



Time: Immediately after the Council meeting  
scheduled for 15:00

DATE - 27 JULY 2017

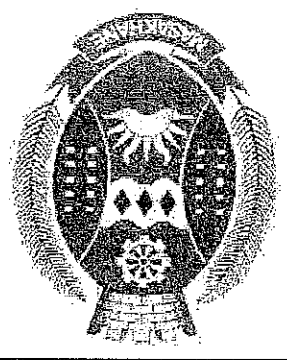
MEETING

# SPECIAL COUNCIL

OF THE 1<sup>ST</sup>

# AGENDA

STEVE TSHWETE LOCAL MUNICIPALITY

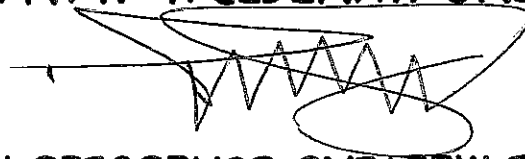




**STEVE TSHWETE LOCAL MUNICIPALITY**

NOTICE IS HEREBY GIVEN THAT A SPECIAL COUNCIL MEETING WILL BE HELD IN THE COUNCIL CHAMBER, MUNICIPAL BUILDING, MIDDELBURG ON THURSDAY, 27 JULY 2017 IMMEDIATELY AFTER THE COUNCIL MEETING SCHEDULED FOR 15:00

**ACTING MUNICIPAL MANAGER**



# **AGENDA**

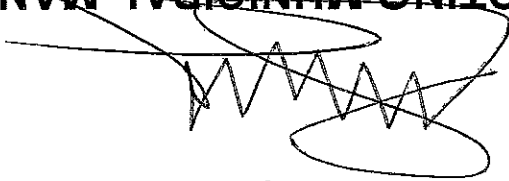
- 1 OPENING
- 2 APPLICATION FOR LEAVE OF ABSENCE
- 3 DISCLOSURE OF INTEREST
- 4 REPORTS OF EXECUTIVE MAYOR
- 4.1 DEFERRED ITEMS FROM THE REPORT OF THE MAYORAL COMMITTEE HELD ON 22 JUNE 2017
- 5 CLOSURE



**REPORTS OF THE MAYORAL COMMITTEE**

Councillors are kindly requested to note that the reports by the Mayoral Committee regarding the matters included in this Agenda were distributed on 24 June 2017

Yours faithfully



**ACTING MUNICIPAL MANAGER**  
**S M MNGUNI**



2017/06/22

12<sup>TH</sup>/2017 MEETING OF THE MAYORAL COMMITTEE  
WHICH WAS HELD IN THE COUNCIL CHAMBER,  
MUNICIPAL BUILDINGS, MIDDLEBURG MPUMALANGA,  
ON

REPORT OF THE

DEFERRED ITEMS  
ON THE





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**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT Council confirm that the following portions of land upon which the existing telecommunication mast base stations are situated are not needed to render the basic level of municipal services and are not needed for the Municipality's own use during the period for which the right to use, control or manage the asset is to be granted:

- 1.1 Portion of Erf 1973, Extension 5, Mineralia, Middelburg;
- 1.2 Portion of the Remaining portion 148 of Farm Middelburg Town and Townlands 287 JS, Cnr Quinise and Tswelopele Streets, Mhuzi;
- 1.3 Portion of the Remainder of Erf 7752 Middelburg Extension 23;
- 1.4 Portion of the Remainder of Erf 2415 Aerorand; and
- 1.5 Portion of Erf 1874 Tokologo.

2. THAT the Accounting Officer be authorized to lease the aforementioned properties as an unsolicited bids in terms of Section 41 of the Council's Supply Chain Management Policy.

3. THAT the applications for lease of the properties be approved subject to the following conditions:

- 3.1 That the lease be limited to 3 (three) years;
- 3.2 That the applicant's rental accounts in respect of the aforementioned properties are settled in full, alternatively the applicant has entered into a payment arrangement with the Municipality to the satisfaction of the Executive Director: Financial Services;
- 3.3 That the rental amount in respect of each separate property be determined at R3 400.00 (Three Thousand Four Hundred Rand) per month excluding VAT until 30 June 2017, subject to an annual escalation of 8% on 01 July every year commencing on 01 July 2017 and subject to a 3-yearly review;
- 3.4 That the properties be re-valued should transactions not be concluded within 12 months from the date of valuation (28/03/2017);
- 3.5 That the lessee shall pay the necessary electrical cable connection costs or service connection fees, enter into the necessary service and/or consumer agreements for any services used or required and pay the required deposits;

4. **THAT** the proposed leases of the properties 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 41 of the Council's Supply Chain Management Policy.

- 3.6 That property rates be levied on each of the properties and that the lessee shall be responsible for any conceivable costs which may emanate from the lease agreement;
- 3.7 That the property is leased voetstoots (as is) and that no warranty is given by the Municipality that the premises is suitable for the intended use;
- 3.8 That the properties be used for purposes of a telecommunication mast and base station only;
- 3.9 That the property be fenced off and locked at all times at the cost of the lessee;
- 3.10 That no person be domiciled on the property;
- 3.11 That the lessee must maintain the leased property in a clean and hygienic state and in accordance with the applicable legislation and municipal by-laws;
- 3.12 That the Municipality reserves the right to inspect the leased premises at any reasonable time;
- 3.13 That no structural addition or alteration may be made to the property without the prior written consent from Council;
- 3.14 That the leased property may not be sublet, ceded, alienated or mortgaged without the prior written consent from Council;
- 3.15 That the lessee indemnifies the Municipality for any claim of damage, injuries or loss of life or damages or injuries incurred by any person allowed on the property by the lessee; and
- 3.16 That only tree type cellular masts be erected in order to mitigate the visual impact of the structures on the surrounding residential uses, unless determined otherwise by the Director: Town Planning and Human Settlements.

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT Council confirm that the Squash Courts situated at the Kees Taljaard Stadium is not needed to render the basic level of municipal services and will not be required for the Municipality's own use during the period for which the right is to be granted;

2. THAT the Accounting Officer be authorized to lease the property as an unsolicited bid;

3. THAT the application for lease of the property be approved subject to the following conditions:

3.1 That the lease be limited to 3 (three) years;

3.2 That the rental amount be determined at R1 560,00 (One Thousand Five Hundred and Sixty Rand) VAT inclusive per annum until 30 June 2017, as approved in the Municipality's Annual Budget, escalating annually on 1 July in accordance with the sundry tariff increase in the approved budget;

3.3 That the lessee shall pay the necessary service connection fees, enter into the necessary service and/or consumer agreements and pay the required deposits for any water or electricity required/used and shall pay for electricity consumption at the normal applicable tariff as reflected by the electrical meter;

3.4 That the Municipality will be liable for the necessary maintenance of the structure only and the lessee will be liable for any maintenance or repairs to the building negligently caused by its members or any other person admitted to the premises by the applicant, or alternatively, the Municipality will effect such repairs, but will hold the applicant liable for the costs thereof;

3.5 That the property be used purposes of practising squash and related activities only;

3.6 That no person be domiciled on the property;

3.7 That the lessee must maintain the leased property in a clean and hygienic state and in accordance with the applicable legislation and municipal by-laws;

4. THAT the proposed lease 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 56 of 2003 and Section 41 of the Council's Supply Chain Management Policy.

- 3.8 That the Municipality reserves the right to inspect the leased premises at any reasonable time;
- 3.9 That no structural addition or alteration may be made to the property without the prior written consent from Council, the Council will have no duty to reimburse the lessee for the cost or value of any structural addition or alteration that was not or could not be removed by the lessee upon termination of the Lease Agreement;
- 3.10 That the lessee further indemnifies the Municipality for any claims of enrichment or damages as a result of such additions or alterations and by signing the agreement of lease waives any *lien* or right of retention it may have as a result of such structural addition, alteration or improvement;
- 3.11 That the leased property may not be sublet, ceded, alienated or mortgaged without the prior written consent from Council;
- 3.12 That the lessee indemnifies the Municipality for any claim of damage, injuries or loss of life or damages or injuries incurred by any person allowed on the property by the lessee;
- 3.13 That for the duration of the agreement, the lessee is compelled to be affiliated with and partake in the activities of the local sports federation or Council;
- 3.14 That the Safety at Sports and Recreation Events Act, Act No. 2 of 2010 be adhered to by the lessee at all times;
- 3.15 That Game Schedules and annual events be communicated to the Physical Environmental Department's Sport Office of the Municipality well in advance;
- 3.16 That change of Leadership in the club be communicated in writing to the Municipality's Department: Legal and Administration as well as the Sport office, indicating the newly elected people with their contact details and ID documents for record purposes;
- 3.17 That the applicant take note that Council will utilise the facilities or might hire it out from time to time; and
- 3.18 That should the lessee require security, the lessee will be responsible for security at their own cost as the Municipality does not offer security.

5. THAT prior to the implementation of the above, it be established whether the previously disadvantaged communities are included in the club and if not a further report be submitted in this regard.

SC08/06/2017  
LAND: APPLICATION TO LEASE A PORTION OF THE REMAINDER OF PORTION 27 OF THE FARM MIDDELBURG TOWN AND TOWNLANDS NEXT TO PORTION 148 FOR VEGETABLE GARDEN PURPOSES  
 7/2/13 (T)/yb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT note be taken of the report by the Acting Executive Director: Corporate Services.

2. THAT Council Resolution C10/07/2016 be rescinded.

SC12/06/2017  
LAND: APPLICATION TO LEASE BADMINTON HALL AT KEES TALJAARD STADIUM  
 7/2/13 (T)/yb  
 [MM 132272]

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT Council confirm that the Badminton Hall situated at the Kees Taljaard stadium is not needed to render the basic level of municipal services and will not be required for the Municipality's own use during the period for which the right is to be granted;

2. THAT the Accounting Officer be authorized to lease the property as an unsolicited bid;

3. THAT the application for lease of the property be approved subject to the following conditions:

- 3.1 That the lease be limited to 3 (three) years;

- 3.2 That the rental amount be determined at R5 340.00 (Five Thousand Three Hundred and Forty Rand) VAT inclusive per annum until 30 June 2017, as approved in the Municipality's Annual Budget, escalating annually on the 1<sup>st</sup> of July in accordance with the sundry tariff increase in the approved budget;

- 3.3 That the lessee shall pay the necessary service connection fees, enter into the necessary service and/or consumer agreements and pay the required deposits for any water or electricity required/used and shall pay for electricity consumption at the normal applicable tariff as reflected by the electrical meter;
- 3.4 That the Municipality will be liable for the necessary maintenance of the structure only and the lessee will be liable for any maintenance or repairs to the building negligently caused by its members or any other person admitted to the premises by the applicant, or alternatively, the Municipality will effect such repairs, but will hold the applicant liable for the costs thereof;
- 3.5 That the property be used purposes of practising badminton, a fitness programme and related activities only;
- 3.6 That no person be domiciled on the property;
- 3.7 That the lessee must maintain the leased property in a clean and hygienic state and in accordance with the applicable legislation and municipal by-laws;
- 3.8 That the Municipality reserves the right to inspect the leased premises at any reasonable time;
- 3.9 That no structural addition or alteration may be made to the property without the prior written consent from Council and should any such alteration or addition be approved by Council, the Council will have no duty to reimburse the lessee for the cost or value of any structural addition or alteration that was not or could not be removed by the lessee upon termination of the Lease Agreement;
- 3.10 That the lessee further indemnifies the Municipality for any claims of enrichment or damages as a result of such additions or alterations and by signing the agreement of lease waives any *lien* or right of retention or it may have as a result of such structural addition, alteration or improvement;
- 3.11 That the leased property may not be sublet, ceded, alienated or mortgaged without the prior written consent from Council;
- 3.12 That the lessee indemnifies the Municipality for any claim of damage, injuries or loss of life or damages or injuries incurred by any person allowed on the property by the lessee;
- 3.13 That for the duration of the agreement, the lessee is compelled to be affiliated with and partake in the activities of the local sports federation or Council; and
- 3.14 That the Safety at Sports and Recreation Events Act, Act No. 2 of 2010 be adhered to by the lessee at all times;



3.15 That Game Schedules and annual events be communicated to the Physical Environmental Department's Sport Office of the Municipality well in advance;

3.16 That change of Leadership in the club be communicated in writing to the Municipality's Department: Legal and Administration as well as the Sport office, indicating the newly elected people with their contact details and ID documents for record purposes;

3.17 That the applicant take note that Council will utilise the facilities or might hire it out from time to time; and

3.18 That should the lessee require security, the lessee will be responsible for security at their own cost as the Municipality does not offer security.

4. THAT the proposed lease 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 56 of 2003 and Section 41 of the Council's Supply Chain Management Policy.

5. THAT prior to the implementation of the above, it be established whether the previously disadvantaged communities are included in the club and if not a further report be submitted in this regard.

SC14/06/2017

LAND: RESCISSION OF COUNCIL RESOLUTION C16/11/2014 - SERVITUDE OVER REMAINDER OF PORTION 6 OF THE FARM GRASFONTEIN 199 IS

16/2/2 (T)/yb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1 THAT Council take note of the report by the Acting Executive Director: Corporate Services.

2 THAT Council Resolution C16/11/2014 be rescinded.

SC16/06/2017

TOWN PLANNING: CATEGORISATION OF LAND DEVELOPMENT AND LAND USE APPLICATIONS IN TERMS OF SPLUMA

1/1/174 (H)/yb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1 THAT Council take note of the report by the Acting Executive Director: Infrastructure Services on the categorisation of land development and land use applications in terms of SPLUMA.

- 2 THAT the applications be categorised as follows:
- 2.1 That the following Category 1 Applications be delegated to MPT:
- 2.1.1 Applications for the establishment of a township or the extension of the boundaries of a township.
  - 2.1.2 Applications for the amendment of an existing scheme or land use scheme by the rezoning of land if opposed.
  - 2.1.3 Applications for the removal amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land.
  - 2.1.4 Applications for the amendment or cancellation in whole or in part of a general plan of township.
  - 2.1.5 Applications for the subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application.
  - 2.1.6 Applications for the permanent closure of any public place.
  - 2.1.7 Applications for any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme.
  - 2.1.8 Applications for any consent or approval provided for in a provincial law.
  - 2.1.9 All category 2 applications that are opposed.
- 2.2 That the following Category 2 applications be delegated to the Authorised Official:
- 2.2.1 Applications for the amendment of existing scheme by the rezoning of the land if it is unopposed.
  - 2.2.2 Applications for the subdivision of any land where such subdivision is expressly provided for in a land use scheme.
  - 2.2.3 Applications for the consolidation of any land.
  - 2.2.4 Applications for the simultaneous subdivision, under circumstances contemplated in paragraph (a) and consolidation of land.
  - 2.2.5 Applications for the consent of the municipality for land use purpose or departure or deviation in terms of a land use scheme or existing scheme which does not constitute a land development application.

2.2.6 Applications for the removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.

2.3 That the Delegation Framework compiled in terms of Section 56 of the SPLUMA and the SPLUM By-law, 2016 be amended accordingly.

3. THAT a Workshop for all Councilors be arranged on the categorisation of land development and land use applications in terms of SPLUMA.

SC18/06/2017

**DISPOSAL OF CONFISCATED GOODS FROM ILLEGAL HAWKERS**  
14/11/11 (F)/yb

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT Council take note of the report by the Executive Director: Community Services and grant approval for disposal of confiscated goods from illegal hawkers subject to the following:

1.1 That the disposal of confiscated goods be done after 3 months without claim.

1.2 That the following amendments to the Street Trading By-laws be approved as follows:

1.2.1 Section 16(2)(iii) to read as follows:

"That any object which has not been claimed within a period of publication of such notice will be destroyed, donated or sold by public auction and the proceeds of such auction retained by the Council to defray its costs;"

1.2.2 Section 16(b) to read as follows:

"The Council may sell by public auction any object unclaimed from it more than three months after a notice contemplated in subparagraph (a) (iii) has been published in respect of such object, and may retain the proceeds of such auction of may destroy or donate such object."

1.2.3 Section 16(c) to read as follows:

"The Council shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any object removed in terms of subsection (1) or the destruction, donation or sale thereof by public auction, and the owner of such object shall have no claim or right of redress the Council."

**RECOMMENDATION BY THE EXECUTIVE MAYOR**

1. THAT note be taken of the report by the Acting Executive Director: Infrastructure Services.
2. THAT Council confirm that the 372 m<sup>2</sup> portion of Portion 1 of Erf 1282 Middelburg and the improvements thereon is not needed to render a minimum level of basic municipal services and that the property will not be required for the Municipality's own use at a later date.
3. THAT the Accounting Officer be authorized to alienate the identified property as an unsolicited bid at the market value as determined by the Director: Property and Valuation Services.
4. THAT the alienation of the property be subject to the following conditions:

- 4.1 That a Deed of Sale be entered into with the purchaser.
- 4.2 That the market value of the property be determined at R500 000.00 (Five Hundred Thousand Rand), excluding VAT.
- 4.3 That the property be re-valued should a transaction not be concluded within 12 months from the date of valuation (23/05/2017).
- 4.4 That all costs including, but not limited to, transfer costs, advertisement costs, all town planning, rezoning, subdivision, consolidation and registration costs be for the account of the purchaser.
- 4.5 That the property be used for purposes of a fast food franchise.
- 4.6 That the applicant donate R50 000,00 (Fifty Thousand Rand) to the local Bursary Fund or any institution nominated by the office of the Executive Mayor on behalf of the municipality and that proof of such donation is furnished to the municipality on an annual basis for at least the first 5 (five) years from the date of sale and that this condition not be the precedent for any future application/s.
- 4.7 That site development plans shall be submitted to the Municipality for consideration.
- 4.8 That a positive traffic impact assessment outcome be a pre-requisite and be undertaken by and at the cost of the applicant.

- 4.9 THAT the proposed alienation 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 56 of 2003 and Section 41 of the Council's Supply Chain Management Policy.
5. THAT the expected accounting gain of R366 475,00 be recognized in the statement of financial performance.
6. THAT, once alienated, the land and improvements be deregistered from the property, plant and equipment register.
7. THAT the purchase price be provided in cash as determined in terms of Section 44.3.1 of the Council's Supply Chain Management Policy.

