

**STEVE TSHWETE LOCAL MUNICIPALITY**

# **MINUTES**

**OF THE**

# **COUNCIL**

**MEETING**

**DATE - 31 JANUARY 2013**

**MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD  
IN THE KOSMOS HALL, HENDRINA, MPUMALANGA ON  
THURSDAY, 31 JANUARY 2013 AT 17:30**

**PRESENT**

**Councillors**

Cllr R M Xaba	(Speaker)	Cllr B C Skosana
Cllr M A Masina	(Executive Mayor)	Cllr O Malinga
Cllr N J Mahlangu		Cllr K N Monareng
Cllr E F Mathebula		Cllr J Matshiane
Cllr D J Motsepe		Cllr N J Nkambule
Cllr E P Nkosi		Cllr L E Mkhuma
Ald H Pilodia		Cllr M E Nyambi
Cllr E A Jele		Cllr D J Skosana
Cllr E O Motsepe		Cllr P M Shongwe
Cllr T B Mahlangu		Cllr B H Mokoena (arrived at 18:18)
Cllr B Nene		Cllr G H E Romijn
Cllr I Thwala		Ald R E Redman
Cllr M J Sekgwele (arrived at 17:40)		Cllr T G Ndlangamandla
Cllr M T E Mnguni		Cllr A S Grobler
Cllr L I Manzini		Cllr J M Motsoeneng
Cllr Z D Mtshweni		Cllr A Struwig
Cllr J Skosana		Cllr J P Pretorius
Cllr P P Tau		Ald E du Toit
Cllr M J Selala		Cllr S J Roos
Cllr B P Ndala		Cllr H F Niemann
Cllr S M Mnguni		Cllr D M Longman
Cllr S A Lukhele		Cllr M Nkosi
Cllr M T Selala		Cllr J Dyason
Cllr P M Hadebe		Cllr P Mobango
Cllr M R Mnguni (arrived at 17:45)		Cllr S Wait
Cllr P J Masilela		Cllr K P J Uys
Cllr S S Zitha		

**Officials:**

Mr E Warambwa	(Acting Municipal Manager)
Mr B Booyens	(Acting Executive Director: Financial Services)
Ms K M Skosana	(Acting Executive Director: Community Services)
Mr M Mnguni	(Director: Legal & Administration)
Mr J Zulu	(Chief Administrative Officer)
Ms N Mahlangu	(Administrative Officer Grade 2)
Ms W M Machinini	(Clerk Grade 1)

**Visitors:**

Mr N Nyambi - Office of the Auditor - General

**Temporary absence from the meeting in terms of Section 45(2)(c)**

Name of Cllr	1			2		
	From	To	Item	From	To	Item
Cllr MA Masina	19:21	19:23	CC51/01/2013			
Cllr NJ Mahlangu	19:23	19:28	CC51/01/2013			
Cllr EF Mathebula	18:16	18:19	C12/01/2013			
Cllr DJ Motsepe	19:19	19:22	CC51/01/2013			
Cllr SA Lukhele	19:39	19:39	CC51/01/2013	19:40	19:43	M02/01/2013
Cllr TB Mahlangu	18:01	18:05	C07/01/2013			
Cllr J Matshiane	19:37	19:39	CC51/01/2013			
Cllr EO Motsepe	18:46	18:49	CC32/01/2013	19:39		CC51/01/2013
Cllr NJ Nkambule	18:45	18:49	CC32/01/2013			
Cllr PM Shongwe	18:20	18:26	C31/01/2013	19:39	19:42	CC51/01/2013
Cllr BC Skosana	18:01	18:05	C07/01/2013			
Cllr PI Thwala	19:23	19:28	CC51/01/2013			
Cllr BH Mokoena	Opening	18:18	C29/01/2013			
Cllr DM Longman	17:36	17:39	CC51/01/2013			
Cllr P Mobango	18:15	18:22	C09/01/2013			

**1 OPENING**

The Speaker welcomed everybody and declared the meeting open.

**2 APPLICATION FOR LEAVE OF ABSENCE****RESOLVED**

THAT it be noted that Cllr's S D Nkadimeng, M Mbatwe, M S Motebu, S M Mogola and E A Swarts have applied for leave of absence due to other obligations and the applications were approved.

**3 OFFICIAL ANNOUNCEMENTS**

None

**4 REPORTS BY THE SPEAKER IN TERMS OF SECTIONS 15(1) AND 96(4) OF THE RULES OF ORDER**

With the consideration of this item the Speaker informed the meeting that due to the fact that no one was on the speakers list, the matter can therefore not be entertained for now.

**RESOLVED**

THAT the matter be kept in abeyance until it is considered on the next meeting.

**5 APPLICATIONS AND APPEALS FROM COUNCILLORS IN TERMS OF SECTION 14(1) AND 71 OF THE RULES OF ORDER**

None

**6 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY THE SPEAKER**

The Speaker expressed the following motion of congratulations:

- Congratulated Steve Tshwete Local Municipal area for it have produced one of the best matric student in the Province for the year 2012 in terms of the matriculation results.
- Acknowledged the Executive Mayor for allowing the meeting to take place in Hendrina and congratulated the Councillors as well as the members of the community present.
- Congratulated South Africa for successfully hosting an AFCON Cup.
- Wishes to sent a heartfelt condolences to the former Cllr Mr Straud with the loss of his wife.

## 7 MOTIONS OF SYMPATHY AND CONGRATULATIONS BY OTHER COUNCILLORS

The following Councillors expressed a motion of sympathy or congratulations:

### 7.1 Cllr GHE Romijn

- Congratulated all the matriculants who performed well during their Senior Certificate examinations.
- Expressed a sincere condolences to the families who has lost their loved ones during the festive seasons road accidents.

### 7.2 Cllr MC Nkosi

- Expressed a motion of sympathy to the family of the Municipal Worker in Emalahleni who lost his life while in the line of duty.
- Wishes Bafana Bafana a success in the AFCON Cup.

### 7.3 Cllr S Wait

- Congratulated the Executive Mayor (Cllr MA Masina), Cllr A Grobler and Cllr P Mobango on their Birthdays.
- Congratulated Cllr S Mogola on her new born child.

### 7.4 Cllr SS Zitha

- Congratulated the Executive Mayor and the Chief Whip on their birthdays.

### 7.5 Cllr DJ Skosana

- Expressed a motion of sympathy to the family of Happy Ndinisa, the ANC Mpumalanga delegate who passed away at the ANC Mangaung Conference.

### 7.6 Ald H Pilodia

- Congratulated the Executive Mayor, Chief Whip and Cllr MC Nkosi on their birthdays.
- Expressed a motion of sympathy to Advocate T Mekuto with the loss of her husband.
- Congratulated all the students, the matriculants for their performance on the final examinations, and those who came up top in the Province.

### 7.7 Cllr BP Ndala

- Expressed a motion of sympathy to the Executive Director: Corporate Services, Adv T Mekuto with the loss of her husband.

- Congratulated ANC for celebrating its birthday on the 8<sup>th</sup> of January 2013.
- Congratulated ANC for a successful conference held in Mangaung.
- Congratulated Executive Mayor and herself on their birthdays.
- Congratulated Bafana Bafana for performing well in the AFCON Cup.

A moment of silence was observed for those who have lost their loved ones.

## **8 DISCLOSURE OF INTERESTS**

Cllr DJ Motsepe on item C30/01/2013.

## **9 MINUTES OF THE PREVIOUS MEETING OR MEETINGS**

9.1 *Ordinary Meeting of the Council held on 29 November 2012 (Continuation meeting : 10 December 2012).*

9.2 *Special Council Meeting held on 10 December 2012.*

### **RESOLVED BY COUNCIL**

9.1 **THAT** the minutes of the Ordinary Council Meeting held on 29 November 2012 (Continuation meeting: 10 December 2012), be approved subject to the correction being made by replacing Ald RE Redman with Cllr S Wait's name in the list of the Cllrs who voted on item C15/10/2012 and CC43/11/2012.

9.2 **THAT** the minutes of the Special Council Meeting held on 10 December 2012, be approved.

## **10 QUESTIONS OF WHICH NOTICE HAVE BEEN GIVEN**

10.1 **THAT** note be taken of the questions submitted by Cllr S M Mogola as well as the reply which was prepared by the Executive Director : Corporate Services on behalf of the Executive Mayor as contained in the Council Agenda.

10.2 **THAT** note be taken of the questions submitted by Cllr S J Roos as well as the reply which was prepared by the Acting Executive Director : Community Services on behalf of the Executive Mayor as contained in the Council Agenda.

REPORT OF THE 25<sup>th</sup>/2012 MEETING OF THE MAYORAL  
COMMITTEE HELD ON 13 DECEMBER 2012

NON DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT Council take note that no non delegated matters were considered under this report.*

DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT Council take note of resolution M19/12/2012 taken by the Executive Mayor in terms of Delegated Powers.*

REPORT OF THE 01<sup>st</sup>/2013 MEETING OF THE MAYORAL  
COMMITTEE HELD ON 15 JANUARY 2013

NON DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT Council take note that no non delegated matters were considered under this report.*

DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT Council take note of resolution M01/01/2013 taken by the Executive Mayor in terms of Delegated Powers.*

REPORT OF THE 02<sup>nd</sup> 2013 MEETING OF THE MAYORAL  
COMMITTEE HELD ON 23 JANUARY 2013

NON DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT the report by the Executive Mayor in respect of items C03; C04; C05; C06; C07; C08; C10; C12; C27; C28; C29; C30; C31; CC32; C43; C44; C45; C46; C47; C48; C50 & CC51/01/2013 be considered.*

**C03/01/2013**

**LAND: APPLICATION FOR LAND : AEROBICS FITNESS CENTRE**

7/2/3/2 (L)/iec

**RESOLVED BY COUNCIL**

1. **THAT** Resolutions C48/07/2010 and BA18/10/2010 be rescinded due to the failure of the applicant to pay the purchase price for the purchase of a portion of Erf 3061 Mhluzi measuring 500m<sup>2</sup> in extent.
2. **THAT** the costs already incurred by the Council be recovered from the applicant.

**C04/01/2013**

**LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF  
PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS  
FOR PURPOSES OF PARKING TRUCKS**

7/2/1/3 (L)/iec

**RESOLVED BY COUNCIL**

1. **THAT** Resolutions C29/06/2011 and BA06/01/2012 be rescinded due to the failure of the applicant to enter into a lease agreement with this Municipality.
2. **THAT** the costs already incurred by the Council be recovered from the applicant.



C05/01/2013

LAND: APPLICATION FOR A PRAYER OVEN AT A PARK IN NEWTOWN,

MHLUZI

15/1/5/4 (L)/yb

**RESOLVED BY COUNCIL**

1. **THAT** the applicant be allowed to place the proposed prayer oven / altar on Portion 189 of the farm Middelburg Town and Townlands 287 JS ("the property") free of charge subject to the following conditions:
  - 1.1 **That** the "oven" structure is not a permanent structure.
  - 1.2 **That** the structure does not interfere with the park usage like playing equipment and playing soccer or other games.
  - 1.3 **That** should it be required to upgrade or re-design the park, the applicant be willing to move or relocate.
  - 1.4 **That** the building plans for the proposed prayer oven be submitted to the Senior Manager : Town Planning Services for evaluation before construction.
  - 1.5 **That** the final location of the prayer oven be determined by the Senior Manager : Town Planning Services in consultation with the Senior Manager : Parks & Recreation Services.
  - 1.6 **That** applicant take note that there are no services (water, electricity and sewer) on the property.

C06/01/2013

LAND: APPLICATION FOR A PRAYER OVEN ON ERF 505 NASARET

15/1/5/4 (L)/yb

**RESOLVED BY COUNCIL**

1. **THAT** the applicant be allowed to place the proposed prayer oven/altar on the Remainder of Erf 505 Nasaret ( "the property") free of charge subject to the following conditions:
  - 1.1. **That** the "oven" structure is not a permanent structure.
  - 1.2. **That** the structure does not interfere with the park usage like playing equipment and playing soccer or other games.
  - 1.3. **That** should it be required to upgrade or re-design the park, the applicant be willing to move or relocate.
  - 1.4. **That** the building plans for the prayer oven be submitted to the Director : Town Planning Services for approval.

- 1.5. That the exact location of the structure shall be confirmed by the Senior Manager : Town Planning Services and Senior Manager : Parks and Recreation Services.

**C07/01/2013**

**LAND: APPLICATION FOR RENEWAL OF LEASE AGREEMENT : ERF 12787**

**EXTENSION 02, MHLUZI**

7/2/1/3 (T)/yb

**RESOLVED BY COUNCIL**

1. THAT the lease agreement between Council and Elshaddai Day Care in respect of Erf 12787 Mhluzi Extension 02 be renewed for a period of 3 (three) years with an option to renew for a further 3 years period.
2. THAT the lease amount be R470, 00 (Four Hundred and Seventy Rand) per month excluding VAT.
3. THAT the escalation be 10% per annum with a 3 (three) yearly review.
4. THAT the property be revalued should a transaction not be concluded within 12 (twelve) months from the date of valuation.
5. THAT proceeds received from the lease be allocated to vote number 555/020 (Fixed Property : Rental Land).

**C08/01/2013**

**LAND: APPLICATION FOR RENEWAL OF LEASE AGREEMENT: 1 HECTARE PORTION OF PORTION 09 OF THE FARM RIETFONTEIN 286 JS**

7/2/1/3 (T)/yb

**RESOLVED BY COUNCIL**

1. THAT the lease agreement between Council and the applicants for a 1 (one) hectare portion of Portion 09 of the farm Rietfontein 086 JS ("the property") be renewed for a period of 2 (two) years with an option to renew for a further 2 years period.
2. THAT the rental for the property be R600,00 (Six Hundred Rand) per annum excluding VAT.
3. THAT the escalation be 10% per annum reviewable on a 3 (three) year basis.
4. THAT the lease amount be revalued if the lease agreement is not concluded within 12 (twelve) months from the date of valuation (21/05/2012).

C10/01/2013

**LAND: APPLICATION TO REPURCHASE ERF 6941 EXTENSION 04, MHLUZI  
FOR RESIDENTIAL PURPOSES**

7/2/3/2 (E)/yb

[MM 65118]

**RESOLVED BY COUNCIL**

1. **THAT** in terms of Section 14(2) of the Municipal Finance Management Act 56 of 2003 ("the MFMA"), it be confirmed that Erf 6941 Mhluzi Extension 04 ("the property") is not needed for the provision of the basic level of municipal services.
2. **THAT** the Accounting Officer be authorised to alienate the property as an unsolicited bid.
3. **THAT** it be confirmed that the market value of the property is R18 000,00 (Eighteen Thousand Rand) excluding VAT.
4. **THAT** the property be re-valued should the transaction not be concluded within 12 (twelve) months from the date of valuation.
5. **THAT** the property be utilised only for residential purposes.
6. **THAT** note be taken that the property is serviced and that any upgrade to the services will be for the account of the applicant.
7. **THAT** note be taken that the property has access to engineering services.
8. **THAT** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
9. **THAT** the proceeds received from the sale be allocated to vote number 925/401 (Township Development Suspense Account : Sale of Land : Mhluzi Extension 4).
10. **THAT** the portion of land be removed from the asset register and be written off at current replacement cost.
11. **THAT** the net gain or loss which will realise on the disposal of the capital asset be recognised in the statement of financial performance.
12. **THAT** the proposed sale of the property be advertised in terms of Section 79(18) of the Local Government Ordinance 17 of 1939 as amended, read together with Section 21 of the Municipal Systems Act 32 of 2000 as amended, Section 113 of the Municipal Finance Management Act and Section 44 of the Council's Supply Chain Management Policy.
13. **THAT** to avoid setting a precedent the applicant be informed that similar situation should not be repeated.

C12/01/2013

**LAND: APPLICATION FOR 200 SERVICED STANDS IN ROCKDALE FOR THE RELOCATION OF FARM COMMUNITIES OPTIMUM COAL MINE**

7/2/3/4; 17/5/1 (L)/iec

**RESOLVED BY COUNCIL**

1. **THAT** the report regarding the application from Optimum Coal Mine for the purchase of 200 (Two Hundred) stands in Rockdale for the relocation of farm communities, be noted.
2. **THAT** 200 (Two Hundred) stands in Rockdale be made available to Optimum Coal Mine for the construction of low cost housing units for the relocation of families residing at Cass and Van Eerden Farms at the market value of R47.00 (Forty Seven Rand) per square metre excluding VAT.
3. **THAT** the properties be re-valued should the transaction not be concluded within 12 (twelve) months from the date of valuation.
4. **THAT** the alienation of the stands mentioned in 2 above be subject to the condition that Optimum Coal Mine takes full responsibility for the following:
  - 4.1 **That** the transfer of the properties into the names of the families to be relocated and all costs incidental thereto;
  - 4.2 **That** the relocation costs of the families;
  - 4.3 **That** the applicant be responsible for the servicing the 200 stands they intend to purchase from Council.
  - 4.4 **That** the erection of brick houses on the stands of at least 50m<sup>2</sup> in size at the cost of the mining company concerned.
  - 4.5 **That** the payment of the purchase price for stands be treated as a cash transaction in terms of Section 47(3)(aa) Supply Chain Management Policy of the Municipality.
  - 4.6 **That** the proceeds received from the sale must be allocated to vote number 929 301 (Township Development Suspense Account : Sale of Erven Rockdale).
5. **THAT** the 200 (two hundred) stands in Rockdale to be sold to Optimum Coal Mine be identified by the Acting Senior Manager : Human Settlement in conjunction with the Senior Manager : Town Planning Services.
6. **THAT** at least a further 200 (two hundred) stands be serviced by Council and sold for self build or affordable housing scheme.
7. **THAT** it be negotiated with Optimum Coal Mine to service another 200 (two hundred) stands for Council.

C27/01/2013

**LAND: PROPOSED ESKOM'S ELECTRIC POWER TRANSMISSION SERVITUDE  
ON PORTION 09 OF THE FARM ROCKDALE 442**

15/4/2; Erf 523/07 Nas (E)/yb

[MM 59094 &amp; 59433]

**RESOLVED BY COUNCIL**

1. **THAT** permission be granted to Eskom to register a servitude on a portion of Portion 9 of the Farm Rockdale 442 JS ("the property") measuring 9555m<sup>2</sup> in extent (which is still to be registered in this Municipality's name at the deeds office) subject to the following conditions:
  - 1.1 **That** the agreement attached as **ANNEXURE A** to the Agenda of the Mayoral Committee be entered into between the Municipality and Eskom for the registration of the servitude.
  - 1.2 **That** all costs pertaining to the application and the registration of the servitude be borne by Eskom.
  - 1.3 **That** Council be indemnified against any claims which may arise from the permission granted to Eskom to register the servitude.
  - 1.4 **That** no compensation be paid to the Municipality by Eskom for the registration of the servitude on the property as the servitude will be to the benefit of the Municipality.
  - 1.5 **That** Council take note of the fair market value of the property to be affected by the servitude as determined in the report.
  - 1.6 **That** an impairment loss on the property be recognised as a result of the consent of a complementary servitude being registered in the name of Eskom for an area of 9 555m<sup>2</sup> over the property known as Portion 9 of the farm Rockdale 442 JS.

C28/01/2013

**FINANCES: MONTHLY REPORT FOR SUPPLY CHAIN MANAGEMENT:  
SECTION 42 : DECEMBER 2012**

9/2/2 (M)/wm

**RESOLVED BY COUNCIL**

1. **THAT** the report as submitted by the Executive Director : Financial Services in terms of Section 42 of the Supply Chain Management Policy on the approved deviations for the month of December 2012, be noted.

**C29/01/2013**

**LAND: REQUEST TO LEASE A PORTION OF PORTION 08 OF THE FARM  
SPRINGBOKLAAGTE 416 (SIKHULULIWE VILLAGE) MEASURING 30  
HECTARES FOR AGRICULTURAL PURPOSES**

7/2/1/3 (L)/yb

[MM 62795]

**RESOLVED BY COUNCIL**

1. THAT it be noted that the item was withdrawn by the Executive Mayor for further investigation and reporting.

**C30/01/2013**

**LAND: APPLICATION FOR A STORAGE FACILITY FOR AGRICULTURAL  
PRODUCTS**

7/2/1/3 (E)/yb

**RESOLVED BY COUNCIL**

1. THAT Council confirm that a portion of Portion 27 of the farm Middelburg Town and Townlands 287 JS measuring 20(twenty) hectares in extent ("the property") is not needed for the rendering of the basic level of municipal services.
2. THAT the application to purchase the property for agricultural purposes for goat breeding and production, planting of vegetables as well as for storage facility for agricultural products be approved subject to the following conditions:
  - 2.1 That the Accounting Officer be authorised to dispose of the property as an unsolicited bid.
  - 2.2 That the cost of the electricity connection will be for the account of the applicant.
  - 2.3 That note be taken that there are no engineering services available on the property and that the applicant will have to pay for these services if the applicant require them.
  - 2.4 That the market value for the property is determined at R120 000,00 (One Hundred and Twenty Thousand Rand) excluding VAT.
  - 2.5 That the property be re-valued should a transaction not be concluded within 12 months from the date of valuation (21/05/2012).
  - 2.6 That the applicant priorly provides a cash deposit to cover electricity connection costs.
  - 2.7 That the payment of the purchase price be strictly cash as in terms of section 47(3)(aa) of the supply chain management policy of the Council.
  - 2.8 That proceeds received from the sale be allocated to vote number 935/501 (Land Trust Fund : Sale of Land : Middelburg Proper).

- 2.9 That the property shall be utilised solely for goat breeding and production, planting of vegetables as well as for storage facility for agricultural products.
- 2.10 That the final location of the 20(twenty) hectares of the property shall be determined by the Director: Town Planning and Director: Civil Engineering Services.
- 2.11 That no entrance should be allowed from the National Road (N11) towards Groblersdal.
- 2.12 That entrance to the property be provided from the old shooting range road.
- 2.13 That a right of way be provided for through the remaining portion of Portion 27 of the farm Middelburg Town and Townlands 287 JS utilised by other lessees.
- 2.14 That the proposed sale of the property be advertised in terms of Section 79(18) of the Local Government Ordinance 17 of 1939 as amended read with Section 21 of the Municipal Systems Act 32 of 2000 as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.
- 2.15 That the property be properly fenced off by the applicant to the satisfaction of the Council.
3. THAT the rental of the property as per Resolution C15/01/2010 be rescinded.

**C31/01/2013**

**LAND: APPLICATIONS TO DONATE AND PURCHASE PORTIONS OF PARK  
ERF 5076 MIDDELBURG EXTENSION 13 (DENNESIG) FOR RECREATIONAL  
PURPOSE AND FOR THE DEVELOPMENT OF A DANCE, ART AND CULTURE  
SCHOOL**

7/2/3/3; 7/2/3/2; Erf 5076 Mdb X13 (E)/yb

[MM 60276]

With the consideration of this item Cllr GHE Romijn submitted the following proposal which was seconded by Cllr J Dyason.

"THAT item C31/01/2013 paragraph 2 (2.1 to 2.12) be referred back to the Mayoral Committee to reconsider the decision to sell a portion of Erf 5076 to Dennesig Primary School, but rather donate a portion of Erf 5076 to Dennesig Primary School."

The proposal was put to vote and the results were as follows:

In favor of the proposal by Cllr GHE Romijn = 17 Votes  
Against the proposal by Cllr GHE Romijn = 36 Votes

Cllr SJ Roos requested a division on the vote and the results were as follows:

<i>In favour of the proposal by Cllr GHE Romijn</i>	<i>Against the Proposal by Cllr GHE Romijn</i>
1) Cllr B H Mokoena	1) Cllr RM Xaba
2) Cllr G H E Romijn	2) Cllr M A Masina
3) Ald R E Redman	3) Cllr N J Mahlangu
4) Cllr T G Ndlangamandla	4) Cllr E F Mathebula
5) Cllr A S Grobler	5) Cllr D J Motsepe
6) Cllr J M Motsoeneng	6) Cllr E P Nkosi
7) Cllr A Struwig	7) Ald H Pilodia
8) Cllr J P Pretorius	8) Cllr E A Jele
9) Ald E du Toit	9) Cllr E O Motsepe
10) Cllr S J Roos	10) Cllr T B Mahlangu
11) Cllr H F Niemann	11) Cllr B Nene
12) Cllr D M Longman	12) Cllr I Thwala
13) Cllr M Nkosi	13) Cllr M J Sekgwele
14) Cllr J Dyason	14) Cllr M T E Mnguni
15) Cllr P Mobango	15) Cllr L I Manzini
16) Cllr S Wait	16) Cllr Z D Mtshweni
17) Cllr K P J Uys	17) Cllr J Skosana
	18) Cllr P P Tau
	19) Cllr M J Selala
	20) Cllr B P Ndala
	21) Cllr S M Mnguni
	22) Cllr S A Lukhele
	23) Cllr M T Selala
	24) Cllr P M Hadebe
	25) Cllr M R Mnguni
	26) Cllr P J Masilela
	27) Cllr S S Zitha
	28) Cllr B C Skosana
	29) Cllr O Malinga
	30) Cllr K N Monareng
	31) Cllr J Matshiane
	32) Cllr N J Nkambule
	33) Cllr L E Mkhuma
	34) Cllr M E Nyambi
	35) Cllr D J Skosana
	36) Cllr P M Shongwe
<i>Total = 17</i>	<i>Total = 36</i>

The recommendation by the Executive Mayor on this item was then put to vote.

The results were as follows:

In favour of the recommendation by the Executive Mayor = 36 Votes  
 Against the recommendation by the Executive Mayor = 17 Votes

Cllr SJ Roos requested a division on the above vote.



The results were as follows:

<i>In favour of the recommendation by the Executive Mayor</i>	<i>Against the recommendation by the Executive Mayor</i>
1) Cllr RM Xaba	1) Cllr B H Mokoena
2) Cllr M A Masina	2) Cllr G H E Romijn
3) Cllr N J Mahlangu	3) Ald R E Redman
4) Cllr E F Mathebula	4) Cllr T G Ndlangamandla
5) Cllr D J Motsepe	5) Cllr A S Grobler
6) Cllr E P Nkosi	6) Cllr J M Motsoeneng
7) Ald H Pilodia	7) Cllr A Struwig
8) Cllr E A Jele	8) Cllr J P Pretorius
9) Cllr E O Motsepe	9) Ald E du Toit
10) Cllr T B Mahlangu	10) Cllr S J Roos
11) Cllr B Nene	11) Cllr H F Niemann
12) Cllr I Thwala	12) Cllr D M Longman
13) Cllr M J Sekgwele	13) Cllr M Nkosi
14) Cllr M T E Mnguni	14) Cllr J Dyason
15) Cllr L I Manzini	15) Cllr P Mobango
16) Cllr Z D Mtshweni	16) Cllr S Wait
17) Cllr J Skosana	17) Cllr K P J Uys
18) Cllr P P Tau	
19) Cllr M J Selala	
20) Cllr B P Ndala	
21) Cllr S M Mnguni	
22) Cllr S A Lukhele	
23) Cllr M T Selala	
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29) Cllr O Malinga	
30) Cllr K N Monareng	
31) Cllr J Matshiane	
32) Cllr N J Nkambule	
33) Cllr L E Mkhuma	
34) Cllr M E Nyambi	
35) Cllr D J Skosana	
36) Cllr P M Shongwe	
<i>Total = 36</i>	<i>Total = 17</i>

The recommendation by the Executive Mayor as contained in the agenda was therefore accepted.

#### **RESOLVED BY COUNCIL**

1. **THAT** Council confirm that the portions of Erf 5076 Extension 13 Middelburg measuring 1,2 hectares and 3000m<sup>2</sup> in extent respectively are not needed for the provision of the basic municipal services as stipulated in Section 14(2) of the Municipal Management Finance Act 56 of 2003.

2. **THAT** the application to donate a portion of Erf 5076 Extension 13 Middelburg to Dennesig Primary School not be approved but be sold to the school subject to the following:
- 2.1 **That** a 1,2 ha portion of Erf 5076 be made available to the school.
  - 2.2 **That** the 1,2 ha portion of Erf 5076 be used only for recreational purposes and that no buildings may be erected thereon.
  - 2.3 **That** the portion of Erf 5076 be subdivided, rezoned to "Educational" use zone and consolidated with Erf 4859, Middelburg Extension 13 at the costs of the school.
  - 2.4 **That** any cost arising from the sale be for the account of the applicant.
  - 2.5 **That** the Deed of Sale and any other agreement which the Council may deem fit be entered into with the school.
  - 2.6 **That** the closure and alienation of the portion of Erf 5076, Middelburg Extension 13 be advertised in terms of Sections 68 and 79(18) of the Local Government Ordinance, 17 of 1939, as amended, at the cost of the applicant.
  - 2.7 **That** an application for an environmental Impact Assessment be made with the Department of Agriculture, Conservation and Environment by Dennesig Primary School and be provided to Council before the Deed of Sale is entered into.
  - 2.8 **That** the Accounting Officer be authorised to alienate the property as an unsolicited bid.
  - 2.9 **That** the fair market value of a portion of Erf 5076 Middelburg Extension 13 measuring approximately 1.2 hectares is R1 210 00,00 (One Million Two Hundred and Ten Thousand Rand) excluding VAT (i.e. R100.83/m<sup>2</sup> excluding VAT).
  - 2.10 **That** the property be maintained according to the standards as set by the Council.
  - 2.11 **That** the alienation be advertised in terms of Section 79 (18) of the Local Government Ordinance 17 of 1939 as amended read together with Section 21 of the Municipal Systems Act 32 of 2000 as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.
  - 2.12 **That** the school be advised that should it not be interested in purchasing the subject property, there is a similar facility at HEDC where such an activity can be conducted.
3. **THAT** the application to purchase a 3000m<sup>2</sup> portion of Erf 5076 Extension 13 Middelburg be approved subject to the following conditions:

- 3.1 **That** the fair market value of a portion of Erf 5076 Extension 13 Middelburg measuring 3000m<sup>2</sup> is R680 000,00 (Six Hundred and Eighty Thousand Rand) excluding VAT (i.e. R226,67/m<sup>2</sup> excluding VAT).
- 3.2 **That** a 3000m<sup>2</sup> portion of Erf 5076 Dennisig to be identified in conjunction with the Senior Managers : Town Planning as well as Parks and Recreation, be alienated.
- 3.3 **That** the Accounting Officer be authorised to deal with the application as an unsolicited bid provided:
  - 3.3.1 **That** the facilities that will be erected must be available to the whole community and the character of the facilities must predominantly be art, culture and dance.
- 3.4 **That** the applicant be responsible for all costs of the town planning procedures such as rezoning, and main service contribution.
- 3.5 **That** the proceeds received from the sale be allocated to vote number 935/513 (Township Development Suspense Account : Sale of land : Middelburg Extension 13).
- 3.6 **That** the Accounting Officer be authorised to dispose of the property through sale as an unsolicited bid.
- 3.7 **That** the proposed sale be advertised in terms of Section 79(18) of the Local Government Ordinance 17 of 1939 as amended read together with Section 21 of the Municipal Systems Act 32 of 2000 as amended, Section 113 of the Municipal Finance Management Act 56 of 2003 and Section 44 of the Council's Supply Chain Management Policy.
4. **THAT** Resolution C15/01/2008 be rescinded.
5. **THAT** proper planning will have to be made to ensure that the remaining portion is of reasonable size and location to be developed as a safe park with playing equipment.
6. **THAT** the applicants be responsible for the costs of the removal of the playing equipment to the remaining portion.
7. **THAT** the properties be re-valued should the transactions not be concluded within 12 (twelve) months from the date of valuation.
8. **THAT** the payment of the purchase price be strictly cash as in terms of Section 47(3)(aa) of the Supply Chain Management Policy of the Council.
9. **THAT** proceeds received from the sale be allocated to vote number 935/513 (Township Development Suspense Account : Sale of Land : Middelburg Extension 13).
10. **THAT** the portion of land to be alienated as well as other assets which cannot be transferred to the open land, be written off at carrying value.

11. THAT the net gain or loss which will realize on the disposal of the assets be recognized in the statement of financial performance.

**CC32/01/2013**

**FINANCES: REPORT OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF STEVE TSHWETE LOCAL MUNICIPALITY FOR THE YEAR ENDED 30 JUNE 2012**

5/14/1 (X)/ls

**RESOLVED BY COUNCIL**

1. THAT the report by the Auditor- General on the Financial Statements and performance information of Steve Tshwete Local Municipality for the year ended 30 June 2012, be noted and accepted as a clean audit report in all aspects.

**C43/01/2013**

**FINANCES: FINANCIAL QUARTERLY REPORT : DECEMBER 2012**

9/2/1 (P)

**RESOLVED BY COUNCIL**

- 1 THAT the quarterly in-year report on the implementation of the budget and the financial affairs for the municipality referred to in Section 52(d) of the MFMA for the quarter ending December 2012, be noted.
- 2 THAT permission be granted to the Executive Director: Financial Services to submit the report in both an electronic and hard copy format to the National and Provincial Treasuries within five working days after tabling in the Council.
- 3 THAT permission be granted to the Executive Director: Financial Services to place the quarterly in-year report for December 2012 on the municipal website.

**C44/01/2013**

**REPORTS : 2011/2012 DRAFT ANNUAL REPORT**

9/1/1 (MM)

**RESOLVED BY COUNCIL**

- 1 THAT the Annual Report for the 2011/12 financial year as submitted in terms of Section 127(2) of the Municipal Finance Management Act, 2003, be noted.
- 2 THAT in terms of Section 127 of the MFMA read with Section 21 of the Municipal Systems Act, the Annual Report -
  - (a) Be made public for comment by the local community;
  - (b) Be submitted to the Auditor-General, the Provincial Finance Department and the Provincial Department responsible for Local Government.

- 3 THAT the Draft Annual Report also be submitted to the Municipal Public Accounts Committee (MPAC) for recommendations to Council when the oversight report on the annual report is considered.

**C45/01/2013**

**LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS 287 JS FOR THE DEVELOPMENT OF AN ACTIVE PARK**

7/2/3/2/4 (L)/im

**RESOLVED BY COUNCIL**

1. THAT Resolutions C27/06/2011 and BA07/01/2012 be rescinded due to failure of the applicant to provide their particulars so that the lease agreement can be concluded.
2. THAT the costs already incurred by the Council be recovered from the applicant.

**C46/01/2013**

**FINANCES: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT: 2012/2013 FINANCIAL YEAR**

5/1/4 (B)/s

**RESOLVED BY COUNCIL**

1. THAT the mid-year budget and performance assessment as tabled, be noted.
2. THAT the 2012/2013 annual budget be adjusted during February 2013.
3. THAT the mid-year budget and performance assessment report be submitted to the Executive Mayor, the National and Provincial Treasury within five (5) working days after it was tabled to the Executive Mayor by 25 January 2013.
4. THAT the permission be granted to the Executive Director: Financial Services to display the mid-year and performance assessment report on the Municipal website within five working days after it was tabled to the Executive Mayor.

**C47/01/2013**

**BUILDING OF LOW COST HOUSES AND SERVICING OF THE STANDS BY SHANDUKA COAL MINE**

17/5/1 (B)/ls

**RESOLVED BY COUNCIL**

1. THAT Council take note of the report.
2. THAT Council affords Shanduka Coal Mine the implementation of its Social Labour Plan at Rockdale by:

- 2.1 The construction of 100 low cost housing units which must include the municipal connection fees for water and electricity and if not these costs will be for the applicant.
- 2.2 The servicing of the 160 stands in Mhluzi/ Kwazamokuhle which will form part of the municipal infrastructure network.
3. THAT a Memorandum of Understanding be entered into for the delivery of 100 houses and the servicing of 160 stands in Mhluzi/ Kwazamokuhle.
4. THAT the identification of the stands be done by the Department of Town Planning and Human Settlement.

**C48/01/2013**

**BUILDING OF LOW COST HOUSES AND SERVICING OF THE STANDS BY BHP BILLITON**

17/5/1 (B)/wm

**RESOLVED BY COUNCIL**

1. THAT Council take note of the report.
2. THAT Council approves the construction of 50 low cost housing units must include the municipal connection fees for water and electricity and if not these cost will be for the applicant.
3. THAT servicing of about 600 stands in Rockdale will form part of the municipal infrastructure network.
4. THAT the identification of the stands be done by the Department of Town Planning and Human Settlement.
5. THAT a memorandum of Understanding be signed with BHPBilliton for the delivery of 50 houses and the servicing of about 600 stands in Rockdale.

**C50/01/2013**

**STEVE TSHWETE LOCAL MUNICIPALITY'S PARTICIPATION IN THE ICLEI URBAN – LOW EMISSIONS DEVELOPMENT STRATEGIES IN EMERGING ECONOMY COUNTRIES (URBAN – LEDS)**

17/1/3/7 (B)/wm

**RESOLVED BY COUNCIL**

1. THAT Council take note of the report by the Executive Director: Infrastructure Services regarding the Steve Tshwete Local Municipality's participation in the ICLEI Urban programme aimed at promoting low emissions in emerging economy countries.
2. THAT Council approves STLM's participation in the Urban-LEDS programme.
3. THAT programme deliverables be monitored and reported to Council by the Deputy Municipal Manager and the Executive Director: Infrastructure Services.

4. THAT the relevant MMC be task to interact with the Administration regarding the progress/ flexibility of this programme.

**CC51/01/2013**

**CONTRACT OF THE MUNICIPAL MANAGER**

4/5/1/2; 4/1/3/1 (N)/ adk

With the consideration of this item Cllr HF Niemann submitted the following proposal which was seconded by Cllr SJ Roos:

- "1. THAT the recommendation of the Executive Mayor not be accepted and replaced as follows:
- 2.1 That the recommendation by the Executive Mayor not be accepted.
- 2.2 That in view of the fact that it was known for years that the contract of the Municipal Manager would have expired on 31 December 2012 and nothing has been done to date to fill the vacancy, the contract not be extended beyond 31 March 2013.
- 2.3 That one of the Section 57 Directors be appointed to act as Municipal Manager as from 1 April 2013.
- 2.4 That the position of Municipal Manager be advertised not later than 10 February 2013.
- 2.5 That the short listing of applicants be completed as a matter of extreme urgency and that interviews be conducted by 20 March 2013.
- 2.6 That successful applicant be informed of his/her appointment by 25 March 2013.
- 2.7 That at least 2 members from opposition parties be included on the interview panel to ensure transparency with the appointment of the Municipal Manager."

The proposal was put to vote and the results were as follows:

In favor of the proposal by Cllr HF Niemann = 17 Votes  
Against the proposal by Cllr HF Niemann = 36 Votes

The proposal was therefore not accepted.

The recommendation of the Executive Mayor on this item was then put to vote and the results were as follows:

In favor of the recommendation by the Executive Mayor = 36  
Against the recommendation by the Executive Mayor = 17

Cllr SJ Roos then requested a division on the vote and the results were as follows:

<i>In favour of the recommendation by the Executive Mayor</i>	<i>Against the recommendation by the Executive Mayor</i>
1. Cllr RM Xaba	1. Cllr B H Mokoena
2. Cllr M A Masina	2. Cllr G H E Romijn
3. Cllr N J Mahlangu	3. Ald R E Redman
4. Cllr E F Mathebula	4. Cllr T G Ndlangamandla
5. Cllr D J Motsepe	5. Cllr A S Grobler

7. Ald H Pilodia	7. Cllr A Struwig
8. Cllr E A Jele	8. Cllr J P Pretorius
9. Cllr E O Motsepe	9. Ald E du Toit
10. Cllr T B Mahlangu	10. Cllr S J Roos
11. Cllr B Nene	11. Cllr H F Niemann
12. Cllr I Thwala	12. Cllr D M Longman
13. Cllr M J Sekgwele	13. Cllr M Nkosi
14. Cllr M T E Mnguni	14. Cllr J Dyason
15. Cllr L I Manzini	15. Cllr P Mobango
16. Cllr Z D Mtshweni	16. Cllr S Wait
17. Cllr J Skosana	17. Cllr K P J Uys
18. Cllr P P Tau	
19. Cllr M J Selala	
20. Cllr B P Ndala	
21. Cllr S M Mnguni	
22. Cllr S A Lukhele	
23. Cllr M T Selala	
24. Cllr P M Hadebe	
25. Cllr M R Mnguni	
26. Cllr P J Masilela	
27. Cllr S S Zitha	
28. Cllr B C Skosana	
29. Cllr O Malinga	
30. Cllr K N Monareng	
31. Cllr J Matshiane	
32. Cllr N J Nkambule	
33. Cllr L E Mkhuma	
34. Cllr M E Nyambi	
35. Cllr D J Skosana	
36. Cllr P M Shongwe	
<i>Total = 36</i>	<i>Total = 17</i>

The recommendation by the Executive Mayor as contained in the Agenda was therefore accepted.

#### RESOLVED BY COUNCIL

1. **THAT** the contract of the Municipal Manager be extended for another two (2) years with effect from 1 February 2013 subject to the same terms and conditions as contained in his current employment agreement.



DELEGATED POWERS

*Upon request by the Executive Mayor, it was*

**RESOLVED BY COUNCIL**

*THAT Council take note of resolutions M02; 09; 11; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42 & 49/01/2013 taken by the Executive Mayor in terms of Delegated Powers.*

12 **MOTIONS**

None

13 **DEFERRED ITEMS**

None

14 **CLOSING**

Meeting adjourned at 19:46

SIGNED AT MIDDELBURG ON

02/04/2013

  
\_\_\_\_\_  
SPEAKER