

# ENDUMENI MUNICIPALITY

**MINUTES** of an **ORDINARY MONTHLY** meeting of the **EXECUTIVE** Committee held in the Council Chamber, Civic Centre, 64 Victoria Street, DUNDEE on **MONDAY, 5 SEPTEMBER 2011** at **15h00**

## **PRESENT**

### **Executive Committee:**

Cllr T M Mahaye (Chairperson – Mayor)  
Cllr T B Mkhize (Deputy Mayor)  
Cllr A M Raubenheimer

### **Councillors:**

Cllr E M Adam  
Cllr S W Dhlamini  
Cllr Ms T I Makaba  
Cllr Ms W N Mbatha  
Cllr S B Mdluli  
Cllr J A Mfeka  
Cllr H S B Ngobese  
Cllr N S Ntuli  
Cllr M H Zwane

### **In Attendance:**

Mr P G Mabilisa	Acting Municipal Manager
Mr S Perumall	Executive Manager Corporate Services
Mr J B Maltman	Executive Manager Technical Services
Mr I Grisdale	Chief Financial Officer
Mr A J van Wyk	Senior Manager: Corporate Services
Mr C J Retief	Senior Manager: Legal & Estates



1. **Opening**

Cllr Ms T I Makaba opened the meeting with prayer.



2. **Applications for Leave of Absence**

Nil



3. **Official Announcements by Speaker/Chairperson/Municipal Manager**

The Mayor thanked Councillors for their overwhelming support at the time that he was involved in a motor vehicle accident.



4. **Minutes of the Previous Meeting**

**RESOLVED**

**THAT** the minutes of the following meeting of Exco be approved:

Ordinary Monthly Meeting: 25 July 2011



5. **Questions of Which Notice Has Been Given**

Nil



6. **Reports of the Executive Committee**

Nil



7. **Petitions**

Nil



8. **Motions**

See Items D 01/05/09/11-1 to D 01/05/09/11-5



9. **Presentations**

Nil



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# Part A

## MATTERS FOR INFORMATION ONLY

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A 02/15/08/11-1 COUNCILLORS ATTENDANCE OF COUNCIL, EXCO AND PORTFOLIO COMMITTEE MEETINGS (C7/1)

RESOLVED

THAT the report regarding the Councillors attendance of Council, Exco and Portfolio Committee meetings, be noted.



A 02/15/08/11 Monthly Reports

A 02/15/08/11-2 MONTHLY REPORT: TRAFFIC (T4/6)

RESOLVED

THAT the monthly report in respect of Traffic for the month July 2011 be noted.



A 02/15/08/11-3 MONTHLY REPORT: TESTING STATION (T4/1)

RESOLVED

THAT the monthly report in respect of the Testing Station for the month of July 2011 be noted.



A 02/15/08/11-4 MONTHLY REPORT: RURAL METRO (F2/6)

RESOLVED

THAT the monthly report, received from Rural Metro, in respect of Fire and Disaster Management for the month of July 2011 be noted.



A 02/15/08/11-5 MONTHLY REPORT: TALANA MUSEUM (M4/4)

**RESOLVED**

**THAT** the monthly report in respect of Talana Museum for the month of July 2011 be noted.



A 02/15/08/11-6 MONTHLY REPORT: DUNDEE PUBLIC LIBRARY (L4/2/1)

**RESOLVED**

**THAT** the monthly report in respect of the Dundee Public Library for the month of July 2011 be noted.



A 02/15/08/11-7 MONTHLY REPORT: SIBONGILE LIBRARY (L4/4)

**RESOLVED**

**THAT** the monthly report in respect of the Sibongile Library for the month of July 2011 be noted.



A 02/15/08/11-8 MONTHLY REPORT: GLENCOE PUBLIC LIBRARY (17/4/6)

**RESOLVED**

**THAT** the monthly report in respect of the Glencoe Public Library for the month of July 2011 be noted.



A 02/15/08/11-9 MONTHLY REPORT: WASBANK PUBLIC LIBRARY (L4/3/1)

**RESOLVED**

**THAT** the monthly report in respect of the Wasbank Public Library for the month of July 2011 be noted.



A 04/15/08/11-1 MONTHLY REPORT: MANAGER TECHNICAL SERVICES (R3/8)

**RESOLVED**

**THAT** the monthly report in respect of the Manager Technical Services for the month of July 2011 be noted.



A 05/05/09/11

**WARD 6 WARD COMMITTEE MEETING**

(B2/3)

**RESOLVED**

**THAT** the Minutes of the Ward 6 Ward Committee meeting held in the Main Committee Room, Civic Centre, 64 Victoria Street, Dundee on Thursday, 11 August 2011 at 10:00, be noted.



A 06/05/09/11

**LETTER OF APPRECIATION: DEPARTMENT OF HEALTH**

(M1/1)

**RESOLVED**

**THAT** the letter received from the Department of Health, the contents of which is self-explanatory, be noted.



A 07/05/09/11

**STAFF OVERTIME**

(4/5/2/4)

**RESOLVED**

**THAT**

1. The overtime for the month of July 2011 as approved by the respective Heads of Departments under delegated powers, be noted;
2. The Heads of Departments eliminate unnecessary overtime worked by employees in future.



A 07/05/09/11

**SUPPORT TO MUNICIPALITIES ON THE IMPLEMENTATION OF INSTITUTIONAL AND ADMINISTRATIVE SYSTEMS**

(4/4/2)

**RESOLVED**

**THAT** the Circular No. 26 of 2011 received from the Ministry: Co-Operative Governance and Traditional Affairs regarding the abovementioned, be noted.



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# Part B

## MATTERS RESOLVED BY COMMITTEE UNDER DELEGATED POWERS

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**B 02/15/08/11-1**    APPLICATION FOR SUBDIVISION: PROPOSED PORTION 1  
AND REMAINDER OF ERF 4319, GLENCOE    {T3/6/5(4319 NGL)}

**RESOLVED**

**THAT**

**CEO**

1. The application for the subdivision of Erf 4319, Glencoe to form Proposed Portion 1 and the Remainder of Erf 4319, Glencoe, in terms of Section 23 of the Kwazulu-Natal Planning and Development Act No 6 of 2008, as received from Messrs H S K Simpson & Partners of Dundee on behalf of the registered owner thereof, being Mr M S and Ms A L Fourie, be noted ;
2. It be noted that the application for subdivision has been advertised in the local newspaper dated 20 May 2011, the required notices were placarded at the property to be subdivided, all neighbours within 100 meter radius of the property has been given written notice of the subdivision, the Provincial Department Development Administration has been notified of the application, Uthukela Water (Pty) Ltd has confirmed that infrastructural water services at Portion 1 do exist, but no new water meter connections are allowed until bulk water infrastructural services have been upgraded, and that the developer should at his own cost construct a conservancy tank with a sufficient capacity for sewer services, the Municipality has confirmed that an efficient supply of electricity can be provided, and that satisfactory arrangements has been made for the control and disposal of stormwater from the properties, and that the application conforms to the provisions of the Glencoe Town Planning Scheme;
2. The comments on the application, as received from the Department Development Administration dated 13 June 2011, be noted, and it be confirmed that notices had in fact been sent to all neighbours within 100 meter radius from the property to be subdivided;
3. It be noted that no further written comments or objections had been received against the application at the closing date of 1 July 2011;

5. The application for the subdivision of Erf 4319 to form Proposed Portion 1 and the Remainder of Erf 4319, Glencoe, as depicted on the attached sketch plans submitted by Messrs H S K Simpson & Partners, be approved;
6. The Conditions of Establishment, as attached with the agenda and amended in accordance with the recommendations from the Department Development Administration and the Senior Town Planner, be approved and signed off by the Senior Town Planner;
7. The applicants' attention be drawn to the contents of Section 37(1) of the Kwazulu-Natal Planning and Development Act No 6 of 2008, to the effect that the municipality's decision to approve of the application for subdivision lapses within five years from the date on which the municipality's approval became effective in terms of Section 29 of the Act.



**B 02/15/08/11-2    YEARLY PLAN: OFFICE OF SOCIAL DEVELOPMENT    (S6/1)**

**RESOLVED**

**THAT**

**CEO**

1. The Yearly program submitted by the Office of Social Development, for the period of the year 2011/2012, be approved;
2. Programs that have already been implemented be re-affirmed and condoned by the Executive Committee of Council;
3. It be noted and accepted that owing to the likelihood of other programs being submitted by various stakeholders such as the uMzinyathi District Municipality, Government Departments and NGOs, during the course of the year, from time to time, the plan will be amended.



**B 02/15/08/11-3    APPLICATION FOR SUBDIVISION: PROPOSED PORTION 1 AND REMAINDER OF ERF 1091, GLENCOE    {T3/6/5(1091 NGL)}**

**RESOLVED**

**THAT**

**CEO**

1. The application for the subdivision of Erf 1091, Glencoe to form Proposed Portion 1 and the Remainder of Erf 1091, Glencoe, in terms of Section 23 of the Kwazulu-Natal Planning and Development Act No 6 of 2008, as received from Messrs H S K Simpson & Partners of Dundee on behalf of the registered owner thereof, being Mr V P Mbuyisa, be noted;

2. It be noted that the application for subdivision has been advertised in the local newspaper dated 3 June 2011, the required notices were placarded at the property to be subdivided, all neighbours within 100 meter radius of the property has been given written notice of the subdivision, the Provincial Department Development Administration has been notified of the application, Uthukela Water (Pty) Ltd has stated that infrastructural water services to the proposed Portion 1 cannot be connected, as no new water meter connections are allowed until bulk water infrastructural services have been upgraded, and the developer of the proposed Remainder shall also at his own cost construct a new sewer line to connect up to the existing sewer on the south eastern boundary; the Municipality has confirmed that an efficient supply of electricity can be provided, and that satisfactory arrangements has been made for the control and disposal of stormwater from the properties, and that the application conforms to the provisions of the Glencoe Town Planning Scheme;
3. The comments on the application, as received from the Department Development Administration dated 19 July 2011, be noted, and it be confirmed that notices had in fact been sent to all neighbours within 100 meter radius from the property to be subdivided;
4. The professional evaluation and recommendations received from the Chief Town Planner, in a letter dated 27 July 2011, be noted, and it be made a requirement for future applications in terms of the Kwazulu-Natal Planning and Development Act No 6 of 2008 that notices to neighbours within 100 meter radius from subject properties be hand delivered against signature there for;
5. It be noted that no further written comments or objections had been received against the application at the closing date of 15 July 2011;
6. The application for the subdivision of Erf 1091 to form Proposed Portion 1 and the Remainder of Erf 1091, Glencoe, as depicted on the attached sketch plans submitted by Messrs H S K Simpson & Partners, be approved;
7. The Conditions of Establishment, as attached with the agenda and amended in accordance with the recommendations from the Department Development Administration and the Senior Town Planner, be approved and signed off by the Senior Town Planner;
8. The applicants' attention be drawn to the contents of Section 37(1) of the Kwazulu-Natal Planning and Development Act No 6 of 2008, to the effect that the municipality's decision to approve of the application for subdivision lapses within five (5) years from the date on which the municipality's approval became effective in terms of Section 29 of the Act.





**B 05/05/09/11**

**ACCOUNTS PAID**

**(5/4/1/3)**

**RESOLVED**

**CFO**

**THAT** the bank reconciliation for the month of July 2011 together with the schedule of accounts paid for the month of July 2011, as well as the report submitted in terms of Government Gazette No. 18435 be approved and confirmed.



**B 06/05/09/11**

**NON COMPLIANCE WITH MFMA REPORTING REQUIREMENTS**

**(L3/3/22)**

**RESOLVED**

**CFO**

**THAT** the Circular received from the KwaZulu-Natal Provincial Treasury in which it is indicated that the Endumeni Municipality is fully compliant with reporting requirements, be noted.



**B 07/05/09/11**

**REQUEST FOR PERMISSION TO UTILIZE SITHEMBILE COMMUNITY HALL: UMZINYATHI DANCE SPORTS**

**(7/1/5/6)**

**RESOLVED**

**THAT**

**EMCS**

1. The request to utilize the Sithembile Hall every weekday and on Saturdays be not approved;
2. The Executive Manager: Corporate Services and the Ward Councillor meet with representatives of the dance group to determine on which days it can utilize the Sithembile Hall.



B 08/05/09/11

NATIONAL TRAFFIC ACT 29/1989 EXAMINER OF DRIVING LICENCES, GRADE B, TRAINING OF MISS N C NHLAPO, AS PRESCRIBED IN ROAD TRAFFIC ACT 29/89. THIS TRAINING IS NECESSARY TO UPLIFT THE MENTIONED EXAMINER FROM A GRADE D TO A GRADE B EXAMINER OF DRIVING LICENCES. THIS WILL EXPAND THE RANGE OF DRIVING LICENCES THAT SHE MAY EXAMINE FROM LIGHT MOTOR VEHICLES ONLY TO LIGHT MOTOR VEHICLES, HEAVY MOTOR VEHICLES AND EXTRA HEAVY MOTOR VEHICLES. DURATION OF COURSE WILL BE FROM 28 NOVEMBER 2011 TO 2 DECEMBER 2011 AT TRAFFIC TRAINING COLLEGE PIETERMARITZBURG

(4/4/2)

**RESOLVED**

**THAT**

**SMSS  
MHR  
CFO**

1. Miss N C Nhlapo be granted permission to attend the Examiner of Driving Licenses Course Grade B, as with effect from 28 November 2011 to 2 December 2011 at the Traffic Training College in Pietermaritzburg;
2. The total cost of R5 099.00 as reflected above, with subsistence and travelling costs be approved by Council from Vote No. 169/260290;
3. An agreement be entered into with Miss N C Nhlapo that should she resign within a specified time that she pay back the course fees and S & T to the Council.



B 09/05/09/11

HERITAGE CULTURAL FESTIVAL – 2011

(11/2/3)

Cllr A M Raubenheimer advised that he noted that R60 300.00 went towards prizes and suggested that of this money rather be utilized for similar festivals.

**RESOLVED**

**THAT**

**SMHS  
AMSD**

1. Project Proposal submitted by the Office of the Assistant Manager Social Development, in respect of Heritage Cultural Festival, be approved;
2. Funding for this event, be done by effecting virements within Sport, Youth Art and Culture Vote (Vote No. 167/260 420, Sub Vote - Art and Culture Festival - R25 000,00; Heritage Day R55 000,00; and; R14 750, 00 from Poetry and Drama);
3. Heritage Cultural Festival of Endumeni Municipality, scheduled to take place on the 18<sup>th</sup> September 2011, at Glencoe Hall, be noted;





B 14/05/09/11

**AUDIT READINESS SPOT CHECK PROGRAMME**

(5/1/1)

**RESOLVED**

**CFO**

**THAT** the Endumeni Municipality note the contents of the recent Audit Readiness Spot Check Programme Report pertaining Organisational Performance Management as attached to the Agenda as per Annexure 'A'.



B 15/05/09/11

**REQUEST FOR ASSISTANCE FOR PRAYER DAY: WARD 3**

(7/3/2/4/1)

**RESOLVED**

**THAT**

**AMM  
CFO**

1. Council approve and condone the expenditure paid to Charlies Superspar in the amount of R779.70, duly authorized by the Acting Municipal Manager and Chief Financial Officer for cost incurred for assistance requested by Ward 3 Councillor M H Zwane for a prayer day held on 27 August 2011 at the Sithembile Community Hall;
2. It be noted that the said event was held prior to the date of the next sitting of the Exco/Council meeting;
3. Should financial assistance be required for an event prior to the Council having the opportunity to consider same, the members of the Executive Committee be contacted to obtain approval.



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# Part C

## MATTERS REFERRED TO COUNCIL FOR CONSIDERATION

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C 02/15/08/11-1 APPLICATION FOR THE DONATION OF A SITE IN THE WASBANK AREA FOR PURPOSES OF BUILDING A HOUSE FOR AN UNDER-PRIVILEGED FAMILY- DEPARTMENT OF PUBLIC WORKS (7/3/2/4/1)

RESOLVED TO RECOMMEND

THAT

- CEO
1. The application from the KwaZulu-Natal Department of Public Works, for a vacant site for the purposes of building a homestead for the underprivileged and destitute Radebe Family of Wasbank, be noted;
  2. It be noted that in keeping with the concept of Batho Pele and having the best interests of society at heart, the Endumeni Municipality has identified Erf 130, Wasbank as an ideal property for the purposes as required by the aforementioned Department;
  3. Erf 130, Wasbank thus be donated to the Radebe family for purposes of the erection of a dwelling thereon.



C 02/15/08/11-2 APPLICATION FOR SPACE ON PORTION 266 OF THE FARM COALFIELDS No 2273 FOR THE PARKING OF TRUCKS: S MADONSELA (7/3/2/4/1)

RESOLVED TO RECOMMEND

THAT

- CEO
1. The application as received from Mr S Madonsela for the lease of an as yet to be determined portion of land on Portion 266 of the Farm Coalfields No 2273, which is a municipal owned farm situated along the Greytown road outside of the Dundee town boundary, be noted;
  2. It be noted that this portion of land will, in the opinion of Council, not be attractive to any other member of the public due to its location, the uneconomical size thereof, and the fact that it is not a registered subdivision, and that the portion of land is not needed to provide the minimum level of basic municipal services;



3. Due to the inherent dangers and risks involved in the contamination of any vegetation and or fresh produce with bacteria and other heavy metals emanating from the sewer treatment works, and the public liability any such contamination would expose the Council to, the application from the Sgananda Trading Co-operative for the use of the land for commercial vegetable gardens not be approved;
4. Sgananda Trading Co-Operatives be assisted to find another property to cultivate vegetables.



**C 02/15/08/11-4 ACQUISITION OF STATE OWNED VACANT IMMOVABLE PROPERTIES: HOUSING DEVELOPMENT AGENCY (7/3/2/4/1)**

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It be noted that the National Housing Agency has offered its services in assisting the Municipality to acquire vacant state owned immovable properties located within the boundaries of the Endumeni Municipality, that can be utilised by the Municipality for housing development purposes;
2. It being noted that the development costs associated with the development of vacant municipal land is a capital intensive venture which requires great financial input and that the availability of funds for these purposes is limited;
3. It be noted that a total of 47 vacant state owned properties, as depicted on the schedule as attached to the agenda, have been identified which the Endumeni Municipality could utilise for the purposes of development of housing for especially middle income residents as this is where the greatest need for private housing and properties currently exists;
4. The Housing Development Agency formally be requested to assist the Endumeni Municipality in acquiring the vacant state owned land as depicted on the schedule attached to the agenda.



**C 02/15/08/11-5 APPLICATION FOR A SITE TO ESTABLISH POULTRY FARMS:  
S T MBATHA AND SFF CLOSE CO: SIBONGILE AREA (7/3/2/1)**

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. The application from two separate residents of Sibongile, whereby they have requested that vacant land be provided for the purposes of establishing and operating poultry farms, be noted;
2. It be noted that Council has always endeavoured to assist the community as much as possible in order to promote local economic development, thus the applicants be offered a portion of land, being a portion on the Remainder of Erf 10 000, Sibongile as depicted on the sketch plan as attached to the agenda, for these purposes;
3. The applicants be offered the said property in the form of a lease at a nominal rental of R10,00 per month, it being recorded that the Council is of the opinion that, in the interest of promoting local economic development, a market related rental will not be supportive of the initiative of assisting young unemployed persons trying to enter into the informal economy;
4. Once agreement on the land and the extent thereof is reached, a formal lease agreement, which should include health and other requirements, be prepared and submitted to Council for approval.



**C 02/15/08/11-6 APPLICATION TO ERECT A BUILDING FOR WORSHIP  
PURPOSES IN SIBONGILE – NAZARETH BAPTIST CHURCH  
(7/3/2/4/28)**

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. The application as received from the Nazareth Baptist Church for permission to erect a building for worship purposes upon the Remainder of Erf 10 000, Sibongile be noted;
2. It be noted that the shortage of suitably zoned and registered sites for worship purposes is currently being attended to in an attempt to address the demand for such properties;
3. It be noted that the applicants are currently occupying a portion of land that has not yet been formally surveyed and developed, and that no services exist on the portion so occupied;

4. The application from the Nazareth Baptist Church to erect a building at their location of worship be declined due to the fact that the land is destined for future formal development, and the Council cannot condone the informal occupation of land as this will lead to an influx that will be difficult to control, and will also hamper future development of the land;
5. An alternative site for the Nazareth Baptist Church to build on be considered together with similar applications once sites are made available.



**C 02/15/08/11-7 PROPOSED SALE: THREE INCOMPLETE HOUSES: ERF 617, SITHEMBILE (7/3/2/4/30; 617S)**

The Executive Manager: Technical Services advised that after the properties have been subdivided the Council will receive subsidies to build the houses that can then be allocated to needy persons.

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It be noted that there are three (3) incompleted houses located upon Erf 617;
2. It being noted that these incomplete houses are located upon a property that requires subdivision so as to enable the proposed allocation and freehold transfer thereof to potential owners, and that the process of subdivision has already been initiated but not yet completed, thus the services of Messrs HSK Simpson and Partners of Dundee, being local surveyors who had initially assisted with the proposed subdivisions, be engaged to assist with the completion of the subdivisions;
3. After subdividing Erf 617, Sithembile the Council utilize subsidized funds to complete the dwellings thereon and thereafter allocate the properties to deserving individuals.



**C 02/15/08/11-8 MINUTES OF COUNCIL WORKSHOP: 3 AUGUST 2011 (F1/1)**

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. It be noted that Cllr Ms W N Mbatha tendered her apology;
2. The following recommendations as contained in the minutes of the Council Workshop held on 3 August 2011, be adopted as resolutions of the Council:

**C 02/15/08/11-8.1 APPLICATION FOR SUBDIVISION:  
PROPOSED PORTION 1 AND REMAINDER  
OF ERF 65, GLENCOE {T3/6/5(65 NGL)}**

**RESOLVED TO RECOMMEND**

**THAT** it be noted that this item has already been dealt with at the Executive Committee meeting dated 25 July 2011.



**C 02/15/08/11-8.2 APPLICATION FOR THE UTILISATION OF  
ERF 3063, SIBONGILE AS A CAR WASH  
AND SHISANYAMA – ADVOCATE T P  
QWABE (7/3/2/4/29)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The written application from Advocate Qwabe for the utilisation of Erf 3063, Sibongile, whereupon he intends to establish a carwash and Shisanyama, be noted;
2. All the submissions as cited by Advocate Qwabe in his application, be noted;
3. Advocate Qwabe's application for the award to him of Erf 3063, Sibongile be declined due to the fact that it is contrary to the provisions of Section 14 of the Municipal Finance Management Act No 56 of 2003, and Council's Supply Chain Management Policy;
4. Erf 3063, Sibongile be offered for rental in accordance with a public bid procedure in terms of the Council's Supply Chain Management Policy, and Council's Valuers being, Messrs HSK Simpson & Partners of Dundee, be mandated to provide Council with a fair market related monthly rental value which is to be utilised as an upset price for such rental of Erf 3063, Sibongile.



**C 02/15/08/11-8.3 SALE PROPOSAL: PORTION 202 OF THE FARM COALFIELDS No 2273: DIOCESE OF NATAL (7/3/2/4/1)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The letter from the Diocese of Natal, dated 16 June 2011, wherein they enquire whether the Council will be interested in acquiring their property known as Portion 202 of the Farm Coalfields No 2273, in extent 4047m<sup>2</sup>, be noted;
2. It be noted that:
  - 2.1 this property historically used to accommodate a church and graveyard, but that the use thereof for these purposes has ceased long ago, and the gravestones thereon had been moved to the premises of the Talana Museum for heritage purposes;
  - 2.2 that the property is surrounded by land registered in ownership of the Endumeni Municipality, known as Portion 266 of the Farm Coalfields No 2273, in extent 376,936 hectares;
3. The Diocese be advised that the Council will only accept transfer of ownership of their property, if it is offered to the Endumeni Municipality as a donation.



**C 02/15/08/11-8.4 RENEWAL OF LEASE AGREEMENT: DUNDEE ANGLING CLUB (A PORTION OF REMAINDER OF ERF 1586, DUNDEE) (L1/6)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The lease of municipal owned land known as a Portion of the Remainder of Erf 1586, Dundee, by the Dundee Angling Club, be noted;

2. The expiration of the abovementioned lease agreement between the Endumeni Municipality and the Dundee Angling Club at the end of May 2011, be noted;
3. The Angling Club's willingness to renew the said lease agreement with the Endumeni Municipality, be noted;
4. The lease be renewed upon the same terms and conditions of the previous lease agreement, except for the increase in annual rental from R120,00 per annum to R240.00 per annum.



**C 02/15/08/11-8.5 APPLICATION TO LEASE A PORTION OF THE REMAINDER OF ERF 642, DUNDEE: GUY SLATER COAL TRADING CC**  
(L1/7; 643S)

**RESOLVED TO RECOMMEND**

**THAT**

1. The application as received from Messrs Guy Slater Coal Trading CC for the lease of a portion of land of approximately 1200m<sup>2</sup> adjacent to their current place of business at 17 Van Eck Street, Dundee, be noted;
2. It be noted that this portion of land will, in the opinion of Council, not be attractive to any other member of the public due to its location, the uneconomical size thereof, and the fact that it is not a registered subdivision, and that the portion of land is not needed to provide the minimum level of basic municipal services;
3. The application be approved in principle in view of the fact that it will be extremely cost effective and beneficial to Council, as it would generate rental and rates revenue;
4. Such in principle approval be subject thereto that Messrs Guy Slater Coal Trading CC provide Council with a written undertaking accepting liability for all costs incidental to the valuation and advertisement of the proposed lease of this portion of the Remainder of Erf 642, Dundee;

5. Council's Valuers being Messrs HSK Simpson and Partners of Dundee, be requested to provide Council with an estimated fair market related monthly rental amount for the said proposed portion of the Remainder of Erf 642, Dundee;
6. The Council's intent to lease such portion of land to the applicants be advertised for public comments and/or objections, and should no objections be received, the lease be concluded at the estimated fair monthly market related rental to be determined by the Council's valuers, on an initial three (3) year term, renewable thereafter for further terms of three years at a time should the applicant abide by the terms and conditions of the lease;
7. The proposed lease agreement, as attached to the agenda of the meeting, be approved for the purposes of this lease.



**C 02/15/08/11-8.6 APPLICATION TO LEASE A PORTION OF LAND AT THE MUNICIPAL AIRFIELD: MR VGA LAMBERTELLI (L1/6; A3/1)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The application from Triple Option Trading, represented by Mr VGA Lambertelli, for the lease of a proposed portion of approximately 121 square meters at the municipal airfield in Dundee, be noted;
2. In view thereof that:
  - (a) Council will incur no cost whatsoever with regard to the lease of this portion of land to Mr Lambertelli,
  - (b) the generation of monthly rental and property rates from the said portion of land to be leased, which is currently stagnant, will be in the Council's interests as it will generate revenue,

Mr Lambertelli's application be approved in principle, subject to him submitting plans of construction work on his property in Craigieburn:

3. Mr Lambertelli be requested to provide a written undertaking accepting liability for all costs incidental to the lease of the proposed portion of the airfield so applied for;
4. Council's valuers, being Messrs HSK Simpson and Partners of Dundee, be requested to provide an estimated fair market related monthly rental value for the proposed portion of the municipal airfield which is adjacent to the current hangars at the airfield and is approximately 121 square meters in extent;
5. In order to comply with the requirements of transparency and openness, this proposed lease be advertised for public comments and objections prior to the conclusion of any agreement hereon.



**C 02/15/08/11-8.7 APPLICATION FOR OFFICE ACCOMODATION AT WASBANK OFFICES: DEPARTMENT OF SOCIAL DEVELOPMENT (M3/13)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The application from the Department of Social Development for a further two rooms at the Wasbank Municipal Offices, as well as the application received from the elected councillor for Ward 1, Councillor S W Dlamini, be noted;
2. It be noted that a satellite office for the Department of Social Development at Wasbank would be extremely helpful to the community, as it would assist the local community in receiving social assistance from the government closer to their places of residence instead of having to travel to Glencoe for such assistance, and that an office for the elected councillor for Ward 1 would assist the councillor in performing his official duties, although the incumbent is not a full time councillor;

3. In view of the above, the request from the Department of Social Development for a further two offices at the Wasbank Municipal building, be declined, but that only one (1) further office be made available for their purposes;
4. Such approval be subject to the same terms and conditions as approved by the Council at its meeting held on 23 September 2010, it being made a further condition that the office accommodation shall be leased at a nominal fee of R50.00 per office per annum;
5. The proposed lease agreement, as attached to the agenda, be approved for the lease of the office accommodation by the Department of Social Development;
6. The incumbent councillor for Ward1, being Councillor S W Dlamini, be granted permission to occupy the remaining one (1) office for official purposes but due to no provision being made in the a budget, no upgrading or furnishing of the office be made and that the office be utilized “voetstoots”.



**C 02/15/08/11-8.8 SALES AND LEASE AGREEMENTS:  
IMMOVABLE PROPERTIES (L1/7)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The proposed sales agreements pertaining to residentially, commercially and industrially zoned vacant immovable properties, as enclosed with the agenda of the meeting, be approved for use thereof with the recently advertised sale of such immovable properties by public bid process in terms of the provisions of Section 14 of the Municipal Finance Management Act No 56 of 2003, read with the contents of the Council’s Procurement Policy;

2. The proposed lease agreements, pertaining to the recently advertised leases of Erf 1955, Glencoe and the Old Police Station in Sibongile, as enclosed with the agenda of the meeting, be approved.



**C 02/15/08/11-8.9 OLD SITHEMBILE ADMINISTRATION BUILDING (L1/7; 618S)**

Cllr M H Zwane requested that the property be utilized for community projects.

After discussion, it was

**RESOLVED TO RECOMMEND**

**THAT** the possibility of utilizing Erf 618, Sithembile for community purposes be submitted to a next Ward Committee meeting for proposals to be considered by the Council.



**C 02/15/08/11-8.10 APPLICATION TO LEASE OLD CARAVAN PARK AND SWIMMING POOL COMPLEX: DUNDEE (7/1/4/1)**

**RESOLVED TO RECOMMEND**

**THAT**

1. The application from Dr S G Kunene for the lease of the old caravan park and swimming pool complex on an unregistered part of the Remainder of Erf 1586, Dundee, be noted;
2. It be noted that Dr Kunene has been advised that the subject properties had, in terms of resolutions of the Council taken in 2002 and 2004, been offered to the Dundee Junior School as donations, and as such his application to lease cannot be considered;
3. It be noted that, despite constant correspondence with the KZN Provincial Department Works in Ladysmith to accept responsibility and ownership of the subject properties, no official response thereto has to date been forthcoming from the Department;

4. The Department Works be advised that, should no official response be forthcoming from them regarding their stance on accepting the donation of these subject properties from the Municipality, as well as the Municipality's request for exchange of the properties for Erf 62, Dundee, within thirty (30) days from date of correspondence to them, the Council will have no other alternative but to rescind and withdraw its decision to so donate the subject properties to the Dundee Junior School.
5. The matter again be submitted to the Council with a progress report hereon in September 2011.



**C 04/15/08/11-1 GLENCOE SITHEMBILE HOUSING PROJECT PHASE 2 (H1/1)**

**RESOLVED TO RECOMMEND**

**EMTS**

**THAT** the Endumeni Municipality note a report prepared by SBP Project Management in respect of Glencoe Sithembile Housing Project-Phase 2. A project implemented by the department of Human Settlements and it be further noted that the Endumeni Municipality is not a signatory to the development agreement



**C 04/15/08/11-2 REQUEST FOR A TRAFFIC SAFETY PLAN TO BE IMPLEMENTED BY KZN PROVINCIAL AUTHORITIES ON A ROAD DECLARED IN TERMS OF THE PROVINCIAL ROADS ACT (KWAZULU-NATAL) 4 OF 2001 AS P 356/2 AND INCLUDES THE DESIGN CONSTRUCTION OF PAVEMENTS, SIGNAGE AND SPEED BUMPS TO MITIGATE THE RISKS OF FURTHER FATALITIES AT SITHEMBILE/GLENCOE ENTRANCE INTERSECTION** (T4/1)

**RESOLVED TO RECOMMEND**

**THAT**

**EMTS**

1. The Endumeni Municipality support the initiative of the Honourable Mayor Cllr T M Mahaye in requesting the Minister of Transport of the Province of KwaZulu-Natal as attached to the Agenda as per annexure "A";
2. The Province of KwaZulu-Natal implement a road traffic safety plan that includes design construction of pavements, signage and speed bumps in order to mitigate the risks of further fatalities to school children on road P 365/2 A provincial road that traverses the Sithembile/Glencoe entrances.



**RESOLVED TO RECOMMEND**

**THAT**

**EMTS**

1. The application from the owner of Erf 1092, 883 Madondo Street, Mr T R Madida, for a change of land use on the property from “Residential” to “Commercial” be supported in principle;
2. Final approval shall only be considered once the applicant has adhered to the following in terms of clause 10, 11 and 12 of the Land Use conditions promulgated in terms of section 66(1) of the Black Communities Development Act No. 4 of 1984;
  - 2.1 The owner of the property, T R Madida, submits to the Council a letter that he is in support of the application for change of land use.
  - 2.2 A notice stating that such an application for the change of land use from “Residential” to “Commercial” has been submitted to the Endumeni Municipality, be affixed, displayed and maintained on the premises to which it applies for a period of fourteen days;
  - 2.3 A copy of such notice be given to all owners of properties within 100m radius from Erf 1092, stating that should they have any objection to the application they may lodge such objection in writing to the Endumeni Municipality and the applicant within fourteen days after the date of the last day of display of the notice;
  - 2.4 proof of display of the notice and a list of the owners to whom such notice was served shall be submitted to the municipality.
3. The onus shall be upon the applicant to bear all cost involved in the above.



**RESOLVED TO RECOMMEND**

**EMTS**

**THAT** the Endumeni Municipality note the acknowledgment of receipt by the KwaZulu-Natal Provincial Treasury on 3 June 2011 of Endumeni IDP 2011/2012 as attached to the minutes as per Annexure “A”.



**C 04/15/08/11-5 ASSESSMENT OF INTEGRATED DEVELOPMENT PLANS:  
PROCESS PLAN APPROVAL IDP 2012/2013 (P3/17)**

**RESOLVED TO RECOMMEND**

**THAT**

- EMTS**
1. The Endumeni Municipality approve the Process Plan for implementation of Review, Endumeni IDP 2012/2013 for implementation in fiscal year 2011/2012 as appended to the Minutes as per Annexure "A".
  2. The IDP 2012/2013 will be submitted to the Minister and should there be any further amendments, this will be added accordingly.



**C 04/15/08/11-6 PROJECT K0509002 SIBONGILE BUFFER STRIP HOUSING  
PROJECT: APPOINTMENT OF A STEERING COMMITTEE (P3/17 /8)**

**RESOLVED TO RECOMMEND**

**THAT**

- EMTS**
1. The Endumeni Municipality note the appointment of KV3 as per Annexure "A";
  2. The report received from KV3 dated 24 June 2011 and 28 February 2011 regarding Project K0509002 be noted as per Annexure "B";
  3. The Endumeni Municipality note Annexure "C" detailing requests made to Director Project Manager Northern Region for financial information in order to package project;
  4. The Endumeni Municipality note reconciliation statement of Sibongile Buffer Strip K0509002 as per Annexure "D";
  5. The Endumeni Municipality note income and expenditure reconciliation statement as prepared by Endumeni Finance Department for Sibongile Buffer Strip K0508002 as per Annexure 'E';
  6. The Acting Municipal Manager be authorised to convene a meeting with the Department of Human Settlements and Kwezi V3 to resolve the way forward to complete the revised funding application as detailed per Kwezi V3 report of 28 February 2011.
  7. A new Chief Quantity Surveyor, Miss N Chiluvane has been appointed by the Department of Human Settlements and a meeting between herself and Mr J B Maltman has been scheduled for the 19 August 2011 to discuss and finalise the certificates for incomplete roads and unblocking of abovementioned project.



C 04/15/08/11-7 **ENDUMENI MUNICIPALITY: UPGRADING OF PROVINCIAL ROADS P6/5, P34/1, P34/2 AND P272 WITHIN ENDUMENI MUNICIPAL BOUNDARIES: APPLICATION TO ENTER INTO AN AGREEMENT WITH A MUNICIPALITY TO PROVIDE FOR A DOT CONTRIBUTION TO SECURE RECONSTRUCTION, IMPROVEMENT AND REPAIR OF PROVINCIAL ROADS IN TERMS THE PROVINCIAL ROADS ACT (KWAZULU- NATAL) 4 OF 2001** (T4/1)

**RESOLVED TO RECOMMEND**

**THAT**

**EMTS**

1. The Endumeni Municipality support the initiative of the Honourable Speaker Cllr S B Mdluli in requesting the Minister of Transport of the Province of KwaZulu-Natal for additional funding for provincial roads projects as attached to the minutes as per annexure "A";
2. The Endumeni Municipality has already committed themselves to the upgrading of Provincial Roads within Dundee and subscribe fully with approval granted by DOT Engineering Services Department. However funds available will not be sufficient to address all rehabilitation and traffic management measures required and formal application be made to KZN DOT to explore the possibility of obtaining funding from the KZN DOT towards the rehabilitation and future maintenance costs. The municipality records is precluded from rehabilitating provincial assets as it would amount to performing a function that the Province of KwaZulu-Natal on a preliminary view it is required to exercise as defined in the of Provincial Roads Act No. 4 of 2001. If it did so, it would be acting beyond its powers, and would not be acting lawfully. That Council resolution C 09/05/05/10 be reaffirmed.



C 04/15/08/11-8 **SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 3<sup>rd</sup> & 4<sup>th</sup> QUARTER REPORTS: SECTION 57 MANAGERS PERFORMANCE REPORTS 3<sup>rd</sup> & 4<sup>th</sup> QUARTER** [P3/17(a)]

**RESOLVED TO RECOMMENDED**

**EMTS**

**THAT** the Endumeni Municipality adopts the 3rd & 4th Quarter SDBIP Reports and 3rd & 4th Quarter Section 57 Performance reports for Chief Financial Officer, Executive Manager Corporate Services and Executive Manager Technical Services in respect of fiscal year 2010/2011.



C 04/15/08/11-9 **ORGANIZATIONAL PERFORMANCE MANAGEMENT SYSTEM**  
[P3/17(a)]

The attached amended Organizational Performance Information Report was tabled at the meeting by the Executive Manager: Technical Services.

He advised the Committee that Gobodo (Pty) Limited did a 100% audit on the departmental scorecards and made certain changes to the reports which are reflected in the attached report.

**RESOLVED TO RECOMMEND**

**THAT**

**EMTS**

1. The departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services, as attached to the Minutes, be adopted in terms of the Endumeni Organizational framework for the period 01 July 2010 to 30 June 2011 as per Section 72 of the MFMA;
2. The Endumeni Organizational scorecard be adopted in terms of the Endumeni Organizational framework for the period 01 July 2010 to 30 June 2011 as per Section 72 of the MFMA;
3. The Reports of Gobodo (Pty) Limited External Auditor to Endumeni Municipality, pertaining 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Quarter performance Audit and Minutes of the Endumeni Audit Committee in respect of Endumeni Organizational Performance Review for the period 01 July 2010 to 30 June 2011 be noted.



C 04/15/08/11-10 **APPLICATION FOR DBSA LOAN TO FUND PURCHASE OF TWO 63KW FOUR WHEEL DRIVE SIDE SHIFT BACKHOE LOADERS POWERED BY NATURALLY ASPIRATED DIESEL ENGINES ENDUMENI MUNICIPALITY**  
(5/8/2/1)

**RESOLVED TO RECOMMEND**

**EMTS**

**THAT** the Endumeni Municipality note the application for a loan to fund the purchase of two 63kw four wheel drive side shift backhoe loaders powered by naturally aspirated diesel engines submitted by the Municipal Manager to the DBSA.





C 08/05/09/11      **BUDGET 2012/2013: TIME SCHEDULE**      (F1/1)

**RESOLVED TO RECOMMEND**

**CFO**      **THAT** Council approve the 2012/2013 budget programme as per attached schedule.



C 09/05/09/11      **RISK ASSESSMENT 2010/2011**      (A8/1; L3/3/22)

**RESOLVED TO RECOMMEND**

**CFO**      **THAT** Council approves the Risk Assessment 2010/2011 as compiled by the internal audit section of Provincial Treasury.



C 10/05/09/11      **BUSINESS CONTINUITY PLAN**      (A8/1)

**RESOLVED TO RECOMMEND**

**THAT**

- CFO**
1. Council approve the Business Continuity Plan;
  2. The relevant officials keep abreast of all matters relating thereto.



C 11/05/09/11      **WRITE OFF OF IRRECOVERABLE DEBT**      (5/5/3)

**RESOLVED TO RECOMMEND**

**THAT**

- CFO**
1. Council write off the amounts as indicated on annexure "A" as attached to the agenda totaling R33 057.53;
  2. The amount be written off against the bad debt provision



C 12/05/09/11

**LETTER OF DEMAND TO RE-OPEN DELIBERATION FOR COAL LOADING – GLENCOE RAILWAY STATION** (M7/1)

The Committee was of the opinion that the petitioners should be granted the opportunity to air their views.

After discussion, it was

**RESOLVED TO RECOMMEND**

AMM

**THAT** a meeting be arranged with the petitioners, Maranda Coal, Transnet and other relevant parties to discuss the possibility of loading coal at the Glencoe Railway Station.



C 13/05/09/11

**PANEL FOR INTERVIEWING CANDIDATES FOR THE POST OF THE MUNICIPAL MANAGER** (4/1/1/1)

**RESOLVED TO RECOMMEND**

AMM

**THAT** the appointment of a panel to interview candidates for the post of Municipal Manager be referred to a Special Council meeting for consideration.



C 14/05/09/11

**UMZINYATHI DISTRICT MUNICIPALITY CAPITAL PROJECTS 2011/2012 COMMUNITY HALLS STRATFORD FARM AND WASBANK** (5/1/1)

**RESOLVED TO RECOMMEND**

**THAT**

EMTS

1. The initiative of the Honourable Speaker in making application for the construction of Community Halls at Stratford Farm and Wasbank as projects to be funded by the District Municipality be approved;
2. The Endumeni Municipality note the contents of correspondence recently received from the Umzinyathi District Municipality as attached to the minutes;
3. The Endumeni Municipality formally accept liability for the Community Hall to be constructed on the Farm Stratford No 2367 Dundee GT and undertake to maintain the asset after transfer.



C 15/05/09/11

**APPLICATION FOR LAND IN ORDER TO ESTABLISH  
COMMUNITY GARDENING PROJECT; COUNCILLOR M H  
ZWANE** (7/3/2/4/1)

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. The application from the Councillor for Ward 3, being Councillor M H Zwane, for vacant municipal land in order to establish a community gardening project thereon, be noted;
2. It be noted that the vacant land as identified by the Councillor, being portions of Portion 2 of Erf 2990, Glencoe, as depicted on the sketch plan as attached to the agenda, is located within a high voltage Eskom servitude area;
3. The application for the use of the said portions of land as a community gardening project be approved in terms of a local economic development initiative, subject to the following conditions:
  - 3.1 that the community who is to utilise the portions of land as a gardening project should elect/ appoint a person or persons as representative/s to act as liaison with the Municipality during the use of the land for this purpose;
  - 3.2 that, once the representatives are appointed, a formal agreement for the use of the land be compiled and tabled for Council's approval;
  - 3.3 that the Endumeni Municipality and Eskom be absolved from any liability in respect of any injuries, death or damages that may result from the use of the said portions of land for these purposes.



C 16/05/09/11

**APPLICATION FOR VACANT LAND IN SITHEMBILE FOR  
CONSTRUCTION OF A SHOW HOUSE BY COROBRIK;  
COUNCILLOR M H ZWANE** (7/3/2/4/1)

**RESOLVED TO RECOMMEND**

**THAT**

**CEO**

1. The application from Councillor M H Zwane of Ward 3 for a vacant site in Sithembile for the purposes of the construction of a "show house" by Corobrik be noted;
2. It be noted that Corobrik has agreed to the construction of such "show house" on certain conditions, *inter alia* that they be involved in the design and finishes of the house prior to construction;

3. A vacant site in the vicinity of the Sithembile stadium and adjacent to recently constructed RDP houses, as depicted on the sketch plan as attached to the agenda, being an as yet unregistered property on the Remainder of Portion of Erf 1672, Glencoe, be made available for this purpose;
4. The community of Sithembile, through the Ward Committee, be consulted on the “end-use” of the house following completion thereof, and that a representative from Corobrik be invited to be part of the consultation phase so as to ensure transparency hereon;
5. The Manager Technical Services be engaged in the project to oversee the completion thereof.



C 17/05/09/11

**SUBMISSIONS TO AUDITOR GENERAL: ANNUAL FINANCIAL STATEMENTS 2010/2011 & ORGANISATIONAL PERFORMANCE INFORMATION REPORT 2010/2011 (A8/1)**

**RESOLVED TO RECOMMEND**

**CFO**

**THAT** Council notes that Section 126 of the Municipal Finance Management Act No. 56 of 2003 has been fully complied with.



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# Part D MOTION

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**D 01/05/09/11-1**    **MOTION I**    **(3/4/3)**

**RESOLVED TO RECOMMEND**

**AMM**                    **THAT** this item be referred to the Council for consideration.



**D 01/05/09/11-2**    **MOTION II**    **(3/4/3)**

**RESOLVED TO RECOMMEND**

**AMM**                    **THAT** this item be referred to the Council for consideration.



**D 01/05/09/11-3**    **MOTION III**    **(3/4/3)**

**RESOLVED TO RECOMMEND**

**AMM**                    **THAT** this item be referred to the Council for consideration.



**D 01/05/09/11-4**    **MOTION IV**    **(3/4/3)**

**RESOLVED TO RECOMMEND**

**AMM**                    **THAT** this item be referred to the Council for consideration.



**D 01/05/09/11-5**    **MOTION V**    **(3/4/3)**

**RESOLVED TO RECOMMEND**

**AMM**                    **THAT** this item be referred to the Council for consideration.



There being no further matters for consideration, the Chairperson declared the meeting closed at **17h55**

**Mayor – Chairperson:** .....                    **Date:** .....