

No. 7

MINUTES

OF

eThekwini Council

Minutes of proceedings of the Meeting of the eThekwini Council held
at the City Hall Main Auditorium, Church Walk, Durban
on Friday, 2011-12-09T10:00

PRESENT : Councillors L Naidoo (Speaker), JS Nxumalo (Mayor), NF Shabalala (Deputy Mayor), MF Adam, C Arunajallam, SV Asbury, ME Bayeni, S Bhanprakash, MN Bhengu, MR Bhengu, HP Biyela, TJ Brauteseth, WJM Burne, I Cassimjee, Hendrick Cele, Hlengiwe Cele, JN Cele, MS Cele, NT Cele, NB Chamane, WB Chapman, S Chetty, BA Chili, AM Coen, TP Collins, NG Cotoza, RJ Crouch, HU De Boer, MAK Dladla, AN Dlamini, B Dlamini, CB Dlamini, JM Dlamini, NR Dlamini, S Dlamini, BS Dladla, HE Dube, DL Du Bois, BA Fortein, DC Gaillard, D Ganesh, VE Gebashe, HD Goge, R Gokool, D Govender, G Govender, S Govender, BT Gumede, MP Gumede, NC Gumede, S Gumede, SN Gumede, TJ Gumede, VC Gumede, ZRT Gumede, BM Gwala, S Hansraj, BA Hlongwa, S Jayanathan, M Johnson, S Kalicharan, SA Kaunda, LB Khuzwayo, VT Kunju, CB Langa, NP Langa, RJ Lefevre, JD Lindsay, SH Lubhede, P Luthuli, V Lutyeku, DD Mabizela, DW Macpherson, Z Madlala, T Magubane, MQ Magwaza, NJ Makhanya-Sibiya, WL Mapena, HG Maphumulo, JL Mbongwa, SM Mchunu, SW Mcoyi, LP Mdlalose, LM Meyer, P Mfeka, DM Mhlanzi, LM Mhlongo-Ntaka, AR Mitchell, BA Mkhize, MM Mkhize, MP Mkhize, NI Mkhize, S Mkhize, DF Mncwabe, ZM Mncwango, BR Mngadi, M Mngadi, LN Mngwengwe, MC Mnyandu, SR Moodley, S Morar, FT Moyo, BE Mpungose, NE Msani, AG Mthembu, BA Mthembu, MK Mthembu, NE Mthembu, ON Mthembu, TM Mthethwa, BR Mtshali, TS Mtshali, JIM Mulqueeny, AB Mvubu, RM Mzobe, Jane Naidoo, P Naidoo, S Naidoo, SR Naidoo, TJ Ncane, NB Ndlela, LN Ndlovu, S Ndlovu, MK Ndzimbomvu, ZS Ndzoyiya, VS Necobo, MC Ngcobo, OB Ngcobo, SP Ngcobo, DL Ngema, S Ngema, BS Ngiba, MM Ngiba, BA Ngwane, LA Ngwazi, SJ Nhlapho, MS Nkosi, NC Nofeketa, M Nojiyeza, GM Noyce, B Ntshangase, MM Ntshangase, NN Nyanisa, MS Nyawose, ZV Nzama, F Peer, RZ Phewa, JJ Pienaar, DR Pillay, KR Pillay, KB Pillay, Krishna Pillay, P Pillay, BD Prinsloo, GDA Pullan, VOO Qulo, AN Shabalala, AM Shaik Emam, MT Shelembe, PN Shembe, M Shezi, DM Shoji, ME Sibiya, NP Sibiya, PM Sibiya, B Singh, D Singh, EL Singh, J Singh, PS Sishange, JB Sosibo, JC Van den Berg, R Veeran, MB Xhakaza, SZ Xulu, TE Xulu, NY Young, MZ Zulu, TM Zuma MS Zungu and MS Zwane.

ABSENT : Councillors M Abraham, A Beetge (on leave), SS Buthelezi (on leave-Municipal business), P Davis (on leave), NL Graham, HS Gumbi (on leave), PP Hlengwa (on leave), DG Hoorzuk (on leave), NB Iyir (on leave), SKB Kikine (on leave), NT Mabaso (on leave-Municipal business), ZP Mthethwa (on leave-indisposed), J Naidoo (on leave – indisposed), GS Ngcobo, M Ntuli (on leave), TT Nzuzi (on leave-indisposed), P Padayachee (on leave), BP Phungula, S Shange, ZH Sibiya (on leave-indisposed), AD Snyman (on leave), ZR Sokhabase, WM Thring (on leave) and SW Zenzile (on leave).

OFFICIALS

PRESENT : Dr Sutcliffe (City Manager) and Mesdames Moerane (Head: Legal Services), Ngwenya (Chief Legal Advisor), Seheri (Senior Manager: Secretariat), Kunene (Chief Committee Officer), Shezi (Senior Committee Officer), Singh (Principal Committee Officer), Mbhele and Makhunga (Word Processing Operators) and Mr Zondo (Senior Committee Officer).

(At the commencement of the meeting 172 Councillors were present, comprising ANC-109, DA-32, MF-10, NFP-9, IFP-8, ACDP-0, TA-1, COPE-1, APC-1 and INDEPENDENT-1).

1. NOTICE CONVENING THE MEETING

The City Manager read the notice convening the meeting.

2. OPENING

The Speaker extended a warm welcome to Councillors, officials, media and to all those present at the meeting. He then apologized to the Council for the postponement of the meeting, due to the COP 17 Conference that was taking place in Durban.

3. OPPORTUNITY FOR PRAYER/MEDITATION

At the request of the Speaker, the meeting stood and observed a moment of silence for those who had passed on and to pray and meditate. Thereafter the National Anthem was sung.

4. OFFICIAL ANNOUNCEMENTS

The Speaker reminded Councillors to sign the attendance register that was being circulated. Councillors were advised that if they did not sign the attendance register, the minutes would reflect them as being absent from the meeting.

Councillors were further advised that as advised and as agreed by Party Whips that no notices of motion would be considered at this meeting.

5. APPLICATION FOR LEAVE OF ABSENCE

The Speaker reported that the Mayor was engaged at the COP 17 Conference, as he was required to deliver the closing remarks and would arrive later. Thereafter, it was

RESOLVED:

That the following Councillors be granted leave of absence as indicated below:-

Councillor JS Nxumalo	:	2011-12-09 (to arrive late)
Councillor J Naidoo	:	2011-12-09 (Indisposed)
Councillor P Davis	:	2011-12-08 to 2011-12-09
Councillor NB Iyir	:	2011-12-09 to 2011-12-25
Councillor HS Gumbi	:	2011-12-01 to 2011-12-12 (Overseas Trip)

Councillor BS Ngiba	:	2011-11-01 to 2011-12-31
Councillor WM Thring	:	2011-11-24 to 2011-12-12 (Overseas Trip)
Councillor SW Zenzile	:	2011-12-09
Councillor A Beetge	:	2011-12-09 (Municipal Business)
Councillor ZH Sibiya	:	2011-12-09 (Indisposed)
Councillor DG Hoorzuk	:	2011-12-09
Councillor SKB Kikine	:	2011-12-08 to 2011-12-13
Councillor P Padayachee	:	2011-12-09
Councillor NT Mabaso	:	2011-12-08 to 2011-12-09 Municipal Business)
Councillor KR Pillay	:	2011-12-09 (to leave the meeting at 12:00)
Councillor K Pillay	:	2011-12-09 (to leave the meeting at 12:00)
Councillor PP Hlengwa	:	2011-12-09
Councillor ZP Mthethwa	:	2011-12-09 to 2011-12-15 (Indisposed)
Councillor SS Buthelezi	:	2011-12-09 (Municipal Business)
Councillor M Ntuli	:	2011-12-09
Councillor T Nzuzza	:	2011-12-09 (Indisposed)
Councillor SZ Xulu	:	2011-12-09 to 2012-01-25 (to leave the meeting early)
Councillor R Veeran	:	2011-12-16 to 2012-01-04
Councillor AD Snyman	:	2011-12-09 (Personal)

6. DECLARATION OF INTERESTS

(Item on agenda)

In response to an enquiry by the Speaker, it was noted that no Councillor had declared any interest on the matters under consideration at Council meeting. Thereafter,

(Following a request by Councillor Xulu on behalf on the ANC, the Speaker granted the ANC a fifteen minutes caucus).

7. SPEAKER'S REPORT

At the outset the Speaker reminded Councillors to sign the Declaration of Interest Document, as per legislative requirement. He then took Council through his report.

Following the honourable Mayor's advice, it was agreed in-principle that a Multi-Party Committee comprising of Councillors from various parties (5 ANC, 2 DA, 1 MF and 1 NFP) that will consider the findings of the Auditor General and report back to Council, relative to Councillors / officials who have not complied in terms of Supply Chain Management Regulations be established.

He requested that Political Parties submit names of the nine Councillors to serve on the said Committee to the Office of the Speaker in 2012.

8. CONFIRMATION OF MINUTES: Meeting held on 2011-10-31

RESOLVED:

That the minutes of the meeting of the eThekwini Council held on 2011-10-31, as circulated and taken as read, be and they are hereby confirmed, subject to the Senior Manager : Secretariat confirming whether amendments had been made to item 7.3.2 on page 161 of the minutes.

(At this stage of the proceedings, His Worship the Mayor, Councillor J Nxumalo entered the meeting)

9. **REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

9.1 **Possible Irregular, Wasteful and Fruitless Expenditure, Fraud and Corruption: Adapt It:**

(Laid On Table: Council - 2011-12-09)

For the benefit of the Members, the Chairperson : MPAC elaborated on his laid on table report, relative to the above matter. Following a lengthy discussion and legal advice that in terms of clause 14.1 of the Disciplinary Code and Collective Agreement in respect of the Head : Geographical Information and Policy, the Municipal Manager may suspend the official on duty pending the disciplinary hearing. In this case there was no disciplinary hearing in place. On that basis, it was

RESOLVED:

9.1.1 That a forensic investigation into the award and costs of the development of the 2010 World Cup Website be undertaken.

9.1.2 That the second recommendation be amended to read “the City Manager be mandated to consider investigation and take the necessary disciplinary action to be followed and report back to Council within one month period”.

9.2 **2009/2010 Audit Queries:**

9.2.1 **Bad Debt Write Off:**

Following a correction on the recommendation that the word “scrunitised” be rectified to read “scrutinized”

COMMITTEE RECOMMENDS:

That all requests to write-off bad debt be carefully scrutinised and deliberated on by the relevant Committees and Council to ensure that the requests are in the best interests of the Municipality.

ADOPTED

9.2.2 **Water Losses:**

COMMITTEE RECOMMENDS:

9.2.2.1 That the Head: Water & Sanitation submit monthly progress reports to the Human Settlements & Infrastructure Committee to enable the said Committee to monitor the effectiveness of the initiatives to reduce water loss.

9.2.2.2 That the water loss target be reviewed annually to ensure a progressive reduction over the years.

ADOPTED

9.2.3 Electricity Losses:

COMMITTEE RECOMMENDS:

9.2.3.1 That the Head: Electricity submits monthly progress reports to the Human Settlements & Infrastructure Committee to enable the said Committee to monitor the effectiveness of the initiatives to reduce electricity loss.

9.2.3.2 That the electricity loss target be reviewed annually to ensure a progressive reduction over the years.

ADOPTED

9.2.4 Awards to Entities whose Directors/Members were in the employ of the Municipality (2009/2010):

9.2.4.1 Officials:

Subject to Councillor P Pillay's dissatisfaction with the outcome of the cases of officials embarking in business with the Municipality, the City Manager in the first instance concurred with him and then outlined that there were mechanisms in place to ensure that civil servants did not conduct business with the Municipality. The first one was that all twenty five thousand employees were required to sign the Declaration of Interest Document, secondly the Supply Chain Management system be properly monitored and managed. Steps were taken that each employee could not deny that such information had not been communicated with. He pointed out that the Labour Relations should also be considered when dealing with the said issues. The City Manager alluded to the fact that whatever mechanism in place should be within the ambit of the laws, as well as the Constitution of the Country.

The Council having NOTED the Status Report of Disciplinary Hearings, serious concern was raised regarding the number of officials who were doing business with the Municipality in Metro Police and Parks Departments.

9.2.4.2 Councillors:

Following consideration, it was advised that the aforementioned had been addressed during the Speaker's Report item.

9.2.5 eThekwini Community Church:

Following Councillor SN Gumede's proposed additional recommendation 'that the eThekwini Community Church be given three months' notice to vacate the premises', the Head : Legal Services pointed out that it would not be possible to do so, as the eviction summons had already been issued by the Municipality.

MOTION TO AMEND

In terms of Rule of Order 13 (3) (4), Councillor DW Macpherson, seconded by Councillor R Gokool moved an amendment to the recommendation to read "That this Council notes that the Municipality has issued an eviction order / notice to the eThekwini Community Church".

NOT CARRIED:

As some Councillors were not in support of the amendment the matter was put to a vote.

With 171 Councillors present, 111 Councillors (ANC 109, APC 1, and INDEPENDENT 1) voted against the amendment, 60 Councillors (DA 32, MF 10, NFP 9, IFP 8 and COPE 1) voted in support.

The motion to amend was **NOT CARRIED**

REFERENCE BACK

In terms of Rule of Order 13 (3) (5) Councillor SN Gumede, seconded by Councillor JM Dlamini moved that the recommendation be referred back to MPAC for further consideration.

The motion to refer back was put to a vote. With 175 Councillors present, 114 Councillors (ANC 113 and INDEPENDENT 1) voted in favour, 50 Councillors (DA 32, NFP 9, IFP 8 and COPE voted against

It was therefore by majority vote

RESOLVED:

That the matter relative to eThekwini Community Church be **REFERRED BACK** to the Municipal Public Accounts Committee for further consideration.

9.3. Irregular Swopping Of Council Flats:

REFERENCE BACK

In terms of rule of order 13 (3) , Councillor I Cassimjee seconded by Councillor P Pillay moved the motion to refer item 3.1.2 on page 6, back the matter to the Housing Committee for further consideration, so as to refer to a policy decision to be implemented throughout the eThekwini Municipality.

Following discussion, the motion to refer back was put to a vote. With 159 Councillors present, 149 Councillors (ANC 104, DA 29, NFP 7, IFP 7, COPE 1 and INDEPENDENT 1) voted against, 10 Councillors voted in favour (MF 10).

THE REFERENCE BACK WAS NOT CARRIED

Thereafter, it was

RESOLVED:

- 9.3.1 That the following recommendations of the Ombudsperson & Head: Investigations be supported:-
 - 9.3.1.1 That the Housing Unit conducts a full housing audit in order to identify illegal occupants of Council flats and to take action against such illegal occupants.

9.3.1.2 That the audit covers all Council owned properties as it appears that Council property is being vacated, swapped and occupied without the knowledge of the Housing Unit's Officials.

9.3.2 That the Housing Unit prevents the illegal occupation of Council property by ensuring that Officials are available on the weekends to attend to any illegal occupation that may occur.

9.4. Wasteful Expenditure & Irregularities at Tradepoint, Durban:

COMMITTEE RECOMMENDS:

9.4.1 That the Economic Development & Planning Committee be requested to examine the financial sustainability of Tradepoint, Durban.

9.4.2 That the outcome of the examination referred to in .1 above be reported to the Municipal Public Accounts Committee.

ADOPTED

9.5. Drawing of Fraudulent Building Plan:

COMMITTEE RECOMMENDS:

That the City Manager be requested to ensure that Officials recuse themselves from the consideration, assessment or approval of any requests/submissions to the Municipality by their family members in order to avoid conflicts of interests.

ADOPTED

9.6 Outstanding Matters:

Following consideration, it was agreed that the aforementioned be NOTED.

9.7. STATUS REPORT ON DISCIPLINARIES

AWARDS TO ENTITIES WHOSE DIRECTORS/MEMBERS WERE IN THE EMPLOY
OF THE MUNICIPALITY: 2009/2010

STAFF DOING BUSINESS WITH COUNCIL

No.	Department	Date of Hearing
1.	DSW	Employee pleaded guilty and received a final written warning.
2.	DSW	Employee pleaded guilty and received a final written warning.
3.	Durban Tourism	02 August 2011. Employee pleaded guilty and received a final written warning.
4.	Electricity	17 August 2011. Employee pleaded guilty and received a final written warning.
5.	Electricity	03 August 2011. Employee pleaded guilty and received a final written warning.
6.	Electricity	13 September 2011. Employee pleaded guilty and received a final written warning.
7.	Emergency Services	02 August 2011. Employee pleaded guilty and received a final written warning.
8.	Emergency Services	10 August 2011. Employee pleaded guilty and received a final written warning.
9.	Health	29 August 2011. Employee pleaded guilty and received a final written warning.
10.	Health	07 July 2011. Employee pleaded guilty and received a final written warning.
11.	Housing Department	His contract was terminated on 01 June 2011.
12.	Housing Department	05 October 2011. Employee pleaded guilty and received a final written warning.
13.	housing department	Employee resigned on 26 May 2011
14.	Housing Department	28 September 2011. Employee pleaded guilty and received a final written warning.
15.	Housing Department	28 September 2011. Employee pleaded guilty and received a final written warning.
16.	HR	22 August 2011. Employee pleaded guilty and received a final written warning.
17.	Metro Police	02 August 2011. Employee pleaded guilty and received a final written warning.
18.	Metro Police	03 August 2011. Employee pleaded guilty and received a final written warning.
19.	Metro Police	12 August 2011. Employee pleaded guilty and received a final written warning.
20.	Metro Police	16 September 2011. Employee pleaded guilty and received a final

No.	Department	Date of Hearing
		written warning.
21.	Metro Police	06 September 2011. Employee pleaded guilty and received a final written warning.
22.	Metro Police	25 July 2011. Employee pleaded guilty and received a final written warning.
23.	Metro Police	19 September 2011. Employee pleaded guilty and received a final written warning.
24.	Metro Police	11 August 2011. Employee pleaded guilty and received a final written warning.
25.	Metro Police	11 October 2011. Employee pleaded guilty and received a final written warning.
26.	Parks	09 September 2011. Employee pleaded guilty and received a final written warning.
27.	Parks	30 August 2011. Employee pleaded guilty and received a final written warning.
28.	Parks Department	07 September 2011. Employee pleaded guilty and received a final written warning.
29.	Parks Department	Employee retired from Council in July 2011.
30.	Parks Department	05 August 2011. Employee pleaded guilty and received a final written warning.
31.	Parks Department	10 August 2011. Employee pleaded guilty and received a final written warning.
32.	Parks Department	14 September 2011. Employee pleaded guilty and received a final written warning.
33.	Parks Department	16 September 2011. Employee pleaded guilty and received a final written warning.
34.	Regional Centres	07 September 2011. Employee pleaded guilty and received a final written warning.
35.	Supply Chain Management	Employee pleaded guilty and received a final written warning.
36.	Treasury	29 July 2011. Employee pleaded guilty and received a final written warning.
37.	Water	03 October 2011. Employee pleaded guilty and received a final written warning.
38.	Water Department	Matter to be rescheduled for the Presiding Officer' decision.
39.	Water	Unresolved.

9.8. SCHEDULE OF OUTSTANDING MATTERS

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
<p>2011-03-09</p> <p>2011-10-13</p> <p>2011-11-03</p> <p>2011-11-24</p>	<p>Inv 87/11/2009 & 4.4.2 Housing Unit</p>	<p>The City Manager to submit a written progress report on the disciplinary hearing against the two individuals involved in Chatsworth Housing project.</p> <p>City Manager advised that the matter was still not yet finalised.</p> <p>City Manager reported that the hearing was set for December 2011.</p> <p>The Head: Housing to submit a written report to Committee for inclusion in the Council Report</p>	<p>City Manager</p>	<p>This matter scheduled for 2011-07-04 did not proceed due to the unavailability of the employees' representative. It has been postponed for a further 3 weeks.</p> <p>The Hearing would take place on 2-3 December 2011</p>
<p>2011-03-28</p> <p>2011-11-03</p> <p>2011-11-24</p>	<p>Awards to Entities whose Directors/Members were in the employ of the Municipality: 2009/2010</p>	<p>Members expressed their concern about this matter and enquired about the mechanisms that had been put in place to avoid a recurrence in future as well as action that had been taken against the Councillors and employees concerned. It was felt that the names of all the Councillors and employees should be disclosed.</p> <p>Committee urged the Speaker to expedite the conclusion of the matter as there had already been a long delay.</p> <p>City Manager requested to provide a confidential report listing names of employees involved. It was noted that the report from the Office of the Speaker relating to Councillors had still not been submitted to Committee</p>	<p>City Manager</p> <p>Speaker</p> <p>Speaker</p>	<p>Speaker to report at the meeting of Committee on 2011-11-24</p>

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
2011-08-25		The report by the Acting Head: Internal Audit was tabled at the meeting and it was agreed that the report be considered at the next meeting on 2011-09-08.	Secretariat	
2011-09-08		That the Head: Legal Services be requested to establish whether criminal charges can be laid against the former staff member who had been the project manager for the Osindisweni project and other projects where there had been irregular expenditure.	Head: Legal Services	
2011-10-13		The Chief Legal Adviser undertook to enquire from the Head: Legal Services on the progress of the matter.		
2011-11-03		Chief legal adviser reported that she had been advised that the report had been submitted to Secretariat.		
2011-11-24		Resolved that the matter be closed and a report be submitted to Health & Safety Committee as this matter was initially referred by this Committee to MPAC.	Secretariat	
2011-04-19	Tender Variation Orders	That the City Manager submit a report on a sample of tender variation orders that have a monetary implication.	City Manager	
2011-07-21		The City Manager apologised to the Committee for not providing the report and advised that although the information required was voluminous, he would submit a report at the next meeting of the Committee.	City Manager	
2011-09-08		The schedule submitted by the City Manager was noted on the basis that he would submit a revised schedule for consideration at Committee's next meeting.	City Manager	

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
<p>2011-10-13</p> <p>2011-11-03</p> <p>2011-11-24</p>		<p>The City Manager advised that he would check with the Senior Manager: Secretariat because he believed he submitted the required schedule.</p> <p>City Manager to submit the report.</p> <p>Noted that the report the report included other matters that were not related to tender variation orders, the City Manger requested to re submit the report and remove unrelated issues.</p>	<p>City Manager</p>	
<p>2011-04-19</p> <p>2011-07-21</p> <p>2011-09-08</p> <p>2011-10-13</p> <p>2011-11-03</p> <p>2011-11-24</p>	<p>Business owned by Council Employee (Inv 595/07/2008 (Q))</p>	<p>That progress reports on the matter be submitted to the Municipal Public Accounts Committee on a regular basis until the matter is finalised.</p> <p>It was noted that the progress report on the matter had not been submitted and it was agreed that the matter remain on the schedule of outstanding matters and that the Senior Manager Regional Centres be invited to the next meeting of the Committee.</p> <p>The Senior Manager: Regional Centres advised that the disciplinary hearing had been concluded but said that the outcome of the hearing was still awaited from the Presiding Officer.</p> <p>There was no report received.</p> <p>No report the matter to remain outstanding</p> <p>Noted that the report had still not been submitted. The matter to remain outstanding until a report had been submitted.</p>	<p>Senior Manager: Regional Centres</p> <p>Secretariat</p> <p>Senior Manager: Regional Centres</p> <p>Senior Manager: Regional Centres</p> <p>Senior Manager : Regional Centres</p>	

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
2011-04-19	Vukukhanye Personnel vs. eThekwini Municipality & two others	The Acting Head: Internal Audit to submit a finalised audit report to the new Municipal Public Accounts Committee	Acting Head: Internal Audit	The City Manager advised that Council's legal costs in this matter were approximately R600 000 (Six Hundred Thousand Rand Only). He said that the remaining costs were still to be determined.
2011-07-21		The Acting Head: Internal Audit reported that the report had been concluded and had been submitted to the Audit Committee. The Acting Head: Internal Audit was requested to compare his findings with those of the Committee and that any new findings be reported to the Municipal Public Accounts Committee.	Acting Head: Internal Audit	
2011-10-13		<p>The Committee also requested that it be informed of the total legal fees incurred by the Municipality in this matter.</p> <p>The City Manager reported that the Municipal costs had been finalised but the Municipality was still waiting for the taxed bill of costs from the plaintiff, which could be finalised as late as sometime next year (2012)</p>	<p>Head: Legal Services</p> <p>Head: Legal Services</p>	
2011-11-03		The matter to remain outstanding.		
2011-11-24		The matter to remain outstanding		
2011-07-21	eThekwini Community Church	That the matter of eThekwini Community Church be deferred to the next meeting of the Committee to be held on 2011-08-11 to enable the City Manager to provide a detailed report on the matter.		

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
2011-08-11		The Chairperson reported that the Mayor had requested that the item be deferred as he was still going to consult with the Legal Services Unit on the matter. It was confirmed that the City Manager was still to provide a report on the history of the issue. It was agreed that all the relevant officials be invited to the next meeting to assist the Committee in its deliberations of the matter.		
2011-08-25		Having been informed that action was underway to apply the Council's Bylaws in this matter, it was agreed that a report on the outcome of such action and a list of all churches that were occupying Council land illegally be submitted for consideration at Committee's next meeting.		
2011-09-08		The City Manager having advised that a legal process was underway with regards to the matter, it was agreed that Committee be provided with a progress report at its next meeting.		
2011-10-13		It was noted the Head: Parks and Recreation and his Deputy Head Mr. Swart, had tendered their apologies, it was also noted that the item was also noted that the item was appearing on the schedule of outstanding matters and the City Manager would be available to elaborate.		
2011-11-03		City Manager reported that legal processes (eviction order) were in progress. The electricity bill of was not disputed by the ECC.		
2011-11-24		The Legal Advisor reported that the Notice of Eviction was issued by the High Court on 2011-11-16 and the Respondent had 21 days to defend the Legal Action. Progress report to be submitted in January 2012.		

DATE OF MEETING	ITEM	DECISION	PERSON RESPONSIBLE FOR THE REPORT	RESPONSE
2011-08-25	IT Expert to assist MPAC in its deliberations	The Committee was of the view that it could require the assistance of an IT expert in order to obtain a better understanding of the matter. The Head: GIPO pleaded with the Committee to engage a suitably qualified person and said that Committee should also be mindful of possible conflicts of interest. She was of the view that a forensic auditor would be the more appropriate expert.	Chairperson: MPAC and Secretariat	
2011-11-03 2011-11-28	Reconstruction and allocation of an office at the Hillcrest Sizakala Centre	That consideration of the matter relative to the construction and allocation of an office at the Hillcrest Sizakala Centre be deferred to the next meeting of the Municipal Accounts Committee. The Office of the Ombudsperson reported that the matter was still under investigation and the comments from the City Manager, the Head: Regional Centres and Head: real Estates were still outstanding.	Office of Ombudsperson	

SA KAUNDA
CHAIRPERSON

Annexures

10. GRATITUDE AND CONGRATULATIONS FOR SUCCESSFULLY HOSTING COP 17 CONFERENCE

(Raised verbally)

His worship the Mayor in the first instance conveyed the message of gratitude from the President of the Country, incoming President of the COP 17, organisers of the conference and the Executive Secretary of the UNFC Triple C to eThekwini Municipality for successfully hosting the COP 17 conference., as it was regarded as the best conference ever to be hosted by the City.

He further reported that during the conference, he was given two minutes to present the declaration on behalf of the Mayors, as the eThekwini had also been hosting the Local Government Conversion Conference that was attended by seven hundred Mayors worldwide.

REPORT OF THE EXECUTIVE COMMITTEE

(Laid On Table: Council - 2011-12-09)

1. POST OF THE CITY MANAGER

(LOT 13)

During the preceding His worship the Mayor, presented the aforementioned report, wherein he outlined all the process that had been followed including the recommendation of the Executive Committee, as the panel that was conducting interviews.

Following comments made by various parties,

COMMITTEE RECOMMENDS:

That Mr. Sibusiso Sithole be appointed City Manager of the eThekwini Municipality with effect from 2012-01-03.

ADOPTED

FIRST REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Tuesday, 2011-11-08)

- PRESENT** : Executive Committee Members Shabalala (Deputy Mayor-In the Chair), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.
- ABSENT** : Executive Committee Member Nxumalo (Mayor and Chairperson) (on leave-Municipal business).

1. REPORT OF THE FINANCE AND PROCUREMENT COMMITTEE: MEETING ON 2011-11-01

(Page R1)

1.1 Lease: Durban Tourism Head Office: 90 Florida Road (17/2/2/5/1):
(Page 22 Finance and Procurement Committee : Agenda - 2011-11-01)

A suggestion was made that Company Registration numbers, full names and identity numbers of individuals doing business with the Municipality be established, in order to keep track of people who were doing business with the Municipality. However, the Speaker mentioned that Supply Chain Management Department had a similar programme that had all the information in terms of people / companies doing business with the Municipality.

Following the City Manager’s appeal that the report be adopted and corrections be made at later stage, emanating from the enquiry raised in terms of the alleged missing amount on the vote to the tune of approximately R300 000,

COMMITTEE RECOMMENDS:

- 1.1.1 That the Head: Real Estate be authorized to conclude a lease with Daveglen 235 Trading (Pty) Ltd, in respect of the premises at 90 Florida Road, in extent approximately 447m² together with 18 parking bays at a gross monthly rental of R66 156.00 (Sixty Six Thousand One Hundred and Fifty Six Rands Only) (exclusive of Vat) and R9 000.00 (Nine Thousand Rands Only) (exclusive of Vat) respectively for the first year and thereafter escalating at 9% per annum for the ensuing two years with an option to renew for two further periods of 3 years, commencing on the 1st day of the month following the Executive Committee’s resolution thereof and terminate three years later.
- 1.1.2 That the Head: Real Estate be authorized to sign all documents necessary to conclude the agreement.
- 1.1.3 That authority be granted for Durban Tourism to negotiate lease agreement with the owner of 90 Florida Road, in order to accommodate Head Office for the Department, in keeping with their vision as the City’s Tourism Authority.
- 1.1.4 That a Circular to all departments advising that the normal tender processes for all matters pertaining to leases must be followed.

Vote:	Rent:	53105.09960	R595 404 (9months)	Provided 2011/2012
	Parking:	53105.08587	R 81 000 (9months)	FC: 13/03
		53105.08587	R365 320	2012/2013
		53105.08587	R117 720	2012/2013
		53105.08587	R943 198	2013/2014
		53105.08587	R128 315	2013/2014

Vote Number: 53105.09960 R1 020 480 Provided 2011/2012 F/C: 13/01

- 1.1.5 That Lease: Durban Tourism Head Office: 90 Florida Road Report be **REFERRED** to the Economic Development Committee for information purpose.
ADOPTED.

- 1.2 Quarterly Report on Withdrawals in Terms of the Municipal Finance Management Act (7/7/R):
(Page 34 : Finance and Procurement Committee : Agenda - 2011-11-01)

COMMITTEE RECOMMENDS:

That the City Manager's report relative to Quarterly Report on Withdrawals submitted in terms of the Finance Management Act, be noted.

NOTED

- 1.3 Report on Investments: September to October 2011 (7/11/R):
(Page 38 : Finance and Procurement Committee : Agenda - 2011-11-01)

COMMITTEE RECOMMENDS:

That the City Manager's Report on Investments submitted in terms of the Municipal Cash Management and Investment Regulations of the Municipal Finance Management Act, be noted.

NOTED

- 1.4 Budget Statement Report for the Month Ending 30 September 2011 (Comparative Statement Report) (7/1/5):
(Page 39 : Finance and Procurement Committee : Agenda - 2011-11-01)

COMMITTEE RECOMMENDS:

That the City Manager's report relative to Budget Statement Report for the Month Ending 30 September 2011 (Comparative Statement Report) which is submitted in compliance with Section 71 of the Municipal Finance Management Act (MFMA) and in terms of Government Notice 32141 dated 17 April 2009, relating to the "Local Government: Municipal Finance Management Act 2003 Municipal Budget and Reporting Regulations", and the financial results and supporting documentation (Schedule C) as at 30 September 2011, be considered by the Council.

ADOPTED

- 1.5 Local Business Tax Application:
(Page 329 : Finance and Procurement Committee : Agenda - 2011-11-01)

COMMITTEE RECOMMENDS:

- 1.5.1 That Council note that its resolution for the meeting dated 27 September 2011 be re-affirmed:-

"1.1.1 That the presentation made by the Deputy City Manager: Treasury on the introduction of a new business tax be noted.

1.1.2 That authority be granted to the Deputy City Manager: Treasury to submit a proposal (in terms of Section 5 of the Municipal Finance Management Act (MFMA) on a new business tax to National Treasury and the Minister of Finance for consideration”.

1.5.2 Accordingly, it is recommended that Council also notes that the application to the Minister of Finance and National Treasury has been finalized.

NOTED.

2. COP 17 LOW COST SOLAR WATER HEATER ROLL-OUT

(Page 23)

COMMITTEE RECOMMENDS:

2.1 That the COP 17 Low Cost Solar Water Heater Roll-Out Report (Phase 2) be NOTED.

2.2 That the Deputy City Manager: Procurement and Infrastructure be mandated to submit a report relative to Phase 3 of the project.

NOTED

3. 8TH INTERNATIONAL JUNIOR SCIENCE OLYMPIAD (IJSO) (7/14/1/1)
(Page 40)

COMMITTEE RECOMMENDS:

3.1 That the Executive Committee authorizes the hosting of the International Junior Science Olympiad which takes place in Durban from 1st to the 10th December 2011 at an estimated cost of R4 212 950.00 (Four Million Two Hundred and Twelve Thousand Nine Hundred and Fifty Rands Only).

3.2 That the additional funding of R1 400 000.00 (One Million Four Hundred Thousand Rands Only) will be met from savings which will be reported on in the City Treasurer’s next Adjustment Budget.

Vote No.: 12792. Various	R2 412 400.00	(Received from Sponsors)
	R1 400 000.00	(Adjustment Budget 2011/2012)
	<u>R 400 550.00</u>	(P & I Special Projects MST Vote)
	<u>R4 212 950.00</u>	

FC: 12/003
PE: 2209

ADOPTED

4. PROCESS FOR BRAND DEVELOPMENT FOR PUBLIC TRANSPORT IN THE CITY (26/3/1/1)
(Page 48)

COMMITTEE RECOMMENDS:

- 4.1 That the process to be followed in finalizing the development of a brand identity for public transport in the City be approved.
- 4.2 That the estimated costs R100 000.00 (One Hundred Thousands Rands Only) and provided for in the 2011/2012 budget of conducting the public consultation process be noted.

ADOPTED

NF SHABALALA
ACTING CHAIRPERSON

SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Tuesday, 2011-11-15)

- PRESENT** : Executive Committee Members Nxumalo (Mayor and Chairperson), Shabalala (Deputy Mayor), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.
- ABSENT** : Executive Committee Member Shabalala (Deputy Mayor) (on leave-municipal business).

1. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING ON 2011-11-03

(Page R1)

- 1.1 Spatial Development Plans: 2011/2012 Minor Annual Review - Central, South, Outer West and North (November 2011) : Review 2 of 4 (2/1/6/R):
(Page 18 : Economic Development and Planning Committee - Agenda 2011-11-03)

COMMITTEE RECOMMENDS:

- 1.1.1 That the 2011/12 Annual Review of the Central, South, Outer West and North Spatial Development Plans (2011/12: Review 2 of 4) be supported.
- 1.1.2 That subject to further work being undertaken in respect of items 5.1.5 to 5.1.7 of the Economic Development and Planning Committee resolutions of 2009-07-23, a written report be submitted to the Economic Development And Planning Committee on the City's Phase 1 priorities and budgets.

ADOPTED

- 1.2 2011/2012 Integrated Development Plan (IDP): Progress (2/1/6/1):
(Page 64 : Economic Development and Planning Committee - Agenda 2011-11-03)

COMMITTEE RECOMMENDS:

That the update on progress regarding the 2011/2012 Integrated Development Plan be noted.

NOTED

- 1.3 Film and TV Industry Workshop: 11 October 2011 (20/2/1):
(Page 66 : Economic Development and Planning Committee - Agenda 2011-11-03)

COMMITTEE RECOMMENDS:

That the recommendations raised in the Film and TV Industry Workshop be built into the Durban Film Office annual projects and programmes and written progress reports be submitted to the Economic Development and Planning Committee on a quarterly basis.

ADOPTED

- 1.4 Report of Town Planning Sub-Committee : Meeting Held 2011-10-27
- 1.4.1 Portion 1 of Erf 1954 Pinetown : 24 Manors Road : Proposed Amendment to Pinetown Scheme : Proposed Rezoning from Special Residential 1 to Transition Zone (21/7/3):
(Page 10: Economic Development and Planning Committee : Agenda - 2011-11-03

COMMITTEE RECOMMENDS:

That in terms of section 13(4) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No 6 of 2008), the amendment to the Pinetown Scheme by the rezoning of Portion 1 of Erf 1954 Pinetown, located at 24 Manors Road, from Special Residential 1 to Transition Zone be adopted subject to a landscaping plan being submitted at building plan stage.

ADOPTED

- 1.4.2 Berea North Area : Durban Town Planning Scheme in Course of Preparation: Proposed Rezoning of Land : Portion 1 of Erf 2204 Durban and Portion 1 of Erf 2230 Durban : Situated at 317 Currie Road, from General Residential 1 to General Residential 5 (21/7/3):
(Page 105 : Economic Development and Planning Committee : Agenda - 2011-11-03

Report by the City Manager dated 2011-10-19.

As some Councillors were not in support of the recommendations the matter was put to a vote.

With 161 Councillors present, 127 Councillors (ANC 101, MF 10, NFP 9 and IFP 7) voted in favour, 33 Councillors (DA 33) voted against the recommendations and 1 Councillor abstained (COPE 1).

It was therefore, by majority vote,

COMMITTEE RECOMMENDS:

- 1.4.2.1 That in terms of section 47bis of the Natal Town Planning Ordinance (No. 27 of 1949) the application to rezone Portion 1 of 2204 and Portion 1 of 2230, Berea North, from General Residential 1 to General Residential 5 be approved.
- 1.4.2.2 That the Applicant be advised of the following requirements that need to be addressed prior to building plan approval:-
- 1.4.2.2.1 A landscaping plan incorporating the use of permeable paving must be submitted with the building plans.
- 1.4.2.2.2 The height of any proposed building shall be in accordance with the condition imposed on the deed of transfer i.e. not more than 105 feet (approximately 32m).
- 1.4.2.2.3 Access off Crosby Lane is prohibited.

ADOPTED

- 1.4.3 25A Slinger Road : PS 001 01 2011 : Portion 106 and 107 of Erf 444 Zeekoe Vallei: Amendment to the Durban Town Planning Scheme in Course of Preparation: Rezoning from Special Residential 180m² to Place of Worship (21/7/3):
(Page 176 : Economic Development and Planning Committee : Agenda - 2011-11-03)

COMMITTEE RECOMMENDS:

That the application to rezone Portions 106 & 107 Erf 444 Zeekoe Vallei, situated at 25A Slinger Road, from Special Residential 180m² to Place of Worship be supported subject to:-

- 1.4.3.1 Vehicular access shall be restricted to Slinger Road only. No access shall be granted off Musa Dladla Drive.
- 1.4.3.2 The Applicant shall consolidate Portions 106 and 107 of Erf 444 Zeekoe Vallei prior to any building plan being submitted.
- 1.4.3.3 The proposed building shall be soundproofed to the satisfaction of the Council prior to the occupation certificate being issued.

ADOPTED

- 1.4.4 Durban Scheme in Course of Preparation : Duffs Road Area : Proposed Rezoning of Rem of Portion 265 (of 82) of Erf 789 Melk Houe Kraal Situated at 50 Lark Road from Special Residential 650m² Zone to Light Industrial Zone (21/7/3):
(Page 197 : Economic Development and Planning Committee : Agenda - 2011-11-03)

The Executive Committee noted that a brief presentation by the Regional Co-ordinator : Central at the Sub-Committee meeting.

COMMITTEE RECOMMENDS:

- 1.4.4.1 That, the application to rezone Rem of Portion 265 of Erf 789 Melhoute Kraal, situated at 50 Lark Road, be further amended and rezoned from Special Residential 650m² Zone to Light Industrial as depicted on Drawing No 1809-828, be supported for the following reasons:-
- 1.4.4.1.1 The proposed zone would not have a negative impact or any loss of current amenities.
- 1.4.4.1.2 The rezoning will further benefit the Light Industrial node by regularizing the current land use.

ADOPTED

- 1.5 Clermont Town Centre Redevelopment Project : Acquisition or Expropriation of Erven 84, 85, 86 of Christianenburg and Erven 1077, 1078 and 1079 of Clermont, in Order to Create a Link Road Between Zazi and Krause Roads (17/2/1/1/4):
(Page L27 : Economic Development and Planning Committee - Agenda 2011-11-03)

The Executive Committee noted that Councillor Mcoyi dissented at the Sub-Committee meeting.

COMMITTEE RECOMMENDS:

- 1.5.1 That subject to the approval of the Adjustment Budget, authority be granted to the Head : Real Estate to acquire by private treaty or expropriation Erven 84, 85 & 86 of Christianenburg and Erven 1077, 1078 & 1079 of Clermont, for the purpose of constructing a link road between Zazi Road and Krause Road to fully unlock the economic potential of the Town Centre, as depicted on plans.
- 1.5.2 That subject to the adoption of .1 above, and in the event of any of the property owners being able to satisfy the Head : Real Estate that a portion or entire property is adversely affected by the acquisition, the Head : Real Estate be authorised to acquire a portion or the entire property/ properties if necessary.
- 1.5.3 That the Head : Real Estate be requested to undertake suitable negotiations with the affected property owners to facilitate finalisation of the purchase details.

Financial Details:

Vote: S1030 R1 851 500.00 (To be regularised via an adjustment budget)
F.C 18/CA 15

- 1.6 Durban Tourism : 3 Cities Strategy (20/1/4/3):
(Page L32 : Economic Development and Planning Committee - Agenda 2011-11-03)

COMMITTEE RECOMMENDS:

- 1.6.1 That subject to the approval of the Adjustment Budget, the Head: Business Support, Tourism and Markets be authorised to enter into the agreement for the purposes of implementing a 3 Cities Strategy.
- 1.6.2 That subject to .1 above, expenditure of Four Million Rands Only (R4 000 000.00) in the 2011/2012 financial year, Eight Million Rands Only (R8 000 000.00) in the 2012/2013 financial year and Eight Million Rands Only (R8 000 000.00) in the 2013/2014 financial year be approved.
- 1.6.3 That subject to .1 and .2 above, the Head : Business Support, Tourism and Markets be required to keep the Economic Development and Planning Committee apprised of all developments in this project in future by submitting regular written reports.

Vote : 53107.07825 R4 000 000.00 (2011/12 To be met by Virements/Adjustment)
R8 000 000.00 To be provided 2012/13
R8 000 000.00 To be provided 2013/14

ADOPTED

2. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD ON 2011-11-01

(Page R5)

- 2.1 Presentation on eThekwini Housing Sector Plan (2/1/6/1):
(Page 12 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

The Executive Committee noted that the Head : Housing briefed the Members of the Committee on the eThekwini Housing Sector Plan.

COMMITTEE RECOMMENDS:

- 2.1.1 That the eThekwini Housing Sector Plan be approved by Council; and
- 2.1.2 That, subject to the adoption of .1 above, authority be granted to Head : Housing to advertise the eThekwini Housing Sector Plan for public comment and thereafter incorporate any constructive comments into the final Plan Report and it being noted that the Housing Sector Plan will thereafter be submitted to Council for approval and adoption.

ADOPTED

- 2.2 Proposed Sale of Land to the Adjoining Property Owned by the Trustees of the HS Akoob Family Trust at Corner of Fragrance/Main/Joyhurst Streets, Chatsworth (17/2/1/2/3):
(Page 175 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.2.1 That the Municipality declares in terms of Section 14(2) of the Municipal Finance Management Act:-
- 2.2.1.1 That the said properties are not needed to provide the maximum level of basic Municipal services; and
- 2.2.1.2 That the fair market value of the properties is (Two Hundred and Forty Five Thousand Rands Only) R245 000.00 (Exclusive of VAT).
- 2.2.1.3 That the necessary clearance has been received from Housing Department that the properties are not needed for Housing Purposes as contained in Annexure B of the report by the Head: Real Estate relative to the proposed sale of land to the adjoining property owned by the Trustees of the HS Akoob Family Trust at corner of Fragrance/Main/Joyhurst Streets, Chatsworth.
- 2.2.2 That in terms of Section 14(2) of the Municipal Finance Management Act No. 56 of 2003, the property described as proposed Portion (A) of Erf 107 Chatsworth in extent approximately 329m², Registration Division FT in the Durban Entity, Province of KwaZulu-Natal as depicted on SJ 4564/2 be sold by private treaty to the Trustees of the HS Akoob Family Trust, Registration Number 1352/96 at a price of Two Hundred and Forty Five Thousand Rand only (R245 000.00) exclusive of VAT, such purchase price reflecting the current market value of the land assessed by a registered Valuer, subject to the terms and conditions of Sale Agreement No. 7035 laid on table and subject to the property being rezoned by the applicant. All costs in connection with the rezoning are to be borne by the applicant regardless of whether the rezoning is successful or not.
- 2.2.3 That in the event of objections lodged to the proposed rezoning and sale of proposed Portion (A) of Erf 107 Chatsworth, when it is statutorily advertised, the matter be submitted to the City Manager for a decision in terms of the section of the Supply Chain Management Policy headed "Resolution of Disputes, Objections, Complaints and Queries" for final decision.
- 2.2.4 That in the event of the sale not being finalised within six (6) months from the date of Council authority being granted, the Head: Real Estate be authorised to review the purchase price in line with the current market value of the property.
- 2.2.5 The Head: Real Estate be authorised to sign all documents necessary to conclude the agreement.

ADOPTED

- 2.3 Proposed Sale by Public Tender: Portion 41 of Erf 546 Wentworth: 806 Marine Drive, Treasure Beach: Ref 599/24/222 (17/2/1/2/3):
(Page 186 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.3.1 That the Municipality declares in terms of Section 14 of the Municipal Finance Management Act 56 of 2003:-
- 2.3.1.1 That the property is not required for providing the minimum level of basic Municipal Services; and
- 2.3.1.2 The fair market value of the site and the economic and community value to be received has been considered.
- 2.3.1.3 The necessary clearance to alienate has been obtained from Housing Department.
- 2.3.2 That in terms of Section 14 of the Municipal Finance Management Act 56 of 2003, the land described as Portion 41 Erf 546 Wentworth, situated in Durban, Registration Division FT, Province of KwaZulu-Natal, in extent 1032m², be sold in freehold by public tender at the assessed market price of Seven Hundred Thousand Rands only (R700 000.00).
- 2.3.3 That subject to the adoption of .1 and .2 above, the Head: Real Estate be authorised to sign all documents relating to the sale and transfer of the property to the successful Purchaser.
- 2.3.4 That in the event of a successful public tender sale, the value of the building structure on the property be paid to Mr. Walljee.
- 2.3.5 That in the event of an objection being lodged, the matter be referred to the Accounting Officer to be adjudicated in terms of Section 50 of the Supply Chain Management Policy.

ADOPTED

- 2.4 Acquisition for Road Development: Amendment to Approved Report (17/2/1/1/4):
(Page 191 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That, the recommendation of the approved report by the Head: Engineering dated 2011-05-04, which was heard by the Executive Committee on 26th July 2011, be amended to delegate authority to the Head: Real Estate to the negotiate for the acquisition of, or expropriate if necessary for road development, the areas of land and servitudes as indicated in the said approved report.

ADOPTED

- 2.5 Proposed Installation of New Plant at the Existing Rossburgh Substation to Increase Capacity and to Replace the Unreliable Thirty Three Thousand (33 000) Volt Switchboard (27/2/R):
(Page 197 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS::

- 2.5.1 That the Head : Electricity be authorised to proceed with the establishment of new 132/11kV substation at the existing Rossburgh Major Substation Site (consisting of

Two 30MVA, 132/11kV switchgear with associated equipment) and the replacement of the existing aged 33kV switchboard at a total estimated cost of Forty One Million Nine Hundred Thousand Rands Only (R41 900 000.00).

- 2.5.2 That subject to the adoption of the above recommendation and in order to meet the expenditure mentioned therein, authority be granted for Six Million Four Hundred Thousand Rands Only (R6 400 000.00) and Thirty Five Million Five Hundred Thousand Rands Only (R35 500 000.00) to be provided in the 2012/13 and 2013/14 Capital Estimates respectively and the forward capital programme to be adjusted accordingly.

(Vote - Account code: 80675, Project: TM067; R6 400 000.00 and R35 500 000.00 to be provide in the 2012/12 and 2013/14 financial years respectively).

FC 79/CA1159

ADOPTED

- 2.6 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00) : Bulk Infrastructure Reinforcement of Waterloo – Hammonds Farm (DL 1422093/A0) (27/2/R):
(Page 199 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Six Million Six Hundred and Forty Six Thousand Two Hundred and Fifty Rands Only (R6 646 250.00) through the normal goods and services procurement process, for the bulk infrastructure reinforcement of Waterloo – Hammonds Farm.

PROJECT NUMBER SD 000023; ACCOUNT CODE 81007: R6 646 250.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C. 79/CA1188

ADOPTED

- 2.7 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Installation of Medium Voltage Switchgear in a New Distributor Substation in Welbedagt Road, Welbedagt East (Ward 72) : Drawing No. DL 1255933 (27/2/R):
(Page 200 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at One Million and Twenty Two Thousand Nine Hundred and Fifty Rands only (R1 022 950.00), through the normal goods and services procurement process, for the installation of medium voltage switchgear in a new distributor substation in Welbedagt Road, Welbedagt East (Ward 72).

PROJECT NUMBER NER00012 & ACCOUNT CODE 81047:R1 022 950.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C. 79/CA1187

ADOPTED

- 2.8 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Replacement of Medium Voltage Switchgear at Coedmore Quarries Distributor Substation No. 10127 in Coedmore Road, Bellair: (Ward 65) : Drawing No. 1527556 (27/2/R):
(Page 201 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Eight Hundred and Nine Thousand Seven Hundred and Fifty Rands Only (R809 750.00), through the normal goods and services procurement process, to replace the existing medium voltage switchgear at Coedmore Quarries Distributor Substation No. 10127 in Coedmore Road, Bellair, as the switchgear is now unreliable and unsafe to operate.

PROJECT NUMBER SD000204 & ACCOUNT CODE 81028: R809 750
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C. 79/CA1186

ADOPTED

- 2.9 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Increase in Electricity Supply at 170 Glenardle Road, Bluff (Ward 66): Drawing No. DL 1459254 (27/1/1/5/R):
(Page 202 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Six Hundred and Thirty Three Thousand Four Hundred Rands Only (R633 400.00) through the normal goods and services procurement process, to install approximately 560 metres of medium voltage and 780 metres of low voltage electricity cables in Glenardle and Highbury Roads and commission a 315kVA miniature substation at 170 Glenardle Road, in order to provide an increase in electricity supply from 100A 400V to 150A 400V for Glenardle Junior Primary School at 170 Glenardle Road, Bluff and Supply other low voltage electrical networks in the area.

PROJECTS NUMBER SD0000025 & ACCOUNT CODE 81009:R633 400.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C.79/CA1172

ADOPTED

- 2.10 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Bulk Infrastructure Reinforcement of Tongaat – Hambanathi Area: (DL 1151276/AO) (27/1/1/5/R):
(Page 203 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head (Electricity) to incur expenditure estimated at Five Million One Hundred and Eighty Four Thousand Rands Only (R5 184 000.00) through the normal goods and services procurement process, to reinforce the medium voltage reticulation system in order to provide for efficient/reliable electricity connections in the, Hambanathi area.

PROJECT NUMBER SD000023; ACCOUNT CODE 81007:R5 184 000.00.
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1177

ADOPTED

- 2.11 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Conversion of Electricity Supply from a Low Voltage Supply to a Medium Voltage Supply for Toyota SA (Ltd) at 177 Leicester Road, Mobeni (Ward 68) : Drawing No. DL 1480415 (27/1/1/5/R):
(Page 204 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at Seven Hundred and Three Thousand Two Hundred Rands Only (R703 200.00), through the normal goods and services procurement process, for the conversion of electricity supply from a low voltage supply to a medium voltage supply for Toyota SA (Ltd) at 177 Leicester Road, Mobeni (Ward 68).

PROJECT NUMBER SD000025 & ACCOUNT CODE 81009:R703 200.00
PROVIDED IN THE 2010/2011 CAPITAL ESTIMATES
F.C.79/CA1173

ADOPTED

- 2.12 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Installation and Commissioning of 11000V Circuit Breakers at Alverstone Road : Stoneford Estate Distributor Substation – Botha’s Hill, Ward 103 DL 734615/A1 Rev 1 (27/2/R):
(Page 205 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at One Million One Hundred and Thirteen Thousand Five Hundred Rands Only (R1 113 500.00) through the normal goods and services procurement process for the installation and commissioning of 11000V circuit breakers at Alverstone Road: Stoneford Estate Distributor Substation - Botha’s Hill, Ward 103.

PROJECT NUMBER SD000025; ACCOUNT CODE 81009: R1 113 500.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C.79/CA1180

ADOPTED

- 2.13 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): New Electrical Supply to Natal Blood Transfusion Services – Pinetown Ward 18-Drawing Number 1358094 (27/2/R):
(Page 206 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Twenty One Million Nine Hundred and Forty Five Thousand Rands Only

(R21 945 000.00) through the normal goods and services procurement process for the new electrical supply to Natal Blood Transfusion Services – Pinetown Ward 18.

PROJECT NUMBER SD000025; ACCOUNT CODE 81009: R7 315 900.00
PROJECT NUMBER SD000025; ACCOUNT CODE 81007: R14 630 000.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C.79/CA1192

ADOPTED

- 2.14 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Electricity Connection to 1 Summer Way - Umhlanga Ridge New Town Centre – Umhlanga (Ward 35) : DL 1419402/AO (27/2/R):
(Page 207 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at One Million Six Hundred and Forty Seven Thousand and Two Hundred Rands Only (R1 647 200.00) through the normal goods and services procurement process for an electricity connection to 1 Summer Way, Umhlanga Ridge, New Town Centre - Umhlanga (Ward 35).

PROJECT NUMBER SD0000201: ACCOUNT CODE 81025:R1 647 200.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1189

ADOPTED

- 2.15 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Commissioning of 11000V Circuits at Dalton Road Major Substation and Decommissioning of Williams Road Major Substation (Ward 32) – DL 1399332/AO (27/2/R):
(Page 208 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Five Million and Seventy Thousand Three Hundred and Forty Rands Only (R5 070 340.00) through the normal goods and services procurement process for the commissioning of 11000V circuits at Dalton Road, major substation and decommissioning of Williams Road, major substation (Ward 32).

PROJECT NUMBER SD0000204: ACCOUNT CODE 81028: R5 070 340.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1194

ADOPTED

- 2.16 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Replacement of Electrical Infrastructure - KwaMashu (Ward No. 40) (DL 1474054/A1) (27/2/R):
(Page 209 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity, to replace the ageing electrical infrastructure in Section D KwaMashu (Ward No. 40) at an estimated cost of Seven

Hundred and Thirty One Thousand and Seven Hundred Rand only (R731 700.00), through the normal goods and services procurement process.

PROJECT NUMBER SD0204: ACCOUNT CODE 8102: R731 700.00
PROVIDE IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1182

ADOPTED

- 2.17 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Electricity Connection to 348 Sea Cow Lake Road – Sea Cow Lake (Ward 34) - DL 1483408/AO (27/2/R):
(Page 210 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Three Million Five Thousand and Forty Seven Thousand Rand only (R3 547 000.00) through the normal goods and services procurement process for the electricity connection to 348 Sea Cow Lake Road, Sea Cow Lake (Ward 34).

PROJECT NUMBER SD000025 : ACCOUNT CODE 81009: R3 547 000.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1181

ADOPTED

- 2.18 Proposed Purchase of a 30MVA Transformer for Ottawa 132/11kV Substation (27/2/R):
(Page 213 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That the Head: Electricity being authorised to purchase a 30MVA transformer for the Ottawa 132/11 kV Substation at a total estimated cost of Six Million Six Hundred Thousand Rands Only (R6 600 000.00).

(Account Code: 80612: Project No.: TM0105: R6 600 000.00 to be met by savings in the 2011/2012 financial year F.C.79/CA1193

ADOPTED

- 2.19 Proposed Installation of Verulam 132 000 Volt Switching Station (27/2/R):
(Page 215 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.19.1 That authority be granted to the Head: Electricity to proceed with the establishment of new 132 kV Verulam Switching Station consisting of 2 incomer bays, 4 feeder bays, a bus coupler bay and provisions for 2 future feeder bays with associated equipment and infrastructure at a total estimated cost of Thirty Four Million Five Hundred Thousand Rands Only (R34 500 000.00)
- 2.19.2 That subject to the adoption of .1 above, the Head: Real Estates be authorised to negotiate for the acquisition or expropriation if necessary of any site and /or servitude which may be required for this project.

- 2.19.3 That subject to the adoption .1 and .2 above and in order to meet the expenditure mentioned therein, authority be granted for Sixteen Million Nine Hundred Thousand Rands Only (R16 900 000.00) and Seventeen Million Six Hundred Thousand Rands Only (R17 600 000.00) to be provided in the 2013/14 and 2014/15 capital estimates respectively.

(Accounting Code: 8085; Project No.: TM0117; R16 900 000.00 and R17 600 000.00 to be provided in the 2013/14 and 2014/15 Financial year respectively, FC 79/CA1175).

ADOPTED

- 2.20 Proposed 132 000 Volt Cable Link Jacobs Substation to Himalayas Road Substation and the Establishment of Austerville 132 000/11 000V Substation (27/2/R):
(Page 217 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.20.1 That authority be granted to the Head: Electricity to proceed with a project to establish a 132kV 200 MVA cable link form Jacobs Substation to Himalayas Road Substation to complete strategic interconnection of primary grid, effectively providing additional interconnections of the South and West infeed supplies from the national grid at an estimated total cost of Ninety One Million Six Hundred and Fifteen Thousand Rands Only (R91 615 000.00).
- 2.20.2 That subject to the adoption of .1 above and in order to meet the expenditure mentioned therein authority be granted for One Hundred and Twenty Five Thousand Rands Only (R125 000.00), Nine Million Nine Hundred and Twenty Five Thousand Rands Only (R9 925 000.00), Thirty Eight Million Five Hundred Thousand Rands Only (R38 500 000.00), Forty Three Million and Sixty Five Thousands Rands Only (R43 065 000.00) be provided in the 2011/12, 2012/13, 2013/14 and 2014/15 financial years respectively.
- 2.20.3 That subject to the adoption of.1 and .2 above, and in order to replace ageing electrical infrastructure which supplies the Austerville and surrounding areas, authority be granted to the Head: Electricity to proceed with the establishment of the proposed Austerville 132/11kV Substation to be supplied from the above referenced 13kV cable at a total estimated project cost of Seventy Eight Million Three Hundred and Eleven Thousand Rands Only (R78 311 000.00).
- 2.20.4 That subject to the adoption of .3 above and in order to meet the expenditure mentioned therein authority be granted for Five Hundred Thousand Rands Only (R500 000.00), Twenty Eight Million Eight Hundred and Eighty Five Thousand Rands Only (R28 885 000.00), Thirty Five Million Six Hundred and Forty Three Thousand Rands Only (R35 643 000.00), and Thirteen Million Two Hundred and Eighty Three Thousand Rands Only (R13 283 000.00) to be provided in the 2011/12, 2012/13, 2013/14 and 2014/15 financial years respectively.
- 2.20.5 That subject to the adoption of .1 or .3 above, the Head Real: Estate be authorised to negotiate for the grant, acquisition if necessary of the required sites and servitudes required for the project concerned.

(132 kV Cable Link Account Code: 80666; Project No.: TM0059; R125 000.00, R9 925 000.00, R 38 500 000.00 and R43 065 000.00 to be provided in the 2011/12, 2012/13, 2013/14, 2014/15 financial years respectively. FC 79/CA1178.

Austerville 132/11kV Substation Account Code: Project No.: TM068; R500 000.00, R28 885 000.00, R35 643 000.00 and R13 283 000.00 to be provided in the 2011/12, 2012/13, 2013/14 and 2014/15 financial years respectively; FC 79/CA1178.

ADOPTED

- 2.21 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): Replacement of Medium Voltage Switchgear at Pelican/Higginson Distributor Substation No. 10517 in Lenny Naidu Drive – Chatsworth (Ward 69): Drawing No.1358140 (27/2/R):
(Page 220 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at One Million Two Hundred and Forty Five Thousand Rands Only (R1 245 500.00), through the normal goods and services procurement process, to install new medium voltage switchgear at Pelican/Higginson Distributor Substation No. 10517 in Lenny Naidu Drive (Ward 69), Chatsworth, as the existing medium voltage switchgear which was installed in 1987, has faulted and has been removed from service.

PROJECT NUMBER SD000204 & ACCOUNTING CODE 81028: R1 245 500.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
FC 79/CA1196

ADOPTED

- 2.22 Work in Excess of Five Hundred Thousand Rands Only (R500 000.00): New Electricity Supply at 100 Woodhurst Drive, Chatsworth (Ward 70): Drawing No. DL 1000212 (27/2/R):
(Page 221 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That authority be granted to the Head : Electricity to incur expenditure estimated at Three Million and Twenty Three Thousand Six Hundred Rands Only (R3 023 600.00), through normal goods and services procurement process, to install approximately 2950 metres of medium voltage electricity cables in Woodhurst and Astral Drive in Chatsworth and medium voltage switchgear in a distributor substation at 100 Woodhurst Drive Chatsworth, in order to provide a 1600A 400V electricity supply for a new residential development at 100 Woodhurst Drive, Chatsworth.

PROJECT NUMBER SD0000025 & ACCOUNT CODE 81009: R3 023 600.00
PROVIDED IN THE 2011/2012 CAPITAL ESTIMATES
F.C.79/CA1195

ADOPTED

- 2.23 Request for the Ratification of Approval Granted in Terms of Rule of Order 18 in Respect of the Acquisition of PTN 31 of the Farm Waterfall No. 978 (Plan SG 2113/1972 Ref 636/352/1) for Environmental Protection (17/2/1/1/2):
(Page 222 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

That Council ratifies the approval granted in terms of Rule of Order 18 in respect of the acquisition of PTN 31 of the Farm Waterfall No. 978, subject to a site visit by Members of the Human Settlements and Infrastructure Committee.

ADOPTED

- 2.24 Sale of State Financed Flattened Units in Isipingo, Tongaat, Marianridge and Eland House (22/8/R):
(Page 236 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.24.1 That subject to the approval of funding by the Department of Human Settlement, Council approves the conversion and sale in terms of the Sectional Title Act of 1 520 state financed rental flats in Isipingo, Tongaat, Marianridge and Eland House, at an estimated cost of Thirteen Million Seven Hundred and Three Thousand Nine Hundred and Twenty Five Rands Only (R13 703 925.00) including VAT.
- 2.24.2 That subject to the adoption of .1 above, an application be prepared for submission to the Department of Human Settlement for grant funding to finance the conversion and sale of flats.

FINANCIAL DETAILS

Vote: 43084 Conversion and sale in Isipingo, Tongaat, Marianridge and Eland House

R 6 703 925.00 Adjust Budget 2011/12
R 7 000 000.00 to be provided 2012/13
R13 703 925.00 FC No. 40/01/2012

ADOPTED

- 2.25 Authority to Construct Water Projects WS2011/100 (23/1/2):
(Page 239 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

- 2.25.1 That, subject to the invitation of tenders or quotations where necessary, authority be granted to proceed with the Water Projects listed in the Head : Water and Sanitation Service Report No. WS2011/100 dated 2011-09-02.
- 2.25.2 That, subject to the adoption of .1 above, the Head : Treasury Expenditure be authorised to include in his Adjustment Budget Report the transfer of funds from the capital Block Sum Projects to individual projects as reflected in Report No. WS2011/100 dated 2011-09-02.
- 2.25.3 That, subject to the adoption of .1 above and in order to meet the excess expenditure on Reservoir Improvements, the Head: Treasury Expenditure be authorised to include in his Adjustment Budget Report the transfer of One Hundred and Four Thousand Rands Only (R104 000.00) from the Motor Control Centre block sum to Reservoir Improvements block sum as reflected in Report No. WS2011/100 dated 2011-09-02.

2.25.4 That, subject to the adoption of .1 above, the Head: Real Estate be authorised to negotiate for the acquisition of, or to expropriate if necessary, the servitudes and/or land required for construction of the water infrastructure for the projects in question.

Relays & Extension Projects-Variou	R13 462 700.00	To be met by Transfer 2011/12 (Project No. X4217)
Reservoir Improvements Projects - Various	R1 104 000.00	To be met by Transfer 2011/12 (Project No. X4219)
Labour Based Construction-Housing Projects - Various	R13 618 703.00	To be met by Transfer 2011/12 (Project No. X4257)
Unicity Standpipe Installation Projects - Various	R123 000.00	To be met by Transfer 2011/12 (Project No. X4247)

Cost Centres: 69100 and 69200 Project No.'s: Various FC 64/C04

ADOPTED

2.26 Proposed Public Private Partnership : Renewable Energy for Grid Electricity Generation at Various Reservoir Sites:
(Page 242 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

COMMITTEE RECOMMENDS:

2.26.1 That the City Manager of eThekwini Municipality be, and is hereby authorised and directed to notify National Treasury and the Treasury of KwaZulu-Natal of its intent to initiate processes in terms of the Municipal PPP Regulations, to assess the advisability of a PPP for the Renewable Energy for Grid Electricity Generation at various Sites, which processes could entail the conducting of a feasibility study, and to register said projects with the National Treasury PPP Unit.

2.26.2 That said City Manager further be, and is hereby so authorised and directed to:-

- (a) Appoint, if necessary, a suitably qualified internal project officer in terms of Section 7 of the Municipal PPP Regulations;
- (b) Appoint, if necessary, a transaction advisor whose initial task will be to undertake feasibility study.

2.26.3 That the City Manager further be authorised to apply to the Project Development Facility (PDF) of National Treasury for funding to defray expenses of the project;

2.26.4 That the finding and recommendations of the feasibility study carried out by the Transaction Advisor be presented to this Council.

2.26.5 That the City Manager further be, and is hereby so authorised and directed, to take such other and further actions as are necessary and desirable in order to effect this Resolution in order that the Council of eThekwini Municipality may be provided

with all relevant and pertinent information to permit a reasoned, deliberate decision on the provision of said Municipal services.

Vote: X5506 R2 000 000.00 (Provide 2011/12 Budget)

FC: 64/C07

ADOPTED

- 2.27 Draft Water Services Development Plan (WS 2011/114) (23/1/1):
(Page 246 : Human Settlements and Infrastructure Committee - Agenda 2011-11-01)

The Executive Committee noted that the Chairperson had requested a brief presentation at the next meeting of this Committee (Human Settlements and Infrastructure), whereafter it was

COMMITTEE RECOMMENDS:

That the draft Water Services Development Plan dated July 2011, which includes a policy document detailing the “Policies and Practices for the delivery and management of water services provision”, be approved and forwarded to the Minister of Water Affairs, the Province and be made available for public comment.

ADOPTED

3. REPORT OF THE HEALTH, SAFETY AND SOCIAL SERVICES COMMITTEE:
MEETING HELD ON 2011-11-02
(Page R16)
- 3.1 Outcomes of Cemeteries Workshop : 2011-08-01 and 2011-08-02 (31/8/6R)
(Page 91 : Health, Safety and Social Services Committee - Agenda 2011-11-02)

The Executive Committee noted that following brief elaboration on the matter, during which the Head (Parks, Recreation and Culture) requested that Item 4.2 of the resolution, reflected on pages 91 and 96 of the agenda, be withdrawn for further discussion with stakeholders.

COMMITTEE RECOMMENDS:

That the following provisions be made on the Medium Term Revenue and Expenditure Frame work (MTREF) from 2012/2013 onwards:-

- 3.1.1 Two Million Rands Only (R2 000 000.00) for the implementation of Traditional Leaders and Community awareness and education programmes from 2012/2013.
- 3.1.2 One Million Rand Only (R1 000 000.00), Three Million Rands Only (R3 000 000.00) and Three Million Rands Only (R3 000 000.00) to establish two Crematoria in KwaMashu and Umlazi in 2012/2013, 2013/2014 and 2014/2015 respectively.
- 3.1.3 Twenty Million Rands Only (R20 000 000.00), Fifteen Million Rands Only (R15 000 000.00), and Fifteen Million Rands Only (R15 000 000.00) for the establishment of two Regional Cemeteries in the North and South in 2013/2014, 2014/2015 and 2015/2016.

- 3.1.4 Two Million Rands Only (R2 000 000.00) per year for the facilitation of the reuse of existing graves and Cemetery infrastructure from 2013/2014, 2014/2015, 2015/2016, 2016/2017 and 2017/2018 respectively.

ADOPTED

- 3.2 Proposal for a Private Public Partnership : Cemetery Development (31/8/R):
(Page 94 : Health, Safety and Social Services Committee - Agenda 2011-11-02)

COMMITTEE RECOMMENDS:

- 3.2.1 That the Head: Parks, Recreation and Culture be authorised to:-
- 3.2.1.1 Identify appropriate land for the establishment of a cemetery in partnership with Mr. Roy Moodley.
- 3.2.1.2 Engage Legal, Real Estates and other relevant Units to facilitate the terms of agreement for the operation of a cemetery established through a public private partnership with Mr. Roy Moodley for the ratification of Council.
- 3.2.1.3 That the final proposal be submitted to the Health, Safety and Social Services Committee for consideration, prior to submission to the Executive Committee and Council.

ADOPTED

4. REPORT OF THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: SPECIAL MEETING HELD ON 2011-11-10

(Page R18)

- 4.1 Isipingo Town Centre Regeneration: Retail & Taxi Facilities (17/2/1/1/4 and 20/1/3/3):
(Page L38 : Economic Development and Planning Committee - Special Agenda 2011-11-10).

COMMITTEE RECOMMENDS:

- 4.1.1 That the proposed Isipingo Development Incorporating retail and taxi facilities be approved.
- 4.1.2 That subject to .1 above, the Head: Real Estate be authorised to acquire, by private treaty or expropriation of servitude rights on properties 4,5,6,7 all of 2255 of Isipingo, for the construction of the taxi rank.
- 4.1.3 That subject to .1 and .2 above, the Head; Real Estate be authorised to include a provision in the compensation agreement for the Municipality to assume liability and payment for rates retrospectively on properties mentioned in .2 above.

Vote: S1019 R2 300 000.00 (Provided in 2011/12)

R5 900 000.00 (Provided in 2012/13)

FC 18/18

ADOPTED

- 4.2 Isipingo Town Centre Regeneration: Property Acquisition (17/2/1/1/4 and 20/1/3/3):
(Page L44 : Economic Development and Planning Committee - Special Agenda 2011-11-10)

COMMITTEE RECOMMENDS:

- 4.2.1 That the Head: Real Estate be authorised to acquire, by private treaty or expropriation, the following properties all of Isipingo, for the construction of access roads:-

Cadastral Description	Area Acquired	Plan No.
Portion of 2378	178m ²	SJ4613/1
Portion of Erf 69	492m ²	SJ4613/2
Portion of Erf 68	241m ²	SJ4613/3
Portion of Erf 67	343m ²	SJ4613/4
Portion of Erf 66	401 m ²	SJ4613/5
Erf 9	1012 m ²	SJ4613/6
Portion of Lot 1 of 590	162m ²	SJ4613/7
Portion (A) of Lot 7 of 2255	331m ²	SJ4613/8
Portion (B) of Lot 8 of 2255	317 m ²	SJ4613/8
Portion of Erf 1617	765 m ²	SJ4613/9

- 4.2.2 That subject to .1 above, the Head: Real Estate be authorised to include a provision in the compensation agreement for the Municipality to assume liability and payment of rates retrospectively from 1997 for the above properties.

Vote: S1019 R3 000 000.00 (Provided in 2011/12)

R3 400 000.00 (Provided in 2012/13)

FC18/17

ADOPTED

- 4.3 Unbundling of Block Sums and New Projects (20/1/6/4):
(Page L54 : Economic Development and Planning Committee - Special Agenda 2011-11-10)

COMMITTEE RECOMMENDS:

- 4.3.1 That the creation of a new project titled “Crossroads Node - KwaMashu/Phoenix Industrial Park” be approved.
- 4.3.2 That subject to the adoption of .1 above, Seven Million Nine Hundred and Fifty Thousand Rands Only (R7 950 000) funding from the Industrial Renewal Block Sum be allocated to this Project.
- 4.3.3 That subject to the adoption of .1 above, the Head: Real Estate be authorised to acquire by private treaty or expropriation, if necessary, additional property to support the economic development of the Crossroads Node, the properties being:-

- a) Erf 1134 of KwaMashu E, in its entirety, and

b) Portion of Erf 1256 of KwaMashu E, approx. 1 600m² in extent.

4.3.4 That the creation of a new project titled “Warwick Junction - Upgrading of Tourism Market Trading Areas at Joseph Nduli Street” be approved.

4.3.5 That subject to the adoption of .4 above, Two Million Rands Only (R2 000 000.00) funding from the Tourism (New Projects) Block Sum and Five Hundred Thousand Rands Only (R500 000.00) from the Industrial Renewal Block Sum be allocated to this project.

Financial Details: (All figures in 2011/12 Capital Budget)

- Project: S1090 R7 950 000.00 (excluding VAT) moved to S1064
(To be regularised via a Capital Adjustment Budget from Ex Blocksum S1066)
- Project: S1091 R500 000.00 (excluding VAT) New Project: Warwick Building Recycling
(To be regularised via a Capital Adjustment Budget from Ex Blocksum S1066)
- Project: S1091 R2 000.000.00 (excluding VAT) New Project: Warwick Tourism Markets
(To be regularised via Capital Adjustment Budget from Ex Blocksum S1049)
- Project: S1092 R300 000.00 (excluding VAT) New Project: Durban Green Corridor
(To be regularised via a Capital Adjustment Budget from Ex Blocksum S1049)

F.C. 18/19

ADOPTED

5. LOAN OF €100 MILLION (APPROXIMATELY R910 MILLION) FROM AGENCE FRANCAISE DE DEVELOPPMENT) LONG TERM FINANCE FOR CAPITAL EXPENDITURE (7/3/1/1/2)

(Page 8)

Following consideration, it was unanimously agreed that the aforementioned be **DEFERRED** for further deliberation.

6. LOAN OF R1 BILLION FROM FIRSTRAND BANK LIMITED (ACTING THROUGH ITS RAND MERCHANT BANK DIVISION) LONG TERM FINANCE FOR CAPITAL EXPENDITURE (7/3/1/1/2)

(Page 9)

COMMITTEE RECOMMENDS:

6.1 That approval in-principle be granted for the raising of the Long Term Debt Finance for Capital Projects of R1.0 Billion, as approved in the Medium Term Budget, substantially on the basis of the draft Loan Agreements (Annexed to the City Manager’s report) from FirstRand Limited (acting through its Rand Merchant Bank Division).

6.2 That the next step in the Municipal Finance Management Act (MFMA) Section 46 (Long Term Debt) process viz. the advertising of the loan for public comments be approved.

As some Councillors were not in support of the above recommendations of the Executive Committee, the matter was put to a vote.

With 151 Councillors present, 104 Councillors (ANC 103 and INDEPENDENT 1) voted in favour, 25 Councillors (MF 10, NFP 8, IFP 6 and COPE 1) voted against the recommendations and 32 Councillors abstained (DA 32).

The above recommendations of the Executive Committee, were by majority vote, ADOPTED

7. APPLICATION TO SELL A PORTION OF ERF 107 CHARTSWORTH TO THE KWAZULU NATAL DEPARTMENT OF HUMAN SETTLEMENTS FOR ONWARD TRANSMISSION TO DISPLACED TRADER PE SINGH (17/2/1/3)

(Page 10)

COMMITTEE RECOMMENDS:

- 7.1 That the Municipality declares in terms of Section 14 (6) of the Municipal Finance Management Act 56 of 2003 read together with Regulation 20 of the Municipal Finance Management Act Regulations that a proposed portion of Erf 107 Chatsworth in extent 4710m², as depicted on SJ Plan No. 4088/12 be sold and transferred to the KwaZulu-Natal Department of Human Settlements for the onward sale and transfer to PE Singh at R30.00 per square metre the prices calculated in terms of existing displaced trader programme.
- 7.2 That the Head: Real Estate be authorised to sign all documents necessary to conclude the agreement.
- 7.3 That all costs relating to the rezoning, survey and conveyancing be borne by the applicants.

ADOPTED

8. SALGA-KZN GAMES 2011: HOSTED BY ETHEKWINI (13/7)

(Page 29)

COMMITTEE RECOMMENDS:

That Council approves the provision of clothing, strictly tracksuits for eThekwini Councillors.

ADOPTED

9. ETHEKWINI TRANSPORT AUTHORITY FUNDS: 2011/2012 (7/5/1)

(Page 30)

COMMITTEE RECOMMENDS:

That authority be granted to the City Treasurer for the payment of R2 600 000.00 (Two Million Six Hundred Thousands Only) to the eThekwini Transport Authority Fund.

Vote: 50330 08800 Contribution to the ETA Fund R2 600 000.00
FC: 50/032

Provided in operating estimates for 2011/2012

ADOPTED

10. DURBAN TRANSPORT: THE WAYFOWARD (26/3/1/2)

(Page 32)

After a lengthy discussion, it was unanimously agreed that the report of the Durban Transport be **WITHDRAWN** from the agenda.

11. QUARTERLY REPORT OF THE AUDIT AND RISK COMMITTEE TO COUNCIL
(Laid on Table)

COMMITTEE RECOMMENDS:

- 11.1 That the City Manager addressed all Outstanding Matters that had been raised by the Audit and Risk Committee and submit an update report to the Executive Committee on a monthly basis.
- 11.2 That the Acting Head: Internal Audit be mandated to simultaneously submit a monitoring report on all the Outstanding Matters that had been raised by the Audit and Risk Committee.
- 11.3 That the Quarterly Report of the Audit and Risk Committee for the quarter ending 2011-06-30, dated 2011-09-08, be NOTED.

ADOPTED

SJ NXUMALO
CHAIRPERSON

THIRD REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Tuesday, 2011-11-29)

PRESENT : Executive Committee Members Nxumalo (Mayor and Chairperson), NF Shabalala (Deputy Mayor), JN Cele, TP Collins, SN Gumede, ZRT Gumede, F Peer, P Pillay and R Veeran.

ABSENT : Executive Committee Member BR Mtshali.

1. REPORT OF HEALTH, SAFETY AND SOCIAL SERVICES COMMITTEE:
MEETING HELD ON 2011-11-16

(Page R1)

1.1 Grant-In-Aid: 2011/12: Catalina Theatre: K-Cap and the Bat Centre and Motivation for Further Grant-In-Aid (7/14/1/1):

(Page 1 : Health, Safety And Social Services Committee: Agenda - 2011-11-16)

The Executive Committee noted that at the Health, Safety and Social Services Committee, a majority of the Members were in support of the recommendations contained in the report, there was unanimous agreement that the organisation needed to provide the requisite financial details, together with a detailed account of how funding would be utilized. Further, Committee noted that the Minority Front and Inkatha Freedom Party dissented.

COMMITTEE RECOMMENDS:

1.1.1 That the following recommendations, as reflected in the report by the City Manager dated 2011-09-29, be approved in principle, subject to all requisite financial details being submitted to the Treasury Department, it being noted that no funds will be released until Section 67 of the Municipal Finance Management Act has been complied with:-

1.1.1.1 That the Council authorises the release of the budgeted grant-in-aid of R340 000.00 (Three Hundred and Forty Thousand Rands Only) being awarded to the BAT Centre, Catalina Theatre and KwaMashu Community Advancement Project (K-CAP) for the 2011/2012 financial year.

1.1.1.2 That the Head: Parks, Recreation and Culture be authorised to re-engage the Council's budget process in order to increase the allocated amounts and to finalise a longer term Memoranda of Agreement with respect to the grants-in-aid.

ADOPTED

1.2 2011/12 Prioritisation of Capital Budget (7/1/2/1):

(Page 142 : Health, Safety And Social Services Committee: Agenda - 2011-11-16)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Health to proceed with prioritized block sum allocation of the various Clinic alterations reflected hereunder:-

PROJECT NO.	CLINIC	AMOUNT
JN006	Ottawa Clinic Extensions	R1 965 000.00
JN005	Illovu Clinic Extensions	R1 940 000.00
JN004	Umlazi N Clinic Extensions	R 650 000.00
JN008	Bayview Clinic Extensions	R1 565 000.00
JN007	Woodhurst Clinic Extensions	R1 843 000.00
JN003	New Germany Clinic Extensions	R1 226 000.00
JN002	Waterfall Clinic Extensions	R1 530 000.00
JN001	Queensburgh Clinic Extensions	R1 600 000.00
JN010	Cragieburn : Renovations to Clinic	R1 300 000.00
JNB002	La Lucia Clinic Extensions	R5 881 000.00
TOTAL		R19 500 000.00

Vote : (N1521; R17 500 000 and N1213; R2000 000; FC : 08/11)

ADOPTED

2. REPORT OF THE GOVERNANCE AND HUMAN RESOURCE COMMITTEE:
MEETING HELD ON 2011-11-16

(Page R4)

2.1 Grants-In-Aid – Ad Hoc Applications (7/14/1):
(Page 171 : Governance And Human Resource Committee : Agenda - 2011-11-16)

COMMITTEE RECOMMENDS:

That an amount of Thirty Thousand Rands Only (R30 000.00) to be approved to Noah's Ark family Web to cover costs for prizes for the best three trainees towards setting up counselling offices in their communities.

Vote: 12721 10941 R30 000.00 Provided in 2011/2012 FC No. 06/21

ADOPTED

2.2 Grants-In-Aid – Ad Hoc Applications for 2011/2012 as at 25th October 2011
(7/14/1/1):
(Page 178 : Governance And Human Resource Committee : Agenda - 2011-11-16)

COMMITTEE RECOMMENDS:

2.2.1 That the request received from Tasnim Amra, to attend the World Youth Chess Championships in Brazil from 17-27 November 2011, be not acceded to.

2.2.2 That an amount of Fifteen Thousand Rands Only (R15 000.00) be approved to Masthwalisane Imithwalo Widow Forum, to assist with the costs of holding a conference, to be held on 3rd December 2011 at the Mpumalanga Hall, where the challenge facing widows will be highlighted and discussed.

Vote 12721.10941 R15 000.00 Provided in 2011/12 FC No. 06/19

ADOPTED

- 2.3 Grants-In-Aid Sundry Applications for 2011/2012:
(Page 197 : Governance And Human Resource Committee : Agenda - 2011-11-16)

COMMITTEE RECOMMENDS:

- 2.3.1 That the Committee gives a strategic direction as soon as possible on the process to be followed for jurisdiction, i.e. target groups in terms of sectors in order of priority.
- 2.3.2 That the Sectors are:-
- 2.3.2.1 Early Childhood Development
- 2.3.2.2 Social Development
- 2.3.2.3 Sport, Culture and Recreation

ADOPTED

- 2.4 Sundry Grant in Aid 2008/2009:
(Laid on Table: Governance And Human Resource Committee: Agenda-2011-11-16)

COMMITTEE RECOMMENDS:

- 2.4.1 That the Committee gives approval for distribution of cheques to a maximum of Twenty Five Thousand Rands Only (R25 000.00) per organisation to verified organisations.
- 2.4.2 That a specific function be convened for the purpose of the distribution of cheques to the relevant organisations.

Vote: 12721.06619 R1 870 950.00 (Provided in 2011/2012)

ADOPTED

3. REPORT OF THE FINANCE AND PROCUREMENT COMMITTEE: MEETING HELD ON 2011-11-21

(Page R5)

- 3.1 Budget Process 2012/13 – 2014/15 (7/1/5):
(Page 1 : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

- 3.1.1 That in order to give Department's sufficient time to plan for Capital Projects, the Proposed Capital Budget for the periods 2012/2013 to 2014/2015 as reflected in Annexure A, be approved "in principle".
- 3.1.2 That it be noted that the report relative to Budget Process 2012/13- 2014/15 would re-submitted at the first meeting of the Finance and Procurement Committee in 2012 for further consideration.
- 3.1.3 That the respective departments be invited to attend the first meeting of the Finance and Procurement Committee in 2012.

As some Councillors were not in support of the recommendations the matter was put to a vote.

With 165 Councillors present, 122 Councillors (ANC 106, NFP 8, IFP 7 and INDEPENDENT 1) voted in favour, 43 Councillors abstained (DA 33, MF 9 and COPE 1).

By majority vote, the above recommendations of the Executive Committee were ADOPTED.

- 3.2 Analysis of Section 36 Awards (July to September 2011) (14/P):
(Page 22 : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

- 3.2.1 That the report on Analysis of Section 36 Awards be NOTED.
- 3.2.2 That supporting documentation relative motivation by Departments be submitted to the members of the Finance and Procurement Committee.
NOTED

- 3.3 Revision of Rental: Church of Christ: 1 Queen Mary Avenue, Umbilo (17/2/1/2/5):
(Page 32 : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

- 3.3.1 That the rental in respect of the lease of the land described as Erf 9103 Durban, in extent 2454m², held by Church of Christ, for the twenty one year period from 25 April 2011 to 24 April 2032, be an annual rent of the sum of R110 000.00 (One Hundred and Ten Thousand Rands Only) per annum (exclusive of VAT) for the first year, escalating by 9% per annum for the ensuing twenty years, payable monthly in advance.
- 3.3.2 That the annual rental payable each year be paid in twelve equal monthly installments, in advance on or before the 7th day of each month.
- 3.3.3 That all costs documenting this revision of rent be borne by the Lessee.

ADOPTED

- 3.4 Acquisition of Land for Overhead Transmission Lane: Erf 1295 Pinetown Extension No. 25 and Erf 2248 Pinetown- Plan No. SHS 9676/A: Klarwater/Ungeni OHTL (17/2/1/1/2):
(Page 34 : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

- 3.4.1 That the purchase price of R3 480 000.00 (Three Million Four Hundred and Eighty Thousand Rands Only) (plus VAT) be approved, in respect of the properties described as Erf 1295 Pinetown Extension 25 and Erf 2248 Pinetown, Registration Division FT, situated in the eThekweni Municipality Area, Province of KwaZulu-Natal, in extent 1,0803 hectares and 1,621m², respectively, in terms of the attached Sale Agreement No. 7099 (Annexure 1-attached to the City Manager's report).

- 3.4.2 That subject to adoption of .1 above, the Head: Real Estate be authorized to sign all documents necessary to effect transfer to the Municipality.

Vote: 80001 R3 510 000.00 Provided 2011/2012 FC: 79/CA 1206

ADOPTED

- 3.5 Report on Investments: October to November 2011 (7/4/R):
(Page 48 : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

That the report on Investments: October to November 2011 be NOTED.

NOTED

4. APPLICATION IN TERMS OF CHAPTER 2 SECTION 9(2) (A) OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, ACT 6 OF 2008: PORTION 4 OF ERF 4437, PORTION 2 OF ERF 4440, ALL OF RESERVOIR HILLS: 1277 QUARRY ROAD: PROPOSED AMENDMENT TO THE DURBAN SCHEME (UMGENI SOUTH AREA): PROPOSED REZONING FROM EXTRACTIVE INDUSTRY TO GENERAL RESIDENTIAL 2 (21/7/3)

(Page 45)

COMMITTEE RECOMMENDS:-

- 4.1 That the application in terms of Chapter 2 Section 9(2)(a) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 for the amendment of the Durban Scheme (Umgeni South Area) by rezoning Portion 4 of Erf 4437, Portion 2 of Erf 4440, Remainder of Erf 4439 and a portion of the Remainder of Erf 4440, all of Reservoir Hills from Extractive Industry to General Residential 2 be adopted in terms of Chapter 2 Section 13(1)(a) of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 subject to the following conditions:-
- 4.1.1 That the Proposed Residential Development be restricted to a maximum Coverage of 40% or 1824m² based of the nett extent of the area to be rezoned which is 4565m².
- 4.1.2 That the recommendations of the Traffic Impact Assessment prepared by Rick 4Millard and dated 24 January 2011 be adhered to.
- 4.1.3 All four properties namely Portion 4 of Erf 4437, Portion 2 Erf 4440, Remainder of Erf 4439 and the Remainder of Erf 4440, all of Reservoir Hills being tied by Notarial Deed in Restraint of Free Alienation, to be registered in favour of Council.
- 4.1.4 The applicable Residential Development Levy per unit shall be payable by the Owner of all residential units for which there is no prior building plan approval, on submission of the building plans required.
- 4.1.5 And for the following reasons:-
- 4.1.5.1 The proposed rezoning of the subject properties to General Residential 2 is considered an appropriate alternative land use zone given the nature of the existing development on the property and the surrounding zonings.

4.1.5.2 The proposed rezoning is not in conflict with the North Spatial Development Plan and the eThekwini Municipal Integrated Development Plan which promotes increased residential densities throughout the certain parts of the City.

4.1.5.3 In considering the merits of the proposed scheme amendment with due cognizance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

5. WESTVILLE FUNCTIONAL AREA PLAN (21/5/1)
(Page 124)

COMMITTEE RECOMMENDS:

5.1 The Westville Functional Area Plan be adopted as a component of the Integrated Development Plan, hierarchy of plans.

5.2 The land use management unit undertake a scheme amendment process in terms of the KwaZulu-Natal Planning and Development Act (2008) to rezone relevant properties as per directives of the Westville Functional Area Plan.

5.3 Request the Architectural Unit of the Municipality to undertake budgetary planning to implement the urban design and landscape proposals conceived during the preparation of the Westville Functional Area Plan.

ADOPTED

6. ADDENDUM TO THE REPORT OF THE FINANCE AND PROCUREMENT COMMITTEE MEETING HELD ON 2011-11-21
(Page 148)

6.1 Amendments to the Current Targeted Procurement Policy: Policy for Preferential Procurement in the eThekwini Municipality's/Municipal Entity's Supply Chain Management Processes (9/1/3):
(Laid on Table : Finance and Procurement Committee : Agenda - 2011-11-21)

COMMITTEE RECOMMENDS:

That the amendments to the current Targeted Procurement Policy: Policy for Preferential Procurement in the eThekwini Municipality's/ Municipal Entity's Supply Chain Management Processes and effective from 2011-12-07 be adopted.

ADOPTED

7. APPLICATION IN TERMS OF CHAPTER 2 OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, ACT NO. 6 OF 2008 TO THE CONSOLIDATED OUTER WEST SCHEME BY REZONING PORTIONS 1, 2 AND 3 OF ERF 122 ASSAGAY FROM AGRICULTURE 2 TO MIXED USE 1 AND THE AMENDMENT OF TABLE C : USE ZONES : MIXED USE 1 TO ALLOW A RESTAURANT AS A PERMITTED USE (21/7/3)
(Page 162)

COMMITTEE RECOMMENDS:

That, the Land Use Management Branch be authorized to proceed, in terms of the Schedule 1 of the KwaZulu-Natal Planning and Development Act, Act No. 6 2008, to convene a public meeting to address all concerns.

- 7.1 Reasons:-
- 7.1.1 Such meeting is necessary in order for Council to remain transparent in its decision making process.
- 7.1.2 The meeting will ensure that the Branch gives effect to the recommendations of Section 20 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008.
- 7.1.3 The meeting will facilitate the decision making process.
- ADOPTED**

8. PROPOSED STUDENT ACCOMMODATION POLICY AND RELATED SCHEME AMENDMENTS (21/7/P) (21/4/1)
(Page 209)

COMMITTEE RECOMMENDS:

The Land Use Management Branch proceed to advertise the proposed Policy for public comment and revert to Committee in the New Year.

ADOPTED

9. APPLICATION IN TERMS OF CHAPTER 2 OF THE KWAZULU-NATAL PLANNING AND DEVELOPMENT ACT, 2008 (ACT NO. 6 OF 2008): PORTIONS 8599, 8597, 9437 AND 9393, ALL OF ERF 107 CHATSWORTH SITUATED AT 22 AND 26 COMMERCE STREET, 12 TRANQUIL STREET AND 4 JOYHURST STREET: AMENDMENT TO ITEM 1 OF SPECIAL ZONE 49: CHATSWORTH BUSINESS OF APPENDIX 2 OF THE DURBAN SCHEME IN COURSE OF PREPARATION: CHATSWORTH AREA (21/12/1/R)
(Page 252)

COMMITTEE RECOMMENDS:

- 9.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 for the amendment of item 1 of the Special Zone 49 : Chatsworth Business in Appendix 2 of the Durban Scheme in course of preparation: Chatsworth Area on Portions 8599, 8597, 9437 and 9393, all of Erf 107 Chatsworth situated at 22 and 26 Commerce Street, 12 Tranquil Street and 4 Joyhurst Street : be adopted subject to the following conditions:-
- 9.1.1 Reasons for approval:-
- 9.1.1.1 The applicant has provided reasonable grounds to warrant a favourable consideration of the application. No adverse planning implications are envisaged as a result of the amendment. The site's development potential will be vastly improved. No objections were received in response to the proposal.
- ADOPTED**

10. REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: MEETING HELD ON 2011-11-23

(Page R7)

10.1 Work in Excess of R500 000.00 : Electricity Connection to 81 Campbell Drive-Umhlanga (Ward 35) DL 14671/A0 (27/1/1/5/R):

(Page 21 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity to incur expenditure estimated at R1 307 000.00 (One Million Three Hundred and Seven Thousand Rands only) through the normal goods and services procurement process in order to provide a supply of electricity to the customer at 81 Campbell Drive, Umhlanga (Ward 35).

PROJECT NUMBER SD000021 : ACCOUNT CODE 81025 : R1 307 000.00

PROVIDE IN THE 2011/2012 CAPITAL ESTIMATES

F.C79/CA1204

ADOPTED

10.2 Proposed Upgrade of 132/11 kV Frametex Substation (27/2/R):

(Page 22 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

10.2.1 That in order to provide for the increasing demand and to ensure security of supply in New Germany and surrounding areas, authority be granted to the Head : Electricity to proceed with the upgrade of the Frametex 132/11kV Substation, at a total estimated project cost of R10 000 000.00 (Ten Million Rands Only).

10.2.2 That the Head : Real Estate be authorised to negotiate for the acquisition of the necessary site, by expropriation if necessary.

10.2.3 That subject to the adoption of .1 and .2 above, and in order to meet the expenditure mentioned therein, authority be granted for R5 750 000.00 (Five Million Seven Hundred and Fifty Thousand Rands Only) and R4 250 000.00 (Four Million Two Hundred and Fifty Thousand Rands Only) in the 2012/12 and 2013/14 financial years respectively.

(Account Code : 80799; Project No.: TM0131; R 5 750 000.00 and R4 250 000.00 to be provided in the 2012/13 and 2013/14 financial years respectively; F.C79/CA1214)1.

ADOPTED

10.3 Proposed Replacement of the 11 000 Volt Switchboard at Prospecton 33/11 kV Substation (27/2/R):

(Page 24 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

10.3.1 That the Head : Electricity be authorised to replace the 11000 volts switchboard at the Prospecton Substation at a total estimated cost of R4 070 000.00 (Four Million and Seventy Thousand Rands Only),

10.3.2 That subject to the adoption of .1 above, and in order to meet the expenditure mentioned therein, authority be granted for R4 070 000.00 to be provided in 2012/13 capital estimates.

Vote : TM0128SW; R4 070 000.00 in the 2012/13; F.C79/CA1211).

ADOPTED

10.4 Proposed Establishment of KE Masinga Road 132 000/11 000v Substation (27/2/R):
(Page 26 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

10.4.1 That in order to ensure security of electricity supply and capacity to cater for the future requirements of the central city area and facilitating the progressive de-commissioning of the aging 33 kV networks authority be granted to the Head: Electricity to proceed with construction of the proposed KE Masinga Road 132/11kV substation at a total estimated cost of R70 216 000.00 (Seventy Million Two Hundred and Sixteen Thousand Rands Only).

10.4.2 That subject to the adoption of .1 above, the Head : Real Estates be authorised to negotiate for the acquisition or expropriation if necessary of the required sites and servitudes.

10.4.3 That subject to the adoption of the above recommendations and in order to meet the expenditure mentioned therein, authority be granted for R5 000 000.00 (Five Million Rands Only), R30 600 000.00 (Thirty Million Six Hundred Thousand Rands Only), R19 616 000.00 (Nineteen Million Six Hundred and Sixteen Thousand Rands Only) and R15 000 000.00 (Fifteen Million Rands Only) to be provided in the 2013/14, 2014/15, 2015/16 and 2016/17 financial years respectively.

(Account Code : 80652; Project No.: TM0053;R 5 000 000.00, R30 600 000.00, R19 616 000.00, and R15 000 000.00 to be provided in the 2013/14, 2014/15, and 2016/17 financial years respectively; F.C79/CA1212).

ADOPTED

10.5 Proposed Replacement Of The 33kV Switchboard At The Congella 132/33kV Substation (27/2/R):
(Page 28 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

10.5.1 That the Head : Electricity be authorised to replace 33000 volts switchboard at the Congella Substation at a total estimated cost of R4 900 000.00 (Four Million Nine Hundred Thousand Rands Only),

10.5.2 That subject to the adoption of .1 above, and in order to meet the expenditure mentioned therein, authority be granted for R4 900 000.00 (Four Million Nine Hundred Thousand Rands Only) to be provided in 2013/14 capital estimate.

(Vote : TM0130SW; R4 900 000.00 to be provided in the 2013/14 financial year, F.C79/CA1209).

ADOPTED

- 10.6 WS 2011/116 : Construction of Alverstone to Fraser’s Road Trunk Watermain: Ward 7 (23/1/11/1/1/2):
(Page 30 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS::

That the Head : Real Estates be authorised to negotiate for the acquisition, or expropriation if necessary, of the land and servitudes required for construction of Alverstone to Fraser’s Road Truck Watermain, Ward 7.

Cost Centre : 69200 R1 000 000.00 (Provided in 2011/2012 Capital Budget)
Project No.: X4368

ADOPTED

- 10.7 Acquisition for Road Bridge Access : Erf 311, Clermont (17/2/1/1/4):
(Page 32 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That in order to provide access to and the construction of a low level bridge, the Head : Real Estates be authorised to negotiate for the acquisition, by private treaty or expropriation of the property described as ERF 311 Clermont, in extent 1296m² as depicted on the Surveyor General’s diagram No. SG5372/56 attached to the agenda of the Human Settlements and Infrastructure Committee dated 2011-11-23, subject to the report containing all the relevant signatures.

P44999 R83 500.00 (Provided 2011/2012)
F.C : 49/C027

ADOPTED

- 10.8 Authority to Replace Projects Defined in the 2011/2012 Capital Budget with Alternative Projects in Ward 60 (Ref : 1R-7152) (25/4/7/1/1):
(Page 34 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That Authority be granted to the construction of the following roads in lieu of Sunkist Drive, subject to the City Manager including a date next to his signature:-

- i) The construction of Honeysuckle Road R 650 000.00
- ii) The construction of Sidewalks along Katzkop drive R1 200 000.00
- iii) The construction of Sidewalks along Sunlark drive R 900 000.00

Vote: P7245 R 650 000.00 to be met by adjustment budget from PP4692
P7246 R1 200 000.00
P7247 R 900 000.00

F.C: 49/C015

ADOPTED

10.9 Authority to Replace Projects Defined in the 2011/2012 Capital Budget with Alternative Projects in Ward 25 (Ref : 1R-7103) (25/4/10/1/1):
(Page 36 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That, authority be granted to road improvements and the provision of sidewalks in the following two roads in lieu of Delta Road Upgrade and Dhulam/Electron Road Intersection, subject to the City Manager including a date next to his signature:-

- i) Intersection Improvements at Howell/RD Naidu Drive, Sydenham R200 000.00
- ii) Road widening and sidewalk along a section of Quarry Road R200 000.00
R400 000.00

Vote : P7249 R200 000.00 (to be met by adjustment budget)

P7250 R200 000.00 (to be met by adjustment budget)

F.C: 49/C017

ADOPTED

10.10 Authority to Replace Projects Defined in the 2011/2012 Capital Budget with Alternative Projects in Ward 58 (REF : 1R-7104) (25/4/10/1/1):
(Page 38 : Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That authority be granted for the construction of sidewalks, in lieu of the upgrading of Sivananda Avenue, Tongaat, subject to the City Manager including a date next to his signature and a report to be submitted to the next meeting of the Human Settlements and Infrastructure Committee:-

- i) Pricklepear Road, Waterloo - Construction of Sidewalks, Ward 58 R1 500 000.00

Vote : P7248 R1 500 000.00 (to be met by adjustment budget)

F.C: 49/C016

ADOPTED

10.11 CSA 1151: Legacy Project Development for *Union Internationale Des Architectes* Congress to be Held in Durban, 2014 (21/11/P):
(Page 211: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

- 10.11.1 That the eThekwini Architecture Department be supported in development of legacy programmes for the UIA 2014 event.
- 10.11.2 That subject to .1 above, authority be granted for expenditure from the Department's Operation Budget to be drawn to cover costs for the initiation legacy programmes,
- 10.11.3 That subject to .2 above, authority be granted to the Deputy Head : Architecture to proceed with the project and to incur necessary expenditure to develop the projects.

Vote: 47111.12095 (to be met by vote transfer) F.C47/XX

ADOPTED

- 10.12 Acquisition of Land for Overhead Transmission Line : Erf 1295 Pinetown Extension No. 25 and Erf 2248 Pinetown – Plan No. SHS 9676/A: Klaarwater/Ungeni OHTL: (File Ref: 17/2/1/1/56/1) (17/2/1/1/1/2):
(Page 214: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

- 10.12.1 That the purchase price of Three Million and Four Hundred and Eighty Thousand Rands Only (R3 480 000.00) be approved, in respect of the properties described as Erf 1295 Pinetown Extension 25 and Erf 2248 Pinetown, Registration Division FT, situated in eThekwini Municipality Area, Province of KwaZulu-Natal, in Extent 1,0803 hectares and 1.621m², respectively, in terms of the attached Sale Agreement No. 7099 as contained in the agenda of the Human Settlements and Infrastructure Committee dated 2011-11-23.
- 10.12.2 That subject to the adoption of .1 above, the Head: Real Estate be authorised to sign all documents necessary to effect transfer to the Municipality.
- 10.12.3 That subject to the Registration Number in the Sale Agreement as contained in the agenda of the Human Settlements and Infrastructure Committee dated 2011-11-23, be amended to read as “1985/006589/23”.

Vote: 80001 R3 510 000.00 (Provided 2011/2012)(F.C: 79/CA 1206)

ADOPTED

- 10.13 Review of Rentals – Council Rental Stock (22/8/R):
(Page 239: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That the report pertaining to the Review of Rentals with regard to Council Stock be recommended to Council for consideration and thereafter to the Party Caucuses.

As some Councillors were not in support of the recommendation the matter was put to a vote.

With 166 Councillors present, 113 Councillors (ANC 105, IFP 7 and INDEPENDENT 1) voted in favour, 53 Councillors (DA 33, NFP 9, MF 10 and COPE 1) voted against the recommendation.

By majority vote, the above recommendation of the Executive Committee was ADOPTED.

- 10.14 Release of Vacant Council Land in Pinetown CBD, Verulam, the South Durban Basin (SDB), KwaMashu and Chatsworth for Housing Development (17/2/1/2/R):
(Page 241: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

- 10.14.1 That Council avail its properties located in the Pinetown Central Based Districts (CBD), Verulam, the South Durban Basin (SDB), KwaMashu and Chatsworth as outlined in the schedule contained in the agenda of the Human Settlements and Infrastructure Committee dated 2011-11-23 for the purpose of low income, social

and affordable housing. It being recorded that any additional Council owned properties identified within these areas and deemed suitable for residential use be included as part of this approval;

- 10.14.2 That subject to the adoption of .1 above, the selling price of individual residential infill sites be approved at R40 000.00 (Forty Thousand Rands only) per site excluding VAT and bulk unserviced residential sites at R130 000.00 (One Hundred and Thirty Thousand Rands only) per hectare excluding VAT in Pinetown Central based Districts (CBD), Verulam, the South Durban Basin (SDB) areas. It being recorded that the cost of any additional services will be borne by the Developer and recovered in the selling price from the Purchaser;
- 10.14.3 That subject to the adoption of .2 above, authority be granted to the Head: Development Planning, Environment and Management Unit to make scheme amendment/s for the said properties so that they all have an appropriate residential and/or mixed use zoning. In return, the properties can be developed at the appropriate densities for low income, social and affordable housing; and
- 10.14.4 That subject to the adoption of .1, .2 and .3 above, authority be granted the to the Head: Housing, to test the interest of the private sector and Non-Governmental Organisations (NGO's) in developing the said properties by means of Request For Proposal (RFPs). The proposals will be evaluated on criteria such as development impact and the proposers ability to perform amongst other criteria and in line with Council's Supply Chain Management Policies. These Proposals will be considered by the Bid Evaluation and Bid Adjudication Committees.

ADOPTED

- 10.15 Work In Excess Of R500 000.00 (Five Hundred Thousand Rands Only) : Medium Voltage New Supply : Galleria Shopping Centre and 10 Oppenheimer Road: Umbogintwini (DL 635536) – Ward 93 (27/1/1/5/R):
(Page 250: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That authority be granted to the Head: Electricity, to install 6500 metres of medium voltage cables and equip a new distributor substation, estimated at R6 799 100.00 (Six Million Seven Hundred and Ninety Nine Thousand One Hundred Rands only) through the normal goods and service procurement process, in order to cater for the Galleria Shopping Centre at 10 Oppenheimer Road Umbogintwini.

PROJECT NUMBER SD0000025; ACCOUNT CODE 81009 : R6 799 100.00
PROVIDE IN THE 2011/2012 CAPITAL ESTIMATES:
F.C79/CA1213

ADOPTED

- 10.16 Fast Tracking of Delivery of Houses : Provision of Professional Services for Various Housing Projects (22/7/1/1/2):
(Page 251: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That the fast tracking of Housing delivery through immediate provision of Professional Services for Detailed Planning and implementation which will enable provision of basic infrastructure to the following projects be supported:-

- a) Kennedy Road
- b) Kenville
- c) Dikwe Masakhane
- d) Redcliffe Valleyview
- e) Ntuzuma D Phase 2 & 3
- f) Trenance Park 2B.

ADOPTED

- 10.17 Acquisition of Land for Road Development (25/4/10/1/1):
(Page 255: Human Settlements and Infrastructure Committee : Agenda - 2011-11-23)

COMMITTEE RECOMMENDS:

That in order to provide access to Ervens 5 of Lot 466; 1 of Lot 467 and 3 of Lot 467 all of Verulam; the Head : Real Estates, be authorised to negotiate for the acquisition of all land affected by the above project, by expropriation if necessary, as depicted on the Deputy Head : Survey and Land Information Department's plans listed hereunder:-

STREET	PROPERTY DESCRIPTION	APPROX. AREA REQUIRED	REGISTERED OWNER	DIAGRAM NO.
19 Maiters Lane, Verulam	Ptn. 6 of Erf 467 Verulam	182 sq m	V. Jangooraj & R. Judnarain	SJ 4582/2
10 Luxmi Road, Verulam	Ptn. 3 of Erf 467 Verulam	13 sq m	M. Packreeappen and others	SJ 4582/3
6 Luxmi Road, Verulam	Ptn. 2 of Erf 467 Verulam	61 sq m	J Singh	SJ 4582/4
6 Luxmi Road, Verulam	Ptn. 1 of Erf 467 Verulam	61 sq m	V Singh and other	SJ 4582/5
17 Maiters Lane, Verulam	Ptn. 7 of Erf 467 Verulam	104 sq m	P Andhee	SJ 4582/6
17 Maiters Lane, Verulam	Ptn. 7 of Erf 467 Verulam	182 sq m	P Andhee	SJ 4582/6

ADOPTED

11. REPORT OF THE TOWN PLANNING SUB-COMMITTEE: MEETING HELD ON 2011-11-24

(Page R13)

- 11.1 By the Amendment of the Provisions of the Umhlanga Town Planning Scheme No 1 Special Zone Gatemax, Table D (Density Controls) Clause J to Read : (J) Portion 756 of Lot 31 No. 1560-329 Umhlanga Rocks Drive, Umhlanga, the Floor Area Ratio of 1,5 is to be Divided Between Two Buildings, the First of which shall be a Maximum of Three Storeys in Height and Located Toward the Southern Boundary of the Site and the Other Shall be a Maximum of Twelve (12) Storeys in Height and Shall be Located Towards the Eastern Boundary of the Site, all Roofs are to be Flat Pitched, all Open Parking Areas to be Suitably Landscaped and the Exterior of the Buildings Shall Consist of Non-Reflective Materials”, be on Portion 756 of Lot 31 No 1560 Umhlanga, Situated at No 329 Umhlanga Rocks Drive, Umhlanga (21/4/1):
(Page 6 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

That the Umhlanga Scheme, in terms of Section 13(4) of the Planning and Development Act, (Act No. 6 of 2008) be further amended by amending provisions of the Umhlanga Town Planning No.1, Special Zone: Gatemax, Table D (Density Controls), Clause J to read, (J) “Portion 756 of Lot 31 No. 1560 - 329 Umhlanga Rocks Drive, Umhlanga. The floor Area Ratio of 1.5 is to be divided between two (2) buildings, the first of which shall be a maximum of three (3) storeys in height and located towards the Southern boundary of the site and the other shall be a maximum of twelve (12) storeys in height and shall be located towards the eastern boundary of the site. All roofs are to be flat pitched, all open parking areas to be suitably landscaped and the exterior of the building shall consist of non-reflective materials”, be approved.

ADOPTED

- 11.2 Durban Town Planning Scheme in Course of Preparation : Chatsworth Area: Proposed Rezoning of Erf 624 Umhlatuzana from a Special Residential 650m² Zone to Place of Worship Situated at 45-27th Avenue (21/7/3):
(Page 48 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

That, the application in terms of the KwaZulu-Natal Planning and Development Act (Act No 6 of 2008) for the rezoning of land on Erf 624 Umhlatuzana from a Special Residential 650m² zone to Place of Worship situated at 45-27th Avenue, be approved and that the Chatsworth area of the eThekwini Municipality be amended by the rezoning of Erf 624 Umhlatuzana from a Special Residential 650m² zone to Place of Worship for the reasons set out below:-

- 11.2.1 The proposed zoning would formalise the use on the site accordingly.
- 11.2.2 The Applicant has demonstrated that there is a genuine need for a change of zone from Special Residential 650m² to Place of Worship.
- 11.2.3 The proposal would have no more impact on the surrounding residential component than it does not already have.

ADOPTED

- 11.3 Rem of Erf 3015 Pinetown : 1 Limpus Road : Proposed Amendment to the Pinetown Scheme : Proposed Rezoning from Special Residential 1 to Special Residential ii(c) (21/7/3):
(Page 69 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

That in terms of Section 13(4) of the KwaZulu-Natal Planning and Development Act 2008 (Act No 6 of 2008), the amendment to the Pinetown Scheme by the rezoning of Rem of Erf 3015 Pinetown, located at 1 Limpus Road, from Special Residential 1 to Special Residential ii (c) be adopted subject to:-

- 11.3.1 A Stormwater Management Plan being submitted at building plan stage.
- 11.3.2 The development surcharge per unit payable by Applicant.

ADOPTED

- 11.4 The Introduction of a New General Residential 3 Zone : Amending Table C (Use Zone) and Table D (Density Control) Inclusion to Clause 5.2 (Minimum Lot Control) of a Minimum Site Size for the Proposed General Residential 3 Zone, and the Subsequent Rezoning of Portion 1 of Erf 497 Verulam from Special Residential 1 to General Residential 3 (21/4/1):
(Page 107 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.4.1 It is hereby recommended that, in terms of Chapter 2 Section 13(1b) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 06 of 2208):-
- 11.4.1.1 The Verulam Scheme regulations by the introduction of a new Zone, namely, General Residential 3; into Table C: Use Zone and Table D: Density Controls, and;
- 11.4.1.2 The rezoning of portion 1 of Erf 497 Verulam, situated at 1 Harmony Close from Special Residential 1 to General Residential 3 be refused.
- 11.4.2 Reasons for refusing amendment to the Scheme and subsequent rezoning:-
- 11.4.2.1 The proposed amendment and subsequent rezoning does not fit into the North General Residential zones as there is no minimum applicable Lot size.
- 11.4.2.2 The adoption of General Residential 2 zones control into General Residential 3 zones as proposed is not acceptable.
- 11.4.3 It is further recommended that, in terms of Chapter 2 Section 13(4) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 2008):-
- 11.4.3.1 The Verulam Scheme regulations be further amended by the introduction of a new Zone, Namely, General Residential 7; into Table C: Use Zone, Clause 5.2(iv): Lot control and Table D: Density Controls, General Residential 7 will have the following Controls:-

Clause 5.2 (iv): Lot Control

No Lot within a general Residential 7 zone shall be less 900m² in extent.

Table C: Use Zones

1	2	3	4	5
USE ZONE	COLOUR NOTATION ON SCHEME MAP	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED	PURPOSES FOR WHICH BUILDINGS MAY BE ERECTED AND USED AND LAND MAY BE USED ONLY WITH SPECIAL CONSENT	PURPOSES FOR WHICH BUILDINGS MAY NOT BE ERECTED AND USED AND LAND MAY NOT BE USED
General Residential 7	Currently not available	9. Dwelling House. 11. Extended Residential Building. 17. Laundrette 18. Medium Density Housing	Building and land uses not included in Columns 3 and 5	2. Agricultural Industry 1. Caravan Park 2. Chalet Development 3. Commercial Workshop 8. Drive in Cinema 12. Extractive Industry 13. Funeral parlour 14. Garage 15. General Industrial Building 18. Light Industrial Building 20. Office Building 21. Parking Garage 22. Place of Public Amusement 27. Residential Building (excluding Hotel with liquor license) 28. Restaurant 29. Restricted Building 30. Service Industrial Building 31. Service Industrial Building 32. Shop 33. Special Industrial Building 34. Warehouse 35. Ancillary Unit

Table D: Density Control

1.	2.	3.	4.
DENSITY ZONE	MAXIMUM PERMITTED F.A.R COVERAGE AND HEIGHT		COLOUR NOTATION ON SCHEME MAP
General Residential 7	0.35: 30% : 2	<ol style="list-style-type: none"> 1. Minimum lot area as per Clause 5.2 (iv) 2. Accommodation for motor vehicles to be provided on Lot as per Clause 6.5 3. Provision is to be made for landscaping and maintaining the grounds to the satisfaction of the Local Authority. 4. Subject to the provision of a sewage disposal system to the satisfaction of the Local Authority 5. Where the Lot is used exclusively for Medium Density requirements of Clause 4.7 shall apply 	Currently not available

and that;

11.4.3.2 Portion 1 of Erf 497 Verulam, situated at 1 Harmony Close be rezoned from Special Residential 1 to General Residential 7, be approved:-

11.4.3.2.1 Reasons for approval: The proposed General Residential 7 controls are less onerous than any other scheme control in Verulam and in any General Residential zones throughout the City:-

- The height for the General Residential 7 zone is in keeping with that of the Special Residential 1 zone.
- The proposal is in line with Framework North Spatial Development Plan for the area.
- PDA allows a person in terms of Chapter 8 Section 89 (1) (a) to make an application for a Scheme amendment despite the application being made after having commenced with the activity concerned without prior approval.
- Chapter 8 Section 89 (2) also allows the Municipality to consider a subsequent application.
- That in terms of Chapter 8 Section 89 (3a) of the Planning & Development Act, the Applicant shall pay an amount, which is ----- percentage of the value of the buildings on site within 28 days of the adoption of the amendment set out in 4.3.1 Municipality's approval lapses if, upon expiry of the referred in paragraph (a), the amount of the civic penalty has not been paid in full.

- 11.4.3.2.2 Reason: In terms of the Planning Development Act, a development that is built on site prior to its authorisation is subject to a civil penalty prescribe in Section 89 (3) of the Act.

ADOPTED

- 11.5 Durban Town Planning Scheme in Course of Preparation : Montlands Area: Proposed Rezoning of Land at 20 Henley Road and 170 Roland Chapman Drive from General Residential 2 Zone to Special Shopping Zone and by the Introduction of Clause 6 (34) into the Durban Town Planning Scheme Regulations (21/7/3):
(Page 182 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.5.1 That, the Applicant to rezone properties within the Montlands Area of the Durban Town Planning Scheme in course of preparation, situated at 20 Henley Road and 170 Roland Chapman Drive from General Residential 2 Zone to Special Shopping Zone as depicted on Drawing No. 1839-1121 be approved for the following reasons:-
- 11.5.1.1 The existing KwikSpar store is no longer large enough to meet consumer demand.
- 11.5.1.2 Approval would allow the existing store to increase its size into a Super Spar store which will be to the benefit of the residents within its retail threshold and would lead to the removal of the unsightly metal containers positioned on-site which are used for storage purposes.
- 11.5.1.3 On-site parking and loading/unloading facilities can be provided to the satisfaction of eThekwini Transport Authority.
- 11.5.2 That, the Durban Town Planning Scheme Regulations be amended by the introduction of the following Clause:-
- 11.5.2.1 “6 (34) Notwithstanding any other provisions of this Scheme, the development of the Special Shopping Zone situated at Wood Road, Henley Road and Roland Chapman Drive shall adhere to the following:-
- 11.5.2.1.1 The properties described as Rem of Portion of Erf 844, Rem of Portion 3 of Erf 844, Portion 4 (of 2) of Erf 844 and Portion 1 of 844 all of Sea View, be consolidated.
- 11.5.2.1.2 Loading and unloading of delivery vehicles shall take place within a demarcated area and there shall be no stacking, parking or loading/unloading of delivery vehicles on Henley Road.
- 11.5.2.1.3 The signalisation of the intersection of Wood and Henley Roads, if required at some future date, shall be to the Developer’s account.”

ADOPTED

- 11.6 Application in Terms of Chapter 2 of the Kwazulu-Natal Planning and Development Act: Amendment of the Durban Scheme: by the Rezoning of Portion 1 of Erf 324 Austerville, 4 Tifflin Road from Special Residential 400 to Institutional Zone 3 (21/7/3):
(Page 257 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.6.1 That in terms of Chapter 2, Section 13 (1)(a) of the Planning and Development Act (No. 6 of 2008) the application to amend the Durban Scheme by rezoning of Portion 1 of Erf 324 Austerville, 4 Tifflin Road from Special Residential 400 to Institutional Zone 3 be approved for the following reasons:-
- 11.6.1.1 The proposed land use is not intrusive on the surrounding properties.
- 11.6.1.2 Any proposed development of the application site would have to be in line with the densities of the surrounding residential zone.
- 11.6.1.3 There are no negative traffic implications anticipated as a result of approving this application.
- 11.6.1.4 The proposed zone will not impact negatively on the natural environment.

ADOPTED

- 11.7 Erf 5389 (Formally Known as Erven 3343 and Portion 1 of Erf 3344) Isipingo, 20 Citrus Drive: Proposed Amendment in Terms of Chapter 2 of Planning and Development Act (PDA), Act No. 6 of 2008 by Rezoning of Erf 5389 Isipingo from Special Residential 2 and Road Reserve to Administration (21/7/3):
(Page 271 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.7.1 That in terms of Chapter 2 of Section 13 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), the application to amend the Isipingo Scheme by rezoning Erf 5389 Isipingo from Special Residential 2 and Road Reserve to Administration, be adopted with the following conditions:-
- 11.7.1.1 No access to be taken off Old Main Road.
- 11.7.1.2 All parking to be contained within the site.
- 11.7.1.3 The building should be suitably sound-proofed.
- 11.7.1.4 A landscaping plan giving priority to indigenous vegetation is to be submitted at the building plan submission stage for consideration of the Environment Branch.

ADOPTED

- 11.8 Redcliffe Scheme : Proposed Amendment to the Redcliffe Scheme in the Course of Preparation by Rezoning of Remainder of Erf 76 (of 20) of the Farm Roodekrans No. 828, from Rural Residential to Special Residential 2 (21/7/3):
(Page 287 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.8.1 That, in terms of Section 13(4) of the planning and Development Act (Act No. 6 of 2008), the application to rezone Portion 76 (of 20) of the Farm Roodekrans No. 828

from Rural Residential to Special Residential 2 be approved for the following reasons:-

- 11.8.1.1 The proposal rezoning will regularise an anomaly that currently exists in the Redcliffe Planning Scheme

ADOPTED

- 11.9 Proposed Rezoning in Terms of Part 2, Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008): Durban Scheme, in the Course of Preparation : on Remainder of Erf 298 Bellair, Situated on 115 Victoria Road, Durban, from “Special Residential 900” to “General Residential 1 ” (21/7/3):
(Page 307 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.9.1 That in pursuance of Part 2, Chapter 2 of the Planning and Development Act, 2008 (Act No. 6 of 2008) to rezone the Remainder of Erf 298, Bellair, situated on 115 Victoria Road, Durban; from “Special Residential 900” to “General Residential 1”, Durban Scheme, in the course of preparation, be approved for the following reasons:-
- 11.9.1.1 The proposed development appears to be compatible with the surrounding land uses.
- 11.9.1.2 From a densification perspective, the development is aligned to the spatial intentions of the Central Spatial Development Plans (CSDP) to encourage densification; and
- 11.9.1.3 This area forms part of the Old Line Suburbs and is strategically located along the High Priority Public Transport Network (HPPTN) which is supported for densification.
- 11.9.1.4 That such granting of application shall be no force or effect if the following conditions are not adhered to:-
- 11.9.1.4.1 That the development be restricted to a maximum of 20 units.
- 11.9.1.4.2 That a detailed Landscaping Plan, illustrating the buildings in conjunction with the proposed utility and recreational areas (i.e. 20% of the site), be submitted together with the building plans above. Such plan is to illustrate all areas, i.e. Residents and Visitor parking.
- 11.9.1.4.3 That a maximum height of two (2) storeys and total of 20 units be permitted and that such height be endorsed on the Old Line Suburbs Planning Scheme Map.
- 11.9.1.4.4 That this development is subject to a Development Surcharge fee per Unit and is to be payable on submission of building plans.
- 11.9.1.4.5 That a proposed entry and exit gate to and from the development site be recessed further within the property, way from the road side to deal with the stacking of vehicle on the pavement and the roadside. This is to be illustrated in the proposed building and Landscaping plans mentioned above.

ADOPTED

11.10 Amendment in Terms of Chapter 2 of the Planning and Development Act 6, 2008 to the Umhlanga Scheme No 1 by:-

1. The Introduction of A New Table A Definition for a New Land Use Category, Namely Car Rental Motor Workshop
2. Amending Table C (Use Zone) by Inclusion of a Car Rental Motor Workshop as a Special Consent Use into Column 3 of Special Zone 10: Airport (21/4):
(Page 337 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

11.10.1 That the application to Amend the Mhlanga Scheme No.1 by the inclusion of a new Land Use Definition - "car Rental Motor Workshop" into Table A and the introduction of the said land use into column 3 of a Special Zone 10: Airport be approved for the following reason:-

11.10.1.1 The Car Rental Motor Workshop is an ancillary use to the airport facilities and the Applicant has proven the need for this proposed use. The land Use Management Branch can in all applications have their consent as the proposed use will be permitted by Special Consent of the Council.

ADOPTED

11.11 Durban Town Planning Scheme in Course of Preparation : Umgeni South Area: Proposed Rezoning of Portions 72 of Erf 916 Brickfield, Rem of Portion 5 of Erf 916 Brickfield, Portion 141 of Erf 916 Brickfield, Rem of Portion 6 of Erf 916 Brickfield, Portion 46 of Erf 914 Brickfield, Portion 47 of Erf 914 Brickfield, Portion 18 of Erf 914 Brickfield and Rem of Portion 11 of Erf 914 Brickfield from Special Residential 900m² and Extended Residential 650m² Zone to General Residential 1 Zone : Situated at 163, 159, 151, 145, 137, 135, 131, 129 Clare Road And 20 Verona Road (21/7/3):

(Page 393 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

11.11.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008) the application to rezone Portions 72 of Erf 916 Brickfield, Rem. of Portion 5 of Erf 916 Brickfield, Portion 141 of Erf 916 Brickfield, Rem. of Portion 6 of Erf 916 Brickfield, Portion 46 of Erf 914 Brickfield Portion 47 of Erf 914 Brickfield Portion 18 of Erf 914 Brickfield and Rem. of Portion 11 of Erf 914 Brickfield from Special Residential 900m² and Extended Residential 650m² zone to General Residential 1 zone : Situated at 163, 159,151, 145, 137, 135, 131, 129 Clare Road and 20 Verona Road, be adopted and that the Umgeni South area of the eThekwini Municipality ne amended by the rezoning of the above mentioned Erven for the reasons set out below:-

11.11.1.1 The proposed rezoning of the eight subdivisions to General Residential 1 will contribute to a reduction of the gross undersupply of affordable housing and simultaneously contributing to eThekwini Municipality's policy of residential densification of properties within the urban edge of the City.

11.11.1.2 The desirability of the rezoning sought is motivated herein through an analysis of the impact which the imposition of a General Residential 1 zoning on the application site

will have on the integrity of the Town Planning Scheme and on the amenities of the neighbourhood.

11.12 Craigieburn Scheme : Amendment of the Craigieburn Scheme By:-

1. Adoption of New Zone – Special Zone : Canonbrae
2. Inclusion of Special Zone : Canonbrae into the Craigieburn Scheme
3. Inclusion of Special Zone : Canonbrae Zoning Plan into the Craigieburn Scheme
4. Amend the Craigieburn Tables B, C And D Controls by Including Special Zone : Canonbrae Controls, and
5. The Subsequent Zoning of Canonbrae Farm 16712 and Canonbrae Farm 16713 to Special Zone : Canonbrae and Land Use Reservation : Sewage Disposal Works (21/4):
(Page 455 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.12.1 That in terms of Section 47 bis B of the Town Planning Ordinance, 1949 (Ord No 27 of 1949) (as amended) for an amendment of the Craigieburn Scheme by:-
- 11.12.1.1 Adoption and conclusion of Special Zone : Canonbrae into the Craigieburn Scheme.
- 11.12.1.2 Inclusion of Special Zone : Canonbrae - Land use Plan as depicted in Drawing No Figure ZP - 01-00 on Annexure E into the Craigieburn Scheme.
- 11.12.1.3 Amend the Craigieburn Table B, C and Table D as per Annexure E.
- 11.12.1.4 The subsequent zoning of the Canonbrae Farms 16712 and 16713 to Special Zone: Canonbrae and Land Use Reservation: Sewage Disposal works; be adopted for the following reasons:-
- 11.12.1.4.1 Planning need and Desirability for the zoning of the sites has been adequately demonstrated.
- 11.12.1.4.2 The proposed zones will not have a negative impact or intrusion in the area.
- 11.12.1.4.3 The proposed waste water treatment zone will benefit the waste water capacity in the area.
- 11.12.1.5 The land Use Management Branch is to further advise the Applicant of the following:-
- 11.12.1.5.1 That the requirements as stipulated in the Record of Decision DM/0177/07 dated 08 September 2010 are complied with.
- 11.12.1.5.2 That the requirements as stipulated in the Traffic Impact Assessment as prepared by Goba Consulting and submitted with the application, be complied with.

- 11.12.1.5.3 That all residential developments where there is more than one unit on site and all Commercial development attracts a development surcharge, as stipulated in the eThekwini Council Tariff of Charges.

ADOPTED

- 11.13
1. Proposed Replacement of the Existing Pinetown, Shallcross, Dassenhoek, Westville, New Germany, Queensburgh, Welbedact and Mariannahill Schemes by a Single New Scheme: Inner West Scheme
 2. Proposed Replacement of the Existing Isipingo, Amanzimtoti, Kingsburgh, Lower Illovo, Craigieburn Umkomaas, Widenham, Clansthal And Umbogintwini Schemes by a Single New Scheme : South Scheme
 3. Proposed Replacement of the Existing Umhlanga Schemes 1, 2, 3, Glen Anil, Mount Edgecombe, Umdloti, Tongaat, Verulam, Redcliffe, Canelands and Part 5 of the Development and Services Board Regulations by a Single New Scheme : North Scheme

All in Terms of Chapter 2 of the Planning and Development Act, No 6 of 2008 (21/4):

(Page 637 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

That the Land Use Management Branch proceed to advertise the proposed Schemes for the Northern, Southern and Inner West Regions of the eThekwini Municipality (Phase One) in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008).

ADOPTED

- 11.14
1. Application in Terms of Chapter 2, Section 9 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) For the Proposed Amendments to “Special Zone 44-Bridge City” of Appendix 2 of the Durban Scheme in the Course of Preparation:-
 - To Include into “Special Zone 44-Bridge City” of Appendix 2 of the Durban Scheme, in the Course of Preparation, the Development Framework Plan, Ref No. 2010/11/LP VER.O9 Dated 22 August 2011, for the Lower Platform
 - To Amend Clause 2.5.3 of “Special Zone 44-Bridge City” to List Certain Land Uses as Prohibited Within Annexure D.2 Reference No. 10428/2010/11/BCLP.PP REV 03, Dated August 2011
 - To Include Clause 2.7.5 into “Special Zone 44-Bridge City”, Appendix 2 to Read as Follows: “Precinct Plan, Ref No. 10428/2010/11/BCLP.PP REV 03, Dated August 2011, to be Read with Clause 2.5.3 as Above”

2. Application in Terms of Chapter 2, to Rezone the Following Portions of Land:-
- Proposed Portions 1-2 of Erf 5 ; Proposed Portion 1 of Erf 6; Proposed Portions 130-133 of Erf 8, Bridge City and Portions 503-504 (of 433); Portions 529-537 (of 433); and Portions 538-541 (of 476); of the Farm Melk Houe Kraal, No. 789, Bridge City From “General Industrial” to “Special Zone 44 : Bridge City”
 - Proposed Portion 3 of Erf 5, Bridge City from “General Industrial” to “Public Open Space”
 - Proposed Portion 2 and 3 of Erf 6, Proposed Portions 147-149 of Erf 8 and Proposed Erf 18, Bridge City to be Dezoned from “General Industrial” to Reservation “New Street Reservation” (21/4/1)
(Page 801 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.14.1 That in pursuance of Chapter 2, Section 9 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008), application for the proposed amendments to “Special Zone 44 – Bridge City”, and Appendix 2 of the Durban Scheme, in the course of preparation, be approved by the Development Planning Sub-committee:-
- 11.14.1.1 To include into “Special Zone 44 – Bridge City” of Appendix 2 of the Durban Scheme, in the course of preparation, another Development Framework Plan, Reference No. 2010/11/Lp Ver.09, dated 22nd August 2011;
- 11.14.1.2 To amend Clause 2.5.3 of “Special Zone 44 – Bridge City” to list certain Land Uses as Prohibited within Annexure D.2, Reference No. 10428/2010/11/Bclp.Pp Rev 03, dated August 2011; and
- 11.14.1.3 To include in Clause 2.7.5 of “Special Zone 44–Bridge City”, Appendix 2 to read as follows: “Precinct Plan, Reference No. 10428/2010/11/Bclp.Pp Rev 03, dated August 2011, to be read with Clause 2.5.3 as above”.
- 11.14.2 That in pursuance of Chapter 2, Section 13, application to rezone the following be approved by the Development Planning Sub-Committee:-
- 11.14.2.1 Proposed Portions 1-2 Of Erf 5; proposed Portion 1 of Erf 6; proposed Portions 130-133 of Erf 8, Bridge City and Portions 503-504 (of 433); Portions 529-537 (of 433); and Portions 538-541 (of 476); of the farm Melk Houe Kraal, No. 789, Bridge City from “General Industrial” to “Special Zone 44 : Bridge City”;
- 11.14.2.2 Proposed Portion 3 of Erf 5, Bridge City from “General Industrial” to “Public Open Space”;
- 11.14.2.3 Proposed Portion 2 and 3 of Erf 6, proposed Portions 147-149 of Erf 8 and Proposed Erf 18, Bridge City to be rezoned from “General Industrial” to “New Street Reservation”.
- 11.14.3 That the Traffic Impact Assessment be accompanied with any formal submission in relation to this development that may include (but not limited to):-

- 11.14.3.1 Proposed Traffic Road Layout Plans
- 11.14.3.2 Engineering Design Drawings
- 11.14.3.3 Building Plans
- 11.14.4 That bulk water supply be made available to the development subject to the extension of eThekwini's existing infrastructure.
- 11.14.5 That the Watermain that traverses the site needs to be relocated at the developers cost.
- 11.14.6 That the Applicant be advised that the total cost of the electrical reticulation that will be required to service the proposed subdivisions has to be paid upfront by the developer.
- 11.14.7 That the Applicant be advised that any request for capacity in excess of the norms catered for, will have to be first evaluated by eThekwini Electricity and should the capacity be available, the cost of additional electricity infrastructure that may be required will have to be paid for by the developer / applicant.
- 11.14.8 That the Applicant note that additional costs according to the standard schedule of connection charges appropriate to the Applicant's required capacity are to be paid prior to the actual connection taking place to each subdivision.
- 11.14.9 That in respect to the amount of effluent to be discharged by this development, the applicant is to ensure that the flows be less than would emanate from the original zoning and as a result ensure that there will be sufficient capacity in the existing sewerage infrastructure to cope with flows from the rezoning.
- 11.14.10 That site specific, detailed geotechnical field investigations are done, by registered professionals, for each subdivision before finalising Development Plans for individual sites as both the natural / imported materials and past earthworks across this area may be particularly poor.
- 11.14.11 That the effects of the imminent railway construction on the flood line be taken into consideration in the determining of minimum platform elevations (allowing for long term settlement of the modified fill embankments) and erosion protection along the river frontage.
- 11.14.12 That it be noted that each application for any new development should be submitted under separate cover application with its own modus of operandi:-
- 11.14.13 That the Chemical ablation facilities being used during the construction phase must:-
 - 11.14.13.1 Not cause any pollution to the water resources neither should it be a health hazard to the general public,
 - 11.14.13.2 Be situated at least 50m away from any river, stream or drainage lines,
 - 11.14.13.3 Be cleaned regularly, emptied and disposed off at a registered waste site, and
 - 11.14.13.4 Be removed from the site immediately during post-construction.

- 11.14.13.5 That the Wastewater and the Sewage network system must be kept separate from Stormwater.
- 11.14.13.6 That Chemicals and hazardous substances not be allowed to contaminate the soil or groundwater.
- 11.14.13.7 That dust is to be suppressed during dry periods by regular application of water.
- 11.14.13.8 That noise that will be generated during construction be kept to a minimum.
- 11.14.14 That an appropriate indigenous Landscaping Plan and Vegetation Rehabilitation Plan must be developed and submitted to EPCPD and Ezemvelo KZN Wildlife for approval prior to the commencement of construction.
- 11.14.15 That the recommendations as indicated in the Traffic Impact Assessment, Reference No. 16506-kr-00-01-1, (Revision 2) dated 13th July, is hereby received and adopted.
- 11.14.16 That the recommendations as indicated in the Environmental Authorization, Reference No. DM/0115/08, dated 6th April 2011, is hereby received and adopted.

ADOPTED

- 11.15
1. Proposed Incorporation of Remainder of Lot 20 No. 1557, Remainder of Portion 1 of Lot 20 No. 1557, Portion 4 (of 30) of Lot 20 No. 1557, Portion 23 of Lot 20 No. 1557, Portion 39 of Lot 20 No. 1557, Remainder of Portion 74 of Erf 89 Ottawa, Portion 75 (of 3) of Erf 89 Ottawa, Portion 76 (of 2) of Erf 89 Ottawa, Portion 77 (of 1) of Erf 89 Ottawa, Situated Adjacent Ottawa Station and North of Sugar Cane Road into the Mount Edgecombe Planning Scheme
 2. The Subsequent Introduction of a New Zone, Special Zone : Cornubia Industrial and Business Estate and the Introduction of a New Table A : Use Zone and Table B : Density, Coverage and Height into the Mount Edgecombe Planning Scheme
 3. The Subsequent Zoning of Remainder of Lot 20 No. 1557, Remainder of Portion 1 of Lot 20 No. 1557, Portion 4 (Of 30) of Lot 20 No 1557, Portion 23 of Lot 20 No. 1557, Portion 39 of Lot 20 No. 1557, Remainder Of Portion 74 of Erf 89 Ottawa, Portion 75 (of 3) of Erf 89 Ottawa, Portion 76 (of 2) of Erf 89 Ottawa, Portion 77 (of 1) of Erf 89 Ottawa From Land Use Agriculture to New Special Zone: Cornubia Industrial And Business Estate
 4. The Subsequent Adoption of the Land Use Plan Ref No. 5680/PDA/K into the Mount Edgecombe Planning Scheme
 5. The Subsequent Adoption of the Precinct Plan No CORN-PRE-8356-011-05-04 into the Mount Edgecombe Planning Scheme
 6. The Subsequent Adoption of Annexure 3 : the Urban Design Framework and Design Code into the Mount Edgecombe Planning Scheme
 7. The Subsequent Adoption of Annexure 4 : Landscape Design Framework and Design Code Phase 1 into the Mount Edgecombe Planning Scheme (21/7/3): (Page 997 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.15.1 That in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), the application for:-
- 11.15.1.1 Proposed incorporation of Remainder of Lot 20 No. 1557, Remainder of Portion 1 of Lot 20 No. 1557, Portion 4 (of 30) of Lot 20 No. 1557, Portion 23 of Lot 20 No. 1557, Portion 39 of Lot 20 No. 1557, Remainder of Portion 74 of Erf 89 Ottawa, Portion 75 (of 3) of Erf 89 Ottawa, Portion 76 (of 2) of Erf 89 Ottawa, Portion 77 (of 1) of Erf 89 Ottawa, situated adjacent Ottawa Station and north of Sugar Cane Road into the Mount Edgecombe Planning Scheme.
- 11.15.1.2 The introduction of a new zone, Special Zone : Cornubia Industrial and Business Estate and the introduction of a new Table A : use zone and Table B : density, coverage and height into the Mount Edgecombe Planning Scheme.
- 11.15.1.3 The zoning of Remainder of Lot 20 No. 1557, Remainder of Portion 1 of Lot 20 No. 1557, Portion 4 (of 30) of Lot 20 No 1557, Portion 23 of Lot 20 No. 1557, Portion 39 of Lot 20 No. 1557, Remainder of Portion 74 of Erf 89 Ottawa, Portion 75 (of 3) of Erf 89 Ottawa, Portion 76 (of 2) of Erf 89 Ottawa, Portion 77 (of 1) of Erf 89 Ottawa from land use Agriculture to New Special Zone : Cornubia Industrial and Business Estate.
- 11.15.1.4 The Environmental Record of Decision dated 2011-11-09, reference no DM/0189/08.
- 11.15.1.5 All recommendations of the Traffic Impact Assessment.
- 11.15.1.6 Department of Transport approval, reference no. T10/2/2/1747/15 dated 2011-11-09.
- 11.15.1.7 Development surcharges are payable.
- 11.15.1.8 The Land Use Plan Ref No. 5680/PDA/K.
- 11.15.1.9 The Precinct Plan No. CORN-PRE-8356-011-05-04.
- 11.15.1.10 Annexure 3 : The Urban Design Framework and Design Code.
- 11.15.1.11 Annexure 4 : Landscape Design Framework and Design Code Phase 1.
- Be adopted by amending the Mount Edgecombe Town Planning Scheme accordingly.
- 11.15.2 The reasons for amendment to the Mount Edgecombe Town Planning Scheme are, in terms of Chapter 2, Section 13(5) of Act No. 6 of 2008, as follows:-
- 11.15.2.1 The Applicant has demonstrated need and desirability for the proposed development.
ADOPTED
- 11.16 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning Development Act, Act No 6 of 2008 to Rezone Portion 695 (of 46) from Limited Commercial 2 to Light Industry 4 and in Terms of Chapter 3 of the Kwazulu-Natal Planning and Development Act to Consolidate with Portion 85 (of 46) to from Erf 783 of the Farm Upper End of Langefontein (21/7/3):
(Page 1348 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.16.1 That the application in terms of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 to amend the Consolidated Outer West Scheme by rezoning Portion 695 (of 46) from Limited Commercial 2 to Light Industry 4 and to consolidate with Portion 85 (of 46) to form Erf 783 of the Farm Upper End of Langefontein No. 980, be adopted, as follows:-
- 11.16.1.1 The Amendment of the Table D controls for the Light Industry 4 zone by addition of Clause 7 in the additional Controls which requires that:-
- 11.16.1.1.1 In the case of Erf 783 of the Farm Upper End of Langefontein No. 980, the permissible Floor Area Ratio shall be 0.66.
- 11.16.2 The application is supported for the following reasons:-
- 11.16.2.1 The proposed Scheme Amendment is in line with the Outer West Spatial Development Plan's short to long term goals.
- 11.16.2.2 The proposed Scheme Amendment will promote orderly and regulated development, which will not be in conflict with the surrounding zoning.
- 11.16.2.3 In considering the merits of the proposed Scheme Amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 11.17 Application for Proposed Amendment to Rezone Remainder of Erf 125 Tongaat: 10 High Street from General Residential 1 to Administration (21/7/3):
(Page 1447 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.17.1 It is hereby recommended that, in terms of Chapter 2 Section 12(4) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 06 of 2008):-
- 11.17.1.1 Remainder of Erf 125 Tongaat, situated at 10 High Street be rezoned from General Residential 1 to Administration and Public Buildings.
- 11.17.2 The Proposal is being approved for the following reason:-
- 11.17.2.1 The proposal will address the anomalies that exist in so far as the parking for the hospital is concerned.
- 11.17.3 Subject to the following conditions:-
- 11.17.3.1 A Right of Way servitude 9.5m wide to be registered over the length of the road reserve width. All costs to be borne by the Applicant.
- 11.17.3.2 Access to the applicant's site must be via Labuschagne Drive.
- 11.17.3.3 The reasons as contained in the (Drawing No. vichosp001) TIA, be adopted.
- 11.17.3.4 The Engineer's drawings for the attenuation tank must be part of the building plan submission.

ADOPTED

- 11.18 Application in Terms of Chapter 2 of the Development Planning Act (Act No 6 of 2008) : Durban Town Planning Scheme in Course of Preparation : Duikerfontein Area : Proposed Consolidation of Portion 1 of Erf 492, Erf 493, Erf 494 and Erf 496 Duikerfontein and Simultaneously Rezoned from Maisonette 900m² Zone to General Residential 2 Zone (21/7/2):
(Page 1534 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.18.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act (Act No. 6 of 2008) for the rezoning of portion 1 of Erf 492, Erf 493, Erf 494 and Erf 496 Duikerfontein from Maisonette 900m² zone to General Residential 2 zone situated at 1143 Chris Hani Road, be adopted subject to the following conditions:-
- 11.18.1.1 The recommendations of the Traffic Impact Assessment Report, dated May 2011, and prepared by Nelson Allopi and Associates, adopted.
- 11.18.1.2 No access shall be taken off Chris Hani Road.
- 11.18.1.3 A landscaping plan must be submitted at building plan stage.
- 11.18.1.4 A stormwater management plan must be submitted at building plan stage.
- 11.18.1.5 Development levies are payable upon building plan submission.
- 11.18.2 That the application is being approved for the following reasons:-
- 11.18.2.1 The proposed zoning is congruent with the existing residential sites adjoining the application site.
- 11.18.2.2 The Applicant has demonstrated that there is a genuine need for middle income housing that would be aligned with the IDP (Integrated Development Plan).

ADOPTED

- 11.19 Application in Terms of Chapter 2 and Chapter 3 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) to Amend the Durban Scheme By (1) Consolidating Portion 1 of Erf 1016 and Erven 1017 and 1018 all of Durban and by (2) Rezoning of Land on Portion 1 of Erf 1016 and Erven 1017 and 1018 all of Durban Situated at 195 Gordon Road and 184 Montpelier Road from General Residential 2 to Education 3 (21/7/3):
(Page 1640 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.19.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 06 of 2008) to amend the Durban Scheme by (1) consolidating Portion 1 Erf 1016 and Erven 1017 and 1018 all of Durban and by (2) rezoning of land on Portion 1 of Erf 1016 and Erven 1017 and 1018 all of Durban situated at 195 Gordon Road and 184 Montpelier Road from General Residential 2 to Education 3, be adopted for the following reasons:-
- 11.19.1.1 The buildings have reached a point of where they are no longer economically recoverable and they are dilapidated and have been vandalized.
- 11.19.1.2 The site has the potential to carry the bulk development that is being proposed.

- 11.19.1.3 The site must be redeveloped and consequently portrays an immense opportunity to make a significant contribution to the built environment and the overall character of the Precinct. The redevelopment of the site as proposed will therefore undoubtedly have a positive impact on the area and thus on the value of the properties and built improvements in the Precinct.
- 11.19.1.4 That in terms of Section 12 and 25 of the KwaZulu-Natal Planning Development Act, 2008 (Act No. 06) 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 11.20 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No. 6 of 2008 to Amend the Consolidated Outer West Scheme by Rezoning Erf 240 Glenholm, Kloof from Special Residential 3600 to Transition Zone 1 (21/7/3):
(Page 1691 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.20.1 That, the application in terms of Chapter 2, Section 13 of the KwaZulu-Natal Planning and Development Act, Act No. 06 of 2008 for the amendment of the Consolidated Outer West Scheme by rezoning Erf 240 Glenholm, 2 Victory Road, Kloof, from Special Residential 1800 to Transition Zone 1 be adopted in terms of Chapter 2 Section 13 (1) of said Act subject to the following conditions:-
- 11.20.1.1 That the proposed office development is restricted to the conversion of the existing house to offices. Further development of the site would have to be in conjunction with the remaining 4 properties in the cul-de-sac in the form of an Office Park and a Traffic Impact Assessment will be required at this stage.
- 11.20.1.2 A Development Levy of R18 810.00 (Eighteen Thousand Eight Hundred and Ten Rands Only) per m² of Net Leasable Area is to be paid prior to the final approval of building plans.
- 11.20.2 The rezoning application is adopted for the following reasons:-
- 11.20.2.1 The proposed rezoning of the subject property to Transition Zone 1 is considered an appropriate alternative land use zone given the development trends within the area.
- 11.20.2.2 The proposed rezoning is in line with the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan (HGKCLUMP), the Outer West Spatial Development Plan (OWSDP) and the eThekwini Municipal Integrated Development Plan and promotes the vision of the policy towards more sustainable development in this section of Kloof and throughout the City.
- 11.20.2.3 In considering the merits of the proposed Scheme Amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 11.21 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No 6 of 2008 to Amend the Consolidated Outer West Scheme and the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan as a Component of the Consolidated Outer West Scheme by Amending Table A, Table C and Table D to Align the Current Definitions of Suburban Office and Transitional Office and to Regularise Land Use Definitions and Controls (21/7/2):
(Page 1746 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.21.1 That, the application in terms of Section 9(2) of the KwaZulu-Natal Planning and Development Act, Act No. 06 of 2008, to amend the Consolidated Outer West Scheme (COWS) and the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan (HGKLUMP) as a component of the Consolidated Outer West Scheme by amending Suburban Office and Transitional Office land use controls be adopted as follows:-
- 11.21.1.1 The amendment of the Table D controls for the Transitional Office zone by the deletion of Clause (6) in the column Additional Controls and its replacement with a Clause which requires that:-
- 11.21.1.1.1 The building shall, in the opinion of the Council, always conform in its external appearance to the definition of a dwelling house as contained in the Scheme.
- 11.21.1.1.2 Any alterations or additions affecting the exterior of the existing building or demolition of the existing building shall be by Consent, provided that the Council may waive compliance with the Consent procedure with the written consent of the registered owners of each adjoining property first being obtained. This will include the submission and approval of a Site Development Plan together with a landscape plan prior to the approval of Building Plans.
- 11.21.2 The amendment of Table C - Use Zones:-
- 11.21.2.1 In the Transitional Office use zone: to make a commercial workshop a prohibited use and to allow a crèche and conference centre by Consent.
- 11.21.3 The amendment of the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan controls:-
- 11.21.3.1 In the Suburban Office Land Use Zone to allow "Offices, General", as defined in the HGKLUMP, as a free entry use and to allow Educational, Restaurant and Retail Nursery/Garden as Consent uses Transitional Office use zone: to make a commercial workshop a prohibited use and to allow a crèche and conference centre by Consent.
- 11.21.4 To amend Table A of the Consolidated Outer West Scheme by replacing the definition of "Office Building" in the Consolidated Outer West Scheme with the definition of "Offices, General" as contained in the Hillcrest Gillitts Conceptual Land Use Management Plan to reflect the same combinations of ancillary and consent uses.
- 11.21.5 Any land use type not specifically identified in the definitions may be considered on its merits by Consent.

11.21.6 To amend the land use controls by merging Transitional Office as contained in the Consolidated Outer West Scheme and Land Use Zone: Suburban Office as contained in the HGKLUMP into a new Use Zone: Transition Zone 1.

11.21.7 The proposed amendments are reflected in the Table (attached at annexure D to the agenda) to be incorporated into the Consolidated Outer West Scheme and the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan and effective from the adoption date.

ADOPTED

11.22 Application in Terms of Chapter 2 of the Kwazulu-Natal Planning and Development Act, 2008 (Act No 6 of 2008): Remainder of Erf 593 Duikerfontein: 49 Blackburn Road: Amendment to the Durban Town Planning Scheme in Course of Preparation: Durban North Area: Rezoning from Special Residential 650m² to General Residential 1 (21/7/3):
(Page 1763 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

11.22.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, Act No. 06 of 2008, for the rezoning of land on Remainder of Erf 593 Duikerfontein from a Special Residential 650m zone to General Residential 1 situated at 49 Blackburn Road, be adopted subject to the following conditions:-

11.22.1.1 The maximum height of the proposed development is not exceed 3 storeys in height.

11.22.1.2 The proposed development is restricted to a maximum of 24 units.

11.22.1.3 A development Levy be payable per unit prior to the approval of the building plans.

11.22.2 The application is being approved for the following reasons:-

11.22.2.1 The site is ideally located and is highly accessible to all major road networks in the area and is serviced by public transport in the form of buses, taxis and by train.

11.22.2.2 The use of the site will still remain residential in nature.

11.22.2.3 The Applicant has shown that the proposal can accommodate adequate on-site parking.

11.22.2.4 A General Residential 1 zone is unlikely to have a negative impact on the existing developments surrounding the application site.

ADOPTED

11.23 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No 6 of 2008 to Amend the Consolidated Outer West Scheme by Rezoning Remainder of Erf 189 Bothas Hill, Erven 122, 124, 190-195 Bothas Hill, Remainder of Erf 214 Bothas Hill and Portion 1 of Erf 151 Bothas Hill from Special Residential 1800 to Educational and Erf 59 Bothas Hill from Activity Spine to Educational (21/7/3):
(Page 1857 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.23.1 That the application in terms of Chapter 2 Section 9 (b) of the KwaZulu-Natal Planning Development Act, Act No. 6 of 2008 to amend the Consolidated Outer West Scheme by rezoning Remainder of Erf 189 Botha's Hill, Erven 122, 124, 190-195 Botha's Hill, Remainder of Erf 214 Botha's Hill and Portion 1 of Erf 151 Botha's Hill from Special Residential 1800 to Educational and Erf 59 Botha's Hill from Activity Spine to Educational be adopted subject to the following condition:-
- 11.23.1.1 A separate application for the closure of Kearsney College Road is to be submitted to the eThekwini Real Estate Department for processing.
- 11.23.2 The rezoning application is approved for the following reasons:-
- 11.23.2.1 The application promotes the growth of educational and supporting facilities and given the increase in residential developments within the Outer West Entity it is important to promote the concept of balanced sustainable development.
- 11.23.2.2 The application will allow for a common land use zone over the properties concerned, which will protect the development integrity of these facilities.
- 11.23.2.3 The proposed rezoning will have no negative impact on the surrounding residential area as the subject properties are physically part of the Kearsney College Campus and in effect these will be change to the current situation.
- 11.23.2.4 The application is seen as an improvement to the Town Planning Scheme as it creates one zoning for the educational facilities and it is desirable to align the zonings of the various school properties into an identifiable spatial representation.

ADOPTED

- 11.24 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008 to Rezone Portion 4 (of 1) of Erf 621 Kloof : 4A Old Main Road, Kloof Special Residential 1800 to Transition Zone 1 (21/7/3):
(Page 1878 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.24.1 That, in terms of Chapter 2 Section 13 (1) of the KwaZulu-Natal Planning and Development Act, Act No. 06 of 2008 the amendment to the Consolidated Outer West Scheme by Rezoning Portion 4 (of 1) of Erf 621 Kloof, 4A Old Main Road, from Special Residential 1800 to Transition Zone 1 be adopted subject to the following conditions:-
- 11.24.1.1 A Stormwater Management Plan is required for Councils consideration. Such Plan must accompany the building plan submission.
- 11.24.1.2 A Conservancy Tank to be constructed for sewerage effluent - all costs of construction shall be borne by the Applicant.
- 11.24.1.3 The Development Levy of R18 810.00 (Eighteen Thousand Eight Hundred and Ten Rands Only) per 100m² of the Net Leasable Area is payable to eThekwini Municipality upon submission of building plans.
- 11.24.2 The rezoning is supported for the following reasons:-

- 11.24.2.1 The proposed rezoning is in line with the Outer West Spatial Development Plan (OWSDP) and the Hillcrest Gillitts Kloof Land Use Management Plan (HGKLUMP).
- 11.24.2.2 The proposed rezoning to Transition Zone 1, is that the scale and character of the built form of the site would not be significantly altered.
- 11.24.2.3 In considering the merits of the proposed Scheme Amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 11.25 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No 6 of 2008) : Proposed Rezoning of Land on Erf 921 Umhlatuzana, at 129 Chatsworth Main Road, from Special Residential 650m² to Place of Worship: Durban Scheme (21/7/3):
(Page 1909 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.25.1 That, the application in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) for the rezoning of land on Erf 921 Umhlatuzana area of the eThekwini Municipality be amended for the reasons set out below:-
- 11.25.1.1 The merits of which in no way impacts on the development and;
- 11.25.1.2 The proposal is congruent with the existing mixed zones adjoining the application site

ADOPTED

- 11.26 Application in Terms of Chapter 2, Part 2 of the KwaZulu-Natal Planning and Development Act, 2008 : Durban Town Planning Scheme in Course of Preparation: Duikerfontein Area : Proposed Rezoning of Land at 40, 46 & 50 Prince Mhlangana Road from Special Residential 650m² Zone to Light Industrial Zone and the Introduction of Clause 6(35) into the Durban Town Planning Scheme Regulations (21/7/3):
(Page 1932 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.26.1 That, the application submitted in terms of Chapter 2, Part 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) to rezone properties within the Duikerfontein Area of the Durban Town Planning Scheme in course of preparation, situated at 40, 46 and 50 Prince Mhlangana Road from Special Residential 650m² Zone to Light Industrial Zone as depicted on Drawing No. 1809-844 be approved for the following reasons:-
- 11.26.1.1 The properties have lost their residential potential and amenity due to the proximity of industrial development.
- 11.26.1.2 The rezoning of 90 Prince Mhlangana Road to Light Industrial Zone and the Commission's directive to insert certain development controls into the Scheme

relating to this property supports the notion that uses other than residential may be contemplated in the vicinity of 90 Prince Mhlangana Road.

- 11.26.1.3 The site has never been developed for residential purposes and in the light of the recent industrial development adjacent thereto, is unlikely to be developed for such purpose.
- 11.26.1.4 The introduction into the Scheme of the Commission's directive will create a suitable interface with the residential development to the South.
- 11.26.2 That, as instructed by the KwaZulu-Natal Planning Development Commission as set out in its Resolution No. 41359 dated 9th April 2010, the Durban Town Planning Scheme Regulations be amended by the introduction of the following Clause:-
 - 11.26.2.1 "6 (35) Notwithstanding any other provisions of this Scheme, the development of the Light Industrial Zone situated at 40, 46, 50 and 90 Prince Mhlangana Road shall be subject to the following":-
 - 11.26.2.1.1 Trucking and transport uses are prohibited.
 - 11.26.2.1.2 Light Industrial Uses with no impact are freely permitted.
 - 11.26.2.1.3 .Any building on the site shall observe a 10m building line and 5m side spaces.
 - 11.26.2.1.4 Any building on the site shall not exceed a height of 2 storeys.
 - 11.26.2.1.5 Any building on the site shall not exceed a Coverage of 60%; and
 - 11.26.2.1.6 The FAR be controlled by the restrictions given above; and
 - 11.26.2.1.7 In the case of 40, 46 and 50 Prince Mhlangana Road, a 32m wide conservation servitude shall be registered across the properties from the centre line of the stream.

ADOPTED

- 11.27 In Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) the Proposed Rezoning of Land from Special Residential 400m² and Public Open Space to General Business 2 of the Durban Scheme, in the Course of Preparation : 12 Palladium Street (21/7/3):
(Page 1976 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 11.27.1 That in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), the application for the:-
 - 11.27.1.1 Proposed amendment of the Durban Scheme by the Rezoning of Erf 197 Starwood from Special Residential 400m² and Public Open Space to General Business 2; and
 - 11.27.1.2 A sewer and drain to be created and registered over Erf 197 Starwood.

Be adopted by amending the Durban Scheme accordingly

- 11.27.2 The reasons for the amendment to the Durban Scheme are, in terms of Chapter 2, Section 13 (5) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), as follows:-
- 11.27.2.1 The Applicant has demonstrated need and desirability for the proposed development.
- 11.27.2.2 The development proposal would enhance the character of existing development in the area and will not have a detrimental effect on the surrounding amenities and
- 11.27.2.3 The development proposal is aligned with the Municipality's Northern Spatial Development Plan (NSDP).

ADOPTED

12. PROVISIONAL REPORT ON STORM RELATED DAMAGE 27 NOVEMBER 2011 TO 28 NOVEMBER 2011 (7/5/R) (25/1/3/R)

(Laid on Table : 137)

COMMITTEE RECOMMENDS:

In the light of the extensive damages to infrastructure that have occurred as a result of the severe storm event and given the urgent need to commence with emergency work, the following be approved:

**A. Coastal Storm Water Catchment Management Department
(Annexure A-Attached to the City Manager's report)**

- 12.1 That Capital funding be provided from savings and other sources for the following:-
- (i)m in the 2011/2012 financial year **to be confirmed.**
- (ii)m in the 2012/2013 financial year **to be confirmed.**
- 12.2 That operating funding for emergency cleaning be provided from savings and other sources for the following:-
- (i) R3m in the 2011/2012 financial year **to be confirmed.**
- (ii) R3m in the 2012/2013 financial year **to be confirmed.**
- 12.3 That subject to .1 above project authority be granted for the implementation of the projects that are shown in Table 1 subject to the overall estimate not being exceeded.
- 12.4 That a separate report be submitted to the City Manager to dispense in terms of Section 36(1)(a)(i) of the Supply Chain Management Regulations, with the official procurement processes, and that authority be granted for the appointment of consultants where necessary and that quotations from Contractors be invited for the repair of damaged infrastructure and that these quotations be referred to the Deputy City Manager: Procurement and Infrastructure for acceptance.

ADOPTED

JS NXUMALO
CHAIRPERSON

FORTH REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Thursday, 2011-12-08)

PRESENT : Executive Committee Members Nxumalo (Mayor and Chairperson), Shabalala (Deputy Mayor), Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.

ABSENT : Executive Committee Member Cele (on leave- Municipal Business).

1. **REPORT OF THE HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE: SPECIAL MEETING HELD ON 2011-11-30**

Members were advised that Page R1 of the Main Agenda was withdrawn and replaced by Page 235 of the Second Supplementary Agenda.

(Page 235)

1.1 **Sobonakhona Rural Projects – Ward 96 (22/7/1/1/3):**
(Page 3: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That for the reasons set out in the report dated 2011-11-23 by the Head: Housing in respect of the retention of the service providers for the Sobonakhona Rural Housing Projects, the report be referred to the Bid Adjudication Committee for its adjudication and decision on the matter on a project by project basis, subject to the service providers complying with the Supply Chain Management Regulations.

ADOPTED

1.2 **Umlazi B10 Projects – Wards 77, 79 and Other Wards (22/7/1/1/3):**
(Page 10: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That for the reasons set out in the undated report by the Head: Housing in respect of the retention of the service providers for the Umlazi B10 Housing Projects, the report be referred to the Bid Adjudication Committee for its adjudication and decision on the matter on a project by project basis, subject to the service providers complying with the Supply Chain Management Regulations.

ADOPTED

1.3 **The Displaced Trader Programme (17/2/1/2/3):**
(Page 15: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That consideration of the matter relative to the Displaced Trader Programme be deferred to enable the Chairperson of the Human Settlements and Infrastructure Committee and the relevant Heads to engage with Province to finally conclude this matter.

ADOPTED

- 1.4 Urban Settlement Development Grant: Submission of Built Environment Performance Plans in Terms of the Division of Revenue Act (21/7/P):
(Page 29: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That in order to access the Urban Settlement Development Grant allocated to the City, the Built Environment Performance Framework, as referred to in the report by City Manager dated 2011-11-18, be adopted.

ADOPTED

- 1.5 Major System Improvements : Proposed Upgrade of Bellair Switching Station to a 275/132kV Substation (27/2/R):
(L165: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

- 1.5.1 That the Head: Electricity be authorised to proceed with the proposed expansion of the Bellair Switching Station and the establishment of the Bellair 275/132kV substation at a total cost of R194 815 000.00 (One Hundred and Ninety Four Million Eight Hundred and Fifteen Thousand Rand). Account Code 80636 of the Capital Estimates of the Electricity Service.

- 1.5.2 That, subject to the adoption of 1 above, the Head Real be authorised to acquire any necessary sites and servitudes by negotiation or expropriation, if necessary.

- 1.5.3 That, subject to the adoption of 2 above, and in the event of a property owner being able to satisfy the Head : Real Estate that a portion of the entire property is adversely affected by the acquisition, the Head : Real Estate be authorised to acquire a portion of the entire property if necessary.

(Account Code : 80636, Project No. TM0104, R194 000, 00; R11 293 000, 00; R57 545 000, 00 & R 125 783 000, 00 to be provided in 2013/14, 2014/15, 2015/16 & 2016/17 respectively; FC 79/CA 1216)

ADOPTED

- 1.6 Request for Areas Affected by Storm During 2011-11-18 and 2011-11-27 to be Declared as Disaster Areas (2/3/3):
(L154: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

- 1.6.1 That the areas affected by the devastating storms on 2011-11-18 and 27 be declared disaster areas and that R 81 818 600.00 (Eighty One Million Eight Hundred and Eighteen Thousand and Six Hundred Rand only) be made available to repair/build the homes affected by the storms

- 1.6.2 That it be noted that the schedule as attached to the report by Head: Housing dated 2011-11-28 is based on information available as at 12 noon on Monday, 2011-11-28 and that it is therefore anticipated that the list of devastation could grow as further details are reported through.

- 1.6.3 That a separate report be submitted to the City Manager to dispense, in terms of Section 36(1)(a)(i) of the Supply Chain Management Regulations, with the official

procurement processes and that authority be granted for the appointment of consultants where necessary, and that quotations from contractors be invited for the repair of damaged infrastructure and that these quotations be referred to the Deputy City Manager : Procurement & Infrastructure for acceptance.

ADOPTED

- 1.7 Storm Damage: 2011-11-28 (2/3/3):
(L149: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

Members were requested to deal with in conjunction with the report laid on table (Provisional Report on Storm Related Damage 27 November 2011 to 28 November 2011).

COMMITTEE RECOMMENDS:

- 1.7.1 That Capital funding be provided from savings and other sources for the following:-
- (i) R79 225 000, 00 (Seventy Nine Million Two Hundred and Twenty Five Thousand Rand) in the 2011/2012 financial year;
 - (ii) R40 200 000.00 (Forty Million and Two Hundred Thousand Rand) in the 2012/2013 financial year.
- 1.7.2 That operating funding for emergency cleaning be provided from savings and other sources for the following:-
- (i) R3 000 000.00 (Three Million Rand) in the 2011/2012 financial year;
 - (ii) R3 000 000.00 (Three Million Rand) in the 2012/2013 financial year.
- 1.7.3 That subject to 1. and 2. above project authority be granted for the implementation of the projects that are shown in Table 1 of the report by the Head: Engineering dated 2011-11-30.
- 1.7.4. That authority be granted for the City to seek financial assistance from the Provincial Disaster Management Centre for the above damages.
- 1.7.5 That a separate report be submitted to the City Manager to dispense, in terms of Section 36(1)(a)(i) of the Supply Chain Management Regulations, with the official procurement processes and that authority be granted for the appointment of consultants where necessary, and that quotations from contractors be invited for the repair of damaged infrastructure and that these quotations be referred to the Deputy City Manager : Procurement & Infrastructure for acceptance.

ADOPTED

- 1.8 Cost Sharing for Northern Area Traffic Impact Assessment (26/1/3/R):
(L166: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

- 1.8.1 That the principle of cost sharing up to R350 000.00 (Three Hundred and Fifty Thousand Rand only) for the traffic study be supported in view of the benefit to City planning.

1.8.2 That, subject to .1 above, an amount of R350 000.00 00 (Three Hundred and Fifty Thousand Rand only) be set aside from Northern Areas Road upgrades (P4150).

1.8.3 That, subject to .2 above, the City Manager be authorised to enter into an agreement on behalf of Council, with THD, to give effect to the cost sharing. (Financial provision: 2011/2012; P4150; F.C. 49/C035)

ADOPTED

1.9 Acceleration of Delivery of Houses in Ntuzuma D Phase 2 and 3 (Ward 43) Housing Project (22/7/1/1/3):
(L163: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

1.9.1 That in order to deal with the challenges existing in the contract, the original scope of works in the Ntuzuma D Phase 2 and 3 Housing Project be changed so as to phase the project into manageable sizes that will effectively deal with obstructions, increase the top structure and ensure delivery of houses as per targets.

1.9.2 That subject to the adoption of .1 above a public advert be prepared as per Section 116 of the Municipal Finance Management Act.

ADOPTED

1.10 Acceleration of Delivery of Houses in Etafuleni Phase 1 (Ward 53 & 56) Housing Project (22/7/1/1/3):
(L161: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

1.10.1 That in order to deal with the challenges existing in the contract, the original scope of works in the Etafuleni Phase 1 Housing Project be changed so as to phase the project into manageable sizes that will effectively deal with obstructions, increase the top structure and ensure delivery of houses as per targets.

1.10.2 That subject to the adoption of .1 above a public advert be prepared as per Section 116 of the Municipal Finance Management Act.

ADOPTED

1.11 Vumengazi Rural Projects - Ward 84 & 100 (22/7/1/1/3):
(L160: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That for the reasons set out in the report dated 2011-11-23 by the Head: Housing in respect of the retention of the service providers for the Vumengazi Rural Housing Projects, the report be referred to the Bid Adjudication Committee for its adjudication and decision on the matter on a project by project basis, subject to the service providers complying with the Supply Chain Management Regulations.

ADOPTED

- 1.12 Amaoti Cuba Housing Project - Ward 53 (22/7/1/1/3):
(L157: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

- 1.12.1 That in order to deal with the challenges existing in the contract, the original scope of works in the Amaoti Cuba Housing Project be changed so as to phase the project into manageable sizes that will effectively deal with obstructions, increase the top structure and ensure delivery of houses as per targets.
- 1.12.2 That subject to the adoption of .1 above a public advert be prepared as per Section 116 of Municipal Finance Management Act.

ADOPTED

- 1.13 Fast Tracking of Services for Low Cost Houses: Provision of Professional Services for Various Housing Projects (22/7/1/1/3):
(L141: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That for the reasons set out in the report dated 2011-11-24 by the Head: Housing in respect of the retention of the service providers for Various Housing Projects, the report be referred to the Bid Adjudication Committee for its adjudication and decision on the matter on a project by project basis, subject to the service providers complying with the Supply Chain Management Regulations.

ADOPTED

- 1.14 Acquisition of Land in Sunnyside Park (Wards 67 & 96) for a Greenfield Low Cost and Affordable Housing Project (22/7/1/1/3):
(L152: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

- 1.14.1 That authority be granted to the Head : Housing and/or the Head: Real Estate to acquire land by private treaty within Sunnyside Park, at an amount not exceeding the market related value of such land as at the date of sale; such market-related value to be determined by a Professional Independent Valuer.
- 1.14.2 That authority be granted to enter into Purchase and Sale Agreements, substantially in the form reference: Sunnyside Park Greenfield Project. General Purchase and Sales Agreement - indicated as Annexure 1 and filed in the official minute book - for Greenfield Project in Sunnyside Park, including authority to sign all documents on behalf of the eThekwini Municipality in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), any regulations promulgated under the aforesaid legislation or any other documents ancillary to the aforementioned documents.
- 1.14.3 That in the event that specific strategically located land cannot be acquired through private treaty and such land is deemed to be an essential component of a housing project, the Head : Housing and/or the Head : Real Estate be authorised to proceed with expropriation in terms of the Housing Act, 1997 (section 9 of Act 107 of 1997) or in terms of section 190 of Natal Ordinance 25 of 1974 and section 5 of the Expropriation Act, 1975 (Act 63 of 1975), whichever is deemed to be more expedient.

ADOPTED

- 1.15 Acceleration of Delivery of Houses in Various Housing Projects (22/7/1/1/3):
(L145: Human Settlements and Infrastructure Committee Agenda: 2011-11-30)

COMMITTEE RECOMMENDS:

That for the reasons set out in the report dated 2011-11-23 by the Head: Housing in respect of the retention of the service providers for Various Housing Projects, the report be referred to the Bid Adjudication Committee for its adjudication and decision on the matter on a project by project basis, subject to the service providers complying with the Supply Chain Management Regulations.

ADOPTED

2. AUTOMOTIVE AND CHEMICALS INDUSTRY DEVELOPMENT PROGRAMMES
(Page 137)

COMMITTEE RECOMMENDS:

- 2.1 That the Head: Economic Development and Investment Promotion be duly authorised to proceed with 3 months funding of the Automotive and Chemicals Clusters for the development and growth of the Sectors.
- 2.2 That subject to approval of item .1 above, the City Manger be authorised to conclude an addenda to the existing Memorandum of Agreement (MOA) to give effect to the above.
- 2.3 That subject to the approval of item .1 and .2 above, the Head: Economic Development and Investment Promotion disburse the funds to the Clusters for the first quarter of 2012 for the Chemicals Cluster amounting to R375 000.00 (Three Hundred and Seventy Five Thousand Rands Only) (no VAT) and the Automotive Cluster amounting to R335 000.00 (Three Hundred and Thirty Five Thousand Rands Only) (no VAT) for the 2011/2012 financial year, in terms of Section 67 of the Municipal Finance Management Act (MFMA) and in accordance with the addenda to the existing Memorandum of Agreement.

12012.09195	R375 000.00	(Excl. VAT)	Provided for 2011/2012	FC: 18/21
12012.09195	R335 000.00	(Excl. VAT)	Provided for 2012/2013	FC: 18/20

ADOPTED

3. LOAN OF EUR 100 000 000 (APPROXIMATELY 910 MILLION RAND) FROM AGENCE FRANCAISE DE DEVELOPPEMENT (LONG TERM FINANCE FOR CAPITAL EXPENDITURE)
(Page 153)

Following discussion, it was agreed that the above matter be **REFERRED BACK** to the Executive Committee for further consideration.

4. RENAMING OF STREETS AND BUILDINGS (25/4/15/1)
(Page 159)

COMMITTEE RECOMMENDS:

- 4.1 That the renaming of the nine streets (namely Victoria Embankment, Stanger Street, NMR Avenue, Point Road, Alice Street, Broad Street, Grey Street, Commercial Road and Northern Freeway M4) be started afresh and the following process be followed:-
- 4.1.1 That the advertisements be placed on local newspapers giving the public 21 days to recommend new names for the 9 streets;
- 4.1.2 The Governance and Human Resources Committee scrutinize all proposals and motivations and report its recommendations to council;
- 4.1.3 That the Council recommendations be published in local newspapers for comment for 21 days; and
- 4.1.4 That at its February 2012 meeting Council makes its final determination.

ADOPTED

5. KWAMASHU TOWN CENTRE REDEVELOPMENT PROJECT: LAND SALE FOR HOUSING PROJECT AND LOCAL BUSINESS DEVELOPMENT (17/2/1/2/3)
(Page 161)

COMMITTEE RECOMMENDS:

- 5.1 That the division of the land parcel subject to the KwaMashu Town Centre Mixed Use Housing request for proposals, and for which Impilo Entsha was awarded the development rights in March 2009, be supported.
- 5.2 That subject to the adoption of .1 above, the Head: Real Estate be authorized to enter into a land sale agreement with Impilo Entsha (Pty) Limited for the 3.6686 Hectares land parcel zoned as Mixed Use Residential at a price of R4,59 Million.
- 5.3 That subject to the adoption of .1 and .2 above and in terms of the provisions off the Municipal Finance Management Act No. 56 of 2003, the Head: Real Estate undertake the statutory advertisement of the sale agreement.
- 5.4 That subject to the adoption of .1 above, the Head: Real Estate be authorized to enter into a land sale agreement with preferred bidder for the 2.0389 Hectares land parcel zoned as Mixed Use Business at a price of R3,57 Million.
- 5.5 That the Head: Real Estate, in conjunction with the Head: Economic Development and Investment Promotion be authorized to solicit bids for the development of the said Mixed Use Business zone, referred in .4 above.
- 5.6 That the Head: Real Estate be authorized to re-negotiate the rate per square metre where values quoted in this report are greater than 6 months old.

ADOPTED

6. CORNUBIA INTEGRATED HUMAN SETTLEMENT-INTERGOVERNMENTAL RELATIONS AGREEMENT BETWEEN THE THREE SPHERES OF GOVERNMENT (WARD 102) (22/7/1/1/3)
(Page 165)

COMMITTEE RECOMMENDS:

That the finalization of a Co-Operative Agreement between the three spheres of government, relative to the Cornubia Integrated Human Settlement, as per the copy attached, for signature by the National Minister of Human Settlements, the MEC for KwaZulu-Natal Department of Human Settlements and the Mayor for the eThekwini Municipality for the purpose of consolidating the working relationship between the spheres of government in relation to the Cornubia Integrated Human Settlement, be supported.

ADOPTED

7. THE PLAYHOUSE COMPANY GRANT-IN-AID 2011/2012, 2012/2013 AND 2013/2014 FINANCIAL YEARS (7/14/1/1)
(Page 186)

Following discussion, it was agreed that the above matter be **REFERRED BACK** to the Executive Committee, as the Memorandum of Agreement had not been signed between the City Manager and The Playhouse Company.

8. KWAZULU-NATAL PHILHARMONIC ORCHESTRA GRANT-IN-AID 2011/2012, 2012/2013 AND 2013/2014 FINANCIAL YEARS (7/14/1/1)
(Page 207)

Following consideration, it was agreed that the above matter be **REFERRED BACK** to the Executive Committee, as the Memorandum of Agreement had not been signed between the City Manager and The Playhouse Company.

JS NXUMALO
CHAIRPERSON

FIFTH REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held on Friday, 2011-12-09)

PRESENT : Executive Committee Members Nxumalo (Mayor), Shabalala (Deputy Mayor-In the Chair), Cele, Collins, SN Gumede, ZRT Gumede, Mtshali, Peer, Pillay and Veeran.

1. HOSTING OF TOP GEAR FESTIVAL IN DURBAN: JUNE 2012 (13/2/1 & 7/1/4/1)

(Page 229: Second Supplementary Agenda dated 2011-12-08)

COMMITTEE RECOMMENDS:

That the Executive Committee be delegated authority to finalise any urgent matters that may arise in relation to the hosting of the Top Gear Festival in Durban: June 2012.

ADOPTED

2. REPORT OF THE TOWN PLANNING SUB-COMMITTEE: MEETING HELD ON 2011-11-24

(Page 131: Executive Committee: Agenda - 2011-12-08)

2.1 Proposed Rezoning in Terms of Part 2, Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act 6 of 2008): Durban Scheme, in the Course of Preparation: on Remainder of Erf 298 Bellair, Situated on 115 Victoria Road, Durban, from “Special Residential 900” to “General Residential 1” (21/7/3):

(Page 307 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

2.1.1 That in pursuance of Part 2, Chapter 2 of the Planning and Development Act, 2008 (Act No. 6 of 2008) to rezone the Remainder of Erf 298, Bellair, situated on 115 Victoria Road, Durban; from “Special Residential 900” to “General Residential 1”, Durban Scheme, in the course of preparation, be approved for the following reasons:-

2.1.1.1 The proposed development appears to be compatible with the surrounding land uses.

2.1.1.2 From a densification perspective, the development is aligned to the spatial intentions of the Central Spatial Development Plans (CSDP) to encourage densification; and

2.1.1.3 This area forms part of the Old Line Suburbs and is strategically located along the High Priority Public Transport Network (HPPTN) which is supported for densification.

2.1.1.4 That such granting of application shall be no force or effect if the following conditions are not adhered to:-

2.1.1.5 That the development be restricted to a maximum of 20 units.

- 2.1.1.6 That a detailed Landscaping Plan, illustrating the buildings in conjunction with the proposed utility and recreational areas (i.e. 20% of the site), be submitted together with the building plans above. Such plan is to illustrate all areas, i.e. Residents and Visitor parking.
- 2.1.1.7 That a maximum height of two (2) storeys and total of 20 units be permitted and that such height be endorsed on the Old Line Suburbs Planning Scheme Map.
- 2.1.1.8 That this development is subject to a Development Surcharge fee of R1 442.00 (One Thousand Four Hundred and Forty Two Rands Only) per Unit and is to be payable on submission of building plans.
- 2.1.1.9 That a proposed entry and exit gate to and from the development site be recessed further within the property, way from the road side to deal with the stacking of vehicle on the pavement and the roadside. This is to be illustrated in the proposed building and Landscaping plans mentioned above.

ADOPTED

- 2.2 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act No 6 of 2008 to Amend the Hillcrest Scheme by Rezoning Portion 302 (of 297) of the Farm Albinia No 957 from Special Residential to Transition Zone 1 in Terms of the Hillcrest Gillits Kloof Conceptual Land Use Management Plan as a Component of the Consolidated Outer West Scheme (21/7/3):
(Page 1195 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 2.2.1 That the application in terms of Chapter 2; Section 13 of the KwaZulu-Natal Planning and Development Act, Act No 6 of 2008 to amend the Hillcrest Scheme by rezoning Portion 302 (of 297) of the Farm Albinia No. 957 from Special Residential to Transition Zone 1 in terms of the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan as a component of the Consolidated Outer West be adopted:-
- 2.2.1.1 This approval is granted with attention to comments made in Section 10.2 of the Applicant's memorandum relating to sewerage disposal. A commitment is to be made to the initial construction and use of the conservancy tanks, prior to the upsizing of Hillcrest Treatment Works.
- 2.2.1.2 A Development Levy of R18 810 per 100m² of Net Leasable Area is to be paid prior to the final approval of building plans.
- 2.2.2 The rezoning application is approved for the following reasons:-
- 2.2.2.1 The proposed rezoning of the subject property to Transition Zone 1 is considered an appropriate alternative land use zone given the development trends in the area.
- 2.2.2.2 The proposed rezoning is in line with the Hillcrest Gillitts Kloof Conceptual Land Use Management Plan, the Outer West Spatial Development Plan and the eThekwini Municipal Integrated Development Plan and promotes the vision of the policy towards more sustainable development in this section of Hillcrest and throughout the city.

- 2.2.2.3 In considering the merits of the proposed Scheme Amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 2.3 Application in Terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, Act No 6 of 2008 to Amend the Scheme Controls on F.A.R and Density Provisions for Erf 989 Botha's Hill : Rob Roy Lifestyle Village: 3 Rob Roy Crescent, Botha's Hill (21/4/1):
(Page 1803 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 2.3.1 That in terms of Chapter 2 Section 13 (1) of the KwaZulu-Natal Planning and Development Act (2008), the amendment to the Consolidated Outer West Scheme by amending FAR and Density Provision for Erf 989 Botha's Hill: Rob Roy Lifestyle Village: 3 Rob Roy Crescent be adopted as follows:-
- 2.3.1.1 The amendment of Table D controls for the Retirement Village zone by the deletion of Clause (8) in the additional controls and its replacement with a clause which requires that:-
- 2.3.1.1.1 In the case of Erf 989 Botha's Hill, the Rob Roy Lifestyle Village, the permissible area ratio shall be 0.4. a minimum of 2650m² floor area must be provided for communal facilities and communal spaces and future additions to the main building exceeding two storeys may be considered by special consent in terms of Clause 5.1 (6) based on the uniqueness of the site.
- 2.3.2 The amendment be approved, subject to the following conditions:-
- 2.3.2.1 A Stormwater Management Plan being required for Council's consideration. Such Plan will accompany the building plan submission.
- 2.3.2.2 The Non User Conservation Servitude must be registered as requested on the 7 March 2006.
- 2.3.2.3 The servitude must be registered prior to building plans being lodged for consideration.
- 2.3.2.4 The Development Levy of R14 227.00 (Fourteen Thousand Two Hundred and Twenty Seven Rands Only) per unit on proposed additional units shall be paid to the eThekwini Municipality in terms of the Municipal Tariffs, upon submission of building plan.
- 2.4 The application is supported for the following reasons:-
- 2.4.1 The site is deemed to be suitable to accommodate the extent of additional development (0.4), which the property enjoyed for many years. There are no adverse impacts expected due this proposal.
- 2.4.2 This increase of 2 650m² can be accommodated on the site with little likelihood of an increase of floor area being noticeable. This increase will facilitate the provision the

communal facilities and communal spaces which changing from stand-alone cottages to apartments will need.

- 2.4.3 In considering the merits of the proposed Scheme Amendment with due cognisance to Section 12 of the KwaZulu-Natal Planning and Development Act, Act No. 6 of 2008, the Municipality is of the opinion that the application complies and satisfies the requirements of the Act.

ADOPTED

- 2.5 Application in Terms of Chapter 2, Part 2 of The KwaZulu-Natal Planning and Development Act, 2008 : Durban Town Planning Scheme in Course of Preparation: Duikerfontein Area : Proposed Rezoning of Land at 40, 46 & 50 Prince Mhlangana Road from Special Residential 650m² Zone to Light Industrial Zone and the Introduction of Clause 6(35) into the Durban Town Planning Scheme Regulations (21/7/3):
(Page 1932 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 2.5.1 That, the application submitted in terms of Chapter 2, Part 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008) to rezone properties within the Duikerfontein Area of the Durban Town Planning Scheme in course of preparation, situated at 40, 46 and 50 Prince Mhlangana Road from Special Residential 650m² Zone to Light Industrial Zone as depicted on Drawing No. 1809-844 be approved for the following reasons:-
- 2.5.1.1 The properties have lost their residential potential and amenity due to the proximity of industrial development.
- 2.5.1.2 The rezoning of 90 Prince Mhlangana Road to Light Industrial Zone and the Commission's directive to insert certain development controls into the Scheme relating to this property supports the notion that uses other than residential may be contemplated in the vicinity of 90 Prince Mhlangana Road.
- 2.5.1.3 The site has never been developed for residential purposes and in the light of the recent industrial development adjacent thereto, is unlikely to be developed for such purpose.
- 2.5.1.4 The introduction into the Scheme of the Commission's directive will create a suitable interface with the residential development to the South.
- 2.5.2 That, as instructed by the KwaZulu-Natal Planning Development Commission as set out in its Resolution No. 41359 dated 9th April 2010, the Durban Town Planning Scheme Regulations be amended by the introduction of the following Clause:-
- 2.5.2.1 "6 (35) Notwithstanding any other provisions of this Scheme, the development of the Light Industrial Zone situated at 40, 46, 50 and 90 Prince Mhlangana Road shall be subject to the following":-
- 2.5.2.1.1 Trucking and transport uses are prohibited.
- 2.5.2.1.2 Light Industrial Uses with no impact are freely permitted.

- 2.5.2.1.3 Any building on the site shall observe a 10m building line and 5m side spaces.
- 2.5.2.1.4 Any building on the site shall not exceed a height of 2 storeys.
- 2.5.2.1.5 Any building on the site shall not exceed a Coverage of 60%; and
- 2.5.2.1.6 The FAR be controlled by the restrictions given above; and
- 2.5.2.1.7 In the case of 40, 46 and 50 Prince Mhlangana Road, a 32m wide conservation servitude shall be registered across the properties from the centre line of the stream.

ADOPTED

- 2.6 In Terms of Chapter 2 of the Kwazulu-Natal Planning and Development Act, 2008 (Act 6 of 2008) the Proposed Rezoning of Land from Special Residential 400m² and Public Open Space to General Business 2 of the Durban Scheme, in the Course of Preparation : 12 Palladium Street (21/7/3):
(Page 1976 : Town Planning Sub-Committee : Agenda - 2011-11-24)

COMMITTEE RECOMMENDS:

- 2.6.1 That in terms of Chapter 2 of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), the application for the:-
 - 2.6.1.1 Proposed amendment of the Durban Scheme by the Rezoning of Erf 197 Starwood from Special Residential 400m² and Public Open Space to General Business 2; and
 - 2.6.1.2 A sewer and drain to be created and registered over Erf 197 Starwood.
- Be adopted by amending the Durban Scheme accordingly
- 2.6.2 The reasons for the amendment to the Durban Scheme are, in terms of Chapter 2, Section 13 (5) of the KwaZulu-Natal Planning and Development Act, 2008 (Act No. 6 of 2008), as follows:-
- 2.6.3 The Applicant has demonstrated need and desirability for the proposed development.
- 2.6.4 The development proposal would enhance the character of existing development in the area and will not have a detrimental effect on the surrounding amenities and
- 2.6.5 The development proposal is aligned with the Municipality's Northern Spatial Development Plan (NSDP).

ADOPTED

NF SHABALALA
ACTING CHAIRPERSON

REPORT OF COMMITTEE DECISIONS

Decisions of Committees reflected below have been reported to Council by way of circulating minutes of such Committees to each Member of the Council:-

1. **DURBAN INFRASTRUCTURAL DEVELOPMENT TRUST [DIDT] COMMITTEE**
Meeting held on : 2011-10-26
2. **ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE**
Meeting held on : 2011-11-03
: 2011-11-10
3. **FINANCE & PROCUREMENT COMMITTEE**
Meeting held on : 2011-11-01
4. **GOVERNANCE AND HUMAN RESOURCE COMMITTEE**
Meeting held on : 2011-10-20
: 2011-11-16
5. **HEALTH, SAFETY & SOCIAL SERVICES COMMITTEE**
Meeting held on : 2011-11-02
: 2011-11-16
6. **HUMAN RESOURCES AND DEVELOPMENT SUB-COMMITTEE: TREASURY AND OFFICE OF THE CITY MANAGER**
Meetings held on : 2011-11-16
7. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**
Meetings held on : 2011-11-01
8. **LOCAL LABOUR FORUM: TREASURY AND OFFICE OF THE CITY MANAGER**
Meetings held on : 2011-10-27 (Notes)
: 2011-11-03
9. **SPEAKER'S COMMITTEE**
Meeting held on : 2011-10-25
: 2011-11-16
10. **SUPPLY CHAIN MANAGEMENT TRAINING COMMITTEE**
Meeting held on : 2011-10-20

11. TOWN PLANNING SUB-COMMITTEE

Meeting held on : 2011-10-27

NOTED

ITEMS FOR NOTING

The items for noting as appearing on Page of the agenda were noted.

The meeting terminated at 15:15.

CONFIRMED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2011-....-....

SPEAKER