



**MINUTES OF THE 49<sup>TH</sup> ORDINARY COUNCIL MEETING OF THE EMFULENI LOCAL MUNICIPALITY HELD IN THE MAYOR'S PARLOUR, VANDERBIJLPARK ON FRIDAY, 26 JUNE 2009 AT 13:00**

**ATTENDANCE – COUNCILLORS:**

HLONGWANE N G	(Speaker)
MSHUDULU S A	(Executive Mayor)
KUNENE M T	(Chief Whip)
PITSO S E	(Housing)
LETSOENYO M R	(Public Safety)
MALISA D M	(Administration – including Corporate Services, Human Resources, IT and Legal)
MOEPADIRA T S	(Sports, Recreation, Arts and Culture)
MUIR M P	(Local Economic Development, Tourism and Development Planning)
RANAKE K J M	(Finance)
RONYUZA M T	(Public Transport, Roads and Public Works)
THABANE T J S	(Infrastructure, Electricity, Water and Sanitation)
VUNDISA F N	(Health and Social Development)

BIKITSHA B M  
BRITZ N D  
COERTZE Y  
DE WEERD S H  
GROENEWALD R H  
HOFFMAN D C J  
JANSEN VAN RENSBURG N M  
KARSTEN A S J  
KGOTLENG M G  
KOLISANG M S  
LEHLAKE R J  
LOUW P J  
MAHAO J M  
MAHOMED C  
MALHOU M L  
MAQUTYANA M  
MASODISA M D M  
MATSEI N P  
MNGUNI F M A  
MOFOKENG P L

MOGOTSI K A  
MOKONO S H  
MOLEKO A  
MOLLO D S  
MOOI N J  
MOQOBANE N N  
MOROLONG A M  
MOSIA A N  
MOTSIRI T S  
MUIR L A  
MXUNYA P S  
NGUBANE L S  
NQUBA T S  
NTLELE C P  
NTOMBELA K  
NXONGO P N G  
PHEKO M B  
PLAATJIE D J  
POOE N S  
QUPE D C

RABIE C  
RADEBE A M  
RAIKANE M D  
RAPHUTI P  
RUELE M N E  
SALE M C  
SEEMELO H D  
SENEKAL G M  
SKELM P C  
TSHABALALA D E  
TSOARI J J  
TSUNKE J N  
VENTER M  
WILLIAMS F V  
ZONDO P  
ZWANE G M

## **OFFICIALS**

Mr A Lambat	- Acting Municipal Manager
Dr H J Wiese	- Deputy Municipal Manager: Economic, Development Planning and IDP
Mr L V Phahlane	- Acting Deputy Municipal Manager: Corporate Services
Mr T Ntho	- Acting Chief Audit Executive
Ms C Lerata	- Acting Manager: Secretariat and Admin Support
Mr J Mkhwane	- Office of the Chief Whip
Ms C L Lerata	- Acting Manager: Secretariat and Admin Support
Mr M P Mazibuko	- Secretariat

### **A. OPENING AND WELCOME**

At the request of the Speaker, Councillor N G Hlongwane, Councillor Zwane G M opened the meeting with a prayer, whereafter the Acting Manager: Secretariat and Administrative Support, Ms M C Lerata read the notice convening the Meeting.

### **B. APPLICATION FOR LEAVE OF ABSENCE**

#### **RESOLVED THAT**

1. application for leave of absence be granted to Councillors:

Godoli V M  
Hlanyane S J  
Khomoeasera M L  
Mokale B A (Sick Leave)  
Mncube B  
Nakedi M E  
Ramashamole M T  
Thulo N R  
Tsotetsi M J  
Venter M (Would arrive late)

2. it be noted that the following Councillors were absent without apologies:

Gqelosha M P  
Leburu M M  
Maduna A B  
Maduna L J  
Maseko B P  
Nkhi T E  
Xaba J N

### **C. OFFICIAL ANNOUNCEMENTS**

The Speaker, Councillor N G Hlongwane made the following announcements/comments:

- Members of the Mayoral Committee should convene Section 80 Committee meetings to review policies before they are submitted to Council Workshop.

- Councillors were requested to submit their inputs on Service Delivery and Budget implementation Plans to the Office of the Executive Mayor within thirty (30) days from 26 June 2009.

**D. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY THE CHAIRPERSON**

- The Speaker, Councillor N G Hlongwane congratulated the National Soccer Team (Bafana - Bafana), for playing well during the Confederation Cup.
- She also appealed to Councillors and officials to take part in the coming O R Tambo games to be hosted by Sedibeng District.

**E. PROPOSALS OF CONDOLENCE OR CONGRATULATIONS BY OTHER MEMBERS**

- Councillor A S J Karsten expressed his condolences to Mr Collins who passed away during the armed robbery.
- Councillor N M Jansen van Rensburg congratulated the Springbok Rugby Team for playing well in the Tri-Nations Tournament.

**F. CERTIFYING OF CORRECTNESS OF MINUTES**

**RESOLVED THAT**

1. the Minutes of the 48<sup>th</sup> Ordinary Council Meeting held on 31 March 2009 be confirmed as a true reflection of the proceedings and
2. the Minutes of a Special Council Meeting held on 29 May 2009 be confirmed as a true reflection of the proceedings.

**G. REPORT OF THE MUNICIPAL MANAGER**

None.

**H. QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

- Councillor A S J Karsten raised a concern regarding outstanding questions which have not been responded to, some of it are more than 2 years old.
- The Speaker, Councillor N G Hlongwane promised Council that her office would ensure that all outstanding questions would be tabled in the next Ordinary Council Meeting. She also requested Councillors who have copies of outstanding questions to submit it to her office.

**I. MOTIONS OR PROPOSALS DEFERRED FROM PREVIOUS MEETINGS**

None.



iv. **Special for Residential Purposes**

Erven 60 and 61 shall be zoned Special for dwelling units, residential buildings, conference facilities, social functions and ancillary uses such as a restaurant, subject to the following controls: two storeys, floor space ratio 0.4, coverage 30%, and building lines 3m from street boundary, with development subject to a site development plan to be endorsed by the Home Owners' Association prior to submission to the Council for approval.

v. **Special for Marina Purposes**

Erf 59 shall be zoned Special for marina purposes subject to a site development plan to be endorsed by the Home Owners' Association prior to submission to the Council for approval.

vi. **Special for Private Open Space**

Erven 62 to 67 shall be zoned Special for Private Open Space. These erven are intended to be developed and managed by the Home Owners' Association.

2. all conditions as required from GDACE, Department: Water Affairs and Forestry and Department of Public Transport, Roads and Works be complied with;
3. a section 125 Town Planning Scheme be submitted for approval;
4. street names be submitted for approval;
5. the township be known as Goosebay Canyon;
6. a full site development plan (SDP) be submitted and approved by the Manager, Roads & Stormwater, before any development takes place;
7. the Applicant familiarizes himself with all services crossing the stand;
8. the cost to allocate, relocate or protect existing or planned services via the registration of servitudes will be for the cost of the applicant/ owner/successor in title;
9. way leaves are obtained before any work is done within any road reserve;
10. any cost that might or need to be incurred to affect the development as approved, will be for the cost of the developer/owner/successor in title;
11. no development will be allowed within the 1 : 100 flood line;
12. no SG plan be submitted for approval by the Surveyor General before the layout has been approved by the Manager, Roads & Stormwater;
13. traffic impact study/assessment is submitted (study to be executed by a professional engineer in Traffic Engineering);
14. ingress and egress (access) arrangements be approved by the Manager, Roads & Stormwater and the Chief of Traffic;
15. a detailed geometric road layout design be submitted and approved;

16. the flood line be indicated, certified by qualified person in consultation with Emfuleni Local Municipality and Rand Water;
17. stormwater run-off arrangements (management) be submitted and approved;
18. any existing pipes be exposed and if found to be handpacked/un-reinforced, be replaced with SABS 677 spinned concrete pipes;
19. stormwater management plan be done by a professional person be submitted;
20. no stormwater run-off from Vaaloewer be restricted and must be indicated on an approved storm water management plan;
21. stormwater drainage from Vaaloewer has to be managed by Goosebay Canyon Home Owners Association;
22. bulk service contributions be made for Roads and Stormwater as required by Council (excluding VAT):
  - i. Capital contributions will be payable towards the upgrading of Meerkat Street and Vaaloewer Avenue;
  - ii. The number of units must be provided to be built on each of the "Residential 2" erven in order to calculate contributions towards the existing roads and storm water infrastructures and
  - iii. The existing dwellings on the "Residential 1" stands of the development must be indicated in order to subtract the amount of capital contributions payable for the Res. 1 stands;
23. all registered servitudes be respected;
24. if the development is to be a security complex with access control between Stand 64 and 65, the access has to be designed to provide storing capacity for at least three cars;
25. refuse removal from the development be indicated. If refuse removal vehicles are to enter the development, turning circles with minimum radii of 15,0m must be provided in all cul-de-sac streets. If refuse will be gathered by the Municipality, provision must be made at the gate houses for refuse removal;
26. access point to be facility in the horizontal curve of Meerkat Street is not supported and must be moved to opposite a midblock between erven 1460 and 1440 on Meerkat Street;
27. an essential services agreement is required for the provision and installation of Engineering Services and must be entered into by and between the township developer and the Emfuleni Local Municipality;
28. the Vaaloewer water network is currently over utilized and urgent upgrades to the existing plant/system will have to be made in order to accommodate any further development within this area. The owner/developer must appoint a professional ECSA registered Engineer, at his cost, to determine that the existing capacity within the water network and determine necessary upgrades in order to accommodate the bulk water connection for the proposed new township;

29. the engineer report, design drawings and details of abovementioned be submitted to the Manager Planning and Projects, Metsi-a-Lekoa for approval;
30. the township developer will be responsible for the cost for the design and installation of all bulk and internal water services or as otherwise agreed in the services agreement;
31. as-built sepias as well as electronic captured drawings be forwarded to the Deputy Municipal Manager: Basic Services after completion of the work;
32. the applicant familiarize himself with the position of any underground municipal services and servitudes which cross the property and take steps to the satisfaction of the Deputy Municipal Manager: Basic Services to protect such municipal services;
33. water Services Contribution Charges are payable as follows (excluding VAT):
  - Water – Vote no: 530601 230 0205 @ R1 930 per unit
34. all abovementioned conditions be adhered to prior to the approval of SDP. Clearance for Registration can only be given after all abovementioned conditions;
35. all outstanding municipal accounts be settled;
36. the queries from the Council's Legal Section be addressed by the applicant;
37. the road signs, street signs and road markings be for the account of the developer;
38. the Township Developer will be responsible for the installation of bulk electrical services;
39. the Township Developer will be responsible for the installation of all internal electrical services;
40. the Township Developer must appoint an electrical consulting engineer for the design of all services;
41. the Developer must consult with this Department before building plans are submitted for approval to enable us to make arrangements for the additional load and extensions on the electrical network;
42. the availability of any additional capacity will however be subject to the spare capacity on the electricity network at the time of development and the applicant is therefore advised to contact the Electricity Department before any final plans are made. Failure to do so could lead to a situation that electricity might not be available or that long lead times might be encountered in the provision of the required electricity connection;
43. the Waste Removal Section be informed of planning process of development to ensure inclusion of waste removal service;
44. enclosed safe developments needs to provide an enclosed waste disposal area from where services can be rendered;

45. all earthworks/construction rubble be removed by the developers before completion of development of township;
46. the minor changes as requested by the Legal Section be addressed and
47. Councillors be workshopped on the details regarding the application in terms of the Town Planning and Townships Ordinance 1986 (Ordinance 15 of 1986) for Township Establishment.

**ITEM A1128**

**CAPPING OF INTEREST ON OUTSTANDING DEBT OVER 180 DAYS AND WRITE-OFF OF INTEREST CHARGED OVER 180 DAYS  
(MC 23-06-09)**

**RESOLVED THAT**

1. interest charged on outstanding debt be capped on 180 days, therefore no interest be charged on debt older than 180 days;
2. all interest charged on the relevant debtors categories over 180 days be written off;
3. concerted efforts and resources be put in place to recover collectable debt inclusive of interest charged up to 180 days;
4. the Credit Control, Debt Collection and Write-Off policies and procedures be amended to reflect capping of interest;
5. the Credit Control, Debt Collection and Write-Off policies and procedures continuously be reviewed to streamline the management of collection processes and
6. it be reconfirmed that no interest be charged on arrears linked to indigent consumers' accounts.

**ITEM A1129**

**ESTABLISHMENT OF A SEDIBENG INSTITUTIONAL TOURISM ENTITY  
(R:MM/AA6/EDP/DMM.2009 05 22 RTO/DMMs 25-05-2009)  
(DMMs 08-06-09) (MC 23-06-09)**

1/3/1

**RESOLVED THAT**

1. the contents of the report regarding the proposed establishment of the Sedibeng Regional Tourism Organisation (RTO) be noted and
2. a planning session with the Mayoral Committee be scheduled as soon as possible in order to establish the RTO before the end of June 2009.

**ITEM A1130**

**FEEDBACK REPORT ON THE 1<sup>st</sup> NATIONAL, PROVINCIAL AND LOCAL  
GOVERNMENT INDABA ON TOURISM  
(R:MM/AA6/EDP/LED.TM.14)  
(AA1/DMMs 02-03-2009)(AA2/LED/EDP 02-04-2009)  
(SEC 80 LED 19-06-09) (MC 23-06-09)**

**6/3**

**RESOLVED THAT**

Council take note of the feedback report regarding the First National, Provincial and Local Government Tourism Indaba which was held in Cape Town from 26 to 27 January 2009, attended by the Portfolio Councillor for Tourism, Deputy Municipal Manager: Economic, Development Planning and the Assistant Manager: Tourism.

**ITEM A1131**

**STATUS QUO ON LEASE AGREEMENTS  
(M:AA6/PROP/AS 0.114)(AA2/06-11-2008)(AA2/12-02-2009)(AA2/12-06-2009)  
(SEC 80 LED 19-06-09) (MC 23-06-09)**

**2/7/4**

**RESOLVED THAT**

1. Council take cognizance of the information regarding all existing lease agreements, which include leases entered into years ago which are still running, as well as lease agreements approved and entered into for the period 1 July 2008 until 30 April 2009;
2. Council take note that an audit of all facilities are in process and that the attached lists are representing the status quo at present and that an updated report will be submitted three monthly until finalization of the process;
3. the outstanding lease agreements as indicated in the lease register be legalized as a matter of urgency and that a specific progress report be submitted by 30 September 2009 and
4. a Task Team (comprising of Sport, Recreation, Arts and Culture; Finance; Legal and Local Economic Development, Tourism and Development Planning Departments) be established to evaluate lease agreements and relevant policies.

**ITEM A1132**

**LAND AUDIT  
(MM/AA6/Properties/AS 120 Land Audit Amended)  
(AA2/LED 19-06-2009)  
(SEC 80 LED 19/06/09) (MC 23-06-09)**

**2/7/6/1**

**RESOLVED THAT**

1. Council take note of the outcome of the meeting between Council, Emendo and Mr Niel De Klerk, held on 20 May 2009 with regard to the comparison between the Land Audit date base received from Mr Niel de Klerk and the Land Audit date base received from Emendo;
2. Council take note that only 14 differences between the two data bases (the Niel De Klerk Data base and Emendo Data base) still exist;

3. it be noted that an internal verification process will now follow to indicate the status on all properties i.e. leases, transfers in process, allocations in terms of conversion act etc. and that a final product indicating the status be submitted by 30 September 2009;
4. the Housing section draft a list of all properties on which Sale Agreements have been signed and include notes to this effect into the Audit document by end of June 2009 and
5. the Housing Section in conjunction with the Land Use section drive the process on finalizing the subdivisions in all residential areas and include those information into the Deeds Office and that a progress report be submitted by the Housing section by end of June 2009.

**ITEM A1133**

**SALARY DISPARITIES OF METSI-A-LEKOA CONTRACT EMPLOYEES  
(REM COMM 15-06-09) (MC 23-06-09)**

10/6/2

**RESOLVED THAT**

1. it be noted that the Metsi-a-Lekoa contract employees have a legitimate claim relating to the underpayment of their remuneration and bonuses dating back to July 2005 which are amounting to R 613 631.11;
2. the underpayment mentioned in 1. above be addressed using vote number 5401011020014 (Salary Disparities);
3. a final settlement agreement be compiled which shall be signed by the Acting Municipal Manager after consultation with the Executive Mayor;
4. a draft settlement be done by Wednesday, 17 June 2009;
5. they be place as permanent employees in terms of the current Conditions of Services and
6. in addition to the back-payment due to Metsi-a-Lekoa contract employees mentioned in 1 above, Ms Thandi Kubayi be paid R241 975,60 in line with the recommendations of the Mayoral Committee meeting of 23 June 2009, the amount being reflected in **Annexure (page 103)**.

**ITEM A1134**

**RE-SUBMISSION OF THE ACHIEVEMENTS FOR THE 3<sup>RD</sup> QUARTER (JANUARY 2009 – MARCH 2009) OF THE 2008/09 FINANCIAL YEAR (SDBIPS), FOR NOTING  
(MC 23-06-09)**

**RESOLVED THAT**

**the report be deferred back to various Section 80 Committees and it be resubmitted to the next Council Meeting.**

**ITEM A1135**

**EMFULENI LOCAL MUNICIPALITY: HIGH LEVEL STRATEGIC PLANNING SESSION (11 – 13 JUNE 2009) AND CLUSTER STRATEGIC PLANNING SESSIONS 18 – 19 JUNE 2009**

**RESOLVED THAT**

1. the Mayoral Committee and Council endorse the outcomes of the High Level and Cluster Strategic Planning Sessions respectively;
2. comments on the 2009 / 2010 SDBIP's be presented in writing to the Office of the Municipal Manager by Tuesday, 30 June 2009 at 12h00;
3. the comments received in (2) above be incorporated into the final 2009 / 2010 SDBIP's for submission to the Executive Mayor;
4. the 2009 / 2010 SDBIP's once approved by the Executive Mayor and noted by Council, be submitted to the Office of the MEC, Provincial Department of Local Government, Gauteng;
5. the 2009 / 2010 SDBIP's also be submitted to the relevant National Departments as required by the Acts;
6. Subsequent to approval by Council, the 2009 / 2010 SDBIP's be placed on the on Emfuleni Local Municipality's website as required by the MFMA (Act 56 of 2003) section 75 (1) (k);
7. That the Performance Agreements and Contracts be entered into with the Section 57 Employees and the Acting Municipal Manager after finalization of 1 – 5 above and
8. Once the Performance Agreements and Contracts in (7) above are signed, these be submitted to Council for noting within one month after the beginning of the new Financial Year.

**SECOND PART - B REPORTS ON DELEGATED MATTERS, FOR THE PERIOD 24 FEBRUARY 2009 TO 3 JUNE 2009**

**CONSIDERATION OF RESOLUTIONS B2075 - B2091**

The resolutions of the Mayoral Committee adopted in accordance with the powers delegated to the Executive Mayor by the Council under B2075 - B2091 of the Agenda were considered and confirmed by Council.

**K. PETITIONS**

None.

**L. NEW MOTIONS**

None.

**M. OPEN DEBATE**

None.

**N. SALGA**

None.

**O. CLOSURE**

The Meeting closed at 16:05

CERTIFIED AS CORRECT

**COUNCILLOR N G HLONGWANE  
SPEAKER**

Date: .....



**MINUTES OF THE 49<sup>TH</sup> ORDINARY COUNCIL MEETING OF THE EMFULENI LOCAL MUNICIPALITY HELD IN THE MAYOR'S PARLOUR, VANDERBIJLPARK ON FRIDAY, 26 JUNE 2009 AT 13:00**

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