Any grant of a right to Use, Control or Manage a Capital Asset shall be by way of written agreement and shall, inter alia, set out the terms referred to in Regulation 45(2)(a) and shall be signed off in accordance with Regulation 45(2)(b). Regulation 45

12. Agreements granting rights to Use, Control or Manage a Capital Asset shall be made available to the Council and shall not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act 2 of 2000. Regulation 46

13. Gains, losses and associated costs not budgeted for that will be incurred in respect of the grant of the right to Use, Control or Manage a Capital Asset shall be dealt with in accordance with Regulation 47. Regulation 47

14. The grant of the right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Capital Asset. Regulation 48

15. The grant of the right to Use, Control or Manage a Capital Asset shall be formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

This Schedule shall be applied in respect of the granting of a Right to USE, CONTROL OR MANAGE a CAPITAL ASSET of a value not more than R10 Million or for a period other than a LONG TERM to a PRIVATE SECTOR PARTY or ORGAN OF STATE appointed as a service provider through a competitive bidding process for the performance of a Municipal Service or commercial service.

1. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset in terms of Public–Private Partnership Agreements referred to in Section 120 of the Act and the Municipal Public-Private Partnership Regulations published by Government Notice No. R309 of 2005. Regulation 33(2)(a)
2. This schedule is not applicable to the granting of a right to Use, Control or Manage a Capital Asset for housing on municipal land for the poor to beneficiaries of such housing. Regulation 33(2)(b)
3. The value of the Capital Asset shall be determined by a registered valuer should it be envisaged that such Capital Asset could have a Fair Market Value in excess of R10 Million and should a Long Term (longer than three (3) years) be envisaged and if such value is found to be in excess of R10 Million and should a Long Term be envisaged, Schedule 7 shall be applied. Regulation 34(2)
4. The proposal to grant the Right to Use, Control or Manage the Capital Asset shall be referred to Council for approval in principle in accordance with Regulation 34(1)(b) in which referral the Council shall be advised of the factors referred to in Regulation 36. Regulation 34(1)(b), Regulation 36
5. The Council shall be entitled to furnish a conditional approval which may be given subject to any conditions including the conditions referred to in Regulation 40. Regulation 40
6. Any grant of a right to Use, Control or Manage a Capital Asset shall be in accordance with the Policy and Procedures for the Disposal of Immovable Capital Assets and Immovable Property Disposal Directives adopted by the Municipality. Regulation 41, Supply Chain Management Regulation 40
7. If the Capital Asset is required to provide the minimum level of Basic Municipal Services, the Right to Use, Control or Manage shall only be granted upon the conditions reflected in Regulation 44(a) and (b). Regulation 44(a) and (b)
8. Prior to granting a right to Use, Control or Manage a Capital Asset, the Municipality shall satisfy itself that the Private Sector Party or Organ of State to whom the right is to be granted can demonstrate the ability to adequately maintain and safeguard the asset. Regulation 41(4)

9. Any grant of a right to Use, Control or Manage a Capital Asset shall be by way of written agreement and shall, inter alia, set out the terms referred to in Regulation 45(2)(a) and shall be signed off in accordance with Regulation 45(2)(b). Regulation 45

10. Agreements granting rights to Use, Control or Manage a Capital Asset shall be made available to the Council and shall not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act 2 of 2000. Regulation 46

11. Gains, losses and associated costs not budgeted for that will be incurred in respect of the grant of the right to Use, Control or Manage a Capital Asset shall be dealt with in accordance with Regulation 47. Regulation 47

12. The grant of the right to Use, Control or Manage a Capital Asset shall not affect any existing encumbrances, rights and servitudes attached to the Capital Asset. Regulation 48

13. The grant of the right to Use, Control or Manage a Capital Asset shall be formalised in accordance with all applicable legislation and shall be fair, equitable, transparent and competitive. Regulation 49

Reference to a Section refers to a Section of the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA).

Reference to a Supply Chain Management Regulation refers to a Regulation of the Municipal Supply Chain Management Regulations published by General Notice 868 of 2005 under the MFMA.

Reference to a Regulation refers to a Regulation of the Asset Transfer Regulations published by General Notice 878 of 2008 under the MFMA.

ANNEXURE A: Kouga Municipality Immovable Property Transfer/Disposal Procedure and Guidelines.

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Introduction

The purpose of this document is to ensure compliance with law – particularly the Local Government: Municipal Finance Management Act 56 of 2003 (the MFMA), and the Municipal Asset Transfer

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Regulations, 2008 (the MATR) – and Kouga Municipality's policy, and should be read and applied together with the relevant legislation, regulations and policies.

This document provides guidelines to facilitate the fair, equitable, transparent, competitive and consistent management and transfer of the Kouga Municipality's immovable property. It applies to all immovable property owned by the Municipality, and to all departments, structures, and officials. It serves to assist in and clearly define the process required when considering initiating property transactions relating to the Kouga Municipality's assets. In doing so it seeks to ensure that all immovable property owned by the Municipality is only transferred or disposed of after the Council, in a meeting open to the public, (a) has decided on reasonable grounds that the capital asset is not needed to provide the minimum level of basic municipal services; and (b) has considered the fair market value of the capital asset and the economic and community value to be received in exchange for the asset.

It is important to understand the interplay between the principles of custodial oversight on the one hand and operational management and control (which includes asset accountability) on the other. Although PD&T is the custodian of Municipality-owned immovable property, Line Departments are responsible for day-to-day management and control of facilities and capital assets under their management.

The following terminology and principles are used as indicated below in this document:

"Asset owner" means the Kouga Municipality

"Capital assets" refers to Municipality immovable property/assets.

"Asset custodian" means the Development & Planning Department.

"Asset User" means the Line Department to which the immovable property has been allocated for operational use. Such department is accountable for the operational management and control of the asset.

"Accountability" and "accountable" mean the responsibility for use, management and control of the immovable property, including but not limited to operations, relationship management, security, maintenance, budgeting, income and expenditure management, and performance reporting relating to the asset in question.

"Disposal" (as defined in the Municipal Asset Transfer Regulations) means demolition, dismantling or destruction of the capital asset.

"Transfer" means loss of title/ownership of the capital asset.

"Non-high value assets" means capital assets which are not of a "high value" as defined in regulation 1(1) of the MATR (i.e. < R50 million).

Should the Line Department no longer need the immovable property for operational requirements, it is required to release or hand over the asset in terms of the Immoveable Property Asset Hand-over Protocol to the Planning & Development Department. It should be noted that only the Planning & Development Department as custodian of Municipality immovable property may initiate their transfer/disposal. The Planning & Development Department must investigate the most appropriate treatment for such

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immovable property. This may include redeployment to another User Department; leasing it out for appropriate use; transfer the asset; its disposal by means of demolition, dismantling, destruction or other means of loss of ownership (other than transfer) if appropriate: provided the chosen treatment is in accordance with the prevailing legislative, regulatory and policy framework, and appropriate in the operative market conditions.

The exception to the above requirement is immovable property falling within the area of responsibility of the Human Settlements department to be used for the delivery of housing for the poor as prescribed in terms of the applicable human settlements legislation (i.e. Housing Act 107 of 1997, Social Housing Act 16 of 2008 and the Social Housing Programme within the National Housing Code). Chapter 2 of the MATR does not apply to the transfer of municipal land for the poor to beneficiaries of housing. Such assets are by law to be provided to the poor based on need and not necessarily based on commercial principles.

When municipal housing or land is transferred to a national or provincial organ of state for housing for the poor then such transfer must be in accordance with Chapter 3 of the MATR, national or provincial housing policy, and is exempted from the supply chain management processes (also see regulation 20 of the MATR). However, the MATR is applicable to any other transfer to provide housing development (for example inclusionary housing, GAP and/or affordable housing) not regulated in terms of the applicable human settlements legislation. The process adopted to effect the applicable transfer should be fair, equitable, transparent and competitive; and consistent with the Kouga Kouga Municipality's Supply Chain Management Policy.

Legislative and Policy Framework for the Transfer and/or Disposal of Kouga Kouga Municipality's's Capital Assets



The transfer and disposal of the Kouga Kouga Municipality's's capital assets are governed by the MFMA, the MATR, and the Kouga Municipality's's Management of Certain immovable capital assets in terms of its Disposal of Immovable Assets Policy. The transfer of capital assets is subject to sections 14(1)-(5) of the MFMA. In addition to section 14 of the MFMA, the provisions of the MATR, which provides the

framework for the implementation of these aspects of section 14, must also be complied with. Below is an overview of the legislative and policy framework applicable to the disposal/transfer of capital assets. It should be noted that the Municipality may only dispose of or transfer capital assets after all the following requirements have been met:

Council's authorisation to conduct the public participation process. Applying for this approval requires submitting a report to Council that must include an information statement containing all the information contemplated in regulation 5(3)(b) of the MATR. Steps in the public participation process involve compliance with regulation 6(a) and (b) of the MATR by the Municipality Manager.

Although it is not a requirement in terms of the MATR to advertise low value assets (< R50 mill), this Policy provides that such public participation process shall be conducted in respect of low value assets.

Following the completion of the public participation process, Council (in a meeting open to the public) must approve in principle that the capital asset may be transferred or disposed of. It is required to make the determinations as set out in sections 14(2)(a) and (b) of the MFMA. Thus, Council must decide on reasonable grounds that the capital asset is not needed to provide the minimum level of basic municipal services; and must consider the fair market value of the capital asset and the economic and community value to be received in exchange for the asset.

Following the steps concerning the conclusion of the mechanism of disposal (tender, auction, call for alternative proposals, including contract negotiations insofar as this is still required and permitted), culminating in the finalisation of the conditions on which the transfer is to occur, Council must grant the final approval for the transfer.

The final approval for the transfer involves the ultimate evaluation of the section 14(2)(a) and (b) considerations. This evaluation must be made with due regard to all relevant considerations, including the final conditions of transfer and current basic service delivery demands at the time of transfer.

Therefore, the final approval must relate to the final conditions of transfer and the factors in terms of regulation 7 of the MATR. Regulation 18 of the MATR also requires the sale agreement to be made available to Council in its entirety and may not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act (2000).

Administrative requirements for the line departments to initiate a property transaction or project in respect of Municipality immovable property

The Planning & Development Department is the custodian of the Kouga Kouga Municipality's immovable property and must ensure its assets are utilised in accordance with the Kouga Kouga Municipality's strategic objectives, legislative framework and the Kouga Kouga Municipality's Property Policy and Immovable Property Asset Management Policy. In order to fulfil the Kouga Kouga Municipality's property management objectives, the Municipality has adopted a life cycle model and portfolio management approach in respect of the management of the Kouga Kouga Municipality's immovable property. A life cycle model applies to the planning, acquisition, holding and disposal of property.

Line departments are entrusted to ensure that the immovable properties within their span of control

are optimally utilised for operational requirements,¹²¹³

are adequately maintained in accordance with the maintenance plan for the asset;

are maintained according to statutory compliance standards of facilities;

are beneficiated to improve service standards; and

are rationalised when they confer no further economic or social benefit and are not required for operational purposes.

The initiation of property transactions/projects in respect of Kouga Municipality's immovable property requires the authorisation of the delegated authority. Line departments are required to obtain the authority from the Planning & Development Department to initiate property transactions/projects such as beneficiation of property, initiating competitive processes, grant rights in property, planning new office builds, infrastructure and capital improvements. However, the exception to this requirement is immovable property which fall within the area of responsibility of the Human Settlements department for the delivery of housing for the poor.

When a line department intends to initiate a property transaction/project (i.e. optimise, commercialise and leverage assets to ensure sustained revenue) in respect of the Kouga Municipality's immovable property, it must engage and obtain approval of the Planning & Development Department as custodian and provide the following:

A detailed business case outlining the need for such property transaction/project;

An indication of the alignment with the Kouga Municipality's strategic objectives embodied in the IDP;

An alignment with the line department's service delivery mandate;

The estimated budget/cost of the property transaction/project; and

An indication of the anticipated impact or outcomes of such property transaction/project.

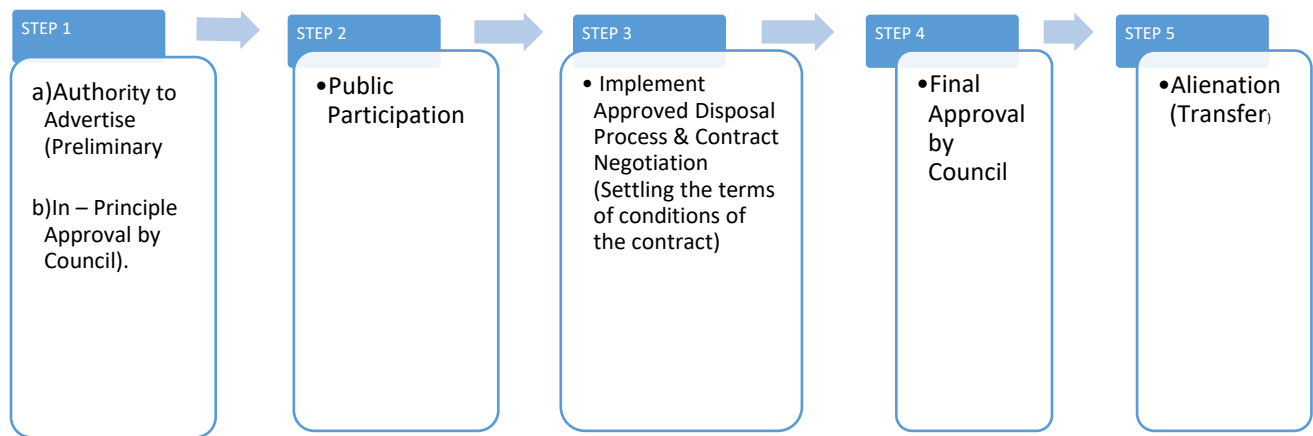
All documentation submitted to the Planning & Development Department by the Line Department must be approved and signed by the relevant Director or nominee.

Following the authorisation to commence such property transaction or project, the Line Department is responsible for complying with the transfer approval steps in Part 4 of this document.

PROCESS PLAN FOR THE DISPOSAL OF THE IMMOVABLE ASSETS:

Approval to transfer Municipality immovable property

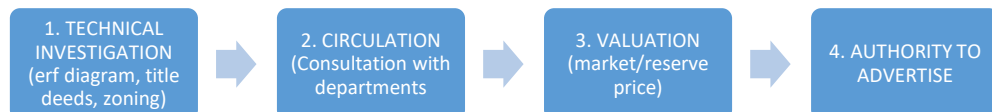
The transfer process consists of various sub-processes or actions, some of which are for operational requirements while others relate to legal or administrative compliance.



Compliance with the above is a legal prerequisite

STEP 1(a): AUTHORITY TO ADVERTISE (ATA)

4.2.1 PROCESS:



conduct a technical investigation (due diligence, ownership, site inspection, zoning, erf diagram, SG noting sheet, etc.);

circulate and consult with internal service departments on property requirements for municipal use or technical services input;

request inputs from external stakeholders such as Eskom and Telkom;

request a property valuation determination from the Finance and or Planning & Development Departments; and

draft report to Council or Delegated Authority to authorize the public participation once all the above information is obtained.

In terms of Reg 5(3)(b) of the MATR the following statement needs to be considered by Council and be placed in the advert as part of the public participation process.

Information Statement:

1. Market valuation (fair market value)
2. Method of valuation
3. Reason for proposed transfer
4. Any expected benefits to the Kouga Municipality's
5. Any expected proceeds to be received by the Kouga Municipality.
6. Any expected gains or loss that will be incurred or realised by the Kouga Municipality.

DELEGATIONS:

Authority to conduct public participation – Council Decision

Chapter 2 MATR

Non-delegable in terms of Reg. 5(3)(a) of MATR – high value assets

Non-high value assets delegated to the Municipal Manger

4.3 Step1(b): IN-PRINCIPLE APPROVAL

4.3.1 PROCESS:

draft in-principle report via Mayco to Council;

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Council must decide that the asset is not needed to provide the minimum level of basic services (i.e. provision of water, sanitation, electricity, roads, storm water drainage, transport, emergency housing and essential services);

consider the fair market value; and

consider the economic and community value to be received in exchange for the asset – to be amplified in report based on the individual circumstances of each transaction.

4.3.2 MANDATORY INFORMATION

Council (in a meeting open to the public) must approve in principle that the capital asset may be transferred/disposed of. It is required to make the determinations as set out in sections 14(2)(a) and (b) of the MFMA and in terms of Reg 5(1)(b)(ii) of the MATR to approve in principle that the capital asset may be transferred or disposed of.

In-principle approval is granted based on the consideration of following factors:

Whether the asset is required for the Kouga Kouga Municipality's own use

Compensation to be received

Risks and rewards to the Municipality

Any comments, views from National Treasury and the Provincial Treasury

Interest of the community and any comments or views received pursuant to the public participation process

Legal compliance

4.3.3 AUTHORITY/DELEGATIONS:

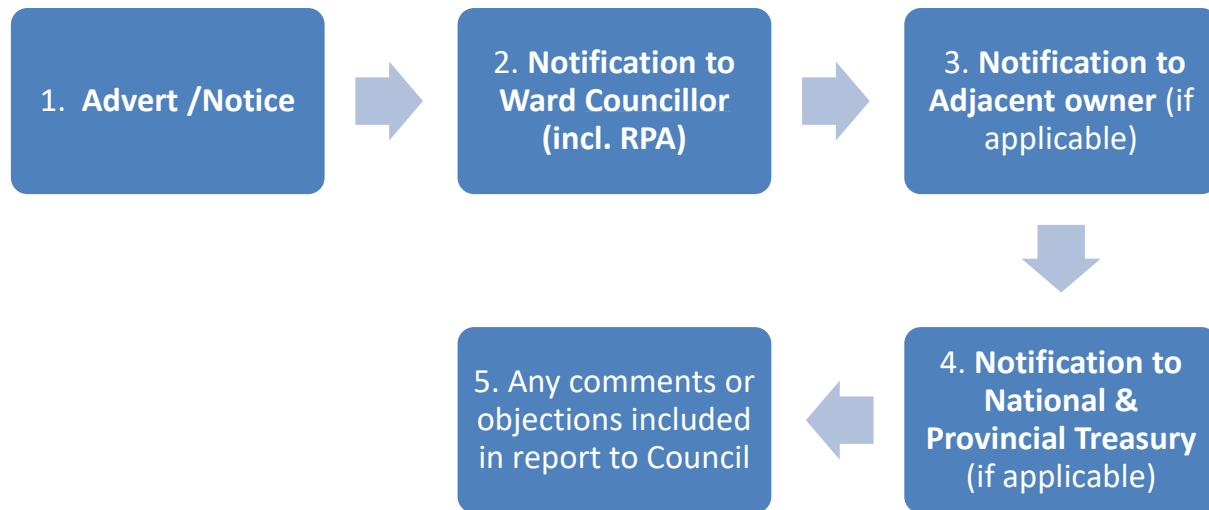
Authority to approve in principle that the asset may be transferred and/or disposed of – Council Decision

Chapter 2 MATR

Non-delegable in terms of Reg. 5(1)(b)(ii) of MATR

STEP 2: PUBLIC PARTICIPATION PROCESS (PPP)

4.2.1 PROCESS:



draft the advert for circulation in Municipal website and local newspapers;

advert must quote the relevant legislation, information statement and any other information as may be determined by the Director: Planning, Development & Tourism;

invite local community and other interested persons to submit comments: send notification toward councillor, relevant homeowners and ratepayers' organisations and display on notice boards; and

where applicable solicit views and recommendations from National Treasury and Provincial Treasury.

4.2.2 MANDATORY INFORMATION

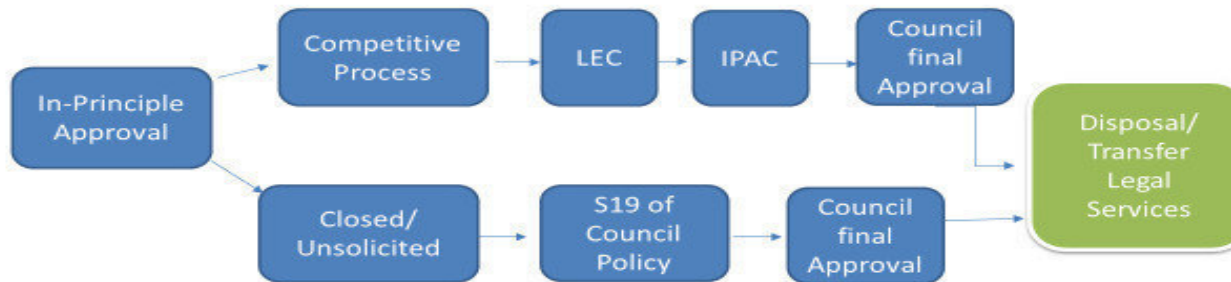
The mandatory requirements can be found in Reg 6(a) and (b) of the MATR. It should be noted that for high-value assets, the public participation must be initiated at least 60 days before the meeting of the Council at which the determinations are to be considered. The advert must include the following information in terms of Reg 5(3)(b) of the MATR.

Information Statement:

1. Market valuation (fair market value)
2. Method of valuation
3. Reason for proposed transfer
4. Any expected benefits to the Kouga Municipality
5. Any expected proceeds to be received by the Kouga Municipality
6. Any expected gains or loss that will be incurred or realised by the Kouga Municipality

STEP 3: IMPLEMENT APPROVED METHOD OF DISPOSAL & CONTRACT NEGOTIATION

Step 3: Implement Approved Method of Disposal



Good Governance through Service Excellence



4.4.1 PROCESS:

The Municipality is entitled to use any of the following methods to conclude a property transaction to ensure that the principle of competitiveness is complied with:

Competitive process

Public tender

Public Auction

Closed tender

Where a Competitive bidding process is determined by Council as preferred method of disposal, the following process will commence:

The Tender/ call for proposals will be advertised in the Newspaper and Municipal website.

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On Closing of Bids, the Land Evaluation Committee will evaluate tenders according to prescribed criteria and make recommendations to the Immovable Property Adjudication Committee (IPAC);

The Immovable Property Adjudication Committee (IPAC) will consider reports and recommendations from LEC. The IPAC will adjudicate and recommend to the Accounting Officer on award to the compliant preferred bidder.

In terms of the Policy, the Municipality may consider solicited or unsolicited methods in the process of transfer of Municipal owned immovable asset.

Where an unsolicited bidding process is followed, s19 of the policy read with the MFMA will be applicable.

The Municipal Manager may dispense with the competitive process in certain circumstances:

emergency,

immovable property can only be used by the applicant,

applicant is sole provider of service, and

transaction is exceptionally beneficial to the Municipality

Following the competitive process or Municipal Manager deviation, a report is required to be submitted to the Immovable Property Adjudication Committee for consideration of the bids or applications received.

MANDATORY INFORMATION

The Municipality may transfer immovable property only by way of a written sale agreement and may negotiate material terms of the agreement as set out in Reg 17 of the MATR which will be further subject to Council's final approval of the transfer.

The material terms amongst others must include:

a sufficient description of the capital asset being transferred in order to identify the asset;

particulars of any subsidiary assets that are transferred with the capital asset;

particulars of any liabilities transferred with the asset;

the amount of compensation payable to the Kouga Municipality's or municipal entity for the transfer of the asset or assets, and the terms and conditions of payment; and

the effective date from which the risk and accountability for the asset or assets is transferred to the receiving private sector party or organ of state.

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If a capital asset is transferred following the selection through a competitive bidding process of a service provider for the performance of a municipal service referred to in regulation 12(2)(a) or for the performance of a commercial service referred to in regulation 12(2)(b) of the MATR, the disposal management system does not apply to the transfer of the immovable property.

4.4.3 DELEGATIONS:

The Immovable Property Adjudication Committee (IPAC) has the authority to adjudicate and recommend for award of immovable property to compliant bidders/purchasers to the accounting officer, subject to final approval by Council and provided that where applicable the:

Public participation process has been conducted,

Sec 14 MFMA determinations have been made by Council,

MATR in-principle approval has been obtained.

STEP 4: FINAL APPROVAL

4.5.1 PROCESS:

draft final transfer report via Mayco to Council

the final approval involves the ultimate evaluation of the section 14(2)(a) and (b) considerations

this evaluation must be made with due regard to all relevant considerations, including the final conditions of transfer and current basic service delivery demands at the time of transfer

in terms of Reg 18 of the MATR the sale agreement must be before Council in its entirety

4.5.2 MANDATORY INFORMATION:

Council (in a meeting open to the public) must approve the transfer and/or disposal of the capital asset. It is required to reaffirm the determinations as set out in sections 14(2)(a) and (b) of the MFMA and in terms of Reg 5 of the MATR.

The Council must when considering the transfer take into account the following factors in terms of Reg 7 of the MATR:

Whether the capital asset may be required for the Kouga Municipality's own use at a later date;

The expected loss or gain that is expected to result from the proposed transfer or disposal;

The extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to Kouga Municipality's;

The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the Kouga Municipality's interests;

The effect that the proposed transfer or disposal will have on the credit rating of the Kouga Municipality's, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;

Any limitations and conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;

The estimated cost of the proposed transfer or disposal;

The transfer of liabilities and reserve funds associated with the capital asset;

Any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;

Any written views and recommendations on the proposed transfer or disposal by National Treasury and the relevant Provincial Treasury;

The interests of any affected organ of state, the Kouga Municipality's own strategic, legal and economic interests and the interests of the local community; and

Compliance with legislative regime applicable to the proposed transfer or disposal.

4.5.3 DELEGATIONS:

Authority to approve the transfer and/or disposal of assets – Council Decision

Chapter 2 MATR

Non-delegable in terms of Reg 5 of MATR

STEP 5: CONTRACT CONCLUSION & TRANSFER

4.6.1 PROCESS:

The Manager: Legal Services in consultation with Director: Planning, Development & Planning finalises the terms and conditions of the sale agreement.

The Director: Planning, Development & Tourism sends a request to Legal Services to appoint a conveyancer to effect the transfer.

the Manager: Legal Services ensures all documents received by the conveyancer are signed and completed (i.e. POA, SARS clearance, and any other transfer related documents which might be required to enable transfer).

4.6.2 MANDATORY INFORMATION:

The Municipality may transfer immovable property only by way of a written sale agreement and negotiate material terms of the agreement as set out in Reg 17 of the MATR including Council's final conditions of the transfer which must include the information identified in paragraph 4.4.2 above.

4.6.3 DELEGATIONS:

Acting in terms of section 59 of the Systems Act, Council hereby delegates the following powers, functions and duties to Accounting Officer including the power to sub delegate:

GENERAL

(2) Within his or her functional area and in consultation with Legal Services, to enter into and sign contracts and other documents, with or without financial consequences, where he or she has the necessary authority, or where the necessary approvals and/or authorities have been obtained.

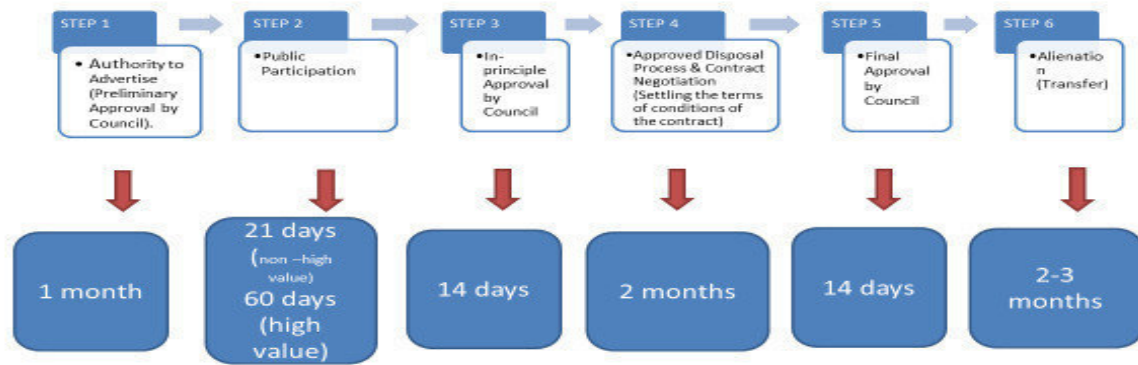
2. PROPERTY MANAGEMENT

Authority to finalise the transaction delegated to Accounting Officer.

To frame the conditions of lease, granting of rights, acquisitions and sales, to execute all documents and rights in connection with the letting, selling and acquisition of capital property, including Power of Attorney.

TIME FRAMES

Proposed Time-Frames



Good Governance through Service Excellence



Committees for management and Disposal of Immovable Capital Assets

LAND EVALUATION COMMITTEE

ESTABLISHMENT

As from a date to be determined by the Accounting Officer there shall be established a Committee to be known as the Kouga Local Municipality Land Evaluation Committee.

CONSTITUTION OF THE COMMITTEE

6.1.2.1 The Committee shall consist of not less than five (5) members to be appointed by the Accounting Officer, all of whom shall be Officials, save that the Accounting Officer shall be entitled to appoint an external specialist advisor if deemed appropriate to serve on the Committee and shall ensure, where practicable, the Committee includes at least one (1) senior supply chain management practitioner and at least one (1) technical expert both of whom shall be Officials of the Municipality if the Municipality has such officials.

6.1.2.2 No Councillor may be a member of the Committee nor attend any meeting of the Committee as an observer.

6.1.2.3 The Accounting Officer shall designate any member of the Committee as Chairperson and any other member as vice-Chairperson who shall act as a Chairperson of the Committee when the Chairperson is absent or is unable to perform his or her duties, and when both the Chairperson and vice-Chairperson

are absent from a meeting of the Committee, the members present thereat may elect one of their number to preside at such meeting.

6.1.2.4 The term of office of each member shall be at the pleasure of the Accounting Officer.

6.1.2.5 If required, any vacancy shall be filled by the appointment of a further member by the Accounting Officer.

POWERS AND DUTIES OF THE COMMITTEE

Having regard to the provisions of Section 14 of the MFMA, the Regulations promulgated thereunder and the powers reserved for a decision by the Municipal Council, the Committee's function shall be to evaluate tenders, contracts or other bids and/or objections thereto in relation to the transfer of and the granting of rights to use, control or manage immovable capital assets by the KLM and to make a recommendation to the Immovable Property Adjudicating Committee.

6.1.3.2 The Committee shall be entitled to make such procedural rules as may be appropriate to facilitate their functions and powers provided such rules are not in conflict with the MFMA, the regulations promulgated thereunder, or the Policy.

6.1.3.3 The Committee shall not be entitled to determine the nature of any particular type of process adopted in relation to the method of transfer of or the granting of rights to use, control or manage any particular immovable capital asset but shall be obliged to report to the IPAC and make such recommendations as it deems fit should it be of the opinion that any particular type of process adopted in relation to the transfer of or the granting of rights to use, control or manage under consideration is not fair, equitable, transparent, competitive and consistent with the Supply Chain Management Policy.

6.1.3.4 In the instance of the evaluation of an unopposed unsolicited bid, the Committee shall, prior to the evaluation thereof, first establish from the Planning, Development & Tourism Directorate of the KLM that the transaction has, prior to submission to the Committee, been advertised for interested parties to participate in competing for the transaction or to object thereto. Should no response to the advertisement for expressions of interest or objections have been received, the unsolicited bid shall be recommended for award by the Accounting Officer subject to Section 14(2) of the MFMA and subject to the Committee being of the opinion that the process followed in relation to the transaction has been in compliance with Section 14(5) of the MFMA.

6.1.3.5 Any transaction to be evaluated by the Committee where multiple parties have expressed interest or where objections to the particular transaction have been noted shall be evaluated by the Committee in light of such competing expressions of interest and/or objections subject to the Committee being satisfied that the process followed in relation to the envisaged transaction has been fair, equitable, transparent, competitive and consistent with the Supply Chain Management Policy.

6.1.3.6 The Committee shall take cognizance of and abide by any pre-qualification criteria imposed in relation to any particular matter under consideration provided such pre-qualification criteria have been open and transparent.

6.1.3.7 The Committee shall not consider any contract, tender or bid submitted otherwise than in accordance with approved documentation applicable in each particular instance or in the event of such documentation not having been completed in all required respects.

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6.1.3.8 The opening, registering and recording of competing contracts, tenders or bids shall take place in public and shall be opened at the same time or as soon as possible after the period for the submission of such competing contracts, tenders or bids has expired.

6.1.3.9. The Committee shall be obliged, if required, to read out the names of persons submitting competing contracts, tenders or bids and, if practical, the total consideration offered by such persons in respect of any particular transaction

6.1.3.10 The Committee shall exclude contracts, tenders and/or bids submitted by persons where a conflict of interest has been disclosed on the submitted documentation or is apparent and a record of such excluded contracts, tenders and/or bids shall be submitted to the Accounting Officer together with the Committee's recommendation.

6.1.3.11 All contracts, tenders and/or bids and objections shall be considered in accordance with the Policy and, where applicable, the Conditions of Tender and, where applicable, the Sworn Statements submitted by interested parties.

6.1.3.12 In evaluating any particular transaction the Committee shall take cognizance of:

The Fair Market Value of the immovable capital asset; and

The Fair Market Value of the immovable capital asset as considered in accordance with Section 14(2) of the MFMA should the Municipal Council have already considered the matter in terms of Section 14(2) at the time of its evaluation; and

Any perceived interest of the public or the plight of the poor in relation to the specific transaction; and

Any economic and/or community value in relation to the transaction or attributed to any person and/or the demands of the public interest or plight of the poor as same may influence the value of the immovable capital asset as determined by the Council of the KLM.

Whether the particular transaction has been referred back to the Committee for re-evaluation pursuant to the termination of any recommended award.

6.1.3.13 All powers and duties of the Committee shall be conducted by its members impartially and without prejudice and shall be untainted by personal self-interest.

6.1.3.18 Where it is the intention of the KLM to acquire an immovable capital asset and the Accounting Officer has confirmed, in writing, that the official procurement processes established in terms of the Supply Chain Management Policy have been dispensed with in accordance with Regulation 36 of the MFMA, the function of the Committee shall be to evaluate the intended acquisition in relation to the Fair Market Value of the immovable capital asset and to confirm, in writing, to the IPAC that it is of the opinion that the intended acquisition and process relative thereto has and will be fair, equitable, transparent and costs effective and shall further make such recommendation as it deems meet in relation to any objections received relative to the intended acquisition.

6.1.3.19 Where the official procurement processes established in terms of the Supply Chain Management Policy have not been dispensed with in relation to the intended acquisition, the intended acquisition shall be referred to the IPAC for evaluation.

MEETINGS OF THE COMMITTEE

6.1.4.1 The meetings of the Committee shall be held at such times and places as the Chairperson may determine or the Accounting Officer may direct.

6.1.4.2 If the Chairperson for any reason does not attend any meeting of the Committee, the Deputy-Chairperson shall preside, whom failing, the members present thereat shall elect one of their number to preside at that meeting.

6.1.4.3 The Chairperson, or the other person presiding at a meeting of the Committee, shall determine the procedure at such meeting.

6.1.4.4 The decision of the majority of members present at any meeting of the Committee, shall constitute a decision of the Committee.

6.1.4.5 Three (3) members of the Committee shall constitute a quorum for any meeting of the Committee.

6.1.4.6 In the event of an equality of votes in regard to any matter, the Chairperson of the Committee, or the person elected under subsection (2) as Chairperson for the meeting concerned, shall in addition to his or her deliberative vote have casting vote.

6.1.4.7 The proceedings of the Committee shall not be invalid merely by reason of the existence of a vacancy on the Committee.

6.1.4.8 Any member of the Committee having a direct or indirect interest in any particular transaction shall immediately disclose such interest to the Chairperson of the Committee and the Accounting Officer in writing and shall withdraw from the sitting of the Committee in relation to the particular transaction and shall have no vote thereat.

6.1.4.9 The Accounting Officer shall be entitled to appoint a neutral or independent observer to attend and/or oversee any meeting of the Committee when appropriate to ensure fairness and promoting transparency.

RECOMMENDATIONS OF THE COMMITTEE

6.1.5.1 All recommendations of the Committee shall be submitted to the Accounting Officer and, where practical, within three (3) months of closure of any advertisement pertaining to the particular transaction.

6.1.5.2 Any recommendation of the Committee shall be based on fairness, equitability, transparency, competitiveness and shall be consistent with the Supply Chain Management Policy.

6.1.5.3 All recommendations of the Committee or decisions unlawfully or improperly made, taken or influenced, including recommendations or decisions that were made, taken or in any way influenced by Councillors in contravention of the Code of conduct for Councillors or Municipal Officials in contravention of the Code of conduct for Municipal Staff Members shall be invalidated by the Accounting Officer.

IMMOVABLE PROPERTY ADJUDICATING COMMITTEE

ESTABLISHMENT

As from a date to be determined by the Accounting Officer there shall be established a Committee to be known as the Immoveable Property Adjudicating Committee (IPAC).

CONSTITUTION OF THE COMMITTEE

6.2.2.1 The Committee shall consist of not less than five (5) members to be appointed by the Accounting Officer, 4 of which must be senior managers of the Municipality, the Accounting Officer shall be entitled to appoint an external specialist advisor if deemed appropriate to serve on the Committee and shall ensure, where practicable, the Committee includes at least one (1) senior supply chain management practitioner and at least one (1) Senior Legal Official.

6.2.2.2 No Councillor may be a member of the Committee nor attend any meeting of the Committee as an observer.

6.2.2.3 The Accounting Officer shall designate any member of the Committee as Chairperson and any other member as vice-Chairperson who shall act as a Chairperson of the Committee when the Chairperson is absent or is unable to perform his or her duties, and when both the Chairperson and vice-Chairperson are absent from a meeting of the Committee, the members present thereat may elect one of their number to preside at such meeting.

6.2.2.4 The term of office of each member shall be at the pleasure of the Accounting Officer.

6.2.2.5 If required, any vacancy shall be filled by the appointment of a further member by the Accounting Officer.

POWERS AND DUTIES OF THE COMMITTEE

Having regard to the provisions of Section 14 of the MFMA, the Regulations promulgated there under and the powers reserved for a decision by the Municipal Council, the Committee's function shall be to consider reports and recommendations of the LEC and;

to make a recommendation to the Accounting Officer to make a final award or to make another recommendation to the Accounting Officer as to how to proceed with the relevant transaction and to evaluate and make recommendations to the Accounting Officer relative to any intended acquisition of immovable capital assets by the KLM in accordance with 4.17.

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6.3.3 The Committee shall be entitled to make such procedural rules as may be appropriate to facilitate their functions and powers provided such rules are not in conflict with the MFMA, the regulations promulgated thereunder, or the Policy.

6.3.4 The Committee shall not be entitled to determine the nature of any particular type of process adopted in relation to the method of transfer of or the granting of rights to use, control or manage any particular immovable capital asset but shall be obliged to report to the Accounting Officer and make such recommendations as it deems fit should it be of the opinion that any particular type of process adopted in relation to the transfer of or the granting of rights to use, control or manage under consideration is not fair, equitable, transparent, competitive and consistent with the Supply Chain Management Policy.

6.3.5 In the instance of the evaluation of an unopposed unsolicited bid, the Committee shall, prior to the evaluation thereof, first establish from the Development, Planning & Tourism of the KLM that the transaction has, prior to submission to the Committee, been advertised for interested parties to participate in competing for the transaction or to object thereto. Should no response to the advertisement for expressions of interest or objections have been received, the unsolicited bid shall be recommended for award by the Accounting Officer subject to Section 14(2) of the MFMA and subject to the Committee being of the opinion that the process followed in relation to the transaction has been in compliance with Section 14(5) of the MFMA.

6.3.6 Any transaction to be evaluated by the Committee where multiple parties have expressed interest or where objections to the particular transaction have been noted shall be evaluated by the Committee in light of such competing expressions of interest and/or objections subject to the Committee being satisfied that the process followed in relation to the envisaged transaction has been fair, equitable, transparent, competitive and consistent with the Supply Chain Management Policy.

6.3.7 The Committee shall take cognizance of and abide by any pre-qualification criteria imposed in relation to any particular matter under consideration provided such pre-qualification criteria have been open and transparent.

6.3.8 The Committee shall not consider any contract, tender or bid submitted otherwise than in accordance with approved documentation applicable in each particular instance or in the event of such documentation not having been completed in all required respects.

6.3.9 The opening, registering and recording of competing contracts, tenders or bids shall take place in public and shall be opened at the same time or as soon as possible after the period for the submission of such competing contracts, tenders or bids has expired.

6.3.10 The Committee shall be obliged, if required, to read out the names of persons submitting competing contracts, tenders or bids and, if practical, the total consideration offered by such persons in respect of any particular transaction

6.3.11 The Committee shall exclude contracts, tenders and/or bids submitted by persons where a conflict of interest has been disclosed on the submitted documentation or is apparent and a record of such excluded contracts, tenders and/or bids shall be submitted to the Accounting Officer together with the Committee's recommendation.

6.3.12 All contracts, tenders and/or bids and objections shall be considered in accordance with the Policy and, where applicable, the Conditions of Tender and, where applicable, the Sworn Statements submitted by interested parties.

6.3.13 In evaluating any particular transaction the Committee shall take cognizance of:

a) The Fair Market Value of the immovable capital asset; and

b) The Fair Market Value of the immovable capital asset¹²²⁹ as considered in accordance with Section 14(2) of the MFMA should the Municipal Council have already considered the matter in terms of Section 14(2) at the time of its evaluation; and

c) Any perceived interest of the public or the plight of the poor in relation to the specific transaction; and

6.3.14 Any economic and/or community value in relation to the transaction or attributed to any person and/or the demands of the public interest or plight of the poor as same may influence the value of the immovable capital asset as determined by the Council of the KLM.

6.3.15 Whether the particular transaction has been referred back to the Committee for re-evaluation pursuant to the termination of any recommended award.

6.3.16 The Accounting Officer may at any stage of the process envisaged herein, refer any recommendation of the Committee back to the Committee for reconsideration of the recommendation.

6.3.17 Any award of a contract, tender or bid by the Accounting Officer pursuant to a recommendation of the Committee shall be subject to the prior compliance with Section 14(2) of the MFMA.

6.3.18 In the event of any dispute in relation to the recommendation of the Committee, the Accounting Officer shall appoint an independent and impartial person not directly involved in the supply chain management processes of the KLM:

a) to assist in the resolution of such dispute; or

b) to deal with any objections, complaints or enquiries regarding the recommendation of the Committee or any matters arising from any particular transaction;

which objections, complaints or enquiries shall be lodged in writing with the Accounting Officer within fourteen (14) days of the recommendation of the Committee or the action objected to.

All powers and duties of the Committee shall be conducted by its members impartially and without prejudice and shall be untainted by personal self-interest.

Where it is the intention of the KLM to acquire an immovable capital asset and the Accounting Officer has confirmed, in writing, that the official procurement processes established in terms of the Supply Chain Management Policy have been dispensed with in accordance with Regulation 36 of the MFMA, the function of the Committee shall be to evaluate the intended acquisition in relation to the Fair Market Value of the immovable capital asset and to confirm, in writing, to the Accounting Officer that it is of the opinion that the intended acquisition and process relative thereto has and will be fair, equitable, transparent and costs effective and shall further make such recommendation to the Accounting Officer as it deems meet in relation to any objections received relative to the intended acquisition.

Where the official procurement processes established in terms of the Supply Chain Management Policy have not been dispensed with in relation to the intended acquisition, the intended acquisition shall be referred to the Acquisition Committee for evaluation.

MEETINGS OF THE COMMITTEE

6.4.1 The meetings of the Committee shall be held at such times and places as the Chairperson may determine or the Accounting Officer may direct.

6.4.2 If the Chairperson for any reason does not attend any meeting of the Committee, the vice-Chairperson shall preside, whom failing, the members present thereat shall elect one of their number to preside at that meeting.

6.4.3 The Chairperson, or the other person presiding at a meeting of the Committee, shall determine the procedure at such meeting.

6.4.4 The decision of the majority of members present at any meeting of the Committee, shall constitute a decision of the Committee.

6.4.5 Three (3) members of the Committee shall constitute a quorum for any meeting of the Committee.

6.4.6 In the event of an equality of votes in regard to any matter, the Chairperson of the Committee, or the person elected under subsection (2) as Chairperson for the meeting concerned, shall in addition to his or her deliberative vote have casting vote.

6.4.7 The proceedings of the Committee shall not be invalid merely by reason of the existence of a vacancy on the Committee.

6.4.8 Any member of the Committee having a direct or indirect interest in any particular transaction shall immediately disclose such interest to the Chairperson of the Committee and the Accounting Officer in writing and shall withdraw from the sitting of the Committee in relation to the particular transaction and shall have no vote thereat.

6.4.9 The Accounting Officer shall be entitled to appoint a neutral or independent observer to attend and/or oversee any meeting of the Committee when appropriate to ensure fairness and promoting transparency.

6.5 RECOMMENDATIONS OF THE COMMITTEE

6.5.1 All recommendations of the Committee shall be submitted to the Accounting Officer and, where practical, within three (3) months of closure of any advertisement pertaining to the particular transaction.

6.5.2 Any recommendation of the Committee shall be based on fairness, equitability, transparency, competitiveness and shall be consistent with the Supply Chain Management Policy.

6.5.3 All recommendations of the Committee or decisions unlawfully or improperly made, taken or influenced, including recommendations or decisions that were made, taken or in any way influenced by Councillors in contravention of the Code of conduct for Councillors or Municipal Officials in contravention of the Code of conduct for Municipal Staff Members shall be invalidated by the Accounting Officer.

GENERAL

7.1 No person shall amend or tamper with any tenders, quotations, contracts or bids after their submission to the Committee.

7.2 No person shall interfere with the functioning of the Committee.

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7.3 The Committee shall, at all times, operate within the framework of the Supply Chain Management Policy.

7.4 No member of the Committee shall accept any Gratification, whether directly or indirectly in relation to any transaction evaluated, being evaluated or to be evaluated by the Committee and shall immediately report any offer or proposal of such Gratification or Inducement to the Accounting Officer who shall be entitled to exclude such member from attending any meeting pertaining to the particular transaction or voting thereat.

7.5 No member of the Committee shall induce another member to act, evaluate or make a recommendation in any particular manner, nor shall any member offer any Gratification to any other member to act, evaluate or make a recommendation in any particular manner.

IMPLEMENTATION

8.1 The Accounting Officer shall ensure that the Committee is timeously established and the members thereof timeously appointed so as to ensure the effective functioning of the Committee.

8.2 The Accounting Officer shall take all reasonable steps to ensure that proper mechanisms and separation of duties in the Supply Chain Management System of which the Committee forms a part, are in place to minimize the likelihood of fraud, corruption, favouritism and unfair or irregular practices.

8.3 The Accounting Officer shall designate an appropriately qualified person to deal with all Appeals against any recommendation of the Committee, which Appeal shall be noted within fourteen (14) days of the recommendation of the Committee.

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/PD9****RE: DISPOSAL OF ERF 1382, SEA VISTA (ST FRANCIS BAY) THROUGH SALE TO EDG3 PROJECTS.**

1. Introduction
2. The purpose of this item is to request that Council consider the disposal of erf 1382, Sea Vista for the development of a Retirement Village.
3. Background

Erf 1382, Sea Vista is located within Portion 32 of the Farm Goedgeloof No 745, adjacent St. Francis Drive and Spray Avenue. The property is 5000m² in extent. The erf was originally to be used by council for depositing spoil when dredging the canals after the Marina was developed in 1983. The developer, Sea Glades Holdings transferred the property, at no cost to the municipality for the purpose of depositing the spoil. However, the erf has never been utilised to deposit the spoil on the property. The erf currently vacant and unused. **(See annexure)

Edg3 Projects envisaged to purchase a portion of Portion 32 of the Farm Goedgeloof No. 745 from Sea Glades Holding (Pty) Ltd for future housing development. Erf 1382 falls in the middle of the proposed development, hence the incorporation of erf 1382 into the development is essential to make the development feasible and considered non-viable immovable property for the municipality and of no practical use to any other person. The envisaged capital investment for this development is estimated to be in the vicinity of R350 million.

Application was received from Edg3 Projects who expressed their interest in purchasing erf 1382 from the municipality to make the development possible. Edg3 Projects commit to cover all cost relating to the selling of the erf as well as cost to consolidate the erf within the development.

This will be Retirement development and will generate a much-needed financial injection into the Kouga Region by creating 250 direct jobs to all sectors of the community. On completion it will the development will ensure an increased source of revenue to the municipality in the form of rates, taxes and services. Furthermore, this development will indeed ensure retention of residents who leave St Francis Bay due to a lack of suitable and secure retirement facilities in the area.

According to statistics from local estate agents in St Francis Bay around 57 houses were sold in one year by persons suited for retirement village lifestyle, whilst around 10 clients are looking for retirement village accommodation.

3. Motivation

The land (erf 1382) was intended to be used as a site for depositing spoil when dredging the canals of the Marina development in Sea Vista.

The land has never been used for the purpose it was originally intended and is currently vacant and unused.

It is also important to note that erf 1382 is landlocked as it falls within portion 32 of the Farm Goedgeloof No 745, hence the land will not be developed as an entity on its own in the future.

It therefore makes more sense that the land be consolidated as part of the portion 32 of Farm 745 for the envisioned retirement village development.

4. Applicable legislation

The Policy and Procedures for the Disposal of Immovable Assets, under clause 5.11 provides that the Municipality may transfer ownership or otherwise dispose of non-viable immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), after the Municipal Council has, in Section 14(2)(a) and (b) of the MFMA decided that the non-viable property is not needed to provide the minimum level of basic municipal services, and considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property, and has approved in principle that the immovable property may be transferred or disposed of.

Clause 5.13 of the said Policy provides that the municipality's intention must be advertised by causing a notice to that effect to be published.

5. Recommendation

- 5.1 That Council grant in-principle approval for the disposal of erf 1382 to Edg3 Projects, at a fair market related value.
- 5.2 That Council grant authorization to advertise the intended disposal of the immovable property herein.
- 5.3 That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
- 5.4 That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.

Item prepared by Acting Manager Land & Property Administration

Item approved by the Director PDT:

A handwritten signature in black ink, appearing to be 'P. D. T.', written over a light blue rectangular background.

Item endorsed by the Municipal Manager:

A handwritten signature in black ink, appearing to be 'C. M.', written over a light blue rectangular background.

Item noted by the Portfolio Chairperson:

A handwritten signature in black ink, appearing to be 'S. R. H.', written over a light blue rectangular background.

Annexure

53 Seaview Road
Greenbushes
Port Elizabeth, 6018

Date: 12/10/2020
Ref: StF/kouga/01

The Municipal Manager
P.O. Box 21
Jeffreys Bay
6330

Attention: Mr. Charl Du Plessis
Email: cduplessis@kouga.gov.za

APPLICATION TO PURCHASE ERF 1382, SEA VISTA (ST FRANCIS BAY):

Application is hereby made by Edg3 Projects to purchase Erf 1382, Sea Vista from the Kouga Local Municipality.

Erf 1382, Sea Vista, located within Portion 32 of the Farm Goedgeloof No.745, is bordered by St Francis Drive and Spray Avenue. Erf 1382 measures 5000 sqm in extent. The erf is registered in the name of "Division of Humansdorp" as per Deed of Transfer No. T39317/1983. The property was transferred from Sea Glades Holdings (PTY) Ltd, No.76/7314.

Erf 1382 was originally to be used by the council for depositing spoil when dredging the canals after the marina was developed in 1983. The developer at that time was Sea Glades Holdings who transferred the said property, at no charge, to the municipality for the purpose to deposit spoil. Since the development was completed, the erf has never been used to deposit spoil on the property. The erf is currently vacant and unused.

We, Edg3 Projects, envisaged to purchase a portion of Portion 32 of the Farm Goedgeloof 745 from Sea Glades Holdings (Pty)Ltd for a future housing development. Erf 1382 falls in the middle of the proposed development as indicated on the locality plan. The incorporation of Erf 1382 into the development is essential to have a functional layout for the housing project. The envisaged capital investment for this development is estimated to be in excess of R 350 million.

We, Edg3 Projects, hereby apply to Kouga Municipality to sell Erf 1382 to our company, at the current municipal assessed value, as a matter of urgency in order to ensure the success of the

Directors: Jacques Schafer ; Bouke Kooiker
Reg No. 2011/113095/07



development. We undertake to pay for all cost related to the selling of the erf. We will be responsible for the processes to consolidate the erf within the development.

Attachments to cover Letter:

- Erf 1382 Title Deed.
- 2020 Maarschalk Diagram (erf 1382 incorrectly noted as erf 1832).
- Retirement Village Rev 5 Layout.
- St Francis Bay Retirement Village Council Introduction 12 October 2020.

We appreciate your urgent assistance in this matter.

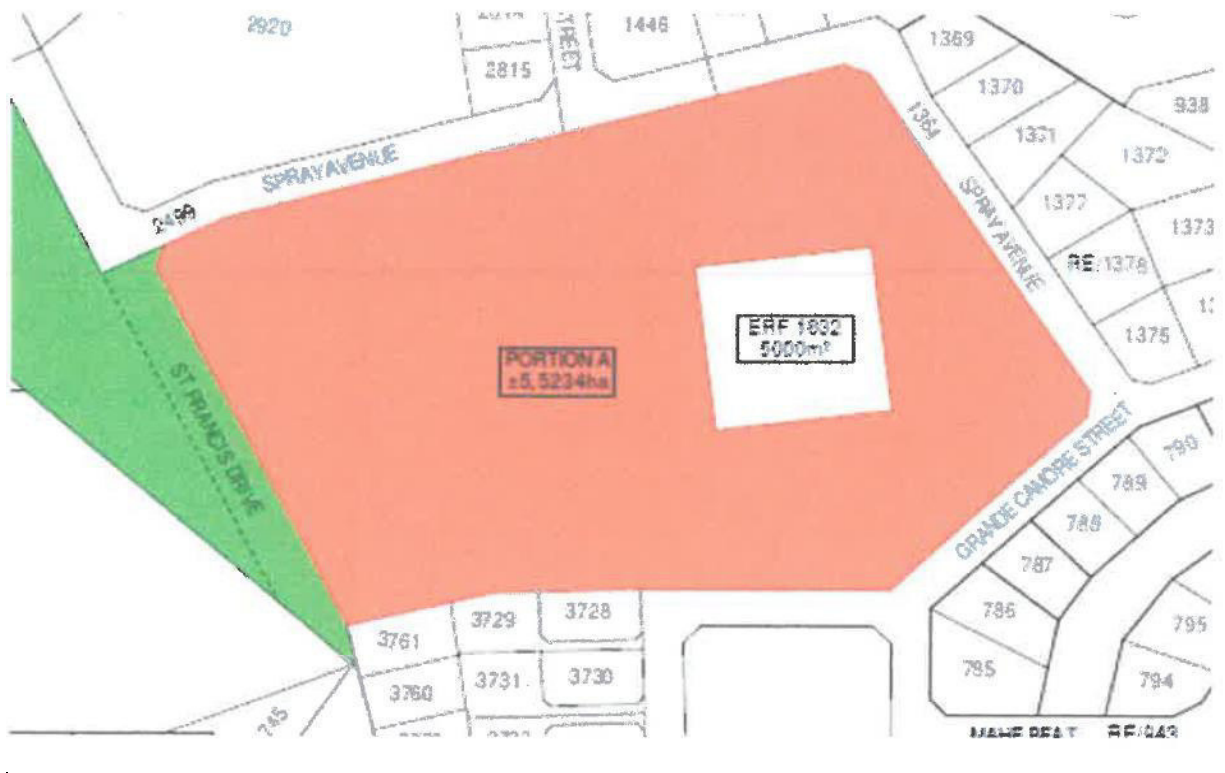
Kind regards.

A handwritten signature in blue ink, appearing to be "Bouke Kooiker", written over a faint, light blue circular stamp.

Bouke Kooiker

Edg3 Projects.

Cell : 076 147 3660.

10. Layout Indicating Position of Erf 1382**Locality of Erf 1382**

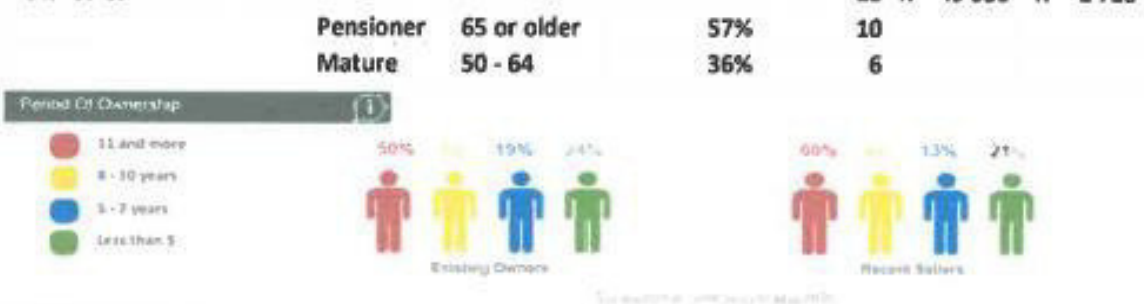
DEMAND FOR RETIREMENT FACILITIES IN ST FRANCIS BAY.

The various estate agencies in St Francis advise that on average they each turn away on average 10 clients per year that are looking for a professional retirement facility. The following information has been extracted from a report compiled by Pam Golding in St Francis Bay. This report indicates that in St Francis Bay at least 57 units were sold over the past 12 months (inclusive of lost time due to the Corona 19) by people in the age group suited to a retirement village lifestyle and a further 16 from Cape St Francis.

St Francis Bay Homes Sold June 2019 to May 2020	Age of Ownership	% of Sales to Age Group	Units Sold	Total Value (R000's)	AVG : (R000's)
Section scheme			5	R 17 275	R 3 455
Freehold			47	R 158 981	R 3 383
Estate Scheme			9	R 23 000	R 2 556
Estate Freehold			22	R 85 015	R 3 864
Total Sales			83	R 284 271	R 3 425



Cape Francis Homes Sold June 2019 to May 2020	Age of Ownership	% of Sales to Age Group	Units Sold	Total Value (R000's)	AVG : (R000's)
Section scheme			17	R 47 000	R 2 765
Freehold			1	R 2 050	R 2 050
Total Sales			18	R 49 050	R 2 725



WinDeed Database Deeds Office Property

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SEA VISTA, 1382, 0 (KING WILLIAMS TOWN)

GENERAL INFORMATION

Date Requested 2020/10/22 11:50
Deeds Office KING WILLIAMS TOWN
Information Source WINDEED DATABASE
Reference -

**PROPERTY INFORMATION**

Property Type ERF
Erf Number 1382
Portion Number 0
Township SEA VISTA
Local Authority ST FRANCIS BAY MUN
Registration Division NOT AVAILABLE
Province EASTERN CAPE
Diagram Deed T39317/1983
Extent 5000.0000SQM
Previous Description PTN OF 707
LPI Code C03400140000138200000

OWNER INFORMATION**Owner 1 of 1**

Type PARTNERSHIP
Name DIV-AFD HUMANSDORP
ID / Reg. Number -
Title Deed T39317/1983CTN
Registration Date 1983/09/20
Purchase Price (R) UNKNOWN
Purchase Date -
Share 0.00
Microfilm 0000000000
Multiple Properties NO
Multiple Owners NO

ENDORSEMENTS (1)

#	Document	Institution	Amount (R)	Microfilm
1	CONVERTED FROM CTN	-	UNKNOWN	-

HISTORIC DOCUMENTS

No documents to display

DISCLAIMER

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KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/PD10****APPLICATION: ALIENATION OF LAND AND PURCHASE OF VARIOUS PROPERTIES IN HANKEY: MGM TRUST (MR. DU PREEZ)****1. Introduction**

The purpose of this item is to request that Council consider the disposal of various properties in Hankey area to MGM Trust (Mr. Ain du Preez).

2. Background

MGM Trust (Mr. P.C. du Preez) has been farming on municipal land in the Hankey area for an extended period, culminating into almost 40 years by virtue of a lease and option to purchase agreement with the former Hankey TLC.

MGM Trust has mainly been producing fresh produce but switched to orange orchards for last couple of years.

The former Hankey TLC took a decision on 28 June 1983, that various portions of land between Centerton and Blacklands from the railway line extending to the Gamtoosriver be leased with the option to purchase.

Instruction were given to Maarschalk & Partners in April 1997 and November 1998 by the former Hankey TLC to proceed with surveying process in order to finalize the consolidation of erven and possible sale.

The affected erven included portions of erf 17 (colored in light brown), 288, 303, 326, 336, 341, and 342 colored in green as well as streets number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 colored in turquoise on the base map no. Y101 Baser3. **(See insert) MGM Trust indicated that they will be responsible for all cost pertaining to land surveying activities such as survey applications, consolidations, and submission to the Surveyor General.

Maarschalk and Partners was subsequently appointed by MGM Trust to finalise all land surveying process.

3. Motivation

The area in the base map has historically been set out (1900s) for a residential development as can be seen in left top corner of the base map including plots for practicing agriculture to the south of residential plots.

However, the residential development was abandoned due to occasional flooding of the Gamtoosriver, the intended residential plots was ultimately utilised for agricultural activities since.

MGM Trust has obtained most of the plots indicated on the base map (yellow erven) over the years and now would like to purchase the municipal erven portions of erf 17, 288, 303, 326, 336, 341, and 342 colored in green as well as streets number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 colored in turquoise. The erven in pink indicates all the privately owned erven also being cultivated at present.

It is worth noting that MGM Trust are already farming on the above-mentioned municipal plots by virtue of the lease that was granted in 1983 by the Hankey Municipality.

The whole area on the base map are being used for agricultural activities. MGM Trust's intention is to purchase the municipal plots that the Trust currently lease from the Municipality in order to officially own the municipal plots and to incorporate it with the land that MGM Trust currently own in the area.

MGM Trust to ensure that all the adjoining property owners have secure access to their plots.

4. Financial Implications

The table below provide information of the current valuation of the municipal erven that forms part of the application of MGM Trust.

17	24,27 hectares	TBD	Agriculture 1
288	991m ²	20 000,00	Agriculture 1
303	8852m ²	No Value	Agriculture 1
326	981m ²	No Value	Agriculture 1
331	979m ²	20 000,00	Agriculture 1
336	1021m ²	20 000,00	Agriculture 1
341	8898m ²	180 000,00	Agriculture 1
342	990m ²	20 000,00	Agriculture 1
Streets	TBD	TBD	Transport 2

It should be noted that a separate valuation be done on the applicable portions of erf 17 including erven 303 and 326, which forms part of the application. Erven 303 and 326 is currently unregistered and needs to be registered in the Deeds Office.

The applicant, MGM Trust bear the cost for the consolidation and other land use application that might be required.



5. Recommendation

- 5.1 That In terms of the Regulation 5(1) (b) of the Municipal Approval Transfer Regulations (2008), Council **grants in-principle approval** for the disposal of erven to MGM Trust as contemplated in Plan No. Y101 Baser3 as prepared by Maarschalk and Partners, at a fair market related value.
- 5.2 That Council grant authorization to advertise the intended disposal of the immovable property herein.
- 5.3 That Council consider disposing the land parcels Out of Hand based on historical use of land by MGM Trust, and on the condition provided in the resolution to lease with the option to purchase.
- 5.4 That Council confirm that the land to MGM Trust as contemplated in Plan No. Y101 Baser3 as prepared by Maarschalk and Partners is not needed to provide the minimum level of basic municipal services as stipulated in s14 of the MFMA.
- 5.5 That the unregistered erven 303 and 326, Hankey be registered in the name of Kouga Municipality.
- 5.6 That market related valuations be done on the applicable portions of erf 17, 303 and 326, Hankey.
- 5.7 That MGM Trust ensure that the adjoining property owners of 261, 273, 289, 305, 322 and other privately owned plots have secure access.

The approved Land Alienation Policy stipulates:

Conditions of Sale

- 8.1 *All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.*
- 8.2 *Should existing services need to be relocated or secured by means of the registration of a servitude in favour of the Municipality as a result of the alienation of the immovable property, all related costs shall be for the account of the successful bidder/purchaser.*
- 8.3 *Small areas of land such as closed roads or portions of public place sold to an adjacent owner must be consolidated with the existing property of the adjacent owner, unless circumstances exist which, in the opinion of the Municipality, make such consolidation undesirable.*

Item prepared by Acting Manager: S. Grootboom

Item approved by the Director PDT

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Item endorsed by the Municipal Manager:

A handwritten signature in black ink, appearing to be 'du M...'.

Item noted by the Portfolio Chairperson

A handwritten signature in black ink, appearing to be 'H. Rhodes'.

Annexures**MAARSCHALK & VENNOTE ING/PARTNERS INC.****Reg No. 2001/008366/21**

Professionele Landmeters
 Deeltitel & GPS Opmetings
 Stadsgebied & Lugfotokartering Konsultante
 Topografiese en Ingenieursopmetings
 Professional Land Surveyors
 Sectional Title & GPS Surveys
 Township and Aerial Survey Consultants
 Topographical and Engineering Surveyors

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 FAX: (042) 2910-592
 CEL: 082-4141-062
 E-MAIL: st@intekom.co.za

Posbus / P O Box 6
 Saffreystraat 11 Saffrey Street
 Humansdorp
 6300

Ons Verw./Our Ref. Y101
 U Verw./Your Ref.

29 September 2020

**MUNICIPAL MANAGER
 KOUGA MUNICIPALITY
 PO BOX 21
 JEFFREYS BAY
 6330**

Dear Sir

**APPLICATION : ALIENATION OF LAND AND PURCHASE OF VARIOUS
 PROPERTIES IN HANKEY
 KOUGA MUNICIPALITY ADMINISTRATIVE DISTRICT HUMANSDORP**

Reference is made to the meeting held at our office dated 5 June 2020 between your Mr. Kobus Marais (Town planner) and writer.

Enclosed please find the following:

1. Copy of letter dated 30 April 1997 from Hankey Municipality now known as Kouga Municipality.
2. Copy of letter dated 10 November 1998 from Hankey Municipality.
3. Copy of extract of Hankey Municipality minutes held on 28 June 1983.
4. Copy of our letters dated 21 May 1996, 25 July 2000 and 31 July 2000.
5. Base plan reference No. Y101 BASER3 showing the erf information relating to finalizing of erven in Hankey (Centerton & Blacklands).

We act on behalf of MGM TRUST (Ain Du Preez Boerdery (Pty) Ltd.). The reason for starting the process again is that previous correspondence got lost and the owner would like to finalize the situation.

BACKGROUND:

As can be seen from previous correspondence with Hankey Municipality, (now known as the Kouga Municipality) instructions were given to us to proceed with the survey and too finalize the erven in Hankey, also known as Centerton and Blacklands.

Over the past ±40 years this area was farmed, by Mr. du Preez with various crops, and in the last couple of years with citrus orchards. During all these years, Mr. Du Preez had an agreement with the Municipality to rent the land and buy it from the Municipality as can be seen in the attached correspondence (**UITTREKSEL VAN VERGADERING VAN DIE HANKEY MUNISIPALITEIT GEHOU OP 28 JUNIE 1983**).

THE WAY FORWARD

Please note, we were in consultation with the Surveyor General, regarding the so called "Streets" indicated with turquoise, blue and purple on the attached Base Plan. As far as the Surveyor General is concerned, street closure is necessary for these streets where applicable, since it forms part of Remainder of Erf 17 and falls on no parent diagram.

We, Maarschalk & Partners, as the official appointed agent do hereby make application for the following:

1. Alienate and purchase Erven 288, 303, 326, 331, 336, 341 and 342 Hankey, not surveyed yet, coloured in green on the attached base plan.
2. Alienate and purchase Portions of Erf 17 Hankey, known as Street No's 1, 2, 4, 5, 6, 11 and Portions of Street No's 3, 7, 8, 9 and 10, coloured in turquoise on the attached base plan. Please note Erven 261, 273, 289, 305 and 322 need access through the remainder of street No's 3 and 7, coloured in blue on the attached base plan. Although Erven 261, 273, 289, 305 and 322 belong to different people, most of them are tied up in deceased estates and still need access to these properties.
3. Alienate and purchase Portion A of Erf 17, area $\pm 11,78$ ha. coloured in light brown on the attached base plan.
4. Alienate and purchase Portion B of Erf 17, area $\pm 9,21$ ha. coloured in light brown on the attached base plan.
5. Alienate and purchase Portion C of Erf 17, area $\pm 1,50$ ha. coloured in light brown on the attached base plan.
6. Alienate and purchase Portion D of Erf 17, area $\pm 1,78$ ha. coloured in light brown on the attached base plan.

PROCESS FORWARD:

1. Obtain consent from Council to purchase Erven 288, 303, 326, 331, 336, 341 and 342 Hankey, coloured in green on the attached base plan.
2. Obtain consent from Council to purchase Portions of Erf 17 Hankey, known as Street No's 1, 2, 4, 5, 6, 11 and Portions of Street No's 3, 7, 8, 9 and 10, coloured in turquoise on the attached base plan.
3. Obtain consent from Council to purchase Portions A, B, C and D, coloured in light brown on the attached base plan.
4. After the decisions are finalized as per Points 1 - 3, formal application will be lodged in terms of Spluma.

Kindly note, our client, MGM Trust, (Ain Du Preez Boerdery (Pty) Ltd.) is liable for our costs that includes all applications, surveys, consolidations and correspondence.

Portion E will be addressed as soon as Erven 261, 273, 289, 305 and 322 is transferred into the name of MGM Trust as these erven still currently need access over Portion E.

If need be we can have a meeting to clarify any issues.

Yours faithfully

MAARSCHALK & PARTNERS INC.



Professional Land Surveyor (PLS 1056-D)

UITTREKSEL VAN VERGADERING VAN DIE HANKEY
MUNISIPALITEIT GEHOU OP 28 JUNIE 1983

(Raadslid v.d. Vyver verlaat die vergadering)

Na bespreking word

BESLUIT

Om die volgende gronde te verkoop aan :-

- "5. (b) 'n Gedeelte meentgrond tussen Centerton en Blacklands vanaf die spoorlyn tot teen die Gamtoosrivier aan Mnr. P.C. du Preez teen R1 000,00 per hektaar en dat Mnr. Du Preez intussen die grond kan Huur teen R50,00 per hektaar per jaar."

S.S. FADI
HOOF VAN EENHEID

22-05-2001

MUNISIPALITEIT HANKEY MUNICIPALITY

FOON/PHONE (04236) 40302
 FAKS/FAX (04236) 40259

POSBUS/P.O. BOX 3
 HANKEY 6350



U VERW./YOUR REF. _____
 MY VERW./MY REF. D2/3

30 April 1997

Mnre. Maarschalk & Vennote
 Posbus 6
 HUMANSDORP
 6300

Menere

OPMEET VAN EIENDOMME : MNR. P.C. DU PREEZ

Op 'n vergadering van die Raad gehou op 15 April 1997, het die Raad besluit om u te vra om voort te gaan met die opmeting van die gedeelte van erf 17 wat Mnr. P.C. du Preez tans gebruik. Die Raad kan nie wag totdat Mnr. Du Preez al die eiendomme in Centerton bekom het nie. Mnr. Du Preez gebruik die gedeelte van erf 17 al vir bykans 18 jaar en my Raad wil nou die probleem oplos.

Die nwe

[Handwritten signature]
 STADSKLERK

GJG/evdm

MUNISIPALITEIT HANKEY MUNICIPALITY

FOON/PHONE (04236) 40302
FAX/FAX (04236) 40259

POSBUS/P.O. BOX 3
HANKEY 6350



U VERW./YOUR REF. _____

MY VERW./MY REF. _____

123

10 November 1998

Mnre. Maarschalk & Wennote
Posbus 6
HUMANSDORP
6300

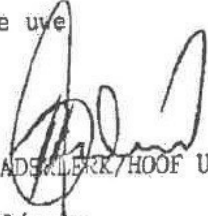
Meneer

OPMEET VAN MEENTGROND - P.C. DU PREEZ : CENTERTON

Dit sal waardeer word indien u die grond tussen Blacklands en Centerton sal opmeet soos telefonies bespreek.

Aangesien ek aan die einde van November 1998 sal aftree, sal dit hoog op prys gestel word as u die saak kan bespoedig.

Die uve


STADSLEK/HOOF UITVOERENDE BEAMPT

GJG/evdm

MAARSCHALK & Vennote/Partners

Professionele Landmeters
Stadgebied en Lugfotokarteringkonsultante
Topografiese en Ingenieursopmeters

Professional Land Surveyors
Township and Aerial Survey Consultants
Topographical and Engineering Surveyors

TEL: (0423) 51883

FAX: (0423) 910592

Ons Verw./Our Ref.

U Verw./Your Ref.

POSBUS/P.O.BOX 6
BUREAUSTRAT 46 BUREAUSTREET
HUMANSDORP 6300

1996-05-21

MALAN & VAN EEDEN
POSBUS 18
HANKEY
6350

FAX TO: MCURSELA HARTMAN
COMPANY: _____ PAGE: 1 OF: 2
FAX NO: 042-2840259 DATE: 18.7.2000
FROM: _____
COMPANY: _____ PHONE NO: _____
FAX NO: _____ **Post-It** FAX PAD 7551

Meneer

EIENDOMME: P C DU PREEZ: HANKEY

Na 'n fisiese ondersoek op die terrein waar bogenoemde sy boerdery-aktiwiteite beoefen, het die volgende aan die lig gekom:

- Daar is nog heelwat eiendomme waarop meneer du Preez boer, wat nog nie sy eiendom is nie, alhoewel hy daarvan huur.
Hier volg die lys van genoemde eiendomme wat hy nog moet aankoop, bo-en-behalwe die gedeeltes op Erf 17 vanaf die Munisipaliteit, alvorens die nodige opmetings en konsolidasies kan geskied:
Erwe 255, 256, 261, 264, 273, 288, 289, 303, 305, 322, 326, 331, 336, 341, 342, 354, 391, 398, 400-406, 411, 412, 414-418, 425 en 426 HANKEY. Dit behels altesaam 34 erwe. Verder benodig meneer du Preez ook 'n deel van Erf 243 wat blykbaar aan die S.A.S. behoort en dele van Erwe 244 en 245 wat aan P.P.C. behoort maar klaarblyklik nie daarvan afstand wil doen nie.
Aangesien die toegang na sy eiendomme langs die spoor en oor Erf 245 gaan, sal dit miskien raadsaam wees om 'n reg van weg oor Erf 245 te probeer verkry, om sodoende sy eiendom te bereik.
- Dit sal natuurlik nodig wees om van die strate wat op die betrokke planne verskyn, te sluit, sodat dit ook by die uiteindelijke konsolidasie ingesluit kan word. Hierdie is natuurlik die funksie van die Munisipaliteit.
- Indien die strate wel gesluit word, kan dit net gebeur dat daar wel eiendomme is, wat nie aan meneer du Preez behoort nie, wat nie toegang het nie, behalwe as daar natuurlik alternatiewe toegange bestaan. Ongelukkig beskik ek nie oor kennis waar die oorspronklike toegange vir hierdie persele verleen was nie.

2.

Die betrokke eiendomme in gedrang is die volgende:
Erwe 358-377 en 407-410 aan die oostelike kant, sowel as
Erwe 393, 433-439 en 441-446 aan die suid-westelik kant.

Indien ek u van nige verdere inligting kan voorsien, doen ek
dit graag.

Geliewe my van u kommentaar te voorsien.

Die uwe
MAARSCHALK & VENNOTE



LANDMETER

AFSKRIFTE AAN:

DIE STADSKLERK
POSBUS 3
HANKEY
6350

MNR. P C DU PREEZ
POSBUS 152
PATENSIE
6335

MAARSCHALK & VENNOTE/PARTNERS

Professionele Landmeters Deeltitel & GPS Opmetings
 Stadsgebied & Lugfotokartering Konsultante
 Topografiese en Ingenieursopmetings
 Professional Land Surveyors Sectional Title & GPS Surveys
 Township and Aerial Survey Consultants
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 CEL: 082-4141-062

Posbus / P O Box 6
 Bureaustraat 46 Bureau Street
 Humansdorp 6300

Ons Verw./Our Ref. PCDUP
 U Verw./Your Ref. D3

25 Julie 2000

**DIE STADSKLERK
 POSBUS 3
 HANKEY
 6350**

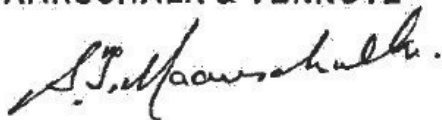
Geagte Meneer

OPMETING VAN GROND VAN MUNISIPALITEIT GELEë IN CENTERTON EN BLACKLANDS GEBOER DEUR MNR. P.C.DU PREEZ

Ek is deur u genader om 'n grootte uit te werk van die hoeveelheid grond wat deur bogenoemde gebruik word vir boerdery wat inderdaad nog berus in u raad. Van die staanspoor moet ek dit duidelik stel dat die opmeting daarvan geweldige ingewikkelde probleme kan meebring aangesien dit uit baie stukkies en brokkies bestaan en die bakens seker omtrent almal weg is as gevolg van boerderyaktiwiteite. Ek het in elk geval 'n rowwe beraming gemaak van die grootte wat nog aan u raad behoort en kom op ongeveer 35 hektaar uit. Die konsolidasie van al die erwe plus die strate plus die erwe wat nog moet uitgekoop moet word by ander eienaars wat binne die gebied val, nadat dit uitgemeet is, sal volumes kaarte beslaan. Ek kan net meld dat ek al dae aaneen aan hierdie projek gewerk het en sal bly wees as dit nou na 'n kant toe kan kom.

Laat my asseblief weet sodra daar uitsluitel oor al die betrokke eiendomme verkry is sodat ek kan voortgaan met die nodige opmetings.

Die uwe
MAARSCHALK & VENNOTE



**LANDMETER
 AFSCRIF AAN: MNR. P.C. DU PREEZ
 POSBUS 152
 PATENSIE
 6335**

MAARSCHALK & VENNOTE/PARTNERS

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Ons Verw./Our Ref. PCDUP
 U Verw./Your Ref. D3

31 Julie 2000

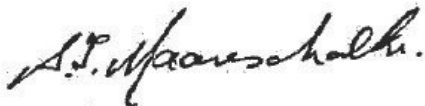
**DIE STADSKLERK
 POSBUS 3
 HANKEY
 6350**

Geagte Meneer

OPMETING VAN GROND VAN MUNISIPALITEIT GELEë IN CENTERTON EN BLACKLANDS GEBOER DEUR MNR. P.C.DU PREEZ

Verwys asseblief na my skrywe gedateer 25 Julie 2000 waarin ek meld dat 'n rowwe beraming van die grootte wat aan u raad behoort en deur meneer du Preez geboer word, ongeveer 35 hektaar is. Na nadere ondersoek en verdere berekenings, is hierdie grootte ongeveer 30,25 hektaar. Ek reken dus u kan met veiligheid op 35 hektaar beraam soos aanvanklik gemeld. Ek moet dit egter weereens beklemtoon dat om op 'n presiese grootte uit te kom, dit nodig sal wees om al die strate en die gebied om die bestaande erwe uit te meet, wat inderdaad 'n enorme taak sal wees.

Die uwe
MAARSCHALK & VENNOTE



**LANDMETER
 AFSKRIF AAN: MNR. P.C. DU PREEZ
 POSBUS 152
 PATENSIE
 6335**

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****PLANNING AND DEVELOPMENT****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/PD12****IN RE: SECTION 14 (2) VERIFICATIONS IN RESPECT OF A PORTION OF ERF 17 HANKEY AND ERF 8813 OCEAN VIEW, ERF 4587 & 4588 KRUISFONTEIN AND ERF 190 PELLSRUS, ERF 589 OYSTER BAY****1. Introduction**

The purpose of this item is to request that Council consider and decide, on reasonable grounds, that the assets referred to in this item is not needed to provide the minimum level of basic municipal services and that a fair market value of the asset has been considered and the economic and community value to be received in exchange for the asset have been considered.

2. Background

Council has previously resolved to transfer ownership or otherwise permanently dispose of the following assets:

Portion of Erf 17, Hankey	(Resolved 30 October 2019)
*Please see comments contained in Annexure A attached hereto	1. That Council approve the land swap between W&M Boerdery (PTY) Ltd and Kouga Municipality:
	Erf 668 Hankey South: 851m ² Business 1
	Erf 680 Hankey South: 914 m ²
	Residential 1
	Erf 681 Hankey South: 960 m ²
	Residential 1
	Erf 682 Hankey South: 897 m ²
	Residential 1
	TOTAL 3622 m ²
	FOR Portion of Erf 17 Hankey as indicated on the attached map.
	2. That a Sect 14 process as stipulated in the Municipal Finance Management Act 2005 be adhered to before the transfers are effected.
	3. That W&M Boerdery will be responsible for the layout plan, architectural drawings, sub-division, rezoning, registration and all other related costs incurred in respect of erven for their workers.
	4. That the extent of the land to be subdivided for swap from Erf 17 should be equivalent to the combined erven to be transferred to Kouga Municipality i.e. (3622 m ² in size).

	5. That W&M Boerdery be responsible as the applicant, for all other necessary approvals from the Department of Agriculture and other authorities, as may be required for changes in land use. 6. That Kouga Municipality carries the cost of the transfers of the 4 erven to be registered to Kouga Local Municipality. Section 14 process determined that this portion will not be required for future basic services.
Erf 8813 Ocean View, Erf 4587 & 4588 Kruisfontein and Erf 190 Pellsrus	(Resolved 19 December 2017) i) That erf 8813 Ocean view be donated to Kings College and that a Deed of Donation be concluded. ii) That the facilities of Victory 4 All be packaged and the principle of 25% of the value be applied for the sale of the erven where the other facilities are – in full compliance with legislation: Erven 4587 & 4588 Kruisfontein – Sonstraal School and foster homes – unregistered erven Erf 190 Pellsrus – Noah's Ark – pre-school/play school. Valuations for the abovementioned erven will be obtained. iii) That the outstanding debt on erf 8813 be referred to the Bad Debts Committee to authorise the amount to be written off in respect of rates only and not service-related charges. iv) That only consumption be charged for erf 8813 Ocean view and erven 4588 and 4587 Kruisfontein (Resolution 12/06/IPD5). Section 14 determined that these erven are not required for future basic services.
Erf 589 Oyster Bay: Umzamowethu – Living Water Valuation R60 000 Note: "Living Water" has been operating on this property for years – they have also built a facility. Item will be referred to the appointed Action All Auctioneers. Tender already awarded for Auctioneers. Completion date was 30 September 2020.	(Resolved 19 December 2017) i) That erf 589 be sold on auction for the specific use. ii) That all the applicable legislation be complied with in terms of Section.

3. Applicable legislation

Section 14(2) of the Local Government: Municipal Finance Management Act No. 56/2003 provides as follows:

Disposal of capital assets

14. (1) A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.

(2) A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—

- (a)* has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and
- (b)* has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

4. Recommendation

- 4.1 That Council confirm that Portion of Erf 17, Hankey and Erf 8813 Ocean View, Erf 4587 & 4588 Kruisfontein and Erf 190 Pellsrus and Erf 589 Oyster Bay is not needed to provide the minimum level of basic municipal services.
- 4.2 That Council confirm that Council has considered the fair market value of the assets referred to in '4.1' above and has considered the community value to be received in exchange for the assets referred to in '4.1' above.
- 4.3 That Council confirm the fair market value to be in the amount of R170 000 for erf 4587 Kruisfontein, R190 000 for erf 4588 Kruisfontein and R225 000 for erf 190 Pellsrus.

Item prepared by : Legal Services and Land & Property Dept.

Item approved by : The Director: Planning, Development & Tourism

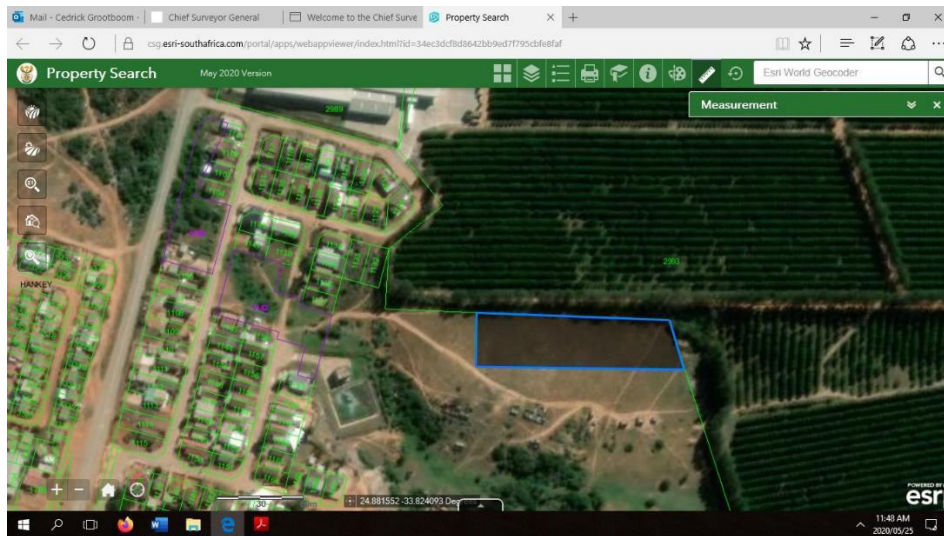
Item endorsed by : The Municipal Manager:

Item noted by the Portfolio Chairperson





Section 14 verification for land swop in Hankey:



Technical Services:

*Die Tegniëse siviele afdeling het nie beswaar teen die gebruik vir behuising van blou gekleurde afgemerkte gedeelte van gedeelte 17, wat teenaan die boorde gelee is, nie. Daar moet egter daarop gelet word **dat daar geen siviele dienste (water ,riool, paaie, stormwater ens.)** beskikbaar is nie en daar is ook nie befondsing beskikbaar om die nodige dienste daar aan te bring nie.*

Section 14 verification for Victory 4All:

Technical Services had some queries but these were responded to by Conatt Projects (in red):

1] Erf 8813 lies adjacent to Dolphin dr (access road to Aston Bay) – presently unauthorized access off Dolphin dr – requires TIA and possibly a traffic circle to control access to and exit from Dolphin dr as well as the necessary pedestrian control. There will be costs to procure designs from professional service providers and for the implementation thereof. Who is responsible for payment? Public safety is at risk. **The original assumption was always that access for the school would be from the top of the site. The community from the Ocean View area increasingly uses this road as an access road on to the Ashton Bay Road and we were therefore happy to note the installation of a 3 way stop, which would even function better if one additional stop sign is erected turning it into a 4 way stop for the safety of the community.**

2] Erf 190 has Erf 189 (zoned Authority Use) with no access thereto (land locked) – this must be addressed – maybe servitude, check with legal dept. Erf 189 is an extremely small piece of land [48 m2] and we have always assumed that that was part of the Noah's Ark property. We feel that to embark on the registration of a servitude at this late stage will just further delay matters as the tiny section of land had absolutely no practical use. We therefore suggest that this piece of land be donated or sold to us together with Erf 190

3] Erven 4587 AND 4588 – There have been sewer complaints – it must be noted that there is no water - borne sewer line and sewerage disposal is via conservancy tank and clearance thereof by suction tankers. There have also been storm water complaints around this area since there is no surfaced and curbed roadways with underground pipes for Storm water removal. Very strange that this should be brought up. It is clearly a infrastructure issue. The municipality have recently made great improvements by constructing some road side curbs as well as raising the area in the road where water use to pond. Many years ago the health inspector blamed the overflow of the tank on all sorts of issues but the real issue was one of service delivery where sewer trucks were constantly breaking down and/ or they were being diverted to handle crises issues at the sewer pump stations. We have also constructed additional conservancy tanks on site to service the foster homes and this has been functioning well.

The Asset department does not have an objection. All that must be done is that the proper procedures must followed.

Human Settlements does not have any objection

As per Parks Section we don't have any objection for the application of Section 14 of the MFMA.

REPORTS BY
THE
PORTFOLIO
CHAIRPERSON:
LOCAL ECONOMIC
DEVELOPMENT &
TOURISM

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****LOCAL ECONOMIC DEVELOPMENT AND TOURISM****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/LED&T1****BIOMASS HARVESTING PROJECT**1. Purpose

The purpose of this item is to report to the Committee regarding the Biomass Harvesting Project.

2. Background

The Biomass Harvesting Project virtual meeting was held on the 11th August 2020 at 14:00 and was organized by the 5 windfarms namely,

- Tsitsikama Community Windfarm.
- Gibson Bay Community Windfarm.
- Kouga Windfarm.
- Jeffreysbay Windfarm.
- Oysterbay Windfarm.

The purpose of the meeting was for the windfarms to introduce the Biomass Harvesting Project and to unpack its process to Kouga Local Municipality. The project presents an opportunity for job creation for unskilled, semi-skilled and skilled labour.

3. Advantages of Biomass Harvesting

- It is always and widely available as a renewable source of energy.
- It is less expensive than fossil fuel.
- Less garbage in landfills.
- Biomass production adds a revenue source for manufacturers.

Annexure A: Biomass Harvesting Presentation.

3. Comments by Director Planning, Development and Tourism

None

4. Financial Implications

None

6. Legal Implications

None

7. Recommendation

4.3 That the Biomass Harvesting Project virtual meeting be noted.

Drafted by Manager: Local Economic Development and Tourism.

Approved by the Director: Planning, Development and Tourism



Endorsed by Municipal Manager:



Noted by the Portfolio C Local Economic Development and Tourism



Annexure A

Koukamma/Kouga Biomass Project

Stakeholder Engagement

11 Aug 2020



AGENDA

Opening and Welcome – B.Kani

Introductions - All

Presentation – S.Speelman, C.Mdingi, B.Kani

Questions and Answers - All

Closure



Project Description

Biomass Harvesting Initiative

- The Coastal 5 Wind Farms have come together to identify and assist people from their local communities to become timber harvesting contractors, supervisors, chainsaw operators and brush cutter operators.
- The harvesting, production, storage and transportation of feedstock and the application of biomass is labour-intensive.
- It thus represents an opportunity for creating employment for unskilled, semi-skilled and skilled workers.
- This means developing contracting teams to cut and harvest Wattle and Gum Trees.

3



Project Funders

Coastal Five Wind Farms

1. Tsitsikamma Community Wind Farm
2. Gibson Bay Wind Farm
3. Kouga Wind Farm
4. Jeffreys Bay Wind Farm
5. Oyster Bay Wind Farm



4

Key Role Players

- Kouga Municipality
- Koukamma Municipality
- Department Environmental Affairs
- Working for Water
- Working on Fire
- Drought Relief Fund for Eastern Cape
- Gamtoos Irrigation
- Eskom
- BMT Carbon Technology
- GKS collaboration
- ABI Africa
- DTI

5



Targeted Communities

Koukamma	Kouga
Clarkson	Humansdorp
Kareedouw	Thornhill
Wittekleibosch	Patensie
Woodlands	Hankey
Eerste Rivier	Loerie
Nompumelelo Village	Jefferey's Bay
Ekuphumleni	Oyster Bay
Nuweplaas	St Francis Bay
Snyklip	
Doriskraal	

6



COMPOSITION OF TEAMS

- Each team consists of 12 people, i.e. 1 Contractor , 1 supervisor, 5 chainsaw operators, 3 brush cutters & 2 general workers
- Therefore, a total of 60 people will be needed to commence the project.
- Teams to go through selection/ assessment
- Selection / assessment completely transparent and independent
- Selection / assessment based on national standard
- Teams will be trained and provided with equipment and machines
- Teams to become contractors, cutting and supplying timber to Humansdorp

7



What you need to participate?

- Live in the local community,
- Be over age of 18,
- Healthy and strong enough to work with chainsaws and brush cutters.
- Previous experience as chainsaw operator or Working for Water would be in your favor.

APPLICATION PROCESS

- Step 1. Submit application form to a CLO,
- Step 2. Attend an assessment
- Step 3. Be chosen as candidate,
- Step 4. Get trained,
- Step 5. Get Equipment

8



LOCATION OF TEAMS



enel
Green Power

Jeffreys Bay
Wind Farm

kouga wind farm

tsitsikamma
COMMUNITY WIND FARM

cennergi
POWERING PROGRESS

tsitsikamma
COMMUNITY WIND FARM

tsitsikamma
COMMUNITY WIND FARM

9

Key Info

- The supervisor training and contractor development stage takes 8 weeks
- The chainsaw operator and brush cutter operator takes 2 weeks
- The training is free - provided by Wind Farms
- The equipment is free – provided by Wind Farms
- People getting trained are not paid per day for attending training
- All people applying to be part of the program will be assessed/interviewed
- The Interviews will be to choose the suitable people for the project
- The interview is conducted by Practical Training Solutions

10

cennergi
POWERING PROGRESS

APPLICATION FORM

Name		Questions	yes	no
Community		Male		
Contact Number		Female		
Highest Qualification		Dependants		
Age		Employed		
Current occupation		Drivers Licence		
Please indicate if any disability				
Previous experience General employment		Previous wood cutting Experience		
I understand/ sign		Previous wood cutting Training		

11



SUBMISSION DETAILS

Babalwa Kani - banjorexbk@gmail.com

Sindiswa Speelman - sindiswa.speelman@cennergi.com

Chulumanco Mdingi - Chulumanco@amandlaomoyatruf.co.za

Final Submission Date of the application forms is the **25 of August 2020**



KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****LOCAL ECONOMIC DEVELOPMENT & TOURISM****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/LED&T2****SUPPORT TO EMERGING FARMERS: PERSONAL PROTECTIVE EQUIPMENT SUPPLY****1. Purpose**

The purpose of this item is to report to the Committee regarding the Handover of PPE to Kouga Emerging Farmers.

2. Background

Kouga has traditionally been characterized by economic activities largely focused on agriculture and tourism. While agriculture has been declared a critical industry and as such is exempt from the harshest lockdown regulations, the industry, and secondary agricultural industries in particular, are feeling the consequences. Farmers and farm workers are recognized as providing an essential service during the lockdown period thus government should encourage farmers to practice a safe working environment and safe production.

It is against this background that the LED Office through our supply chain assisted Kouga emerging farmers with PPE to promote health and safety at farm level. As per our data base for emerging farmers the following groups were to receive PEE.

- Emgqubeni Small Scale Farmers – Livestock Farming
- Patensie Small Scale Famers – Livestock Farming
- Kwa Nomzamo Small Scale Farmers – Livestock Farming
- Sea Vista Small Scale Farmers – Livestock Farming
- Milton Farm – Crop Farming
- Jeffreysbay Small Scale Farmers – Livestock Farming
- Thornhill Small Scale Farmers – Livestock
- Kah Landgoed – Crop Farming

The emerging farmers received PPE in the form of facemasks and hand sanitizers, the other items such as hand gloves, infrared forehead thermometers will be handed over once supply chain has procured. Only 3 groups arrived for collection and rest will be collecting during the week.



Mr. L Katoo-Kah Landgoed, Ms.F. Mjanko – Milton Farm, Cllr.F Baxter -Portfolio Head LED & Tourism, V Adams – Manager LED and Tourism.

3. Financial Implications

None

4. Legal Implications

None

5. Recommendation

- 5.1 That the handover of PPE to Kouga emerging farmers be noted and supported.

Drafted by Manager: Local Economic Development and Tourism.

Approved by the Director: Planning, Development and Tourism

Endorsed by Municipal Manager:

Noted by the Portfolio Chairperson

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****LOCAL ECONOMIC DEVELOPMENT & TOURISM****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/LED&T3****LGSETA SMME AND CO -OPERATIVES DATABASE FOR TRAINING**1. Purpose

The purpose of this item is to report to the Committee regarding the LGSETA database for trainings that was collected by the LED office.

2. Background

The Local Government Sector Education and Training Authority (**LGSETA**) provides an environment to facilitate the training and up skilling of various employees and people involved in local government structures, as well as unemployed South Africans

The database for skills development was requested by LGSETA from local municipalities, the information will be used solely for the purpose of skills development planning within the LGSETA. The LED office forwarded the template which was to be populated and sent back for submission to LGSETA to all ward councillor offices in Kouga. About 43 SMME;s & Co - operatives were forwarded to LGSETA.

Only Kouga, Ndlambe, Makana and Sundays River Valley managed to submit the requested information on time.

Annexure A – Email sent to all ward councillor offices

3. Comments by Director Planning, Development and Tourism

None

4. Financial Implications

None

5. Legal Implications

None

6. Recommendation

- 6.1 That the database for SMME's and Co-operatives submitted to LGSETA be noted.

Drafted by Manager: Local Economic Development and Tourism

Approved by the Director: Planning, Development and Tourism



Endorsed by Municipal Manager:



Noted by the Portfolio Chairperson



Annexure A



Xolile Wagosa



To Estelle Trongo; Lindiswa Maki; Andre Joubert; Valerie Kriga; Charmaine Goeda; Thabo Hermanus; 8/5/2020
Tildon Jantjies; 'ward8@kouga.gov.za'; Ntombizodwa Kilani; Estelle Trongo; **+6 others**

Cc 'Zolani Mayoni'; Willem Gertenbach; Freddy Campher; Wilma Coenraad; Lefty Vumazonke;
Chico Februarie; hattingh bornman; Ben Rheeder; Margreth Peters; Sindiswa Mandeka; **+6 others**



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TEMPLATE FOR THE CO-OPERATIVES SMMEs DATABASE.xlsx
16 KB



The Local Government Sector Education and Training Authority (LGSETA) has in its plans prioritised identifying the Skills Needs of Small and Emerging Enterprises as well as Established and Emergent Co-operatives. The LGSETA is an Education and Training Authority established in terms of the Skills Development Act, No. 97 of 1998 with a mandate to promote and coordinate skills development initiatives and strategic sectoral training interventions in order to enhance efficiency and effectiveness of the local government sector. It is for this reason that we request the details of both the **Small and Emerging Enterprises** and **Established and Emergent Co-operatives** within your locality/municipality as per the attached template. The information gathered will be used solely for the purpose of Skills Planning within the LGSETA.

As per the above background , can you please assist in populating the template attached and send back to me so that I can consolidate and forward to LGSETA, Please note that the due date is the 03 August 2020 – I will appreciate it if I can the information on the **31 July 2020**.

Your assistance will be highly appreciated in this regards.

KOUGA MUNICIPALITY (EC 108)**ORDINARY COUNCIL MEETING****LOCAL ECONOMIC DEVELOPMENT & TOURISM****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/LED&T6****REPORT ON THE KOUGA HOMELESS SHELTER ESTABLISHED IN PELSUS CARAVAN PARK AS COVID-19 RESPONSE AT LOCKDOWN LEVEL 5****1. Introduction**

The site for homeless shelter in KLM is the **Pellsrus Caravan Park** and was established on the 26 March 2020. There 2 towns with incidents of rife homelessness in Kouga Municipality is Jeffery's bay and Humansdorp, therefore Law enforcement patrolled the towns and transported the homeless to the shelter on the eve of Lockdown 5. Mr. John Faulkner (Housing Clerk) is the shelter site manager assisting Director Mabusela in managing the shelter during the lockdown up to date. Ms. Nobubele Siboto (Building Inspector) assisted with administrative duties until the lockdown levels needed her back to her duties.

2. Discussion**2.1 Accommodation**

4 large tents were set up on site housing 14 beds per tent. The Municipality's disaster management unit supplied the shelter with 63 mattresses and 50 blankets. The rest were private donations, with island club donating 20 beds and some blankets. The Municipality further provided the residents with toiletry packs at the beginning. 2 Chalets were designated as isolation facilities to house people diagnosed with cases of contagious illness and those needing further medical attention during medical screening. Dir. I&E supplied the shelter with 4 chemical toilets.

The Initial intake was 73 homeless currently received on site. The number reduced over time and as the country advanced to less restrictions of movement. Some returned to their homes, some continued with their journeys to other cities as they were caught by lockdown 5 whilst en-route, the others went back to the streets. Currently the number of residents at the shelter is 41.

Breakdown as follows:

Men= 26

Women= 10

Boy children=2

Girl children=1

Hospital= 1

Mental=1

At lockdown level 4, Department of Social Development supplied the shelter with 130 blankets, 25 lt soap, female sanitary towels, 80 toiletry pack.

2.2 Security

The Municipality provides 24hr security at the facility.

2.3 Health Care

Everyone was screened for basic vitals by the medical team on arrival. The Medical team is volunteers of 3 paramedics and 1 medical doctor. At lockdown level 5-3, this team was doing weekly clinics on site and attending to medical needs.

The Department of health screened all the residents for Covid-19 and TB. There were no Covid-19 cases at the shelter until to date. A few TB cases were hospitalized and some hosted in chalets whilst under treatment. Some cases isolated were those suffering from severe substance withdrawal symptoms.

Recently, there has been 1 death of a male resident that was referred to hospital in April with other pre-existing illness. The resident was hospitalized in April and remained there until his death in August. The Dischem and Baymed pharmacies donated medical supplies to the medical team.

2.4 Food

The Municipality worked with 3 organization's who organized and coordinated food and other donations to the shelter. During Lockdown 5, Masikhathalelane NPO was responsible for cooking and delivery of food to the shelter. The Bay Pasta was the hub for receiving donations.

Large quantities of fresh produce was received and exceeding need for just the shelter, then food parcels were distributed to needy homes identified by NPOs, churches, community members etc.

At lockdown level 4 until do date, Fish & Bread Ministries is responsible for provision of food to the shelter. The Department of Social Development has been providing funding for food through the NPO.

2.5 Incidents

There have been no major incidents at the shelter. There are reported fights (domestic cases) on few occasions. There was a small fire that damaged a section on one tent, which had to be repaired.

2.5 Events & Social

Prayer services were occasionally held at the shelter and the residents attended and seemed to welcome the event. The Municipality in collaboration with the SBDM hosted the Nelson Mandela Day commemoration at the shelter. The event was attended by the MEC: Sports & Recreation; Executive Mayors of KLM and SBDM; as well as the Member of Provincial Legislature. Each of the

entities represented donated supplies, the residents were given blankets, sanitizers, masks, grocery packs etc.

2.6 The Upskilling & Capacity Building

The Fish & Bread Ministries has been working with the Department of Social Development to train and workshop the shelter volunteers , a recent training was held in Humansdorp. The volunteers are appointed from the homeless community and are responsible for the cleaning, cooking and general upkeep and incident reporting. The Volunteers are paid stipends and currently receiving R1500 for the next 6 months. The homeless were assisted to open up bank accounts and are receiving training on budgeting etc.

2.7 Future of the Shelter

The Pellsrus Caravan park is one of the revenue making facilities and hosting site for holiday makers in season. With uplifting of restrictions being effected, the Dir. Community Services needs to prepare the site for the approaching summer season. Horrifying reports on media were published on ad-hoc dismantling of shelters by other Municipalities, this is something KLM wishes to avoid. There should be a proper exist strategy at hand. The Mayor pronounced that KLM as a caring Municipality will not throw the homeless community back to the streets. The shelter will be managed and handed over to a shelter.

The Municipality is working with the NPOs to identify a suitable site to relocate the homeless community from the current shelter. The office of the Mayor is having planned engagements for discussing the relocation strategy for the shelter.

The KLM Department of Human Settlements has listed the homeless residents of the shelter under the destitute programme and an application submitted to the Provincial Department of Human Settlements for funding.

3. Financial Implications

The covid-19 vote has been used to pay for the following

Hired tents = **R 296,794.50**

Hygiene supplies= at pit out (Municipality has an account)

Medical = **R680.00**

Other expenses like water & electricity cannot be quantifiable as there is no billing on this, the municipality carries the cost.

6. Recommendation

6.1 That the report on the homeless shelter be noted.

Item prepared by The Director: Planning, Development & Tourism



Endorsed by Municipal Manager:



Noted by the Portfolio Chairperson



Annexure1: Guidelines for Shelter



Province of the
EASTERN CAPE
SOCIAL DEVELOPMENT

Old SABC Building – African & Hill Street – Private Bag X 1008 – Makhanda – 6140 – REPUBLIC OF SOUTH AFRICA
Tel: +27 (0)46 636 1484 - Fax: +27 (0)46 622 5347 – Email address: chris.engelbrecht@ecdsd.gov.za Website: www.ecdsd.gov.za

Enquiries: Mrs. C Engelbrecht
Tel No: 0609022469
Date: 17 April 2020

GUIDELINES FOR SHELTERS FOR DISPLACED OR HOMELESS PEOPLE¹

1. BACKGROUND/RATIONALE:

A National State of Emergency was declared by the State President of South Africa as a result of the COVID-19 pandemic and the country went into lockdown on 27 March 2020 to curb the infection rate. But as a result, people who were in transit became temporarily displaced and homeless people without a local home or roots were left on the street without any support. Thus, a need exists for temporary shelter to provide them with secure shelter with basic services for their period of the lockdown.

2. NATIONAL MULTISECTORAL RESPONSE PLAN:

The National Multisectoral Response Plan outlines the following process map for the establishment and running of a shelter during the State of Emergency:

No	Activity	Task	Responsibility
1	Identification of the shelter	Identification of suitable social infrastructure	Local Municipality
		To include facility for self-isolation of infected or symptomatic people being tested during the period	Local Municipality
		Provision of laundry services on site e.g. washing basins, washing lines and ironing	Local Municipality
		Provision of entertainment e.g. books, magazine, games, toys and television	Local Municipality Community donations
2	Management of security and settlement of homeless	Provision of 24-hour security	Local Municipality
		Provision of controlled gate access	Local Municipality
		Management of premises and security services	Local Municipality
3	Provision of cleaning services	Provision of chemical toilets, refuse bins and black bags	Local Municipality
		Provision of hygiene items i.e. bath soap, sanitizers, face cloths, masks, gloves, toilet paper, sanitary towels, toothbrushes, toothpaste, bath towels, washing powder and baby nappies ²	Local Municipality Dept. Social Development Community donations
		Provision of washing facilities for washing of	Local Municipality

¹ This is a summary of various documents used on the matter and experiences of current shelters.

² Added items from experience



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STEP	ACTIVITY
	SAPS and Social Worker(s).
2	Removal of persons to the Shelter by the SAPS.
3	Screening and testing by the Dept Health for basic health assessment and COVID-19
4	Self-isolation for symptomatic person until outcome of test results or retesting if found positive under supervision of Dept Health
5	To change clothes and wash current outfit to prevent spread of Coronavirus
6	Accommodation and feeding of identified people by Local Municipality and Dept Social Development
7	Provision of entertainment to keep them busy during the period
8	Profiling of all residents by Community Development Practitioners (CDPs)
9	Analysis of profiles by the CDPs and Social Workers
10	Development of livelihood intervention plans / individual development plans by the CDPs and Social Workers which will include a skills audit and asset register
11	Provision of psychosocial support and counseling by the Social Workers as identified
12	Referrals to other stakeholders to provide services such as Dept Home Affairs (issuing of ID and birth certificates) and SASSA (application for grants)
13	Initiate reunification and integration process with the individual and his/her family to be finalized after the lifting of the lockdown
14	Test all people before release from the shelter
15	Facilitate transport for the persons to be reunited with their families or to be admitted to social institutions
16	Link people to relevant government programmes and services
17	Finalize inventory and close out report for closing of shelter

6. NDA VOLUNTEERS:

The National Development Agency (NDA) has indicated that they want to contribute to the Dept. Social Development's response to COVID-19. Funding can't be transferred to a Local Municipality or Government Department thus an NPO had to be identified to act as conduit. Provincially it was agreed to use a CNDC and Klipplaat Soup Kitchen and Development Centre was agreed upon as it is centrally located in Sarah Baartman and a good financial track record.

10 volunteers were appointed in the District of which 5 are in Jeffreys Bay, 3 in Graaff-Reinet and 2 in Aberdeen¹. The job description is as follows:

- Create awareness on COVID-19 in shelter using the Dept Health and NICD pamphlets and posters provided by NDA and the Dept Social Development Trauma Counseling manual
- Assist in food preparation and distribution of food in the shelter

¹ These 2 volunteers will be shifted to Makana as the Sunshine Care Group are not interested to be paid as they are volunteers.



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- Assist with the distribution of food parcels
- Assist in the general cleaning of the shelter

The role of NDA is to:

- Provide pamphlets for IEC on COVID-19 from Dept Health and NICD
- Provide branded protective clothing for identification
- Provide PPE kits inclusive of face masks, gloves and hand sanitizers
- Provide daily stipend to cover transport and lunch, R 1 142 per volunteer for the period ON receipt of the following

Responsibility of the Volunteer is to:

- Confirmation of list of volunteers
- Bank details of volunteers for internet payment
- Daily register for volunteers at centre
- Individual daily report on tasks done

At the end of the period Klipplaat Soup Kitchen and Development Centre will compile and submit a consolidated report for the work done by the volunteers and proof of their payment of the volunteers. They also need to acknowledge the receipt of the allocation. All protective clothing and PPE kits will be distributed through the centre.

7. PROVISION OF MEALS:

The National DSD appointed Kirinox to provide hot meals three times a day to all homeless or displaced people. It was agreed to use the current funded **CNDCs** to provide the food in their vicinity but none of the shelters are in the feeder area of the CNDCs. **Meals on Wheels** (Seventh Day Adventist Church) was appointed nationally to be subcontracted in those areas to provide the food. But there are areas such as Jeffreys Bay and Aberdeen where there is no footprint of the NPO. It was then agreed to provide the **NGOs** who volunteered to provide the food while the Department was getting its house in order. Aberdeen was close enough to Graaff-Reinet, thus Meals on Wheels decided to provide them with weekly groceries to prepare, package and distribute the food parcels. But in Jeffreys Bay, Fish and Bread Ministries were identified and the funds were transferred into their account.

An amount of R 20 000 was paid in two tranches directly into the account of Fish and Bread Ministries. The allocation must be used as follows:

COST ITEM	BUDGET
Gas/electricity for cooking	2 000
Food/groceries	16 800
Stipends for cooks @ R 600 per person	1 200
TOTAL	20 000



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Proposed menu:

MEAL	MEALTIME	CONTENT	EXAMPLE
Breakfast	08:00 – 10:00	Starch + protein + fruit Drink	Porridge + sugar/honey + milk Buttered bread + fruit Coffee/tea or juice
Lunch	13:00 – 14:00	Starch + protein + 2x vegetables (yellow and green) Drink	Vegetable soup + bread Pasta + mince + vegetables Samp + beans + vegetables Rice + meat + vegetables Juice or milk or amasi
Supper	17:00 – 19:00	Starch + protein + 2x vegetables (yellow and green) Drink	Vegetable soup + bread Pasta + mince + vegetables Samp + beans + vegetables Rice + meat + vegetables Juice or coffee/tea

The menu can be amended to allow cultural, health and/or religious dietary requirements but staying within basic balanced and healthy meals (seasonal availability considerations as well) with enough helpings while remaining within the budget provided. It may be enhanced with local community donations e.g. fruit, vegetables, deserts, etc.

Responsibility of NGO:

- To acknowledge receipt of the money as received
- To provide a copy of the menu followed
- To provide an invoice or receipt of purchases made
- To provide an attendance register and proof of payment of the cookers

8. COMMUNICATIONS:

It was agreed that the Local Municipality is responsible for the shelter and the Dept Social Development is but one of the role players on site. As the Local Municipality has the overall responsibility for the shelter all entry and communication must be channeled through the Shelter Manager. To prevent confusion and duplication of communication, it was agreed that:

- The Dept Social Development Team Leader/Service Office Manager will be person communicating with the Shelter Manager on all service delivery matters.
- The Community Development Manager will communicate directly with the Shelter Manager on all issues relating to the NGOs providing food at the shelter and volunteers.
- The Shelter Manager will be responsible to submit the daily head counts and all documentation and reports required from the NGOs to the Community Development Manager.

Annexure 2: Fire incident report



Kouga Municipality Fire and Emergency Services

(Jeffrey's Bay, Humansdorp, St Francis Bay, Patensie, Hankey)

The jewel of the Eastern Cape, strives to ensure equity, harmony
and prosperity for all its people, through centred service delivery and sustainable development.



Tel: (042) 291 0283



PO Box 21/33 Da Gama Rd
JEFFREYS BAY
6330

Date: 07/05/2020

TO : CFO BARNARD AND DIRECTOR MACHELESI

RE : FIRE INCIDENT AT TENT USED FOR SHELTERING HOMELESS IN PELLSRUS CARAVAN PARK DURING COVID-19 LOCKDOWN PERIOD

1. BACKGROUND INFORMATION OF INCIDENT :

The fire occurred at tent situated far South of the caravan park and is the last tent in the line of tents next to Duine road. The fire occurred somewhere between 15h00 and 16h00 according to Mr. Steven Hartley . The fire was not reported to the Fire department at the time of the incident. Damaged area of the tent is at the Western side of tent along Duine road and is about 2m in length and 1 m in width.



2. DAMAGES DUE TO FIRE :

Tent damaged on Western side as can be seen on above images . Then the mattress and personal content of person that used this bed including clothing as can be seen in images as below.



3. INFORMATION GATHERED :

The fire was extinguished by Mr . Rocco Perekels who also stays at this tent . He used a Dry chemical powder fire extinguisher from the premises to extinguish the fire . On asking him what caused fire he stated that tent was full of smoke but he thinks the fire came from outside the tent . He also saw a matchbox at this area outside the tent afterwards.

I also asked Mr. Johnny Hayward if he have any info regards incident as it was reported he knows about it and also attends to complaints at caravan park . He's response and thought is that person using this space smoked there and might have caused the fire . These persons are not allowed to smoke in tents but due to cold weather might have smoked in tent.

4. ORIGIN OF FIRE AND POSSIBLE CAUSES





My observations and considerations :

- There is no electrical cables nearby this area and therefore fire could not have been caused by electrical fault. Only electrical supply is to a light at the main entrance of the tent.
- The burnt mattress and burn scar on the wood pallets where the mattress was placed indicates pattern from tent side . I believe the person's content were between the tent and his bed and that is why tent also got fire damage .
- The tent material is a type of PVC and therefore will require a reasonable amount of heat to burn.
- There is not combustibles around outside against or near tent to cause enough heat if ignited to set tent on fire from outside . Naturally or maliciously.

Possible cause and origin :

- I believe the fire was started at the bed or between the bed and the tent . Either the clothing or mattress was set alight which also caused the fire damaged to the side of the tent as there was enough heat . This could have been accidental due to smoking or fire could have been started maliciously by person using bed or any other occupant . I believe the latter to be more possible as why would person burn his only clothing .
- There was reports of a person being stabbed at the same tent later that evening .
- There is also rumour that Peter who's belongings burnt have cigarettes to smoke and do not want to share with other occupants in tent and that his belongings were set on fire when he left the tent as payback . He was apparently not there when the fire occurred.



The person in this photo is Peter who's belongings got destroyed by the fire.

Hope the above is in order?

H. van Rooyen
Platoon officer
Fire prevention & training

Annexure 3: List of intake**Annexure 4 :Pictures**





KOUGA MUNICIPALITY (EC108)**ORDINARY COUNCIL MEETING****LOCAL ECONOMIC DEVELOPMENT & TOURISM****DATE: 29 OCTOBER 2020****ITEM NO: 20/10/LED&T7****GRANT IN AID ALLOCATION WINTERFEST FOR 2020/2021 FINANCIAL YEAR****1. Purpose**

The purpose of the item is to report to the Kouga Municipal Council on the 2020/2021 Grant in Aid application process and on the recommendations made by the Grant In Aid Committee to the Council in respect of applications received in 20/21 Financial year

2. Background

The Kouga Municipal Council approved the Grant in Aid policy in 31 May 2017 to address the numerous request it receives from the public organizations for funding on an annual basis. Section 152 of the Constitution (Act 108 of 1996) accords the Kouga Municipal Council to allocate and distribute grants.

In terms of the Grant in Aid Policy, only organization contemplated in Section 67 of the MFMA, which is either registered in terms of Section 13 on the Non-Profit Organization Act, 1997 or a company incorporated as a non-profit company in terms of the Companies Act, 2008, or an organ of state or properly constituted community, a welfare or voluntary organization which has a constitution, provable active membership and an annual general meeting held within the previous 12 months and organizations considered on the following high-level priority areas will be considered:

- Animal Welfare
- Festivals
- Sports, Recreation, Arts & Culture
- Tourism Development & Marketing
- SMME development
- Local Economic Development

3. DISCUSSION

The Municipality called for applications for Grant -in-Aid funding to qualifying organisations. A total of 11 applications.

<i>NAME OF ORGANIZATION</i>	<i>MAIN PURPOSE OF THE BUSINESS</i>	<i>TYPE OF REGISTRATIO N CERTIFICATE</i>	<i>DETAILED BUDGET WITH MOTIVATION</i>	<i>AMOUNT REQUESTED</i>	<i>BUSINESS IMPELMANTATION PLAN</i>	<i>SIGNED AUDITED FINANCIALS</i>	<i>AREA FOR WHICH FUNDING IS REQUESTED</i>	<i>OUTCOME</i>
1. SPCA ASSISI	Animal Welfare	NPO	Attached	R 326 728.00	Attached	Attached	Animal Welfare	Approved . R240 000.00
2. BUZZ	Training and Mentoring Young Learners in trough performing arts.	Not attached	Not Attached	Not Stated.	Business Proposal is Attached.	Not Attached	Arts and Culture	Not Approved. In complete documents
3. OASIS RADIO STATION	Broadcasting	NPO attached	Attached	R 150 000.00	Attached	Attached	Community Dev	Approved. R100 000.00
4. KOUGA FM	Broadcasting	NPC attached	Budget not detail ,quotations attached.	R 392 725.00 (Studio Relocation) R 9410.45(Site Visit)	Attached	Not Attached only a letter confirming auditors.	Community Dev	Not Approved. Incomplete Documents
5. KOUGA FILM,VIDEO &PHOTOGRAPH Y FOUNDATION	Promoting Filming ,Arts and Music Production	NPO attached	Not Attached	Not Stated	Business Proposal is Attached.	Not Attached	Arts and Culture	Not considered Late Submission

6. ST FRANCIS ANIMAL RESCUE	Animal Welfare	NPO attached	Attached	1291	Attached	Not Attached	Animal Welfare	Not considered Late Submission
7. BAMBANANI NEIGHBORHOOD WATCH	Safety and Security	Not Specified	Not Attached	Not Stated	Not Attached	Not Attached	Safety and Security	Not Approved. Incomplete Documents
8. JBAY ANIMAL RESCUE	Animal Welfare	NPO Attached	Attached	R 315 700,85	Attached	Attached	Animal Welfare	Approved. R80 000.00
9. KDW TRANSPORT	Logistics and Fleet	PTY Attached	Attached	R 500 000.00 (Page 3 of the BP)	Attached	Attached	LED	Not Approved. Does not qualify (PTY)
10. MASIKHATHALELA NENI	Community Development	NPO Attached	Attached	R 120 000.00 R 80 000.00	Not Attached	Not Attached	Social Welfare Arts and Culture	Not Approved. Incomplete Documents
11. KASI CHAMBER OF COMMERCE AND INDUSTRIES	Community Welfare	NPO Attached	Attached	R 150 000.00	Attached	Not Attached	LED	Not Approved. Does not qualify (start-up). The LED dept. to assist the chamber to set up and launch through the Entrepreneur support programme.

4. Legal Implications

The following enabling legislation has been considered in the Grant-in aid allocations process:

MFMA s67:

(1) Before transferring funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body—

(a) has the capacity and has agreed—

(i) to comply with any agreement with the municipality;

(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;

(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and

(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;

(b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and

(c) has in respect of previous similar transfers complied with all the requirements of this section.

(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that—

(a) subsection (1)(a) and (b) is complied with; and

(b) the relevant provincial treasury has approved the transfer.

(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).

(4) Subsection (1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor, provided—

(a) that the transfer does not exceed a prescribed limit; and

(b) that the accounting officer—

(i) takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and

(ii) certifies to the Auditor-General that compliance by that organisation or body with subsection (1)(a) is uneconomical or unreasonable.

Kouga Grant-in-aid policy:

Section 4 of the policy states that:

Funding of applications will largely be considered on an annual basis in response to the annual advertisement inviting applications for Grant-in- aid. Allocations may also be made during the course of the year to the relevant Department for amounts less than R10 000-00. If over R10 000-00, it must be submitted for Council approval. A maximum of 20% of the Grant-in-aid budget may be reserved for in-year, ad hoc applications. All other guidelines, conditions and exclusions are applicable for in-year ad hoc applications.

5. Financial Implications

Financial Implications are as follows

ORGANISATION	GRANT ALLOCATION AS PER GRANT IN AID COMMITTEE RECOMMENDATION	FUNDING DEPARTMENT
SPCA ASSISI	R240 000-00	Community Services Directorate.
OASIS RADIO STATION	R100 000-00	Planning, Development & tourism
JBAY ANIMAL RESCUE	R80 000-00	Community Services Directorate.
KLTO	R776 500- 00	Roll- over funding from 19/20 FY

6. Recommendation:

6.1 That Council **approves** the recommendations of the Grant- in- aid Committee to allocate funds as follows:

ORGANISATION	GRANT ALLOCATION AS PER GRANT IN AID COMMITTEE RECOMMENDATION	FUNDING DEPARTMENT
SPCA ASSISI	R240 000-00	Community Services Directorate.
OASIS RADIO STATION	R100 000-00	Planning, Development & tourism
JBAY ANIMAL RESCUE	R80 000-00	Community Services Directorate.
KLTO	R776 500- 00	Roll- over funding from 19/20 FY

Prepared by the Director: Planning, Development and Tourism



Approved by Municipal Manager:



Endorsed by the Portfolio Councillor Planning, Development and Tourism



REPORTS FOR INFORMATION

17. **MATTERS FOR INFORMATION**

17.1 **OFFICE OF THE MUNICIPAL MANAGER**

(refer to complete items with annexures of the Mayoral Committee meeting held on 1 October 2020)

20/10/MM1 MAYORAL RESOLUTIONS FOR 21 JULY 2020

Resolved (1 October 2020)

1. That the updated Action Sheets reflecting resolutions of the Mayoral Committee meeting for 21 July 2020, be noted.
2. That it be noted that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings.
3. That Directorates complete their Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.

17.2 **REPORTS BY THE PORTFOLIO CHAIRPERSON: FINANCE**

(refer to complete items with annexures of the Mayoral Committee meeting held on 1 October 2020)

20/10/F8 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2020 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 JULY 2020 (2020/21 FINANCIAL YEAR)

Resolved (1 October 2020)

1. That the Executive Mayor notes the Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

17.3 **REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE SERVICES**

(refer to complete items with annexures of the Mayoral Committee meeting held on 21 July 2020)

20/10/CORP5 **OHS RISK ASSESSMENT**

Resolved (1 October 2020)

1. That the OHS Risk Assessment report be noted.
2. That all outstanding High-Risk areas be prioritized for immediate remedial action.

17.4 **REPORTS BY THE PORTFOLIO CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

(refer to complete items with annexures of the Mayoral Committee meeting held on 1 October 2020)

None

17.5 **REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY SERVICES**

(refer to complete items with annexures of the Mayoral Committee meeting held on 1 October 2020)

20/10/CS1 **MONTHLY REPORT COMMUNITY SERVICES: JULY 2020**

Resolved (1 October 2020)

1. That the monthly report of Community Services Directorate for July 2020 be discussed.
2. That the tender specifications and Supply Chain Management Procurement processes followed for the award of tenders be included in the report and be submitted to next Community Services Portfolio Committee meeting.

20/10/CS5 **TRAFFIC FINE REVENUE INCOME- JULY 2020**

Resolved (1 October 2020)

1. That the Traffic Fine Revenue Income report for the month of July 2020 be noted.
2. That the Committee be informed of the revenue income from traffic fines, and the challenges to recover outstanding revenue due to lengthy court procedures and processes.

20/10/CS7 ST FRANCIS BAY CONSTRUCTION OF EMERGENCY REVETMENT**Resolved (1 October 2020)**

1. That the report on construction of rock revetment on the St Francis Bay Spit be noted.
2. That a consolidated adjustment budget for the provision of additional funds to the value of R1.8 million to complete the revetment be considered.
3. That an urgent updated media statement be published advising effected property owners of the current situation in respect of construction work at the St Francis Bay Spit.

20/10/CS12 NSRI LIFEGUARD CONTAINER REPORT**Resolved (1 October 2020)**

1. That the NSRI Lifeguard Container report be noted.
2. That the committee note the placement of the container at the Aston Bay parking area as indicated in the report.
3. That the placement of the NSRI container be advertised for comment through public participation.

20/10/CS13 COMPLETION REPORT FOR R1 MILLION DONATION FROM SANTAM TO ASSIST IN FIRE PREVENTION**Resolved (1 October 2020)**

1. That the completion report for the R1 million donation from Santam to assist in fire risk reduction, be noted.

17.6 REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING & DEVELOPMENT

(refer to complete items with annexures of the Mayoral Committee meeting held on 1 October 2020)

20/10/PD1 TOWN PLANNING PROGRESS REPORT: JUNE TO AUGUST 2020**Resolved (1 October 2020)**

1. That the content in the Town Planning progress report be noted.

**20/10/PD2 PREPARATION OF THE JEFFREYS BAY CENTRAL BUSINESS DISTRICT
PRECINCT PLAN**

Resolved (1 October 2020)

1. That committee takes note of the appointment made by the department.
2. That the proposed methodology and nominated PSC members be noted.

**17.7 REPORTS BY THE PORTFOLIO CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT
& TOURISM**

(refer to complete items with annexures of the Mayoral Committee meeting held on 21 July 2020)

20/10/LED&T5 2020/2021 ANNUAL WORK PLAN PROGRESS QUARTER 1 REPORT

Resolved (1 October 2020)

1. That the progress report on the Annual Work Plan 2020/2021 be noted.