

# MAKHADO MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE FIFTY FOURTH (54<sup>TH</sup>) MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON THURSDAY, 28 JANUARY 2010 AT 17:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT.

\* \* \* \* \*

### PRESENT

#### Councillors

BALOYI R S

CHAYA A A

DU PLOOY A

GUNDULA A S

HELM M A

HONWANI X N C

HOORZUK J

KENNEALY A

KUMALO J D

LERULE M M

MABOHO N K

MADUWA E

MAHANI M F

MAKHADO M M

MAKHADO M N

MAKHERA M A

MAKHOMISANI S E

MAKHUBELE R T

MALETE D

MAPHALA O S

MASHAMBA H A

MASHAU L P

MASUKA S

MATAMELA N S

MATODZI A N

MATUMBA N J

MAVHUNGU K

MUDAU T J

MUFAMADI M R

MUKHAHA A J

MULOVHEDZI M D

MUROVHI N J

MUVHUMBE M A

NCHAUBA T G

NDHLIWAYO B T

NEKHUMBE L M

NEMALEGENI P R J

NEPHAWE K P

NGOBENI N E

NGOBENI E H

NGWANA A G

RADAMBA M S

RAMUDZULI S D

REYNEKE P Q

RIKHOTSO F J

SIPHUMA A L

TSHAVHUYO T G

### REMARK:

Cllrs N K Maboho, L P Mashau and M M Makhado joined the meeting at 17:21 as they were attending the Council meeting at Vhembe District Municipality.

### Traditional Leaders

KHOSI N M A MADZIVHANDILA

KHOSI T R V MASHAU

KHOSI T P NESENGANI

KHOSI M V NETSIANDA

### Officials

T S NDOU

(ACTING MUNICIPAL MANAGER AND DIRECTOR CORPORATE SUPPORT & SHARED SERVICES)

M D SINTHUMULE

(DIRECTOR DEVELOPMENT & PLANNING)

T E RALULIMI

(DIRECTOR TECHNICAL SERVICES)

E L MUGARI

(DIRECTOR COMMUNITY SERVICES)

N C KHARIDZHA

(ASSISTANT MANAGER: LEGAL & COMMITTEES)

J LUKHELI

(ASSISTANT MANAGER COUNCILLORS AFFAIRS)

L BOBODI

(PUBLIC RELATIONS OFFICER)

S MATHONSI

(MANAGER: OFFICE OF THE MAYOR)

T E SHIRINGANI

(ADMINISTRATIVE OFFICER: COMMITTEES)

## **1. OPENING**

The Speaker, Cllr J Hoorzuk ruled that a minute of silence be observed for meditation and prayer whereafter she declared the meeting officially opened.

## **2. APPLICATIONS FOR LEAVE OF ABSENCE**

RESOLVED -

1. THAT leave of absence be granted in accordance with the provisions of paragraph 5 of the Council's Rules and Orders, 2007 in respect of the Council meeting held on 28 January 2010 to Cllrs M D Mboyi, B F Hlongwane, M P Selepe, N G Ramashia, L B Lowane, R G Machovani, J Dzhombe, S G Maguga, F D Mutavhatsindi, K D Mauba, M M Makananise, W N Mashele, L T Nthulane, F F Rumani, M E Lebea, M N Mabila, S J Mahwai, P Baladzi, M B Bopape, P Phaswana and T E Maboho.
2. THAT it be noted that Cllr N V Mahlaule, S D S Manganyi, M L Munungufhala, S M Rekhotso and R G Nkanyani as well as Hosi N T L Mashamba, Hosi M S Bungeni, Hosi Majosi H.N, Khosi S A Mulima, Hosi Mukhari S.T, Hosi Baloyi J, Khosi M C Masakona, Khosi S E Sinthumule and Khosi V C Ramabulana were absent from the meeting and leave of absence was not granted in accordance with the provisions of sub-paragraph 5(1)(a) of the Council's Rules and Orders published under Provincial Gazette Notice no. 1391 dated 31 August 2007 in respect of the Council meeting held on 28 January 2010.

## **3. OFFICIAL ANNOUNCEMENTS**

The Speaker, Cllr J Hoorzuk announced that the Municipality had lost two of its icons, Hosi T J Mukhari and Mr J Hlungwani.

## **4. PROPOSAL OF CONDOLENCES OR CONGRATULATIONS BY THE SPEAKER:**

- 4.1 The Speaker, Cllr J Hoorzuk proposed condolences to the families of Hosi T J Mukhari and Mr J Hlungwani. Hosi T J Mukhari will be buried on Friday, 29 January 2010 at Rivoni and Mr J Hlungwani will be buried on Sunday, 31 January 2010 at Mbokota Village. May their souls rest in peace.
- 4.2 The Speaker, Cllr J Hoorzuk proposed congratulations to Cllr M N Makananise who was blessed with a beautiful baby girl, a 2010 present.

## **5. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER COUNCILLORS**

- 5.1 Cllr A A Chaya (ANC) proposed congratulations with his birthday on 24 January 2010 when he turned 74 years of age.
- 5.2 Cllr A A Chaya (ANC) proposed condolences to the family of Hosi T J Mukhari.
- 5.3 Cllr M S Radamba (PAC) proposed best wishes to all councilors for a prosperous new year and hoped that councilors would work together and improve service delivery.
- 5.4 Cllr M A Helm (ACDP) proposed congratulations to all councilors for making it to 2010.

- 5.5 Cllr F J Rikhotso (the Chief Whip, ANC) proposed condolences to Hosi T J Mukhari's family for the passing on of their family member who was a giant struggle leader. Hosi T J Mukhari was one of the Traditional Leaders who played an important role during apartheid regime, he defended black people against oppression and ANC has lost a leader, and may his soul rest in peace.
- 5.6 Cllr F J Rikhotso (the Chief Whip, ANC) proposed condolences to the family of Mr J Hlungwani, a cultural artist who defended the culture of our people which is a great loss to our country, may his soul rest in peace.
- 5.7 Cllr A G Ngwana (ANC) proposed congratulations to the Mayor of Makhado Municipality, Cllr M M Lerule, for dedicating her time on the 16<sup>th</sup> December 2009 and spend the whole day at Delindeni Careday Centre and gave the children Christmas presents.
- 5.8 Cllr E Makhomisanani (ANC) proposed congratulations to Bafana Bafana for winning 3-0 against Zimbabwe on Wednesday, 27 January 2010.

## 6. CONFIRMATION OF MINUTES

### 6.1 REMARK:

Upon a proposal by Cllr O S Maphala duly seconded by Cllr M D Mulovhedzi, it was

RESOLVED -

THAT the minutes of the 53<sup>rd</sup> Meeting of the Council held on 29 October 2009, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

### 6.2 REMARK:

Upon a proposal by Cllr A N Matodzi duly seconded by Cllr M A Makhera, it was

RESOLVED -

THAT the minutes of the 64<sup>th</sup> Special Meeting of the Council held on 14 December 2009, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

## 7. QUESTIONS OF WHICH NOTICE HAD BEEN GIVEN

### 7.1 QUESTION RECEIVED FROM CLLR A DU PLOOY ON 7 JANUARY 2010

The questions that were received were dealt with under the provisions of clause 35 of the Council's Rules and Orders published in Provincial Gazette No. 1391 dated 31 August 2007. The Speaker acknowledged receipt of the following questions:

*"In terms of Section 35(1)(b) of the Council's Rules and Orders, promulgated under Local Authority Notice 228 in Provincial Gazette no. 1391 dated 31 August 2007, the following questions are put:*

**Question 1:**

*Is the local sewerage system fully functional, if not why not?*

**Question 2:**

*Does all raw sewerage reach the sewerage plant from all sewerage pump stations, if not, why not? How long has it not been functional? What is the percentage of sewerage that does not reach the sewerage plant?*

**Question 3:**

*Where does the sewerage that does not reach the sewerage plant, run to? If it does not reach the sewerage plant, what health factors does it hold in for surrounding communities?*

**Question 4:**

*Has the boreholes that run next to these sewerage rivers been affected and are they properly examined? If not, why not?*

**Question 5:**

*Is the refused dumping site been over capacitated. If yes, why and when was it supposed to be rehabilitated?*

**Question 6:**

*What health risk does this existing refuse dump have on surrounding communities or farmers to their boreholes when it rains?*

*PROPOSED: Cllr. A du Plooy”*

**REMARK:**

In terms of the provisions of the Rules and Orders this question will be replied to by the Chairperson of the Executive Committee at the first following ordinary Council meeting scheduled for 29 April 2010.

**7.2 QUESTION RECEIVED FROM CLLR A DU PLOOY ON 7 JANUARY 2010**

The questions that were received were dealt with under the provisions of clause 35 of the Council's Rules and Orders published in Provincial Gazette No. 1391 dated 31 August 2007. The Speaker acknowledged receipt of the following questions:

*“In terms of Section 35(1)(b) of the Council's Rules and Orders, promulgated under Local Authority Notice 228 in Provincial Gazette no. 1391 dated 31 August 2007, the following questions are put:*

**Question 1:**

*Provide us with a list on actual figures as well as which case and the amounts involved on all cases handled by Lebea and Associates Attorney's in the financial year 2005/6, 2006/7, 2007/8 and 2008/9.*

**Question 2:**

*Why is all labour related cases not handled internally as we have sufficient and qualified personnel?*

**Question 3:**

*Why has Lebea and Associates not been used in the Faith Muthambi case as they were appointed as a service provider of the Municipality up to 31 December 2009?*

*PROPOSED: Cllr A du Plooy”*

**REMARK:**

In terms of the provisions of the Rules and Orders this question will be replied to by the Chairperson of the Executive Committee at the first following ordinary Council meeting scheduled for 29 April 2010.

**8. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETING**

None

**9. REPORT OF THE EXECUTIVE COMMITTEE: JANUARY 2010**

**9.1 Report of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the months of November 2009 to January 2010**

**The report of the 253<sup>rd</sup> Executive Committee meeting held on 14 December 2009**

**The report of the 254<sup>th</sup> Executive Committee meeting held on 21 January 2010**

**The report of the 255<sup>th</sup> Executive Committee meeting held on 27 January 2010**

**ITEM A.106.14.12.09**

**ESSENTIAL SERVICES: NEW BULK INTAKE POINT: THREE PHASE 15MVA 66KV ESKOM SUPPLY CAPACITY: RIBOLWA SUBSTATION: UP-FRONT PAYMENT TO ESKOM (16/2/1)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**CONFIDENTIAL**

**ITEM CA.107.14.12.09**

**ESSENTIAL SERVICE: ELECTRICAL DISTRIBUTION: AIR CONDITIONER CONTRACTOR AND AN EMPLOYEE OF SOLLY'S SUSTAINED ELECTRICAL SHOCK: LOUIS TRICHARDT - CBD: HAWAMA NOOR CENTRE: MR. PRICE HOME (16/2/1)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**ITEM A.108.14.12.09**

**POLICY ON SALE OF COUNCIL LAND: R293 TOWNS (BUSINESS) (15/3/23, 7/3/2/1 & 7/3/2/B)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**ITEM A.109.14.12.09**

**FINANCES: DRAFT DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF MUNICIPAL COUNCILS (5/5/2/1; 12/2/1/54; 6/1/1(07/08))**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**ITEM A.110.14.12.09**

**PUBLICITY: ANNUAL REPORT 2008/9: APPROVAL AND SUBMISSION: DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL GOVERNMENT (10/1/2)**

**REMARK:**

This item was withdrawn from the agenda.

**ITEM A.111.14.12.09**

**TOWN-PLANNING AND CONTROL: MASAGANI LAND CLAIM: FARM BERGVLIET 288 LS  
(15/3/23)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**ITEM A.112.14.12.09**

**ELECTIONS: 2011: MAKHADO MUNICIPALITY DELIMITATION REPORT  
(15/1)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**ITEM A.113.14.12.09**

**PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON 2009/2010  
(5/6/5 & 5/6/B)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

**2010****ITEM A.1.28.01.2010**

**(COUNCIL) LAND: APPLICATION TO PURCHASE A PORTION OF ERF 427 VUWANI  
TOWNSHIP  
(7/4/1/3 & 7/3/2/1)**

RESOLVED A.1.28.01.2010 –

1. THAT the approval in principle granted to Oasis (Pty) Ltd for the establishment of a shopping mall/centre on a portion of erf 427, Vuwani Township be withdrawn due to lack of progress with the development.  
(DCSS)
2. THAT Oasis (Pty) Ltd be informed of this Council Resolution. (DCSS)
3. THAT Ramnet Property Development CC should be invited to make a presentation to the Executive Committee as they have shown interest in the land. (DCSS/DDP)

**ITEM A.2.28.01.2010****COUNCIL LAND: APPLICATION FOR PURCHASE OF ERF 7 SITUATED AT VUWANI TOWNSHIP  
(7/4/13)**

RESOLVED A.2.28.01.2010 –

THAT the Council approves the application to purchase erf 7, Vuwani Township by Mr M. A. Netshimbupfe, subject to the following conditions:

1. The intention to sell the Municipal land be advertised in a local newspaper for comments and objections.
2. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
3. In the event that the developer fail to complete the development as required under paragraph 2 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
4. The property be sold at a market related purchase price determined by a valuer.
5. The developer submit a development proposal for consideration by the Executive Committee.

PurchaseErf7Vuwani\_itm2

(DCSS/DDP)

**ITEM A.3.28.01.2010****APPLICATION FOR THE PROPOSED PURCHASE OF ERVEN 1673 AND 1677 IN EXTENDING EXISTING ERF 1672, TSHIKOTA TOWNSHIP  
(TE1673 & 1677 & 7/3/2/1)**

RESOLVED A.3.28.01.2010 –

THAT the application of Pastor M. W. Setjie on behalf of The Healing Covenant Christian Church Centre to purchase erven 1673 and 1677, Tshikota township due to the topographical deficiencies of erf 1672, Tshikota township, be approved and that the implementing of the approval is subject to the following conditions and procedures:

1. The intention to perform a land sale transaction must be advertised in terms of the provisions of the Local Government Ordinance (Ordinance 17 of 1939) in order to call for objections if any
2. A professional land surveyor must be appointed to consolidate erven 1672, 1673 and 1677, Tshikota township
3. A market related valuation of erven 1673 and 1677, Tshikota township must be acquired which will serve as the purchase price
4. The Premier's approval that erven 1673 and 1677, Tshikota township be sold at 50% of the market related valuation by means of a land sale transaction must be acquired
5. Council's attorneys must register a separate title deed for the erven 1673 and 1677, Tshikota township
6. A professional town-planner must be appointed to rezone erven 1673 and 1677, Tshikota township for the purpose of place of public worship and related activities

7. A land sale agreement must be formally concluded between municipality and The Healing Covenant Christian Church Centre and Municipality will not be liable for any possible damages suffered in this regard
8. The cost of the professional land surveyor, Council's attorneys who would perform the conveyancing of the newly created property, and that of the professional town-planner, will be carried by the client
9. No guarantees can be given on bulk services since municipality is not the bulk service provider of water, sewer and electricity – municipal services to the sites, including tarmac roads will be subject to the services installation program of the Department Technical Services and Department Development Planning, Council will not be liable for any claims of damage or loss suffered as a result of delays or slow progress with commissioning of municipal services according to the program.
10. The Healing Covenant Christian Church Centre may not conduct any business on the property and must use it for bona-fide church activities and HIV AIDS Care and Counseling, rehabilitation centre, adult basic education and training centre, seminar centre, clinic primary health care centre, youth centre, old age centre, orphanage centre, early childhood development centre, bible school centre, cinema and information and technology centre
11. The property may not be sold and if not developed for the purpose acquired, it shall revert to Council. This condition must be embodied in the Title Deed of the subject property .

PurchaseErf1673&1677

(DCSS)

#### **ITEM A.4.28.01.2010**

#### **(COUNCIL) LAND: APPLICATION FOR PURCHASE OF A PORTION OF ERF 1 VUWANI TOWNSHIP (7/4/1/4)**

RESOLVED A.4.28.01.2010 –

THAT the Council approves the application to purchase a Portion of erf 1, Vuwani Township by Vhanarini Construction Services CC, subject to the following conditions:

1. The intention to sell the Municipal land be advertised in a local newspaper for comments and objections.
2. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
3. In the event that the developer failed to complete the development as required under paragraph 2 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
4. The property be sold at a market related purchase price determined by a valuer.
5. The developer submit a development proposal for consideration by the Executive Committee.
6. Before any further processes unfold the Department of Development Planning should advise in terms of types of land where rezoning be required and other standard conditions for the sale of Council land.

PurchasePortion1Vuwani\_itm2

(DCSS/DDP)



**ITEM A.5.28.01.2010****COUNCIL LAND: APPLICATION FOR PURCHASE OF ERF 40, VUWANI TOWNSHIP  
(7/4/14)**

RESOLVED A.5.28.01.2010 –

THAT the Council approves the application to purchase erf 40, Vuwani Township by Mr M. S. Mushavhela, subject to the following conditions:

1. The intention to sell the Municipal land be advertised in a local newspaper for comments and objections.
2. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
3. In the event that the developer failed to complete the development as required under paragraph 2 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
4. The property be sold at a market related purchase price determined by a valuer.
5. The developer submit a development proposal for consideration by the Executive Committee.
6. Before any further processes unfold the Department of Development Planning should advice in terms of types of land where rezoning be required and other standard conditions for the sale of Council land.

PurchaseErf40Vuwani\_itm2

(DCSS/DDP)

**ITEM A.6.28.01.2010****COUNCIL LAND: PROPOSED SALE OF BUSINESS ERVEN 4978, 4979 AND 4980 , LOUIS  
TRICHARDT EXTENSION 8 TOWNSHIP  
(7/3/2/3 ; E4979; E4978; E4980)**

RESOLVED A.6.28.01.2010 -

THAT due to the actual determined demand for business erven in Makhado Park, it be approved that erven 4978, 4979 and 4980, Louis Trichardt Extension 8 township be sold in terms of the provisions of section 79(18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), subject to the following conditions:

1. The intended sale be advertised for possible objections
2. Market related valuation be acquired through Council's Valuer
3. The selling method be that of tender process in terms of the Supply Chain Management Regulations, 2005 through the bidding committee process
4. The erf may not be sold by the purchaser before it is developed fully for the intention that it was purchased. This condition will be embodied as a restrictive condition in the Title Deed of the property.
5. Any development must comply with the provisions of the Town-planning Scheme in Operation and the National Building Regulations. A site development plan must be submitted before any building plans can be considered.

6. All costs incidental to the use of the property be for the account of the applicant.
7. Council must be indemnified against any claims for loss or damage suffered due to incidents whatsoever nature, directly or indirectly related to sale of the property.
8. All other standard conditions for sale of Council land.

BusinessErvenLTT8\_itm2

(DCSS)

**ITEM A.7.28.01.2010**

**LAND: APPLICATION FOR PURCHASE, SUBDIVISION AND REZONING OF A PORTION OF PORTION 7 OF THE FARM SCHUYNSHOOGTE NO. 29 LT, VUWANI TOWNSHIP (15/3/8)**

RESOLVED A.7.28.01.2010 –

THAT the Council approves the application to purchase a portion of Portion 7 of the farm Schuynshoogte No. 29 LT, Vuwani township, in extent 16662,46m<sup>2</sup> for the purposes of erecting a shopping centre by Diza Property Development CC, subject to the following conditions:

1. The intention to sell the Municipal land be advertised in a local newspaper for comments and objections.
2. The property be developed within three (3) years from the date of signing the Deed of Sale, provided that Council may allow an extension of a further two (2) years.
3. In the event that the developer failed to complete the development as required under paragraph 2 above, the property shall revert back to Council without compensation by the Municipality to the developer for any improvements on the property.
4. The property be sold at a market related purchase price determined by a valuer.
5. The developer submit a development proposal for consideration by the Executive Committee.
6. The property be subdivided and rezoned for the intended land use right of a shopping centre at the cost of the developer.

DizaPropertyDevelopers\_itm2

(DCSS/DDP)

**ITEM A.8.28.01.2010**

**COMMUNITY SERVICES ALLOCATION OF RDP HOUSING UNITS FOR 2010/2011 FINANCIAL YEAR (17/4/1 & 17/20)**

RESOLVED A.8.28.01.2010 –

1. THAT Council takes note and approve the allocation and developmental areas of 950 RDP housing units (Rural) as specified by the Department of Local Government and Housing which are to be constructed within various wards and villages as follows:

Developers	Wards	No. of units	Villages
Beaven's Delivery CC	9 and 14	200	Matsindevhe (100) Bungeni/Xikhulu (100)
Katekani maintenance and	24, 26,	300	Gogobole (75)

<b>Developers</b>	<b>Wards</b>	<b>No. of units</b>	<b>Villages</b>
projects CC	34 and 36		Manavhela (75) Tshiendeulu (75) Matsa (75)
Tilinyebo Trading Enterprises CC	7	100	Masia (50) Vhangani (50)
Outcome property investment 34 CC	14 13	100	Bodwe (50) Chavani (50)
Active Blue Trading 198 CC	15	100	Mpheni (50) Valdezia (50)
Oceansite Trading	25	150	Maebani (150)

(DDP)

2. THAT Council takes cognizance of the appointment of six (6) developers recorded in paragraph 1 above. (DDP)
3. THAT the Developers work hand in hand with all the structures on the ground where houses are constructed for the sake of meeting construction dead line and construction of quality houses for the identified beneficiaries. (DDP)
4. THAT the Director Development Planning inform the Department of Local Government and Housing about the Municipality's concern regarding the criteria used to allocate the houses in the respective wards and that in future the Department must proportionally distribute the houses to all rural wards. (DDP)
5. THAT the Mayor, Cllr M M Lerule and the Housing Portfolio Councillors must engage the MEC of the Department of Local Government and Housing on the issues reflected in paragraph 4 above.

RDPHouses2010\_itm

(DComS)

**ITEM A.9.28.01.2010**

**TOWN PLANNING AND CONTROL: ADOPTION OF MAKHADO TOWN PLANNING SCHEME, 2009 (LAND USE MANAGEMENT SCHEME)  
(8/3/2/702 & 15/3/15)**

RESOLVED A.9.28.01.2010 –

1. THAT the Makhado Town-planning Scheme, 2009, attached to a report in this regard as Annexure A be approved as final statutory document. (DDP)
2. THAT the Makhado Town-planning Scheme, 2009 be promulgated in the Limpopo Provincial Gazette and implemented with effect of the date of promulgation thereof. (DDP)
3. THAT the land use right for the Remainder of erf 1 and erf 646 Vuwani Township be corrected to read "Municipal" and "Business" respectively. (DDP)

Lums\_itm(2)

**ITEM A.10.28.01.2010****TOWNPLANNING AND CONTROL: PROPOSED MUILA TOWNSHIP ESTABLISHMENT:  
PURCHASE OF LAND  
(15/7/1 & 7/4/1/3)**

RESOLVED A.10.28.01.2010 –

THAT note be taken of the concerns from the Muila Royal Council as stated in their letter attached hereto and that the Royal Council be informed that:

1. Due to financial constraints township establishment can not be continued with at Muila at this point in time.
2. Council Resolution B.93.26.10.09 as stated in the report in this regard would be implemented.
3. The Muila township establishment would be included in the 2010/2011 IDP Review.

PurchaseMuila\_itm(2)

(DDP)

**ITEM A.11.28.01.2010****TOWN-PLANNING AND CONTROL:**

1. **APPLICATION FOR LAND DEVELOPMENT AREA: PORTION 3 (A PORTION OF PORTION 2) OF THE FARM GARTH 309 L.S.: GARTH RESIDENTIAL ESTATE**
  2. **SUBDIVISION OF PORTION 3 (A PORTION OF PORTION 2) OF THE FARM GARTH 309.L.S INTO 102 PORTIONS**
  3. **INCLUSION IN LOUIS TRICHARDT TOWN-PLANNING SCHEME AREA**
- (15/3/15 & 15/3/8)**

RESOLVED A.11.28.01.2010 –

THAT the application of Developlan, on behalf of their client Cosec Development 30 CC, for the establishment of a land development area known as Garth Residential Estate be approved subject to the following terms and conditions:

1. The service agreement be concluded between the relevant municipalities as stated in the relevant Act and such also be forwarded to the Vhembe District Municipality for the approval with regard to the provision of bulk water supply to the development as stated in the conditions of Department of Agriculture, Forestry and Fisheries.
2. The necessary advertisements and consultation processes be complied with.
3. The approval of the Limpopo Development Tribunal has to be acquired as the final power to approve of land use applications of this nature vests with such department.
4. No development should commence before a letter have been obtained from the Regional Land Claims Commissioner regarding the proposed development.
5. Note be taken of the limited electrical supply to be provided to the proposed development as set out in a letter attached to the report in this regard and that alternative methods for electrical supply be incorporated in the residential development should additional electrical capacity be required.
6. Comments from all stakeholders, i.e. RAL, DEDET (ROD), DWAF be obtained and considered conditions as may be stated by them included in approval.

7. All environmental regulations be adhered to and such necessary mitigating procedures be implemented as stated in the environmental scoping report and any other legislation in this regard be adhered to.
8. The estate would remain a private township and Municipality will not be obliged to take over any infrastructure or its maintenance function or its repair function and any service which Municipality would have to render, i.e. domestic refuse removal must be clearly outlined in special services agreements for this purpose.
9. The development be incorporated into Makhado Town-planning Scheme-in-Operation.

GarthResidentialEstate\_itm

(DDP)

**ITEM A.12.28.01.2010**

**FINANCES: AUDITING OF FINANCIAL STATEMENTS: 2008/2009 FINANCIAL YEAR  
(6/13/1/1/1; 6/13/1/2/1)**

RESOLVED A.12.28.01.2010 -

THAT note be taken of the contents of Annexures 1 to 3 attached to the report in this regard, and that the report of findings and recommendations of the Auditor General, S A in regard to the 2008/9 Financial Statements have not yet been issued, but that the Auditor General is presently reviewing certain parts of its audit performed during October, November and December 2009.

AudGenl2008-2009\_itm

(DF)

**ITEM A.13.28.01.10**

**REPORTS AND SURVEYS: MID-YEAR PERFORMANCE ASSESSMENT: 2009/10 FINANCIAL YEAR:  
ALL DEPARTMENTS  
(10/1/4/1; 10/1/2)**

**REMARK:**

This report was withdrawn from the agenda.

**ITEM A.14.28.01.10**

**PUBLICITY: DRAFT ANNUAL REPORT 2008/9: APPROVAL AND SUBMISSION:  
DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND LOCAL  
GOVERNMENT  
(10/1/2)**

RESOLVED A.14.28.01.10

1. THAT the draft Annual Report 2008/9 be approved in principle and it be furnished to the  
Department of Local Government and Housing  
National Treasury  
Department of Co-operative Governance and Traditional Affairs

as Makhado Local Municipality’s demonstration of municipal performance to its community.

(DCSS)

2. THAT an Oversight Committee comprising of five (5) councilors and five (5) community representatives be established to have an Overview on the Report as more fully set out in National Treasury *Circular No 32 of 15 March 2006*, and that the Chairperson of the Executive Committee be vested with the power to appoint five (5) councilors and five (5) community representatives that will serve in the Oversight Committee.

(DCSS)

3. THAT members of the Audit Committee be invited to serve as technical assistance to the Oversight Committee referred to in paragraph 2 above.

(DCSS)

4. THAT it be noted that Council’s final resolve on the 2008/9 Annual Report must be passed by no later than 31 March 2010 whereupon it must be submitted to National Treasury and the Department of Co-operative Government and Traditional Affairs, as well as the Provincial Department of Local Government and Housing.

(DCSS)

5. THAT it be noted that the Auditor General’s Report of findings on the 2008/9 financial statements had not yet been received at the time that the draft Annual Report was prepared, and that it be submitted under separate cover as soon as it is received.

(MM/DCSS)

\* \* \* \* \*

**9.2 Report of the Executive Committee in terms of section 59 (1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) for the months of November 2009 to January 2010**

**The report of the 253<sup>rd</sup> Executive Committee meeting held on 14 December 2009**  
**The report of the 254<sup>th</sup> Executive Committee meeting held on 21 January 2010**  
**The report of the 255<sup>th</sup> Executive Committee meeting held on 27 January 2010**

**ITEM B.103.14.12.09**

**ESSENTIAL SERVICES: NEW BULK INTAKE POINT: THREE PHASE 15MVA 66KV ESKOM SUPPLY CAPACITY: RIBOLWA SUBSTATION: UP-FRONT PAYMENT TO ESKOM (16/2/1)**

**REMARK:**

This matter was already considered at the 64<sup>th</sup> Special Council meeting held on 14 December 2009.

## **2010**

**ITEM B.1.21.01.2010**

**ESSENTIAL SERVICES:**

- 1. PROPOSED BURIAL SCHEME: PUBLIC /PRIVATE PARTNERSHIP: PRESENTATION**
- 2. MUNICIPAL LAND AVAILABILITY: NEW BURIAL CONCEPT (16/6/2; 7/3/2/1)**

RESOLVED B.1.21.01.2010 -

THAT the Company must submit their proposal to the Office of the Acting Municipal Manager.

Mausoleum\_itm

(DCSS)

**ITEM B.2.21.01.2010**

**REPORTS: DECISION REGISTER: PROGRESS / STATUS OF IMPLEMENTING RESOLUTIONS: 2009/2010 CYCLE (10/1/6/1)**

RESOLVED B.2.21.01.2010 -

THAT the progress and/or status of implementing resolutions passed by Council and Executive Committee since 13 August 2009 (the first meeting in the 2009/2010 cycle of administration), up to and including the meeting of Executive Committee and Council held on 14 December 2009 be noted, as more fully set out in the Decision Register Annexure A attached to the report in this regard.

DecisionRegister\_itm

(MM/ALL DIRS)

**ITEM B.3.21.01.2010****TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE OF ERF 1907, LOUIS TRICHARDT EXTENSION 2 TOWNSHIP (15/3/8; E1907)**

RESOLVED B.3.21.01.2010 –

THAT the application for special consent use in order to erect a second dwelling unit on erf 1907, Louis Trichardt extension 2 township be approved in terms of section 16 of the Louis Trichardt Town-planning Scheme, subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. All costs that may arise as a result of this approval be for the account of the applicant.
3. The consent granted be implemented within twelve (12) months of the date of the resolution, failure which the approval will automatically be withdrawn without any further notice.
4. Engineering services contributions be paid in terms of Council's rezoning policy.
5. The applicable contents of Council Resolution A.78.24.07.08 which will apply without failure and Council cannot be held liable for any losses suffered for whatever reason in this regard.

Consent\_Erf1907

(DDP)

**ITEM B.4.21.01.2010****TOWN-PLANNING AND CONTROL: SUBDIVISION OF ERF 453, LOUIS TRICHARDT TOWN (15/3/8; E 453)**

RESOLVED B.4.21.01.2010 –

THAT the application of Geoland Surveys on behalf of their client Mr G J Steyn to subdivide erf 453, 70 Celliers street, Louis Trichardt township into three portions be approved in terms of section 92 of the Town-planning and Townships Ordinance, 17 of 1939, subject to the following conditions:

1. Each house must have its own water and sewer connections for which the installation cost and connection fees will be payable.
2. Each property must have its own electricity connection for which standard fees will be payable. Only a single 60A single-phase connection (Pre-paid or conventional) will be available for each stand. The amount payable for the electrical connections will be that of a standard connection as the connection will be provided at the erf's border. The applicant must take note that the municipality will not be able to provide additional electricity supply capacity.
3. The applicant is liable to pay engineering services contributions in respect of water and sewer to the amount of R8 990,00 and R9 472,00 for electrical services which are based on the 2009/10 tariff plus % increase, if payment is made after 30 June 2010.
4. A right of way servitude, 5 meter wide, must be registered over Portion 2 of erf 453 in favour of Portion 1 of erf 453, Louis Trichardt township.



5. The registered owner of the panhandle shall pave the surface of the panhandle at his own cost to the satisfaction of the municipality before or simultaneously with the erection of any buildings on the panhandle portions and shall thereafter maintain the surface in a dust free condition to the satisfaction of the municipality. This provision must be embodied as a condition in the title deed of the property.
6. The registered owner of the panhandle portion shall erect or provide screen walls or dense fencing to the satisfaction of the municipality along the boundaries of the panhandle and such other boundaries as the local authority may require. The extent, material, design, height, position and maintenance of such screen walls or fencing shall be to the satisfaction of the municipality.
7. Municipal servitudes and building lines must be in line with the Conditions of Establishment of the township as well as such other servitudes as may be required in this specific instance as may be imposed by the Director Technical Services and development on the proposed portion 1 must comply with the Louis Trichardt Town-planning Scheme, 2000.
8. The proposed subdivision must be registered in the Deeds Office within two years from date of approval of the application.
9. The applicable contents of Council Resolution A.78.24.07.08 which will apply without failure and Council cannot be held liable for any losses suffered for whatever reason in this regard.

Subdivision\_Erf453

(DDP)

**ITEM B.5.21.01.2010**

**TOWN PLANNING AND CONTROL: APPEAL TO REZONING OF A PORTION OF THE  
REMAINDER OF ERF 472, LOUIS TRICHARDT TOWNSHIP:  
(E.472/R & 15/4/2/2/1/222)**

RESOLVED B.5.21.01.2010 –

1. THAT the application from Developlan on behalf of their client Mr W Cronje to rezone Remainder of erf 472, Louis Trichardt Township from “Residential 1” to “Residential 3” with a density of 45 units per hectare be not approved due to the fact that the required 16 parking spaces cannot be provided on the property. (DDP)
2. THAT the owner of the Remainder of erf 472, Louis Trichardt township be instructed to convert the existing dwellings to the required three units that must comply with the Louis Trichardt Town-planning Scheme, 2000, failing which further legal action be instituted.

AppealRemainderErf472\_itm

(DDP)

**ITEM B.6.21.01.2010****TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE OF ERF 458, LOUIS TRICHARDT TOWNSHIP (15/3/8; E 458)**

RESOLVED B.6.21.01.2010 –

THAT the application for special consent use in order to operate a Place of Public Worship from the buildings situated on erf 458, Louis Trichardt township be approved in terms of section 16 of the Louis Trichardt Town-planning Scheme, as no additional service points will be allowed with regard to water and sewer and electricity subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. All costs that may arise as a result of this approval be for the account of the applicant.
3. The consent granted must be implemented within twelve (12) months of the date of the resolution, failure which the approval will automatically be withdrawn without any further notice.
4. Eight (8) parking bays per 100m<sup>2</sup> G.L.F.A. must be provided on the property itself and the property sidewalk and/or the sidewalk or driveways of neighboring properties, may at no occasion be utilised for parking for users or visitors to the subject erf.
5. The special consent shall be for a period of twenty four (24) months, calculated from the date of the approval letter, where-after extension thereof may be considered by Council: Provided that should Council receive any valid objections in the meantime, the special consent shall be reconsidered.
6. Development must comply with the Louis Trichardt Town-planning Scheme, 2000 and National Building Regulations.
7. All traffic regulations and by-laws that may be applicable and enforceable by the Director Community Services and Council must be adhered to.
8. Adequate measures such as erection of a concrete wall must be taken to prevent excessive noise, which causes a nuisance to neighbors.
9. No demolishing activities may be implemented without written approval of the authorities on our national heritage as the dwelling on the property was built prior to 1960.

Consent\_Erf458

(DDP)

**ITEM B.7.21.01.2010****TOWN-PLANNING AND CONTROL: IN PRINCIPLE APPROVAL: SUBDIVISION OF ERF 2070, LOUIS TRICHARDT EXTENSION 2 TOWNSHIP (15/3/8; E 2070)**

RESOLVED B.7.21.01.2010 –

THAT the application of Geoland Surveys on behalf of their client Mr D H Coetzee to subdivide erf 2070, 32 Acacia street, Louis Trichardt township into two portions be approved in principle, subject to the following conditions:

1. A formal application be submitted in terms of section 92 of the Town-planning and Townships Ordinance, 17 of 1939.
2. The proposed Portion 1 of erf 2070, Louis Trichardt extension 2 township be consolidated with erf 2072, Louis Trichardt extension 2 township
3. No additional dwelling unit may be erected on erf 2072, Louis Trichardt extension 2 township after the consolidation with Portion 1 of erf 2070, Louis Trichardt extension 2 township.
4. The applicable contents of Council Resolution A.78.24.07.08 which will apply without failure and Council cannot be held liable for any losses suffered for whatever reason in this regard.

Subdivision\_Erf2070

(DDP)

**ITEM B.8.21.01.2010**

**TOWN PLANNING AND CONTROL: REZONING OF THE REMAINDER OF ERF 164, LOUIS TRICHARDT TOWNSHIP: LOUIS TRICHARDT AMENDMENT SCHEME 110 (E614 & 15/4/2/2/1/229)**

RESOLVED B.8.21.01.2010 –

1. THAT Council in terms of section 56 of the Town Planning and Township Ordinance (Ordinance 15 of 1986) approve the application received from Elize Castelyn Town Planners on behalf of their client Mr S O Ravele to rezone Remainder of erf 164, Louis Trichardt township from “Residential 1” to “Business 1” with the following restrictions:

- Coverage: 60%
- F.A.R.: 1.0
- Height: 2 storey
- Parking: 2 per 100m<sup>2</sup> G.L.F.A.

and further subject to the following terms and conditions:

- 1.1 No building operations may commence without approved building plans. A site development plan must be submitted before any building plans can be approved.
- 1.2 Engineering services contributions will be payable within 30 days calculated from the date on which formal rezoning is proclaimed, and will be calculated in accordance with Council’s formula for such services.
- 1.3 The applicant will be liable for payment of actual cost for service provisions in the event that larger capacities than what is available under the present zoning may be required.

(DDP)

2. THAT the applicable contents of Council Resolution A.78.24.07.08 will apply without failure and Council cannot be held liable for any losses suffered for whatever reason in this regard.

(DDP)

Rezoning\_RemainderErf164

**ITEM B.9.21.01.2010**

**TOWN PLANNING AND CONTROL: REZONING OF PORTION 91 (A PORTION OF PORTION 7) OF THE FARM BERGVLIET 288 L.S.: AMENDMENT SCHEME 108 (15/4/2/2/1/227)**

RESOLVED B.9.21.01.2010 –

1. THAT the application received from Plantecnic on behalf of their client Mr C Vosloo to rezone Portion 91 (a portion of portion 7) of the farm Bergvliet 288, L.S from “Agriculture” to “Residential 4” be approved in terms of section 56 of the Town Planning and Township Ordinance (Ordinance 15 of 1986). (DDP)

2. THAT applicable contents of Council Resolution A.78.24.07.08 which will apply without failure and Council cannot be held liable for any losses suffered for whatever reason in this regard. RezoningPortion91\_itm (DDP)

\* \* \* \* \*

10. **PETITIONS**

None

11. **NEW MOTIONS**

**MOTION NO. 220: RECEIVED ON 15 JANUARY 2010**

Motion No. 220 dated 7 January 2010 was received on 15 January 2010. In terms of the provisions of clause 40 of the Council’s Rules and Orders published in Provincial Gazette No. 1391 dated 31 August 2007 this motion is deferred to the next ordinary Council meeting scheduled for 29 April 2010.

\* \* \* \* \*

The meeting was closed and adjourned at 18:20.

Approved and confirmed in terms of the provisions of section 27 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), by a resolution of the Council passed at the meeting held on the next Council meeting of 29 April 2010.

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CHAIRPERSON