

# MAKHADO LOCAL MUNICIPALITY

## OFFICE OF THE DIRECTOR CORPORATE SERVICES

MINUTES OF THE FIFTY EIGHTH (58<sup>th</sup>) MEETING OF THE MAKHADO MUNICIPALITY WHICH WAS HELD ON MONDAY, 31 JANUARY 2011 AT 17:00 IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC CENTRE, KROGH STREET, LOUIS TRICHARDT.

\* \* \* \* \*

### **PRESENT**

#### **Councillors**

BALOYI R S	MATUMBA N J
BOPAPE M B	MBOYI M D
CHAYA A A	MUFAMADI M R
DU PLOOY A	MULOVHEDZI M D
DZHOMBE J	MUTAVHATSINDI F D
GUNDULA A S	NCHAUBA T G
HONWANA X N C	NDHLIWAYO B T
HOORZUK J	NEPHAWE K P
KENNEALY A	NGOBENI E H
LERULE M M	NGOBENI M E
MABILA M N	NTHULANE L T
MABOHO T E	PHASWANA P
MACHOVANI R G	RADAMBA M S
MADUWA E	RAMASHIA N G
MAGUGA S G	RAMUDZULI S D
MAHANI M F	REKHOTSO S M
MAHWAI S J	REYNEKE P Q
MAKHOMISANI S E	RIKHOTSO F J
MAKHUBELE R T	SELEPE R
MAPHALA O S	SIPHUMA A L
MASHAMBA H A	TSANWANI L
MASHAU L P	TSHAVHUYO T G
MATODZI A N	

#### **Traditional Leaders**

NONE

#### **Officials**

A S TSHIKALANGE	(MUNICIPAL MANAGER)
T S NDOU	(DIRECTOR CORPORATE SUPPORT & SHARED SERVICES)
R H MALULEKE	(CHIEF FINANCIAL OFFICER)
E L MUGARI	(DIRECTOR COMMUNITY SERVICES)
T E RALULIMI	(DIRECTOR TECHNICAL SERVICES)
M D SINTHUMULE	(DIRECTOR DEVELOPMENT & PLANNING)
H J LUKHELI	(ASSISTANT MANAGER COUNCILLORS AFFAIRS)
M D MUNYAI	(ADMINISTRATIVE OFFICER: COMMITTEES)
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 31 January 2011 to Cllrs B F Hlongwane, J D Khumalo, N K Maboho, M M Makananise, M M Makhado, S Masuka, K D Mauba, K Mavhungu, T J Mudau, A J Mukhaha, M L Munungufhala, N J Murovhi, M A Muvhumbe, L M Nekhumbe and P R J Nemalegeni.
  
2. THAT it be noted that the following councillors were absent from the meeting without leave of absence 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 31 January 2011:  
Cllrs P Baladzi, M A Helm, M E Lebea, L B Lowani, M V Mahlaule, M A Makhera, D Malete, S D S Manganyi, W N Mashele, N S Matamela, A G Ngwana, R G Nkhanyani and F F Rumani as well as Hosi Majosi N N, Khosi Netsianda M W, Khosi Nesengani T P, Khosi Mashau T R V, Hosi M S Bungeni, Khosi S A Mulima, Khosi M C Masakona, Khosi N T L Mashamba, Khosi S T Mukhari, Hosi J Baloyi and Khosi V C Ramabulana

## **3. OFFICIAL ANNOUNCEMENTS**

None

## **4. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE SPEAKER**

None

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

None

## **6. CONFIRMATION OF MINUTES**

### **6.1. REMARK:**

Upon proposal by Cllr F J Rikhotso, duly seconded by Cllr A N Matodzi, it was -

RESOLVED -

THAT the minutes of the 57th meeting of the Council held on 28 October 2010, be approved and confirmed as a true and correct record of the proceedings and be duly signed by the Chairperson.

6.2. **REMARK:**

Upon proposal by Cllr S E Makhomisane, duly seconded by Cllr T G Tshavhuyo, it was -

RESOLVED -

THAT the minutes of the 69th meeting of the Special Council held on 14 December 2010, 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 KENNEALY ON 22 SEPTEMBER 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 put item 7.1 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and the replies were recorded below:

**Question 1:**

Provide us with a list of all potholes in Louis Trichardt CBD and all Residential areas within Louis Trichardt, including the R293 Townships i.e.,

Reply

*It is impossible to give a list of all potholes in town, residential areas and R293 towns. It can however be given as a total area measured on roads in square meters (285m<sup>2</sup>). The scoping of investigation report can be viewed at Director Technical Services Office, upon special arrangement.*

**Question 2:**

How many bags of tar to fix potholes are on stock and what will the Rand value be of the material? If we have stock, why are we not fixing the potholes? If we do not have stock, why don't we have stock of this material?

Reply

*Stores have 2000 bags of 30kg tar available for road maintenance ready to be used. The municipality has so far hired 40 temporary workers in Vleifontein, specifically for road maintenance and cleaning of drainage structures for a contract duration of four months running from November 2010 to February 2011.*

**Question 3:**

Provide us with a maintenance plan on potholes and an action list on when these potholes will be fixed.

Reply:

*Potholes are emerging on a day to day basis during the rainy season. This is because of the structural failures of roads and the life span of roads is a contributing factor. The streets need rehabilitation and reconstruction. The plans on how the municipality will deal with maintenance of roads for the next three years can be viewed at the Office of the Director Technical Services.*

7.2 QUESTION RECEIVED FROM CLLR A DU PLOOY ON 27 SEPTEMBER 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 put item 7.2 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and the replies were recorded below:

**Question 1:**

Supply us with a full written report of all electrical materials not in the store on general electrical and water and sewerage maintenance.

**Reply:**

1. *The procurement system used to get materials is through quotations which has a limit of R200 000, therefore less items are procured.*
2. *Efforts to arrange a tender for the electrical and water materials were done, and could not be finalized.*
3. *We need to have a standard contract for supply and delivery of electrical and water items once a year.*

**Question 2:**

Provide us with a full report on monies paid for all new electricity or upgrades of connections. If there are any connections outstanding, what seems to be the reason?

**Reply:**

*The list of all outstanding new electricity connections as at 18 October 2010 is available and can be collected from my desk.*

**Question 3:**

Because of the unavailability of general maintenance of material, electricity points are bridged out. What is the financial loss to Council in this regard? Who will be held responsible and who will carry these losses? What will the steps be to recover these losses?

**Reply:**

*This will be answered under item 7.4 as it is a duplicate thereof.*

**Question 4:**

I refer to the Supply Chain Management Policy on Logistic Management. The current rules are not enforced and the prescribed regulations are not adhering to, what will the reason for this be? What steps or action will be taken to enforce the prescribed regulations?

**Reply:**

*This question will be answered under item 7.4 as it is a duplicate thereof.*

7.3 **QUESTION RECEIVED FROM CLLR A DU PLOOY ON 30 AUGUST 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 put item 7.3 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and the replies were recorded below:

**Question 1:**

Supply us with a full report on the amount of money outstanding as well as an age analysis on all Government Departments that are in debt with the Makhado Municipality.

**Reply:** *On 18 January 2011 the total amount owing to the Municipality by respective government departments is R5 042 405,72. A copy of the age analysis is available and can be collected from my desk.*

**Question 2:**

If there is money outstanding for more than 30 days, do we recover this directly from the National Allocations at National Treasury? If not, why not?

**Reply:** *The money is not recovered directly from the national allocations at National Treasury. The matter is deliberated by the Provincial Treasury. Then discussions around the matter are made wherever conclusion is not reached.*

#### 7.4 QUESTION RECEIVED FROM CLLR A DU PLOOY ON 30 AUGUST 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 put item 7.4 and ruled that the Chairperson of the Executive Committee reply to the questions. The Chairperson of the Executive Committee proceeded accordingly and the replies were recorded below:

##### **Question 1:**

Supply us with a full report of all electrical and water connections outstanding.

*Reply: The list of all outstanding new electricity connections as at 18 October 2010 is available and can be collected from my desk.*

*The number of all outstanding water connections as at 31 January 2011 is as follows:*

*Tshikota town – 40*

*Louis Trichardt town – 10*

*This backlog is due to the fact that the human resources capacity cannot do more than eight connections per day.*

##### **Question 2:**

Supply us with a full report on insufficient materials not in the store on general maintenance.

*Reply*

1. *The procurement system in use to purchase materials is through quotations which has a limit of R200 000,00. Therefore less items are procured.*
2. *Efforts to arrange a tender to purchase materials for electrical and water services' materials were made but could not be finalized.*
3. *We need to have a standard contract for supply and delivery of material for electrical and water services once a year.*

##### **Question 3:**

Provide us with a full report on monies paid for all new connections. If there are any new connections outstanding, what seems to be the reason?

*Reply:*

*You are referred to the report mentioned in question 1 above.*

##### **Question 4:**

Because of the unavailability of general maintenance material, electricity points are bridged out. What is the financial loss to Council in this regard? Who will be held responsible and who will carry these losses? What will the steps be done to recover these losses?

*Reply:*

*It is not clear as to what is actually meant by the statement "electricity points are bridged out", this can mean energy meters or any other equipment on the network.*

*We therefore have to answer as follows:*

1. *On electricity meters bridged out:*

*The municipality does not bridge out any meter due to tariff challenges. Here we refer to pre-paid meters only. The customer must come on the next possible working day to have his tariff problems sorted out by Finance. It may happen that meters were bridged out in cases where we may experience a short circuit in the meter box which was not related to the wrong doing of the customer. In this instance we do bridge the meter out until the following day when the meters are normally replaced taking into account that there is track available in stored.*

2. On any other equipment bridged out:  
*This is really a serious safety risk. It may happen that the municipality runs short of strategic spares or materials, then we have to come up with an alternative by searching through the network and removing equipment to service a customer. But this is done in such a manner that it does not compromise matters of safety on the system. It can be anything from a transformer, to a cut-out link or even a circuit breaker that could be bridged out on the network to help another customer somewhere else on the network. As indicated above, precautionary measures are taken in order to ensure safety of the system.*
3. Costs  
*The financial loss can be anything from the normal call out costs to a power transformer's costs. The hidden costs and risks are obvious if a life should be lost in this regard. Double or sometime triple time work may impact on excessive overtime and transport costs which could be substantially high and could be avoided by ensuring that minimum stock levels are kept.*
4. Responsibility  
*The municipality will ensure safety rules are observed and make sure that material stock at stores is available all the time.*
5. Cost recovery  
*It is obvious that the Municipality will not be able to recover the costs. The only way is to do the work right the first time with the right people, material and equipment.*

**Question 5:**

I refer to the Supply Chain Management Policy on Logistic Management. The current rules are not enforced and the prescribed regulations are not adhered to, what will the reason for this be?

Reply:

*This question requires explanation before it can be answered.*

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

None

**9. REPORT OF THE EXECUTIVE COMMITTEE: OCTOBER 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 November 2010 to January 2011**

**The report of the 272<sup>nd</sup> Executive Committee meeting held on 12 August 2010.**

**The report of the 273<sup>rd</sup> Executive Committee meeting held on 7 September 2010.**

**The report of the 274<sup>th</sup> Executive Committee meeting held on 14 December 2010.**

**The report of the 275<sup>th</sup> Executive Committee meeting held on 20 January 2011.**

**The report of the 276<sup>th</sup> Executive Committee meeting held on 31 January 2011.**

## **2010**

**ITEM A.87.30.11.10**

**TOWN PLANNING AND CONTROL: REZONING OF PORTION 1 OF THE FARM PLAAS MARIUS 732 MS KNOWN AS THE FARM KLEIN AFRICA INTO COMMERCIAL DEVELOPMENT**

**(15/3/7)**

RESOLVED A.87.30.11.10 –

THAT the application submitted by Manaledzi Consortium to rezone portion 1 of the farm Plaas Marius 732 MS into commercial development be approved in principle subject to the following conditions:

1. The applicant must submit formal application for rezoning
2. Comments from Vhembe District Municipality with regard to the supply of water must be submitted together with the application
3. The status of land claim must be included to give clear understanding
4. Comments from Department of Agriculture, National Road Agency, Limpopo Tourism, Manaledzi Hawkers Association, Taxi Association and Bus companies must be submitted.
5. Developer must submit signed Services Agreement with Vhembe District Municipality for water and sewer services.
6. Comments from Telkom, ESKOM, DWAF, RAL and LEDET must be obtained, and submitted together with the application. (DDP)

**ITEM A.88.30.11.10****TOWN PLANNING AND CONTROL:**

- 1. PRINCIPLE APPROVAL TO REZONE ERF 1574 AND 1576, LOUIS TRICHARDT EXTENSION 1 TOWNSHIP**
- 2. PROPOSED CONSOLIDATION OF ERF 1574 AND 1576, LOUIS TRICHARDT EXTENSION 1 TOWNSHIP (E1574 & E1576)**

RESOLVED A.88.30.11.10 –

1. THAT the application submitted by Planning Concept Town and Regional planners on behalf of Hans Jurgens Lombard Bergh to obtain principle approval to rezone erf 1574 and erf 1576 from “Residential 1” to “Residential 2” be not approved as it did not align with the Council’s densification policy. (DDP)
2. THAT the consolidation of erf 1574 and erf 1576 be approved, subject that the consolidation be registered to Deeds Office. (DDP)

RezoningErf1574\_itm

**ITEM A.89.14.12.10**

**AUDIT COMMITTEE REPORT TO COUNCIL: 2010/2011 FINANCIAL YEAR  
(4/26/1/1)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.90.14.12.10**

**PARTICIPATION OF THE TRADITIONAL LEADERS IN MUNICIPAL COUNCIL:  
INCREASE ON PAYMENT OF ALLOWANCES AND PROVISION OF MOBILE CELL  
PHONES AND AIRTIME FOR TRADITIONAL LEADERS  
(5/5/3 & 3/5/2)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.91.14.12.10**

**COMMUNITY SERVICES: CONSTRUCTION OF 30 RDP UNITS IN AREAS AFFECTED  
BY DISASTER  
(17/4/1 & 17/20)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.



**ITEM A.92.14.12.10**

**COMMUNITY SERVICES ALLOCATION OF 850 RDP HOUSING UNITS FOR 2011/2012 FINANCIAL YEAR  
(17/4/1 & 17/20)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.93.14.12.10**

**PERSONNEL: CLOSING OF MUNICIPAL OFFICES DURING FESTIVE SEASON 2010/2011: POLICY  
(5/6/5 & 5/6/B)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.94.14.12.10**

**ORGANIZATION: PILOT PROJECT: PARTICIPATORY BUDGETING PROCESS, 2011/2012 – PLANACT, GTZ AND MUNICIPALITY JOINTLY  
(2/5; 6/1/1(11/12))**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.95.14.12.10**

**PERSONNEL: ANNUAL SALARY INCREASE: MUNICIPAL MANAGER AND MANAGERS ACCOUNTABLE TO THE MUNICIPAL MANAGER  
(5/5/2/1; 6/1/1(10/11))**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

**ITEM A.96.14.12.10**

**FINANCES: 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(10/11))**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

# 2011

## **ITEM A.1.31.01.11**

### **ELECTIONS: REPLACEMENT OF PROPORTIONAL REPRESENTATIVE OF AFRICAN NATIONAL CONGRESS: DECEASED CLR M N MAKHADO WITH CLLR LYDIA TSANWANI**

**(3/3/5; 3/3/3; 3/3/1; 3/3/4 & 3/2/5)**

#### **REMARK:**

The Chief Whip on behalf of the ANC introduced the new councillor and requested Cllr L Tsanwani to stand up so that Council could officially welcome her. She responded and Council acknowledged her presence accordingly.

RESOLVED A.1.31.01.11-

1. THAT it be noted that the Electoral Commission in a letter dated 30 November 2010 and received in the Municipality's Office on 20 December 2010, has informed about the replacement of former deceased Cllr M N Makhado as municipal councillor.

(DCSS/CFO)

2. THAT it be noted that Ms Lydia Tsanwani has been declared elected as proportional representative for the African National Congress to replace former deceased Cllr M N Makhado with retrospective effect of 30 November 2010, it being the date on which the Electoral Commission declared the councillor as duly elected in the vacancy of the proportional representative.

(DCSS/CFO)

ElectionCllrTsanwani\_itm

## **ITEM A.2.31.01.11**

#### **PERSONNEL:**

1. **ESTABLISHMENT OF LOCAL BOARD OF TRUSTEES: DISBURSEMENT OF INSURANCE FUNDS: EMPLOYEES AND COUNCILLORS**
  2. **DELEGATED POWER TO MUNICIPAL MANAGER**
- (2/1/3/2/25/9/4/3; 6/9/1; 6/12/2/1; 12/B;)**

RESOLVED A.2.31.01.11-

1. THAT a local board of trustees be composed of the following officials:

Municipal Manager ( Chairperson and Accounting Officer)

Chief Financial Officer

Manager : Legal Service

Director : Corporate Support and Shared Services (to also serve as Secretary of the Board of Trustees)

The relevant Head of Department of the deceased/disabled/injured employee

Should the deceased/disabled/injured person be a councillor, the Mayor in office shall form part of the board of trustees for the process related to the councillor's beneficiaries.

(DCSS)

2. THAT the Manager : Legal Service, department Corporate Support and Shared Services in consultation with Council's attorneys, establish a complete terms of reference for the board of trustees that will govern their operations in managing proceeds from insurance claims of employees and councillors on behalf of beneficiaries. (DCSS)

3. THAT the Municipal Manager be vested with the power to oversee the working of the Board of Trustees administratively and take full charge of concluding all matters accordingly.

(MM)

Trustees\_itm

#### **ITEM A.3.31.01.11**

#### **COUNCIL LAND: PROPOSED SALE OF ERF 444, TSHIKOTA TOWNSHIP TO THE ORIGINAL 1995 BENEFICIARY (TE444)**

RESOLVED A.3.31.01.11 –

THAT it be approved that s erf 444, Tshikota Township be sold to the 1995 beneficiary, Ms M. M. Khwareli , subject to the following conditions:

1. It be sold by private contract to the previous owner, M M Khwareli, and not by means of calling for tenders or public auction which is the policy for the sale of residential and business land in Louis Trichardt, Tshikota and Elti Villas.
2. The intention to sell the property be published in the local media to call for objections, if any.
3. A market related valuation be performed by a registered professional valuer which will serve as the purchase price for the property.
4. The present illegal user of the property for purpose of a car wash be given notice to vacate the property with immediate effect.
5. The property may be used for dwelling purposes only as that is the primary land use rights thereof.
6. Municipality will not be held liable for any damages or losses suffered as a result of the transaction, directly or indirectly.
7. Building plans must be submitted for approval before any construction is done on the property.

8. All other standard conditions for the sale of municipal land will also apply in this case.
9. Transfer of property ownership will be conducted by Council's attorneys. (DCSS)

ReSaleErf444Tshikota\_itm

**ITEM A.4.31.01.11**

**COUNCIL PROPERTY: LEASE OF HALLS D AND B, MAKHADO SHOW GROUNDS;  
AND PARKING GARAGES NO. 1 AND 2, CIVIC CENTER PREMISES: ELECTORAL  
COMMISSION**

(7/2/2/3; 7/2/2/3/12; 13/4)

**REMARK:**

This item was referred as item B.1.26.01.11.

**ITEM A.5.31.01.11**

**PUBLICITY: DRAFT ANNUAL REPORT 2009/10: APPROVAL AND SUBMISSION:  
DEPARTMENT NATIONAL TREASURY AND DEPARTMENT PROVINCIAL AND  
LOCAL GOVERNMENT**

(10/1/4/1-8)

RESOLVED A.5.31.01.11 –

1. THAT the Draft Annual Report 2009/10 be considered by Council, and if approved, that it be advertised for public comments. (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, which Committee must conclude their task within the given timelines as dictated by legislation. (DCSS)
3. THAT the 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 2009/10 Annual Report must be passed by no later than 31 March 2011 whereupon it must be submitted to National Treasury and the Provincial Department of Local Government and Housing for submission to the Minister of Cooperative Governance and Traditional Affairs, as Makhado Local Municipality's demonstration of municipal performance to its community. (DCSS)
5. THAT the amendments to the draft Annual Report as proposed by Council's Audit Committee in their minutes of a meeting held on 21 January 2011, be duly taken into regard prior to the public consultation phase of the process to finalize the 2009/10 Annual Report. (DCSS)

**ITEM A.6.31.01.11****REPORTS AND SURVEYS: MID-YEAR PERFORMANCE ASSESSMENT: 2010/11  
FINANCIAL YEAR: ALL DEPARTMENTS  
(10/1/4/1; 10/1/2)**

RESOLVED A.6.31.01.11 –

1. THAT Council takes note of the Mid Year Performance Assessment for 2010/11 Financial Year which was compiled by each head of department, a copy of which is attached hereto as Annexures A to E, which will be delivered to the Department of Housing and Local Government on 31 January 2011, as required under section 72 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003). (ALL DIRS)
2. THAT the Mayor, as Head of Portfolio Committee: Finance, address with the Accounting Officer the expenditure rate on capital projects in view thereof that 23% expenditure for mid-year is not satisfactory. (DCOMS)

**ITEM A.7.31.01.11****FINANCES: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT  
(10/1/4/1 & 10/1/5/2)**

RESOLVED A.7.31.01.11 -

THAT Council note that the adjustment budget for the income and expenditure projections for the financial year ending 30 June 2011 will be made in terms of the section 28 of the Municipal Finance Management Act, No. 56 of 2003. (CFO)

**ITEM A.8.31.01.11****FINANCE: IN YEAR MONITORING AND REPORTING: MONTH ENDING 31  
DECEMBER 2010  
(6/1/1(2010/2011))**

RESOLVED A.8.31.01.11 -

THAT the in-year monitoring financial report for the month of December 2010 be noted. (CFO)

**ITEM A.9.31.01.11****COUNCIL LAND: REMOVAL OF RESTRICTION: ERF 3415/R  
(E.3415/R)****REMARK:**

This item was referred as item B.2.26.01.11.

**ITEM A.10.31.01.11****COUNCIL POLICY: REVIEW OF THE COMMUNICATION POLICY 2010/2011  
(11/B)**

RESOLVED A.10.31.01.11 -

1. THAT Council approves the reviewed Communication Policy to enhance public participation interaction and to effectively and efficiently disseminate information to all stakeholders. (DCOMS)
2. THAT the contents of Annexure A attached to the report in this regard be adopted as Council's Communication Policy with effect of the date of this Council Resolution. (DCOMS)

**ITEM A.11.31.01.11****FINANCES: MUNICIPAL ADJUSTMENT BUDGET: 2010/2011 FINANCIAL YEAR  
(6/1/1(2010/11))****REMARK:**

- 1) Cllr J Dzhombe proposed, duly seconded by Cllr R Selepe, that Thusong Service Centre must be catered for on the Adjustment Budget.
- 2) The proposal was adopted in general and recorded accordingly as part of Council Resolution.

RESOLVED A.11.31.01.11 -

1. THAT Council approves the Adjustment Budget for the 2010/2011 financial year, as presented. (CFO)
2. THAT it be noted that the Section 28 Adjustment Budget will after approval be submitted to Provincial and National Treasuries in terms of section 24 of the Municipal Budget and Reporting Regulations. (CFO)
3. THAT the Chief Financial Officer express the variance of items in the 2010/2011 Adjustment Budget also in a percentage format in order to aid consideration of the adjustments. (CFO)
4. THAT Thusong Service Centre must be catered for on the Adjustment Budget. (CFO)

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**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 November 2010 to January 2011**

**The report of the 272<sup>nd</sup> Executive Committee meeting held on 12 August 2010.  
 The report of the 273<sup>rd</sup> Executive Committee meeting held on 7 September 2010.  
 The report of the 274<sup>th</sup> Executive Committee meeting held on 14 December 2010.  
 The report of the 275<sup>th</sup> Executive Committee meeting held on 20 January 2011.  
 The report of the 276<sup>th</sup> Executive Committee meeting held on 31 January 2011.**

## **2010**

### **ITEM B.72.11.11.10**

**TOWN-PLANNING AND CONTROL: APPLICATION FOR REZONING OF ERF 617, VUWANI EXTENSION 1 TOWNSHIP  
 (15/3/15 & 7/4/15)**

RESOLVED B.72.11.11.10 –

THAT the application received from Tshiongolwe Development Planning Consultants to rezone erf 617, Vuwani Extension 1 township from Residential 1 to Business 2 for the purpose of or the establishment of accommodation, be approved subject to the following terms and conditions:

1. No building may commence without approved building plans and development must comply with National Building regulations.
2. A site development plan must be submitted before any building plans can be approved.
3. Development must comply with the Makhado Land Use Scheme, 2009 and the restriction thereof.
4. Sufficient parking as required by the Makhado Land Use Scheme, 2009 must be provided.
5. 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.
6. The Director Finance will collect charges and tariffs in accordance with business tariff.
7. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme,2009.
8. That the Department of Local Government and Housing be informed of Council's recommendation. (DDP)

**ITEM B.73.11.11.10****TOWN-PLANNING AND CONTROL: PROPOSED SUBDIVISION: REMAINDER OF PORTION 3 OF THE FARM MIDDLEFONTEIN 803 M. S. (15/3/8 & 15/3/14)**

RESOLVED B.73.11.11.10 –

THAT the Department of Local Government and Housing be informed that there is no objection to the approval of the application for subdivision of the Remainder Portion 3 of the Farm Middlefontein 803 M.S. into two (2) portions, subject to the following conditions:

1. The applicant must adhere to the restrictive Title Deed conditions unless it is waived in accordance with the set procedure for this purpose.
2. In the event that electricity provision is required, each portion must have its own electricity connection for which purpose the standard connection fees and costs in accordance with Council's policy must be paid.
3. Applicant must submit satisfactory proof that each proposed portion has its own sustainable potable water supply source that will provide sufficiently for the intended land use. This condition must be a condition of sale and embodied in the Title Deed of each property.
4. One dwelling unit, Agricultural and Farm settlement may be permitted on each portion and no other uses will be permitted without the consent of the relevant bodies including the municipality.
5. The Department of Local Government and Housing must consent to this subdivision.
6. The consent is for the subdivision not for the erection of residential, lodge or guesthouse, in case if the applicant intends to develop the area to such use relevant bodies including the Municipality must be informed and necessary legislation, regulations and Acts must be followed. (DDP)

SubdivisionPortion3Middlefontein\_itm

**ITEM B.74.11.11.10****TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE OF PORTION 7 OF ERF 3316, LOUIS TRICHARDT EXTENSION 2 TOWNSHIP: DUET DWELLING (15/3/8; E3316/7)**

RESOLVED B.74.11.11.10 –

1. THAT the application for special consent use in order to utilize portion 7 of erf 3316, Louis Trichardt Extension 2 Township for the purposes of erecting duet dwelling be not approved in terms of section 16 of the Louis Trichardt Town planning Scheme, 2000 as it is not complying with the Council's densification policy. (DDP)



2. THAT the hearing date be set for the objector and the applicant to table their views with regard to the proposed development. (DDP)

ConsentErf3316\_itm

**ITEM B.75.11.11.10**

**TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE OF ERF 5150, LOUIS TRICHARDT EXTENTION 9 TOWNSHIP: INCREASE HEIGHT FROM 2 TO 3 STOREYS (15/3/8; E5150)**

RESOLVED B75.11.11.10 –

THAT the application for special consent use submitted by Mrs C Tigere in respect of erf 5150, Louis Trichardt Extension 9 Township for the purpose of increased height of the building from two to three storeys be approved in terms of section 22 of the Makhado Land-use Scheme,2009 subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with the Makhado Land Use Scheme, 2009
3. All costs that may arise as a result of this approval are for the account of the applicant.
4. The consent granted is implemented within twelve (12) months of the date of the resolution, failure which the approval will automatically be withdrawn without any further notice.
5. The building to be erected must comply with Municipal By-laws and with National Building Regulations
6. The Municipality may through its authorised officials enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009. (DDP)

ConsentErf5150\_itm

**ITEM B.76.11.11.10**

**TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE ON PORTION 1 OF ERF 36, LOUIS TRICHARDT TOWNSHIP: BEAUTY SALON (15/3/8; E 36/1)**

RESOLVED B76.11.11.10 –

THAT the application for special consent use submitted by Jomien Boshoff to utilize Portion 1 Erf 36, Louis Trichardt Township for the purposes of a beauty salon be approved in terms of clause 21 of the Makhado Land Use Scheme, 2009 subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with Makhado Land Use Scheme, 2009.
3. All costs that may arise as a result of this approval be for the account of the applicant.

4. 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.
5. The special consent shall be for a period of twenty four (24) months, calculated from date of approval letter issued where after extension thereof may be considered by Council.
6. A maximum of five (5) persons may be employed or taken into partnership.
7. The house's residential character must be retained and it must be permanently occupied.
8. Erection of logos or sign boards illuminated by neon lights is prohibited.
9. No display of ant notice or sign, except such notice or as is commonly displayed at a dwelling house or dwelling unit to indicate the profession or occupation of the occupant shall be allowed: provided that it shall not exceed 450mm x 900mm in size, unless mounted on a permanent structure constructed of clay brick and/ or plastered to the satisfaction of the local authority.
10. Two paved parking spaces for use by client and adequate parking for employees/partners must be provided on the property.
11. The Director Finance will collect charges and tariffs in accordance with a business tariff for the duration of the practice on the property.
12. Should any complaints about the operations be received, and after fair and just procedure be found valid, the consent hereby granted will be reviewed by Council.
13. All health requirements and Council By-Law in this respect must be adhered to.
14. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009. (DDP)

ConsentErf36\_itm

#### **ITEM B.77.11.11.10**

#### **TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE: ERF 568 LOUIS TRICHARDT TOWNSHIP: INCREASE DENSITY (15/3/8; E568)**

RESOLVED B.77.11.11.10 –

THAT the application for special consent use submitted by Mr M A Mandobe for higher density rights on erf 568, Louis Trichardt Township for the purposes of building three (3) additional dwelling units be approved in terms of section 21 of the Makhado Land-use Scheme, 2009 subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with the Makhado Land Use Scheme, 2009

3. All costs that may arise as a result of this approval be for the account of the applicant.
4. 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.
5. The building to be erected must comply with Municipal By-laws and with National Building Regulations.
6. Engineering services contributions be paid in terms of Council's rezoning policy.
7. Each house must have its own water, sewer and electricity connection, for which standard connection fees will be paid.
8. Each house must be located on its own 700m<sup>2</sup> portion of land and servitude of 2, 0 meters wide in favour of the Municipality shall be provided for municipal services along any boundary, other than a street boundary, where such services are installed or planned to be installed.
9. No building or other structure or any part of its foundations may be erected in the servitude area and no tree with a potentially large root system may be planted within the servitude area or within 2,0 meters thereof except with the permission of the Municipality.
10. The internal driveways or paths on the property shall be constructed and maintained by the owner as required by the Municipality.
11. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009.

ConsentErf568\_itm

(DDP)

**ITEM B.78.11.11.10**

**TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE:  
ERF 910, DZANANI TOWNSHIP: PLACE OF INSTRUCTION  
(7/4/1/4, 15/3/8 & 15/3/15)**

RESOLVED B.78.11.11.10 –

THAT the application for special consent use in order to utilize Erven 910, Dzanani township for the purpose of Place of Instruction be approved in terms of section 21 of the Makhado Land Use Scheme 2009, subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with the Makhado Land Use Scheme, 2009 and National Building Regulations.

3. All costs that may arise as a result of this approval are for the account of the applicant.
4. 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.
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. Adequate measures such as erection of a concrete wall must be taken to prevent excessive noise, which causes a nuisance to neighbors.
7. The number of the persons to be instructed must not exceed ten (10), if the number exceeds ten (10), the property must be rezoned within two years, failing which the consent will be withdrawn without further notice.
8. The consent must not be construed as guarantee that the rezoning of the property will automatically be approved.
9. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009. (DDP)

ConsentErf910\_itm

#### **ITEM B.79.11.11.10**

#### **TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE: REMAINDER OF ERF 80, LOUIS TRICHARDT TOWNSHIP: INCREASE DENSITY (15/3/8; E80)**

RESOLVED B.79.11.11.10 –

THAT the application for special consent use submitted by Mr J A Cronje for higher density on the Remainder of erf 80, Louis Trichardt Township for the purposes of building one (1) additional dwelling unit be approved in terms of section 21 of the Makhado Land-use Scheme, 2009 subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with the Makhado Land Use Scheme, 2009
3. All costs that may arise as a result of this approval be for the account of the applicant.
4. 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.
5. The building to be erected must comply with Municipal By-laws and with National Building Regulations

6. Engineering services contributions be paid in terms of Council's rezoning policy.
7. Each house must have its own water, sewer and electricity connection, for which standard connection fees will be paid.
8. Each house must be located on its own 700m<sup>2</sup> portion of land and servitude of 2, 0 meters wide in favour of the Municipality shall be provided for municipal services along any boundary, other than a street boundary, where such services are installed or planned to be installed.
9. No building or other structure or any part of its foundations may be erected in the servitude area and no tree with a potentially large root system may be planted within the servitude area or within 2, 0 meters thereof except with the permission of the Municipality.
10. The internal driveways or paths on the property shall be constructed and maintained by the owner as required by the Municipality.
11. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009. (DDP)

ConsentErf80\_itm

#### **ITEM B.80.11.11.10**

#### **TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE: PORTION 1 OF ERF 349 LOUIS TRICHARDT TOWNSHIP: BED AND BREAKFAST (15/3/8: E 349/1)**

RESOLVED B.80.11.11.10 –

THAT the application for special consent use in order to utilize portion 1 of Erf 349, Louis Trichardt Township for the purposes of bed and breakfast be approved in terms of section 21 of the Makhado Land Use Scheme 2009, subject to the following terms and conditions:

1. No development may commence without approved building plans.
2. Development must comply with the Makhado Land Use Scheme, 2009.
3. All costs that may arise as a result of this approval are for the account of the applicant.
4. 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.
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.
6. The building to be erected must comply with Municipal By-laws and the National Building Regulations.
7. It must consist of not more than four (4) guest rooms for the temporary accommodation of a maximum of eight (8) transient guests.

8. Only one (1) kitchen per establishment is allowed and meals shall be provided to paying guests only.
9. A bathroom for each guest room may be provided which may also be shared with the host family.
10. The house's residential character must be retained and shall remain for the accommodation of a single family.
11. Erection of logos or sign boards illuminated by neon lights is prohibited.
12. No display of any notice or sign, except such notice as is commonly displayed at a dwelling house or dwelling unit to indicate the profession or occupation of the occupant shall be allowed: Provided that it shall not exceed 450mm x 900mm in size, unless mounted on a permanent structure constructed of clay brick and/ or plastered to the satisfaction of the local authority.
13. The Director Finance will collect charges and tariffs in accordance with a business tariff for the duration of the practice on the property.
14. Should any complaints about the operations be received, and after fair and just procedure be found valid, the consent hereby granted will be reviewed by Council.
15. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009. (DDP)

ConsentErf349Portion1\_itm

#### **ITEM B.81.11.11.10**

#### **TOWN-PLANNING AND CONTROL: APPLICATION FOR SPECIAL CONSENT USE: PORTION 2 OF ERF 23, LOUIS TRICHARDT TOWNSHIP: COMMUNE (15/3/8 & E 23/2 )**

RESOLVED B.81.11.11.10 –

THAT the application for special consent use in order to utilize portion 2 of Erf 23, Louis Trichardt township for the purposes of commune be approved in terms of section 21 of the Makhado Land Use Scheme, 2009 subject to the following terms and conditions:

1. No development may commence without approved building plans
2. Development must comply with the Makhado Land Use Scheme 2009.
3. The building to be erected must comply with Municipal By-laws and the National Building Regulations.
4. All costs that may arise as a result of this approval are for the account of the applicant.
5. 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.

6. 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.
7. Not more than six unrelated persons may be allowed in the property.
8. One (1) parking per bedroom must be provided.
9. Conduct of a practice or occupation with the aim of deriving income is prohibited.
10. Only one (1) kitchen, bathroom and lounge must be provided and rooms must not include kitchen, and bathroom of their own. Should any complaints about the operations be received, and after fair and just procedure be found valid, the consent hereby granted will be reviewed by Council.
11. The Municipality may through its authorised officials, enter the property at all reasonable times to conduct any inspection which may considered necessary or desirable for the application of the Makhado Land Use Scheme, 2009.

ConsentErf23Portion2\_itm

(DDP)

**ITEM B.82.09.12.10**

**COMMUNITY SERVICES: CONSTRUCTION OF 30 RDP UNITS IN AREAS AFFECTED BY DISASTER  
(17/4/1 & 17/20)**

**REMARK:**

This item was already considered at the 69<sup>th</sup> Special Council meeting held on 14 December 2010.

## **2011**

**ITEM B.1.26.01.11**

**COUNCIL PROPERTY: LEASE OF HALLS D AND B, MAKHADO SHOW GROUNDS; AND PARKING GARAGES NO. 1 AND 2, CIVIC CENTER PREMISES: ELECTORAL COMMISSION  
(7/2/2/3; 7/2/2/3/12; 13/4)**

**REMARK:**

This item was referred from item A.4.31.01.11.

RESOLVED B.1.26.01.11 –

THAT the matter be referred back to the next Portfolio Committee: Corporate Services for consideration and resubmission to the Executive Committee. (DCSS)

**ITEM B.2.26.01.11****COUNCIL LAND: REMOVAL OF RESTRICTION: ERF 3415/R  
(E.3415/R)****REMARK:**

This item was referred from item A.9.31.01.11.

RESOLVED B.2.26.01.11 –

THAT the matter be referred back to the next Portfolio Committee: Corporate Services for consideration and a more elaborate explanation about the subject, and resubmission to the Executive Committee at a next meeting. (DCSS)

\* \* \* \* \*

## 10. PETITIONS

None

## 11. NEW MOTIONS

11.1 **MOTION NO. 221: RECEIVED ON 23 SEPTEMBER 2010**

A motion dated 21 September 2010 was received on 23 September 2010. This matter must be dealt with under the provisions of clause 40 of the Council's Rules and Orders published in Provincial Gazette No. 1391 dated 31 August 2007.

*"In terms of clause 40 of the Rules and Orders of Council as promulgated under Local Authority Notice 228 dated 31 August 2007 in Provincial Gazette No. 1391 of 31 August 2007 and further*

*In accordance with the provisions of the Local Government Municipal Structures Act, 1998 (Act no. 17 of 1998) and the Local Government Municipal Systems Act, 2000 (Act no. 32 of 2000).*

*I move that a moratorium be placed on all new and approved as well as future water connections in the Louis Trichardt Town and Tshikota until the water supply from the Nandoni dam project are finalized for sufficient and regular water supply to all rate paying citizens in the Louis Trichardt area.*

*The Strategic Framework for Water Service, approved by Cabinet on 17 September 2003, states that "...consumers are in the best position to monitor the effectiveness of water services provision. They are the first to experience the effects of poor, inadequate or absent services. Therefore the most important and effective monitoring strategy for the sector is strengthening the voice of consumers."*

*Consumers are negatively affected and are suffering financial losses due to the inadequate or absent services or shortages of water in Louis Trichardt.*

*Proposed: Cllr B du Plooy*

*Seconded: Cllr A Kennealy"*



The Speaker put Motion 221 to the Meeting. Hereupon Cllr F D Mutavhatsindi proposed, duly seconded by Cllr F J Rikhotso, that the Municipality did not have Louis Trichardt area, but Makhado Municipality area. He further proposed that the proposer and the secondor of the Motion were not consumers but councillors and therefore the Motion proposed by Cllr B du Plooy and seconded by Cllr Kennealy was opposed.

The proposal put by Cllr F D Mutavhatsindi was adopted in general and recorded accordingly as Council Resolution.

RESOLVED –

THAT Motion No. 221 dated 23 September 2010, be not approved.

\* \* \* \* \*

The meeting was closed and adjourned at 18:30.

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 first following ordinary Council meeting of 28 April 2011.

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CHAIRPERSON

MDM/lh/CouncilMinutes\_58