

MOGALAKWENA LOCAL MUNICIPALITY

COUNCIL

MINUTES OF A SPECIAL COUNCIL MEETING OF THE MOGALAKWENA MUNICIPALITY HELD IN THE LLEKA LEKALAKALA COUNCIL CHAMBER, CIVIC CENTRE, MOKOPANE ON TUESDAY, 2 MAY 2013 AT 14:00

PRESENT

COUNCILLORS

AS PER ATTACHED ATTENDANCE REGISTER.

OFFICIALS

Messrs.	S W KEKANA	-	MUNICIPAL MANAGER
	K J MPHAGO	-	CHIEF FINANCIAL OFFICER
	L F MASIBE	-	MANAGER: DEVELOPMENTAL SERVICES
	J N FOURIE	-	MANAGER: ELECTRICAL SERVICES
	F L BUITENDAG	-	ACTING MANAGER: TRAFFIC & EMERGENCY SERVICES
	K D MALEPA	-	ACTING MANAGER: TECHNICAL SERVICES
	M G MATABANE	-	ACTING MANAGER: COMMUNITY SERVICES
	H S M NGOEPE	-	CHIEF OPERATIONS OFFICER
Mesdames.	I A DE VILLIERS	-	ACTING MANAGER: CORPORATE SUPPORT SERVICES
	M C NGOAKO	-	ASSISTANT COUNCIL SECRETARIAT OFFICER

1. OPENING

The speaker welcomed all present and requested that a moment of silence be observed.

2. APPLICATION OF MEMBERS FOR LEAVE OF ABSENCE

Applications for leave of absence were received from councillors R P Maluleke, K D Setlatjile, E K Mashaba, L J Mashala and N V Mashamaite.

RESOLVED:

THAT leave of absence from the special council meeting held on 2 May 2013 be granted to councillors R P Maluleke, K D Setlatjile, E K Mashaba, L J Mashala and N V Mashamaite.

3. TOWN PLANNING: APPLICATION FOR SPECIAL CONSENT: PROPOSED NEW DEVELOPMENT FOR FUNERAL PARLOUR AND MORTUARY AT 47 DE KLERK STREET: BAFA FUNERALS (17/3/3/6)SPN
(Developmental services)

The ANC requested a five minutes party caucus.

RESOLVED:

THAT

- a) the application for special consent in terms of clause 14 of the Greater Potgietersrust Town Planning Scheme, 1997 for the development of a funeral parlour, mortuary and chapel on the remaining extent of erf 283 Mokopane be approved subject to the following conditions:
 - i) that the site development plan (SDP) with regard to the mortuary and the viewing point of the deceased which are proposed to be erected at approximately 2m from the objector's bedroom be reviewed and be located along Ruiter Road;
 - ii) that site development plans (SDP) with special reference to access, and parking, to the satisfaction of Mogalakwena Municipality, be submitted for consideration before any building plans be approved;
 - iii) that the main entrance to the proposed development be along Ruiter Road.
 - iv) that a high wall that will obscure visibility of the activities to take place within the proposed development be erected to the satisfaction of the local authority;
 - vii) that all parkings for both the clients and Bafa Funerals be accommodated within the proposed development;
 - vi) that no advertisement boards should be erected prior the approval by the local authority;
 - vii) that the primary use of the remaining extent of erf 283 remains "Business 1" with a special consent for a funeral parlor, mortuary and a chapel;
 - viii) that the maximum Floor Area Ratio is 3.0 as per Table B of Schedule A of the Town Planning Scheme, 1997;
 - viii) that the maximum coverage remains 90% unless relaxed as per Table B of Schedule A of the Town Planning Scheme, 1997;
 - x) that no parking or access to parking be allowed on the sidewalks;
 - ix) that access be paved up to street level;

- x) that the amenity of the area may in the opinion of Mogalakwena Municipality, not be prejudiced;
 - xi) that no title conditions be transgressed;
 - xii) that the fire safety plans be submitted to Mogalakwena Municipality;
 - xiii) that a written submission regarding the handling of storm water from and/or onto adjacent erven be submitted;
 - xiv) that the loading and off-loading facilities should be accommodated on the erf;
 - xv) that a logo, notice or sign indicating the name of the facility may be displayed on the said erf: Provided that such logo, notice or sign does not exceed 600mm by 450mm in size;
 - xvi) that proper management of the facilities be ensured in order to control noise or nuisance and disturbance of the neighbours who are still utilizing their properties for residential purposes.
- b) the owner or prospective owner of the remaining extent of erf 283 Piet Potgietersrust, be responsible for the payment of any municipal services required with regard to development on the erf.
 - c) in terms of section 63 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) the owner of the property referred to in a) *supra* be requested within 30 days from the commencement of the special consent of the local municipality by means of a registered letter to pay the contribution in respect of engineering services, open spaces and parks as approved by the executive committee.
 - d) energy efficient appliances and equipment be installed in new and changed existing buildings.

4. REMUNERATION PACKAGE FOR MANAGER: COMMUNITY SERVICES

(14/4/1/5)BF

(ITEM 3 AGENDA SPECIAL EC 2 MAY 2013)

The DA and Freedom Front requested that their opposition be recorded against the resolution.

RESOLVED:

THAT

- a) a remuneration package of one million one hundred thousand rands (R1 100 000) be approved for the manager : community services.
- b) Ms. Molala M commences with her duties as manager: community services from 1 May 2013.

5. SUBMISSION OF THE 2011/2012 OVERSIGHT REPORT TO COUNCIL
(11/2/1)LM
(ITEM 4 AGENDA SPECIAL EC 2 MAY 2013)

RESOLVED:

THAT the oversight report from MPAC be referred back to MPAC for further investigations and a report be submitted before the end of May 2013.

6. ALIENATION OF ERF 4699, (THABO MBEKI DRIVE) PIET POTGIETERSRUST
EXTENSION 13
(17/5/4/5)(17/5/B)I
(ITEM 6 AGENDA EC 23 APRIL 2012)

RESOLVED:

THAT further to council resolution A44 dated 29 November 2006 the following be resolved in respect of erf 4699, Piet Potgietersrust Extension 13:

- a) it be noted that the Environmental Impact Assessment was done and that there is no objections against the proposed development of erf 4699;
- b) it also be noted that there were no objections against the closing of the park;
- c) a surveyor be appointed to subdivide erf 4699 Piet Potgietersrust Extension 13 in at least four separate erven and if it is found that the erven are too narrow, the industrial erven at the back of erf 4699 be consolidated with these erven;
- d) the erven be rezoned to "Business 1" departmentally;
- e) the necessary infrastructure be installed to provide municipal services to the erven;
- f) in terms of section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) a valuer be appointed to determine the market related rental in respect of the four erven;
- g) tenders be invited for the lease of the four erven separately for a period of 99 (ninety nine) years subject to the following conditions:
 - i) it be a condition of the lease that any development on the erven must form part of a "Motor City";
 - ii) the successful bidders must complete the development of the erven within a period of two years after signing the lease agreement; and

- iii) all improvements become the property of the municipality after the lapse of the 99 years period without any cost to the municipality.
- h) NTT Toyota be informed of the new method of alienation and that they must participate in the tender process.
- i) a broader consultation be made with neighbouring municipalities how they deal with this type of properties.

**7. ALIENATION OF ERF 4794, (THABO MBEKI DRIVE) PIET POTGIETERSRUST
EXTENSION 13 (OLD CARAVAN PARK) (17/5/4/5)(17/5/B)I
(ITEM 7 AGENDA EC 23 APRIL 2012)**

RESOLVED:

THAT further to council resolution A41 dated 29 November 2006 the following be resolved in respect of erf 4794, Piet Potgietersrust Extension 13:

- a) it be noted that the Environmental Impact Assessment was done and that there is no objections against the proposed development of erf 4794;
- b) it also be noted that there were no objections against the closing of the park;
- c) the erf be rezoned to "Business 1" departmentally;
- d) the necessary infrastructure be installed to provide municipal services to the erven;
- e) it be noted that two electrical lines cross erf 4794 and a servitude be registered over the erf in favour of the municipality, alternatively the power lines be relocated to another position if required by the successful bidder at his costs.
- f) in terms of section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) a valuer be appointed to determine the market related rental in respect of the erf;
- g) tenders be invited for the lease of erf 4794 Piet Potgietersrust Extension 13 for a period of 99 (ninety nine) years subject to the following conditions:
 - i) it be a condition of the lease that the development on the erf must be a shopping mall;
 - i) the successful bidders must complete the development of the erf within a period of two years after the lease agreement has been signed; and

- ii) all improvements become the property of the municipality after the lapse of the 99 years period without any cost to the municipality.
- h) messrs Nonkomponi Developments (Pty) Ltd be informed of the new method of alienation and that they must participate in the tender process.

8. APPLICATION FOR THE PURCHASE OF A PORTION OF LAND ADJACENT TO PORTION 136 OF THE PIET POTGIETERSRUST TOWN AND TOWNLANDS 44KS: SUNRISE SUPERKIDS (7/3/4)I
(ITEM 8 AGENDA EC 23 APRIL 2012)

RESOLVED:

THAT

- a) it be resolved in terms of section 14 (2)(a) of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) that the land adjacent to portion 136 of the Piet Potgietersrust Town and Townlands 44 KS as indicated on page 56 attached to the executive committee agenda dated 23 April 2013 is not needed to provide the minimum level of basic municipal services.
- b) permission be granted that the land referred to in a) *supra* be alienated subject to the following conditions:
 - i) a surveyor be appointed to survey the land and compile the necessary diagrams;
 - ii) the portion of land be rezoned internally to "Institutional";
 - iii) the valuer be appointed to determine the fair market selling price of the newly formed portion in terms of the provisions of section 14 (2)(b) of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) which will be the minimum selling price;
 - iv) objections against the alienation of the newly formed portion at the minimum selling price be invited;
 - v) if no objections are received, the portion of land be alienated per the tender method in terms of section 10.1 of the Policy on Sale and Disposal of Municipal Land/Property.

9. **APPROVAL OF SELLING PRICES TO FORMER BARGAIN RESIDENTS:
MAHWELERENG ZONE B (17/1/5/1 &17/1/5/2)RCN
(ITEM 9 AGENDA EC 23 APRIL 2012)**

RESOLVED:

THAT

- a) erven be allocated as follows to the three Black Rock residents:

Name	Erf number
Makhafola LF	erf 578 ptn 12
Mangale MR	erf 578 ptn 15
Monama KP	erf 578 ptn 13

- b) council resolution dated 27 November 2012 be revoked.
- c) the fair market values of the erven as determine by the valuer attached as pages 76 to 96 be approved as the purchase price.
- d) the reminder 41 erven be dealt with as follows:
- i) it be noted that 41 serviced erven at Mahwelereng Zone B are available for selling and it be confirmed in terms of section 14 (a) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) that these erven are not needed to provide the minimum level of basic municipal services.
 - ii) objection against the alienation of the 41 erven be invited in terms of clause E5 of the Policy on Sale and Disposal of Municipal Land/Property.
 - iii) the residents from Bargain indicated on the list attached as pages 72 to 74 be approved and these residents be granted an opportunity to purchase an erf of their choice at the market price as determined by the valuer on a first come first served basis.
 - iv) Bargain residents be allowed to purchase the erven within three months after they have been informed of the price and if there are still erven left after the three months have lapsed it be alienated to the general public by means of the public tender method.
- e) it also be noted that the 193 unserviced erven will be serviced in future when the nessesary budget becomes available.
- f) the application of Masimini M J to be reserved for the next phase of 193 erven that needs to be serviced and an erf be created approximately 5968 m² in extent by consolidating erven.
- g) the ward councillor informs the residents of this resolution.

84.
02.05.13

**10. 2012/2013 IDP PROJECT RELOCATION – SPORTING FACILITIES TO
BAKENBERG CENTRAL WATER SCHEME (19/7/5)KDM
(ITEM 15 AGENDA EC 23 APRIL 2012)**

RESOLVED:

THAT

- a) an amount of R2 131 170,00 from vote no 2006/43/4/12/0934 (Sports Facilities) be transferred to Bakenberg central water scheme to cover the shortfall and the total budget becomes R4.8m for the 2012/2013 financial year.
- b) it be noted that there is budget provision of R5.6m for the 2013/2014 financial year for the Bakenberg central water scheme.
- c) the remaining R2 146 609,68 be sourced from the same project in the 2013/2014 financial year.
- d) the normal procurement of the contractor as per Supply Chain Management of the Municipality be expedited.

**11. MUNICIPAL INFRASTRUCTURE GRANT CAPITAL PROJECTS FOR 2012/13
FINANCIAL YEAR: APPROVAL TO ROLL OVER FUNDS (6/6/5)KDM
(ITEM 16 AGENDA EC 23 APRIL 2012)**

RESOLVED:

THAT

- a) the budget of Sodoma Water Project and Luxemburg Development of Water Source / Taolome be rolled over to the 2013/14 financial year.
- b) the additional funds required be approved.

The meeting closed at 14:55.

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SPEAKER

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DATE