



# **eThekweni Municipal Council**

## **MINUTES**

**Meeting held Thursday, 2022-04-28**

## No. 10

# MINUTES OF ETHEKWINI MUNICIPAL COUNCIL

Meeting held Thursday, 2022-04-28T12:00, streamed from  
Luthuli Hall, Durban City Hall.

PRESENT : Councillors TE Nyawose, TM Kaunda (Mayor), PG Mavundla (Deputy Mayor), A Abdul, J Annipen, AD Beesley, A Beegte, M Billy, T Biyela JM Davies-Black, NJ Bollman, M Brauteseth, WJD Burne, MH Buthelezi, KPM Cele, SB Cele, SP Chebure, J Chetty, GD Clarivette, R Cloete, SV De Boer, Z Dzanibe, J Essop, BA Fortein, SN Gabela, GM Gasa, DMGcabashe, FO Gcabashe, NBC Godlwana, R Gokool, G Govender, S Govender, Y Govender, NL Graham, BR Gumede, NC Gumede, S Gumede, MS Gwala, GJ Hegter, MM Hlengwa, NP Hlomuka, SD Hlongwa, M Ismail, MF Ismail, LBS Jali, M Johnson, MA Jokweni, K Khambule, MH Khan, KNN Khubone, NL Khuzwayo, ZW Khuzwayo, SNC Khwela, A Kisson, BG Kubheka, V Kunju, CJ Laing, CB Langa, SW Lushaba, M Lutchmen, WM Luthuli, ME Mabaso, RD Macpherson, MA Madlala, NI Madlala, SR Madlala, S Maharaj, FN Majola, TG Makhanya, HS Makhathini, MW Manqele, JB Maphumulo, NJ Maphumulo, TZ Mathe, SH Mazibuko, WM Mazibuko, W Mbambo, RP Mbonambi, BA Mchunu, SW Mcineka, RL Mckenzie, X Mdlazi, FW Mdletshe, SM Memela, SP Mfeka, GN Mhlongo, NM Mhlongo, SE Mhlongo, T Miya, MB Mjadu, AZ Mkhize, KV Mkhize, MA Mkhize, ME Mkhize, MP Mkhize, NN Mkhize, NA Mkhize, P Mkhize, SM Mkhize, TJ Mkhize, B Mkhwanazi, BR Mngadi, DF Mngadi, E Mngadi, S Mngadi, SV Mngadi, MR Mngonyama, TJ Mnguni, BV Mngwengwe, PB Mnikathi, ZO Mnomiya, S Mnyandu, MV Molife, SR Moodley, T Mohamed, ND Motseke, SB Mpanza, NP Msibi, LI Msomi, LG Mthembu, SSS Mthethwa, TD Mthethwa, TM Mthethwa, N Munien, OB Mvubu, ZP Myeni, SK Mzimela, BD Naidoo, V Ncukana, WP Ndiweni, NB Ndlela, AB Ndlovu, MF Ndlovu, PB Ndlovu, NS Ndlovu, V Ndlovu, SG Nene, TH Nene, MM Ngiba, SP Ngcobo, SB Ngcongo, S Ngema, DB Ngubane, LE Nkomeni, MS Nkosi, XM Nqweniso, DM Nsundwane, PC Ntshangase, BT Ntuli, N Ntuli, PB Ntuli, ZN Ntuli, B Nxumalo, PH Nxumalo, NN Nyanisa, MV Nzimande-Madlala, AAK Paruk, BW Phewa, DT Pillay, P Pillay, GDA Pullan, B Radebe, A Rampersad, VG Reddy, T Sabelo, S Sewshanker, A Shaheed, BH Shange, LP Shange, MG Shange, TE Shezi, IM Shinga, HP Shoji, K Sibisi, JN Sibisi, N Sibiya, LC Sikhakhane, BSB Sindane, EL Singh, J Singh, S Singh, PS Sishange, CN Sisoka, NI Sithole, BS Sivetye, EG Smith, AD Snyman, ZR Sokhabase, I Syed, M Thusi, ME Thusi, ZN Tshazela, NT Tyelinzima, JC Van den Berg, HM Van Der Ryst, NI Webster, SM Windvogel, TV Xulu, T Xuma, NY Young, ON Zondi, TG Zungu, and there being two (02) vacancies.

ABSENT : S Bhanprakash (Personal Commitments Leave), TP Collins, BM Gwala, (Indisposed), DM Khanyile-James (Indisposed), A Maharajh, KT Mbhele, K Mhlaba (Indisposed), NP Msomi, J Naidoo (Indisposed), DR Nowbuth, SH Ntombela, MR Nxumalo, DR Pillay, Z Solomon, BB Thusi, (Indisposed), NB Vilakazi (Personal Commitments Leave), M Zondi and N Zondi (Indisposed)

AMAKHOSI  
PRESENT : Inkosi EB Shozi

AMAKHOSI  
ABSENT : Inkosi S Mlaba and Inkosi JJ Shangase

OFFICIALS  
PRESENT : Messrs/Mesdames TB Mbhele (Acting City Manager), M Mhlongo (Head: Legal & Compliance), A Seheri (Head: City Administration); W Khuzwayo (Acting Senior Manager: Office of the Speaker) and T Ndlovu (Senior Manager: Secretariat).

(At the commencement of the meeting 188 Councillors were present, comprising ANC - 78, DA - 53, EFF - 18, IFP - 14, Action SA - 04, ABC - 01, ACC - 02; ACDP - 02, AIC -00, DLC - 01, ADEC - 01, APF - 01, ATM - 01, AL JAMA-AH - 01, JEP - 01, KZNI - 00, MF - 01, MOSA - 01, NFP - 01, PFP - 01, PRM - 01, TA- 01, UIM - 01 and VF Plus - 01).

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1. NOTICE CONVENING THE MEETING

The Acting City Manager read the notice convening the meeting as per the statutory requirement.

2. OPENING

The Speaker declared the meeting open and thereafter extended a warm welcome to Councillors; Traditional Leaders; Acting City Manager; Deputy City Managers; Acting Head Legal and Compliance and other Unit Heads; Members of the Administration; Media and Members of the Public viewing on social media live streaming.

3. AFRICAN UNION AND NATIONAL ANTHEM

At the request of the Speaker the meeting stood to sing the African Union Anthem and the National Anthem of the Republic of South Africa.

4. OPPORTUNITY FOR PRAYER/MEDITATION

The Speaker requested Council to observe a moment's silence and remember the floods victims as the City of eThekweni has been ravaged by the unprecedented and devastating floods.

5. OFFICIAL ANNOUNCEMENTS

5.1 The Speaker presented the following announcements for the attention of the Members of Council:

5.1.1 As part of strengthening the process of monitoring Councillor attendance, the Secretariat Team has posted a link on MS Chat comprising the attendance register. Councillors are kindly requested to click on the link, complete details and then press submit for the completed register to come back to Secretariat. It was noted that this was a trial process, and will be formalised appropriately at the next MS Teams Council meeting.

5.1.2 Council mourns the unfortunate and tragic passing of many community members due to the devastating floods that affected the entire KwaZulu-Natal Province, with the City of eThekweni being the hardest hit. Deepest condolences were extended to families in bereavement as a result thereof.

5.1.3 Council extends its sympathy to families who suffered damages and lost their properties due to floods. Appreciation goes to the political and the administrative leadership for working together and tirelessly to assist the families in need during this trying period.

5.1.4 Council also conveys its condolences to the families, friends, and colleagues of the deceased officials as a result of the floods and related incidents.

5.1.5 Council extends its appreciation to all donors for their generosity to support the flood victims, and with the Motsepe Foundation contributing generously towards the burial assistance.

5.1.6 Council acknowledges the inconvenience caused by the overall infrastructural damages as a result of floods, in particular road infrastructure; as well as water and electricity thus resulting in constant power outages and shortage of water supply. Council appeals to communities to remain calm and exercise patience while the Municipal officials are working tirelessly to conduct repairs and restore the situation to normal.

5.1.7 Council encourages members of the community to take precautions during this period of water shortage to ensure water sourced elsewhere is treated to prevent waterborne diseases known to follow flood disasters such as cholera and diarrhoea.

5.1.8 Council extends appreciation to officials who volunteered to assist community members who were severely affected by the floods.

5.1.9 The country might be hit by the 5<sup>th</sup> Wave of the Covid-19 pandemic as numbers of infections have started to rise. Strict adherence to safety protocols is encouraged as well as taking the Covid-19 vaccine to manage the pandemic.

- 5.1.10 As part of ensuring smooth proceedings, the microphones of Party Leaders and Support Committee Chairpersons will remain unmuted for the duration of the meeting. Other Councillors will remain muted and only unmuted should they wish to talk. A principle of raising a hand and being recognized by the Speaker before talking is still applicable to all. The Speaker reserves the right to revert to the muted status should any of the Party Leaders or Chairpersons misuse the opportunity of having their microphones on.
- 5.1.11 Councillors are reminded to leave the headphones with the Secretariat staff at the end of the Council meeting.
- 5.1.12 Councillors are brought to the attention of Rule of Order 16(1) (a)-(e) and (4), (5), (6), (7) and (9). As per these Rules, Councillors are requested to conduct themselves in a respectful manner, to refrain from interrupting the proceedings and are encouraged to conduct business with the highest decorum and integrity that the occasion and the residents of eThekweni deserve.

Best wishes to all Councillors celebrating their birthdays this month.

6. SPEAKER'S REPORT

**6.1 KWAZULU NATAL DISASTROUS FLOODS: APRIL 2022**

- 6.1.1 Council will recall that on 11 April 2022 note that the Municipality and the whole of the KwaZulu Natal Province was hardly hit by floods, that left families in devastation, infrastructure badly damaged, eventually a state of disaster was declared in the province.
- 6.1.2 Council Members have been working tirelessly to assist impacted members of the community collating statistical reports on the impact of damage caused, and with various forms of relief from shelter to meal, and to providing on going communication to residents.
- 6.1.3 The Municipal Council extends gratitude to all its members, officials led by Acting City Manager that work tirelessly under very difficult circumstances, going beyond the call of duty in ensuring that disrupted major services such as Water, Electricity, Roads, etc, were reconnected, those are our true heroes, and we applaud them.
- 6.1.4 In joint efforts between the Municipality and all other spheres of Government, it managed to reconnect services in some areas and is continuously supporting victims housed in temporary shelters, however, a lot remains outstanding since in some areas rehabilitating bulk infrastructure requires further support from other spheres of Government.
- 6.1.5 The Municipal Council commends all the Municipality initiatives such as burial support for families that lost their loved ones, scheduled water tanker delivery schedule, temporary shelters provided in some Municipal community halls, introduction of water rationalization project to ensure that the little that is there goes a long way to needy communities, and ongoing information circulated on an ongoing basis, keeping communities informed on the above-mentioned Municipal initiatives.

6.1.6 The coordination of information; donors and support from other spheres of Government through the Municipality's Disaster Management Unit and coordinating plans to ensure that such is evenly distributed to all impacted communities is also much commendable.

6.1.7 All forms of donations and gifts in kind received and that are still being poured to the Municipality, the Municipal Council appreciates. Although much has been done to respond to the disaster, the Municipal Council continues to work tirelessly in trying to restore critical services to all communities.

## **6.2 MEMBERSHIP: MUNICIPAL COUNCIL**

6.2.1 The Municipal Council to note that on 05 April 2022, the Speaker received a resignation letter from erstwhile Councillor Marlaine Nair, PR Councillor from the Democratic Alliance, DA and this has created a vacancy in the DA.

6.2.2 On Wednesday, 20 April 2022, the Independent Electoral Commission (IEC) held a by- election in Ward 103, from a vacancy that was created due to the sudden passing of an ANC Ward Councillor. It's pleasing to note that, that vacancy was again filled by an ANC Councillor.

6.2.3 With the by-election having been held, the Municipal Council currently has one vacancy, that of the PR Councilor from the DA.

## **6.3 MEMBERSHIP: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

6.3.1 On 15 December 2021, the Municipal Council established the Municipal Public Accounts Committee (MPAC) comprising of eleven (11) members on proportional representation as follows:

<b>PARTY</b>	<b>NUMBER OF REPRESENTATIVES</b>
African National Congress	5
Democratic Alliance	3
Economic Freedom Fighters	1
Inkatha Freedom Party	1
Action South Africa	1

6.3.2 It will be recalled that in March 2022, erstwhile Councillor Makhosi Khoza an ActionSA representative on the MPAC Committee resigned from the Municipal Council, creating a vacancy in the said Committee.

6.3.3 As per the proportional allocation, ActionSA has advised that it is appointing Councillor Alan Beesley to replace erstwhile Councillor Makhosi Khoza as an ordinary member of MPAC.

6.3.4 It is hereby recommended that the Municipal Council approves the appointment of Councillor Alan Beesley from ActionSA to serve on the Municipal Public Accounts Committee (MPAC) as a replacement of former Councillor Makhosi Khoza.

7. APPLICATIONS FOR LEAVE OF ABSENCE

**RESOLVED:**

The following Councillors be granted leave of absence as indicated:

**COUNCILLORS**

Councillor N Zondi	:	2022-04-25 - 2022-05-02 (Indisposed)
Councillor BB Thusi	:	2022-04-25 – 2022-05-07 (Indisposed)
Councillor DM James	:	2022-04-25 – 2022-05-02 (Indisposed)
Councillor J Naidoo	:	2022-04-22 – 2022-04-28 (Indisposed)
Councillor K Mhlaba	:	2022-04-28 – 2022-04-29 (Indisposed)
Councillor NB Vilakazi	:	2022-04-28 (Personal Commitments)
Councillor M Ismail	:	2022-04-28 (To leave early due to Ramadan)
Councillor I Syed	:	2022-04-28 (To join late due to indisposition)
Councillor MF Ismail	:	2022-04-28 (To leave early due to personal commitments)
Councillor T Miya	:	2022-04-28 (To leave early due to personal commitments)

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At this stage of the proceedings, Councillor Reddy raised a point of order advising that he has been requesting on several occasions that the sequence of the Order of Procedure be corrected to enable an item on “Declaration of Interest” to be placed immediately after an item on “Applications for Leave of Absence” This was noted on the basis that Administration will effect the necessary amendment in future.

For the purpose of this meeting, the Speaker then brought the “Declaration of Interest” item forward in its appropriate place. In this regard, Councillor Reddy declared that he is a Board Member of Umgeni Water thus declaring interest on any matters that may pertain Umgeni Water.

8. CONFIRMATION OF MINUTES: Meetings held 31 March and 04 April 2022

It having been noted that the Minutes of the previous meetings have not been submitted for adoption in this Council meeting, some Members of Council indicated that this was unacceptable and requested reasons for such non-submission. It being emphasised that the Rules of Order By-Law stipulates the submission of Minutes within a prescribed period.

The Acting City Manager then reported that the Secretariat official who was responsible for minute-taking in the meetings referred to has since been hospitalised and thus the inability to forward the documents for finalisation in time for this Council meeting. This was noted.

9. QUESTIONS IN TERMS SECTION 27 OF THE RULES OF ORDER BY-LAW

It was noted that there were no questions submitted for consideration in this Council meeting

10. REPORTS:

(His Worship the Mayor, Councillor TM Kaunda, presented the First Report of the Executive Committee)

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**FIRST REPORT OF THE EXECUTIVE COMMITTEE**  
(Special Meeting held 2022-04-14)

**PRESENT** : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NI Madlala, T Miya, TM Mthethwa, T Sabelo and ZR Sokhabase.

**ABSENT** : Executive Committee Members NL Graham and MS Nkosi (Both Leave)

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1. REPORT ON ETHEKWINI MUNICIPALITY FLOOD DAMAGES: APRIL 2022

(Page 1)

The City of eThekweni has been ravaged by floods which occurred from 08 to 13 April 2022. This followed alerts by the South African Weather Services together with the eThekweni Flood Early Warning Systems (FEWS) regarding localized flooding in some Regions of KwaZulu-Natal, including the area of eThekweni.

The floods resulted to loss of human life and infrastructural damages. As such, some parts of the City are experiencing access challenges due to road damages; also power outages; and water supply cut. Some residents have also been displaced due to floods and are accommodated in temporary shelters.

Various interventions have been implemented to provide social relief and interim measures to provide access routes and urgent repair to infrastructural damages. A call for collaborative initiatives has been made for stakeholders to share resources and meet overwhelming needs of the residents as a result of the flood damages. The Municipality would also provide burial assistance to support the bereaved families, condolences being extended in this regard, it being noted that some people are still missing and the search for bodies is ongoing.



Flood damages also impacted the business fraternity, it being recalled that the City is still recovering from the impact of the Covid-19 pandemic as well as the looting incident. The report reveals that the recent floods affected the Manufacturing; Tourism; and Logistics Businesses. An urgent need exists to build business confidence and display credible plans by Government to revive the economy. This being critical to prevent potential relocation by businesses located in Durban.

All hands are on deck for the restoration of the City of eThekweni, and accordingly,

**COMMITTEE RECOMMENDS:**

- 1.1 That Council notes progress report on incidents caused by heavy rainfalls of 08-13 April 2022, which Report provides information on fatalities; injuries; and missing persons as a result of the floods, also status of infrastructural damages and resultant road closures with alternative routes being provided as well as water and electricity outages in most parts of the City; also the state of public transport operations, and economic and tourism impact, it being recorded that the assessments are ongoing in the Wards affected, with a follow-up Report to be provided in the next Executive Committee meeting.
- 1.2 That Council grants authority for various Units to start planning and rehabilitating infrastructure on a short-term and long-term basis based on the available budget for maintenance.
- 1.3 That authority be granted for the Head: Engineering to conduct an assessment on all the affected roads and drainage capacity taking into consideration the most affected areas as an emergency and provide a detailed plan indicating short, medium and long-term measures with financial implications being outlined accordingly in the report of the Head: Disaster Management & Emergency Control dated 2022-04-13.
- 1.4 That authority be granted for the Head: Human Settlements to look into providing medium to long-term solution for the displaced families in the affected Wards, subject to funding being made available by the KZN Department of Human Settlements.
- 1.5 That the Head: Human Settlements provide a detailed list of the houses affected that needs to be rebuild and apply for required funding from the Provincial Department of Human Settlements through Treasury, in line with the Disaster Management Act.
- 1.6 That the Deputy City Manager: Finance creates emergency funding through budget reprioritization in order to rehabilitate damaged infrastructure and fund the projects listed in the report of the Head: Disaster Management & Emergency Control dated 2022-04-13.
- 1.7 That the Head: Disaster Management and the Deputy City Manager: Finance submit motivation for disaster funding to the KZN Provincial Government and National Government once estimates are concluded.
- 1.8 That the Mayoral Office provides burial assistance for the confirmed fatalities caused by the heavy rainfall in line with Council policies and available financial resources.
- 1.9 That Council notes that in some instances subject to the approval of the Acting City Manager, Section 36 of the Supply Chain Management Policy will be utilized in order to respond speedily to some of the reported damages.

- 1.10 That based on the extent of damages, Council to submit a report, in terms of Section 23 (1) (b) of the Disaster Management Act, 2002 (Act No.57 of 2002) as classified by the National Disaster.

**Financial Implications:**

- Overtime after the normal working hours and weekends.
- Response, Recovery, Reconstruction, and Rehabilitation operational budget to be available.

**MOTION TO AMEND**

In terms of Rule of Order Bylaw 20(4), Councillor J Annipen, seconded by Councillor MS Nkosi, both of the IFP, moved as a procedural motion to amend recommendation 1.9 above by including the following:

“This Council notes in some instances Section 36 of the Supply Chain Management Regulations may be required to respond speedily to reported damages, a Special Council meeting be convened before 03 May 2022 to provide update on City’s responses before authority is granted to use Section 36.”

During discussion, the Head: Legal & Compliance guided Council in that the proposed amendment was not competent given that issues of supply chain management are dealt with administratively with Councillors only playing an oversight role.

Thereafter, Councillor Annipen was given the opportunity to rephrase his motion. He tried three times to rephrase but his motion was still making reference to Council granting authority for the use of Section 36. The attention of Council was then drawn to the oversight role over Section 36 matters. This including the oversight role by the Finance, Security & Emergency Services Committee; Municipal Public Accounts Committee; Executive Committee; and thereafter Council. It was then advised that given these aforesaid processes, there was no need to convene a Special Council meeting on 03 May 2022.

The Speaker then granted Councillor Annipen a final opportunity to rephrase his motion and which is presented below:

“That Council notes that in some instances Section 36 of the Supply Chain Management Policy may be required in order to respond speedily to some reported damages, this notwithstanding, a Special Council Meeting must be called no later than 03 May 2022 for the Office of the City Manager to provide an updated progress report on the City’s interventions in restoring service delivery and stability within eThekweni where the use of Section 36 of the Supply Chain Management Policy can be noted.”

As some Members were not in support of the above amendment, the matter was put to the vote. With 199 Councillors present, 18 Councillors (IFP-14 and Action SA- 04) voted in support of the amendment; 97 Councillors (ANC- 90, ABC - 01, NFP- 01, JEP – 01, MOSA- 01, APF- 01, PRM- 01, FF- 01) voted against the amendment; and 84 Councillors (DA- 53, EFF- 20, ACC- 02, ACDP- 02, ADEC- 01, ATM-01, AL JAMAH-AH- 01, MF- 01, PFP- 01, TA-01, UIM- 01) abstained on the matter.

Accordingly, the amendment was, by the majority vote, **NOT CARRIED.**

Reverting to the substantive matter, all Councillors shared similar sentiments that the recent floods have been devastating and thus leaving the City with huge scars. Condolences were extended to the bereaved families and also deepest sympathy to those who were still searching for missing bodies of their relatives; those left homeless; as well as those whose properties have been damaged.

The support by various stakeholders to provide relief to flood victims were appreciated. The visibility of leadership from all spheres of government was acknowledged, as the City was focusing on floods disaster interventions to restore infrastructure. It was noted that floods have exacerbated the situation as the City was already grappling with aging infrastructure.

It was also noted that the City was experiencing repeat floods, hence, the importance to be empowered on disaster management thus improving response plans in this regard. That the issue of stormwater maintenance be also attended to so as not experience aggravated damages in the event of floods.

The leadership of His Worship the Mayor during the floods was commended, who continued to steer the ship despite his ill health, hence the deployment of other Members and his virtual engagements in certain instances to guide the process as the City was coordinating the recovery plans.

The extent of damages having been narrated, all stakeholders were encouraged to work in unity in a bid to restore the City. Thereafter, item 1.1 and 1.9 of the April Floods Report above were **NOTED**; with items 1.2 to 1.10 being **ADOPTED.**

2. REPORT ON BAYHEAD ROAD DAMAGES CAUSED BY RECENT STORM

(Circulated Separately)

Due to the recent floods, the Bayhead Road has been damaged thus resulting to its closure. Bayhead Road is strategic for the City because of the economic activity by trucks transporting goods within and outside the City. It is therefore critical to consider uplifting traffic restrictions contained in the Land Use Management Act to activate usage of alternative routes to enable trucks movement to and from the Durban Port and the BP refinery. The roads identified for alternative routes are Maydon Wharf and Bluff Roads. Proper consultation was to be undertaken to sensitize stakeholders concerned of this interim arrangement.

With the interventions made to free the economy being greatly appreciated,

COMMITTEE RECOMMENDS:

- 2.1 That the damage caused by the recent severe storm on Bayhead Road, and the solutions being put together to repair the damage, be noted.

2.2 That Council approves measures being taken to provide alternative access to the Durban Container Terminal and Island View, while repairs are being undertaken on Bayhead Road.

2.3 That Council approves the necessary temporary relaxation of restrictions on some of the options for alternative access in order to provide immediate relief to the impending fuel shortage in the City, and other critical goods destined for the City, and other parts of the Country as well as the South African Development Community (SADC) Region.

	Description	Comments	Timelines
Long-term Solution	a. Full Repair of the damaged section of Bayhead Road	<ul style="list-style-type: none"> <li>a. Clearance of the debris and full assessment of the damage still need to be undertaken</li> <li>b. Appointment of team to design the appropriate solution still be done</li> </ul>	9 to 15 months
	b. Second Access to the Port	<ul style="list-style-type: none"> <li>a. Advertisement in 2021 for preliminary design and EIA, but a non-appointment, because of potential legal challenge</li> <li>c. Tender to be re-advertised once budget secured</li> <li>c. Detailed design and construction</li> </ul>	<ul style="list-style-type: none"> <li>a. Re-advertisement as soon as budget is available, and 18 months to complete prelim design</li> <li>b. 36 months for design and construct</li> </ul>
Short-term Alternatives	a. Partial repair of the damaged section of Bayhead Road	<ul style="list-style-type: none"> <li>a. Emergency repairs to the outbound carriageway.</li> <li>b. The culvert and canal have been assessed and found to be structurally sound.</li> <li>c. Four (4) lanes of traffic can be accommodated</li> </ul>	2 weeks to complete after appointment of contractor
	<u>Alternate Route A – via Iran Rd:</u> <i>Exit Port and turn left into Bayhead Road, Iran Rd, Bluff Rd, South Coast Rd, and Solomon Mahlangu Dr. (M7)</i>	<ul style="list-style-type: none"> <li>• Tight horizontal curve near Formosa Rd</li> <li>• Currently already highly trafficked by both locals and heavy vehicles</li> <li>• Minimal breakdown opportunities for overtaking</li> <li>• Steep grades on Bluff Road with high residential component – high risk</li> <li>• Inadequate intersection at Iran/Bluff</li> </ul>	1 day
	<u>Alternate Route B – via Iran – Island View Rd:</u> <i>Exit Port and turn left into Bayhead Road, Iran Rd, Bluff Rd, Island View Rd, Lighthouse Rd, Tara Rd, Bluff Rd</i>	<ul style="list-style-type: none"> <li>• All roads on this alternative are adequately designed for the movement of heavy vehicles</li> <li>• Fewer horizontal curves and gentle grades</li> <li>• Available passing lanes</li> <li>• This alternative is the most appropriate for recommendation.</li> </ul> <p>To also consider:</p> <ul style="list-style-type: none"> <li>• Use Bluff Road to travel towards port and Island View Road to travel away from port</li> </ul>	1 day
	<u>Alternate Route C – via Eel Rd:</u> <i>From North: Maydon Rd, left onto Eel Rd, Bayhead Rd, and Langeburg Rd</i> <i>From South: South Coast Rd, Solomon Mahlangu Rd (M7), right onto Eel Rd, Bayhead Rd, Langeburg Rd</i>	<ul style="list-style-type: none"> <li>• Reverse horizontal curves with approx. 80m radius radius – tracking affected</li> <li>• Uneven road surface with high number of potholes – ongoing repairs required</li> <li>• Adjacent businesses occupy all verge spaces for parking, creating inferior lane widths</li> <li>• Railway underpass has a limited height of 3.40m with a single width capacity – inadequate</li> </ul>	2 days

	Description	Comments	Timelines
		<ul style="list-style-type: none"> <li>Breakdown challenges due to limited passing lanes</li> </ul> <p>Note:</p> <ul style="list-style-type: none"> <li>Eel Rd is not appropriate to be utilized as an alternate route for heavy vehicles</li> <li>Use for Light Motor Vehicles</li> </ul>	

**Financial:**

Bayhead Road is owned by Transnet. As a result, they are bearing the cost for the repairs needed on road. They City may need to bear some minor costs, relating to improved signage required on the alternative routes to be utilised in the short term.

Item 2.1 was **NOTED;** with items 2.2 and 2.3 **ADOPTED,** as the interventions made in Bayhead will ensure business continuity in the Port of Durban, which is at the centre of economic growth in South Africa and beyond. While the interventions were commendable, it was requested that this be implemented but not inconveniencing communities using the proposed alternate routes for trucks. Hence, a recommendation was made to increase Metro Police visibility for traffic control purposes.

3. PROPOSED IMMEDIATE INTERVENTIONS TO MITIGATE RECENT STORM DAMAGES

(Raised Verbally)

The immense damage on the infrastructure, the continuous strain on the economy and the increasing number of lives lost and people displaced as a result of the recent floods necessitate approval of immediate interventions while working on long-term rehabilitation plans where required.

As such, the Executive Committee shared various options to restore the City of eThekweni following the recent floods.

Therefore,

**COMMITTEE RECOMMENDS:**

- 3.1 That the Acting City Manager, Chief Financial Officer and the Head Legal & Compliance Services be mandated to establish a Disaster Fund Account that would enable external donors that are willing to contribute to make deposits towards assisting communities affected by the recent floods.
- 3.2 That the Acting City Manager be tasked to establish the Disaster Steering Committee that would be chaired by the Provincial Director-General to deal with administrative matters that are related to the recent storm damages and to convene as a matter of urgency.
- 3.3 That the Metro Police Unit assist the City by inspecting all roads that require urgent attention and to assist communities to commute in and out of their respective areas, these inspections to be supported by images that would separate minor and major repairs required.

- 3.4 That the Acting City Manager and the Chief Financial Officer source savings from the budget to assist with the provision of food parcels to all community members that are being sheltered at all activated places of safety (Municipal Halls).
- 3.5 That the Head: Disaster Management monitor and ensure that every individual accommodated in shelters are provided with at least one (01) meal per day.
- 3.6 That proper co-ordination be established to obtain a list of people that require social relief, with assistance from Ward Councillors and PR Councillors, and that the list should be properly monitored and communicated, with feedback being provided to communities on the way forward to avoid complaints.
- 3.7 That all Municipal Units should participate in ensuring that the City returns to normal state and provide evidence of the work undertaken in this regard.
- 3.8 That all roads should be cleared of debris as soon as possible.
- 3.9 That no Senior Official should be granted leave until the situation faced by the City has eased.
- 3.10 That the Head: Health allocate people who would assess that the food parcels that are being handed to community members at all the shelters are compliant in terms of health and safety protocols.
- 3.11 That the Head: Water and Sanitation should delegate a team that would coordinate the process of obtaining contact numbers, through the Ward Councillors and PR Councillors, of all private water tankers that wishes to assist with water transportation and clarity be provided that no charge would be incurred by the Municipality.

### **MOTION TO AMEND**

**In terms of Rule of Order Bylaw 20(4), Councillor V Reddy of the ADEC, seconded by Councillor J Essop of the ACDP, moved as a procedural motion to amend recommendations 3.6 and 3.11, by including PR Councillors to also assist together with Ward Councillors in the coordination of lists for social relief beneficiaries and the issue of securing private water tankers.**

**The amendment was unanimously CARRIED,** hence recommendation 3.6 and 3.11 above now also include PR Councillors.

Reverting to the substantive matter, the recommendations were **ADOPTED,** as amended.

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**(His Worship the Mayor, Councillor TM Kaunda presented the Second Report of the Executive Committee)**

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## SECOND REPORT OF THE EXECUTIVE COMMITTEE

(Meeting held 2022-04-26)

- PRESENT : Executive Committee Members TM Kaunda (Mayor and Chairperson), PG Mavundla (Deputy Mayor), Y Govender, NL Graham, NI Madlala, T Miya, TM Mthethwa, MS Nkosi, T Sabelo and ZR Sokhabase.
- ABSENT : Executive Committee Member MS Nkosi (Leave-Indisposed)
- 

### 1. REPORT OF ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE: MEETING HELD 2022-04-22

(Page R1)

- 1.1 Application in Terms of the Provisions of the eThekweni Municipality Planning and Land Use Management Bylaw 2016 (Municipal Notice No. 114 of 2017) for the Amendment of the eThekweni Municipality Land Use Scheme (Central Sub-Scheme) Regulations (Section 7): Special Zone 26 (Broadway Precinct) by the Expungement of the Subject Erf (Erf 1880 Durban North) from Land Use Component 3 (Residential Office Conservation) and the its Insertion Into Land Use Component 1 (Commercial) for the Purpose of Regularising an Existing Shop, 63 Adelaide Tambo Drive (21/7/11): (Page 1: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority is sought to amend the eThekweni Municipal Land Use Scheme (Central sub-scheme), Section 7: Special Zone 26 (Broadway Precinct) by the expungement of the subject ERF 1880 Durban North) from Land Use Component 3 Residential Office Conservation and its insertion into Land Use Component 1 Commercial.

The amendment will result in a reduction in amenity which leads to more change in an ongoing domino effect. It is therefore critical to arrest the expansion in the north/south direction to preserve the residential amenity and avoid generating adverse precedents for further transitions along Adelaide Tambo Drive and other parallel roads which have no edge. With the possibility of a knock-on effect it will be difficult to draw the line in order to prevent any further intrusions onto the prime residential fabric.

Having considered the foregoing,

### COMMITTEE RECOMMENDS:

- 1.1.1 That in terms of Section 26(1)(b) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017), the application for the amendment of the eThekweni Municipality Land Use Scheme (Central Sub-scheme), Section 7 (Development Facilitation Tables): Special Zone 26 (Broadway Precinct), by the expungement of the subject erf (Erf 1880 Durban North) from Land Use Component 3 (Residential Office Conservation) and its insertion into Land Use Component 1 (Commercial) be REFUSED for the following reasons:

- 1.1.1.1 The impact of this Scheme Amendment would be in direct conflict with the intentions of the Broadway Precinct plan in allowing commercial land uses to be adjacent to residential uses, which would encourage a domino effect of encouraging further ad hoc residential conversions in the residential area of Durban North. The precedent created by allowing this Scheme Amendment would result in loss of orderly development in the Durban North area.
- 1.1.1.2 The Broadway Precinct freely permits office and residential usage for the subject site. This conforms to the concept of a transition between the commercial development on the adjacent property and the residential development to the North. Deviation from this norm will unleash uncontrolled residential conversions throughout Durban North.
- 1.1.1.3 The application is for the regularization of a new illegal use which has been subject to enforcement action. The shop was recently moved from a shopping centre in Umhlanga Rocks Drive (about 1km away) to this office/residential site. The illegal use of land cannot be condoned as it forces Council to consider haphazard and disorderly development proposals.

**ADOPTED.**

- 1.2 Application in Terms Section 46 of the eThekweni Municipality: Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) for the Amendment to the eThekweni Municipal Land Use Scheme: Reservoir Hills Sub-Scheme Section 7: The Development Facilitation Table by the Creation Of Special Zone 2 (21/7/R):  
(Page 9: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority sought for the amendment of the eThekweni Municipal Land Use Scheme: Reservoir Hills Sub-Scheme: Section 7: Development Facilitation Table: Introduction of a new Special Zone 2 in respect of Erven 204, 206 and 208 Reservoir Hills located at 40 Yale Crescent and 53 Winchester Drive Reservoir Hills.

The creation of a new development facilitation table is to regularise and legalize the existing land uses on the subject site. The proposal is in line with the eThekweni Municipality's objective to promote spatial efficiency by optimizing development in areas of greatest opportunity and encourages efficient use of infrastructure and facilities. It also promotes a better mix of land uses within the Reservoir Hills area and aligns to the Municipal Spatial Development Plan which focuses on nodal economic development and mixed-use developments in order to create the necessary densification. The amendment will also contribute to ensuring these mixed-use developments are sustainable.

Having noted that the proposed amendment is appropriate and meets the development principles set out in the current planning legislation, also promotes sustainable economic development,

**COMMITTEE RECOMMENDS:**

- 1.2.1 That in terms of Section 46(1)(a) of the eThekweni Municipality Planning and Land Use Management By-Law 2016 (Municipal Notice 114 of 2017) the application for the amendment to the eThekweni Municipal Land Use Scheme: Reservoir Hill Sub-Scheme, Section 7: The Development Facilitation Table by the creation of Special Zone 2, for Erven 204, 206 and 208 Reservoir Hills situated at 40 Yale Crescent and 53 Winchester Drive Reservoir Hills, be ADOPTED for the following reasons:



- 1.2.1.1 Special Zone 2 is proposed as the eThekweni Municipal Land Use Scheme: Reservoir Hill Sub-Scheme currently does not cater for the mix of uses which the applicant is proposing.
- 1.2.1.2 The proposed Special Zone 2 will allow for a mix of land uses that will fit in and add to the residential character of the area.
- 1.2.1.3 The land uses proposed will be of benefit to the surrounding residential areas.
- 1.2.1.4 The Special Zone 2 proposed is appropriate for this unique site that sits in this residential community.

The eThekweni Municipal Land Use Scheme: Reservoir Hill Sub-Scheme will be amended to reflect the following amended development facilitation table:

			ZONE: SPECIAL ZONE 2 Erven 204, 206 &208 Reservoir Hills							
COLOUR NOTATION: White background fill with Mars Red Border.										
PRIMARY			SPECIAL CONSENT		PRECLUDED					
<ul style="list-style-type: none"><li>• Conservation Area</li><li>• Convention Centre</li><li>• Crèche</li><li>• Dwelling House</li><li>• Educational Establishment</li><li>• Hotel</li></ul>			<ul style="list-style-type: none"><li>• Garden Nursery</li><li>• Health &amp; Beauty Clinic</li><li>• Health Studio</li><li>• Institution</li><li>• Multiple Unit Development</li><li>• Pet Grooming Parlour</li><li>• Place of Public Worship</li><li>• Private Open Space</li><li>• Retirement Centre</li><li>• Special Building</li><li>• Telecommunication Infrastructure</li><li>• Veterinary Clinic</li></ul>		<ul style="list-style-type: none"><li>• Action Sports Bar</li><li>• Adult Premises</li><li>• Agricultural Activity</li><li>• Agricultural Land</li><li>• Arts and Crafts Workshop</li><li>• Betting Depot</li><li>• Boarding House</li><li>• Builder’s Yard</li><li>• Car Wash</li><li>• Cemetery/Crematorium</li><li>• Chalet Development</li><li>• Container Depot</li><li>• Correctional Facility</li><li>• Direct Access Service Centre</li><li>• Display Area</li><li>• Escort Agency</li><li>• Flat</li><li>• Flea Market</li><li>• Forensic Science Laboratory</li><li>• Fuelling and Service Station</li><li>• Funeral Parlour</li><li>• Government/Municipal</li><li>• Industry - Extractive</li><li>• Industry – General</li><li>• Industry – Light</li><li>• Industry – Noxious</li><li>• Landfill</li><li>• Laundry</li><li>• Mobile Home Park &amp; Camping Ground</li></ul>			<ul style="list-style-type: none"><li>• Mortuary</li><li>• Motor Display Area</li><li>• Motor Garage</li><li>• Motor Vehicle Test Centre</li><li>• Motor Workshop</li><li>• Museum</li><li>• Nature-based Recreation and Tourism</li><li>• Nature Reserve</li><li>• Night Club</li><li>• Office</li><li>• Office – Medical</li><li>• Parkade</li><li>• Place of Public Entertainment</li><li>• Recycling Centre</li><li>• Reform School</li><li>• Refuse Disposal</li><li>• Restaurant / Fast Food</li><li>• Riding Stables</li><li>• Scrap Yard</li><li>• Shop</li><li>• Student Residence</li><li>• Transport Depot</li><li>• Transport Use</li><li>• Truck Stop</li><li>• Warehouse</li><li>• Zoological Garden</li></ul>		
ADDITIONAL CONTROLS										
Nil										
DEVELOPMENT PARAMETERS										
SPACE ABOUT BUILDINGS			DWELLING UNITS PER HECTARE	MINIMUM ERF SIZE(m²)	HEIGHT IN STOREYS	COVERAGE	FLOOR AREA RATIO			
BUILDING LINE	SIDES	REAR								
6.0m	2.0m	3.0m		N/A	2	40%	N/A			

**ADOPTED**

1.3 Amendment to the Existing Annual Durban Tourism Awards Approved by Council on 29 June 2021 (20/1/4/3):  
(Page 19: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority is sought to amend the Durban Tourism Awards and note an addition to the panel of judges by including Mr Mel Ntombela who is the Community Tourism Organisation Chair of INK Tourism; approve the inclusion of prizes for Creative Industry, Hospitality, Investment, Township Economic Development and financial implications for the following amendments:

- Focus Area 2 – Sustainable Development – Green Tourism
- Focus Area 3 – Service Excellence – Rickshaw Pullers
- Winners' Prizes to increase from R30 000.00 to R50 000.00
- Mayor's Achievement Awards to include winners in Creative Industry, Hospitality, Investment and Township Economic Development

With the Democratic Alliance (09), Action SA (01) and the ACDP (01) voting against the recommendations and the ANC (15), EFF (01) and IFP (01) voting in support of the recommendations,

COMMITTEE RECOMMENDS:

- 1.3.1 That the following amendments to the Durban Tourism Awards be noted and approved accordingly:
- 1.3.1.1 The increase in the monetary value of the Prizes from R30 000.00 (Thirty Thousand Rand) to R50 000.00 (Fifty Thousand Rand) for the winner per category.
- 1.3.1.2 The addition to the judges by including Mr Mel Ntombela who is the Community Tourism Organisation (CTO) Chair of INK Tourism to become part of the panel of judges.
- 1.3.1.3 The addition by including sub-categories detailed hereunder:
- (a) Focus Area 2-Sustainable Development-Green Tourism
  - (b) Focus Area 3- Service Excellence- Rickshaw Pullers
- 1.3.1.4 Approval of the financial implications for the following amendments:
- 1.3.1.4.1 Focus Area 2 – Sustainable Development – Green Tourism
  - 1.3.1.4.2 Focus Area 3 – Service Excellence-Rickshaw Pullers
  - 1.3.1.4.3 Winners' Price increase from R30 000.00 to R50 000.00
  - 1.3.1.4.4 Mayor's Achievement Awards to include winners in the following categories:
    - (a) Creative industry
    - (b) Hospitality
    - (c) Investment
    - (d) Township economy development

**Financial Implications**

An additional R499 400.00 (Four Hundred and Ninety Nine Thousand Four Hundred Rand only) for the additional categories, the amendment to the prize monies from R30 000.00 (Thirty Thousand Rand only) to R50 000.00 (Fifty Thousand Rand only) and additional Mayor's Awards Categories winners.

**Amendment to financial implications**

Vote No.: 26723.16315.12120.0000.53500-42.0010

Amount: R499 400.00

FC No.: 2022/13/18

**REFERENCE BACK**

In terms of Rule of Order Bylaw 20(1)(c), Councillor J Annipen of the IFP, moved as a procedural motion and seconded by Councillor N Graham of the DA, that the above recommendations of the Executive Committee be referred back to the Executive Committee since the City was still dealing with the floods disaster, hence, events of this nature can be deferred.

Some Members were not in support of the deferral of the programme citing the significance to revive the economy given that the tourism sector in particular has been the hardest hit, starting from the advent of the Covid-19 pandemic, then the July 2021 civil unrest and now the recent floods.

Therefore, as there were contrary views, the matter was put to the vote. With 198 Councillors present, 95 Councillors (DA-53, EFF-20, IFP-14, Action SA-04, ACDP-02, UIM-01 and VF Plus-01) voted in support of the reference back; 99 Councillors (ANC- 93, ADEC-01, APF-01, JEP-01, MF-01, NFP-01, PRM- 01) voted against; and 04 Councillors (ACC-02, AL JAMAH-AH-01 and PFP-01) abstained on the matter.

Accordingly, the motion was, by the majority vote, **NOT CARRIED**

Reverting to the substantive matter, the ANC cited that eThekweni is in the top five of the leading Cities and that tourism is the backbone of the City. The Award ceremony was then supported as it was believed the City needs to display resilience notwithstanding the disaster thereby continuing to build from ashes.

The IFP submitted that the Awards ceremony is being supported but that it was inopportune to proceed with the event since priority should be given to infrastructural restoration. That the City was still mourning the loss of hundreds of people. Hence, the proposal to defer the hosting of the Awards ceremony.

As there were contrary views, the matter was put to the vote. With 200 Councillors present, 123 Councillors (ANC- 93, EFF-20, ABC-01, ADEC-01, APF-01, ATM-01, AL JAMAH-AH-01, JEP-01, MF-01, NFP-01, PRM- 01, TA-01) voted in support of the matter; 75 Councillors (DA-53, IFP-14, Action SA-04, ACDP-02, UIM-01 and VF Plus-01), voted against the matter; 02 ACC Councillors recorded their abstention on the matter.

*(At this stage of the proceedings, time being 15h23, the meeting adjourned for a break and thereafter reconvened at 15h38)*

(Page 27: Economic Development and Planning Committee - Agenda 2022-04-22)

In noting retrospective approval sought for the Durban destination promotion events of November 2021,

**COMMITTEE RECOMMENDS:**

- 1.4.1 That authority be granted for the Acting City Manager to enter into partnerships with various event organizers for the City's Destination Promotion Leveraging that occurred in November 2021 for the financial year of 2021/2022 whilst Council was on recess.
- 1.4.2 That authority be granted for the Acting City Manager and the Deputy City Manager (Economic Development and Planning) to enter into a contractual agreement with the various event partners, as outlined in the report by the Acting City Manager dated 2022-02-07, relative to Durban Destination Promotion.
- 1.4.3 That authority be granted for the Acting City Manager and the Deputy City Manager (Economic Development) to:
- 1.4.3.1 Engage in robust Domestic Tourism Events to enhance and protect the City's competitive edge and lead Durban back to being a leading Events City and Tourism Destination.
- 1.4.3.2 Use marketing platforms available at various parts of eThekweni to disperse visitors and conduct destination promotion over the period of November 2021 within the Durban Tourism Summer Campaign of the Durban Summer Travel Extravaganza.
- 1.4.3.3 Negotiate the appropriate partnership mileage for event leveraging, commensurate to the financial investments with the respective event organisers.
- 1.4.3.4 Facilitate, co-ordinate and monitor the event execution and monitor the delivery of Return on Investment (ROI) in line with Destination Promotion Leveraging.

**Financial Implications**

The total budget implication for the events in the financial years of 2021/2022 will be R890 000.00 excluding VAT. The total implications will be split as follows:

The amount of R790 000.00 (Seven Hundred and Ninety Thousand Rand) (Excl. VAT) will be provided for by Durban Tourism in the following vote number:

BU	Item.SUB	Fund	Costing	Project	Region
26723	16315	12120	0000	53500-48	0010

**FC NO.: 2022/13/14**

The amount of R100 000.00 (One Hundred Thousand Rand) (Excl. VAT) will be provided for by Parks, Recreation and Culture in the following vote number:

BU	Item.SUB	Fund	Costing	Project	Region
15002	27999.7052	99000	7052	PD001	0010

**FC NO.: 32/251**

**ADOPTED.**

- 1.5 EThekweni 5-Year Economic Development Strategy Called “Sakha iTheku – Shape Durban” (20/1/7/1):  
(Page 43: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority is sought to adopt the Economic Development Strategy focusing on economic recovery and shared growth. The strategy will be called “Sakha iTheku – Shape Durban”, meaning we are building Durban and conveys the message of collective action towards building and reshaping. The strategy consolidates the City's response to the recent unrest and recovery from the impact of the COVID-19 into one strategy which includes short term responses within the framework of the medium- and long-term objectives. This demonstrates that while the City is responding in the short-term to the crisis that it faces, it is doing so in a manner which contributed to its long-term objectives.

Having noted the foregoing,

COMMITTEE RECOMMENDS:

- 1.5.1 That the achievements made in implementing the Economic Recovery Plan (2020) which has now come to an end, be noted.
- 1.5.2 That the new “Sakha iTheku – Shape Durban” Strategy attached as Annexure 1 and 2 to the report by the Acting City Manager dated 2022-03-11 as the City’s new 5-year Economic Development Strategy (2022-2027), be approved.
- 1.5.3 That authority be granted for the Deputy City Manager (Economic Development and Planning) to proceed with the development of a detailed implementation plan for the Strategy, which should contain financial implications and must be brought to Council for approval.
- 1.5.4 That Deputy City Manager: Economic Development and Planning submit a detailed report on the establishment of the Economic Development Entity and in line with the relevant legislation.
- 1.5.5 That authority be granted for the Deputy City Manager: Economic Development and Planning to establish a high-profile team to oversee the implementation of the strategy.
- 1.5.6 That progress report be submitted to Council on a quarterly basis.
- Item 1.5.1 **NOTED;** Items 1.5.2 to 1.5.6 **ADOPTED.**

- 1.6 Draft 2022-2028 eThekweni Informal Economy Policy (20/1/P):  
(Page 102: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority is sought to advertise for public comments the draft 2022-2028 eThekweni Informal Economy Policy attached to the report by the Acting City Manager dated 02 March 2022.

Having noted that the legal requirement for an Informal Economy Policy derives from the South African Constitution and is also monitored in the Integrated Development Plan process audited by the Province and the Auditor General's office,

COMMITTEE RECOMMENDS:

- 1.6.1 That authority be granted for the Deputy City Manager: Economic Development to advertise for public comments the draft eThekweni Municipality Informal Economy Policy aimed at creating an environment that supports sustainable economic growth in the informal economy thus reducing vulnerability of those working in the sector.
- 1.6.2 That, subsequent to the public participation process, the final draft eThekweni Municipality Informal Economy Policy, representing the 2022-2028 review, be prepared and tabled at the Council Meeting in August 2022 for adoption.

**ADOPTED.**

- 1.7 Invest Africa: Investor Mission 2 Tanzania (20/1/7/3):  
(Page 160: Economic Development and Planning Committee - Agenda 2022-04-22)

Authority is sought for Invest Durban Unit to participate in the Investor Mission to Tanzania, taking place from 04 to 06 May 2022, led by Invest Africa in partnership with the Norwegian-African Business Association. The City's team will be recruiting additional business leaders in Durban to add commercial value in the mission planned meetings with the Tanzanian President, Central Business, Governor, National Ministers, plus Tanzania Captains of industry.

Invest Durban will have first-hand investment information direct from the investors and the targeted sectors that will allow the City of Durban to better position itself in the competitive national investment attraction market. The knowledge from this mission will further enhance Durban's understanding of investor needs and develop stronger relationships with a variety of national and global stakeholders.

With the Democratic Alliance (09), Action SA (01) and the ACDP (01) voting against the recommendations and the ANC (15), EFF (01) and IFP (01) voting in support of the recommendations, by majority,

COMMITTEE RECOMMENDS:

- 1.7.1 That authority be granted for the eThekweni Municipality to participate in the Investor Mission to Tanzania taking place from 04 to 06 May 2022, led by Invest Africa in partnership with the Norwegian-African Business Association.
- 1.7.2 That authority be granted for the Chairperson of the Economic Development and Planning Committee, Councillor T Sabelo, to participate in the investment mission referred to above, together with the relevant officials from the Economic Development and Planning Cluster.

**MOTION TO AMEND**

In terms of Rule of Order Bylaw 20(4), Councillor GDA Pullan, seconded by Councillor N Graham, both of the DA, moved as a procedural motion to amend recommendation 1.7.2 to reduce the number of participants to only allow officials since Councillors are still busy with flood matters.

Commenting on the motion, Council was informed of the importance of the political delegation in the mission of this nature, it being advised that the invite was directed to His Worship the Mayor, but then he in turn delegated Councillor Sabelo in view of the City still dealing with the issue of floods disaster.

Thereafter, as a compromise, the DA recommended that since this was a delegation of four (04) people, it be reduced by one official to accommodate the Councillor. The DA cited that the costs is ranging to R80 000.00 hence the proposal to reduce the delegation.

The ANC maintained that the delegation as proposed be permitted to participate, citing that the programme normally become vast such that even the delegation is unable to cover all breakaway sessions.

Due to diverse views, the matter was put to the vote. With 201 Councillors present, 75 Councillors (DA-53, IFP-14, Action SA- 04; ACDP-02, UIM- 01, VF Plus-01) voted in support of the amendment; 126 Councillors (ANC- 93, EFF-20, ABC- 01, NFP- 01, JEP – 01, APF- 01, PRM- 01, ACC- 02, ACDP- 02, ADEC- 01, ATM-01, MF- 01, KZNI-01, PFP- 01, TA-01) voted against the amendment. There were no abstentions recorded.

Accordingly, the amendment was, by the majority vote, **NOT CARRIED.**

Reverting to the substantive matter, some Members reiterated their support for the event since this will enable the City of eThekweni not to lag behind on the latest trends and therefore become progressive in attracting investments to the City. The other Members were concerned about the timing and the costs given that priority for now should be given to floods damage interventions.

The matter was thereafter put to the vote. With 202 Councillors present, 127 Councillors (ANC- 93, EFF-20, ABC- 01, NFP- 01, JEP – 01, APF- 01, PRM- 01, ACC-02, ACDP-02, ADEC-01, ATM-01, MF-01, KZNI-01, AL JAMA-AH-01), voted in support of the matter; 54 Councillors (DA-53 and PFP-01), voted against the matter; 21 Councillors (IFP-14, Action SA- 04, UIM- 01, TA-01, VF Plus-01) abstained on the matter.

1.8

Africa Travel Indaba Update Report (20/1/4/3):  
(Laid on Table)

Authority is sought to continue with the Africa Travel Indaba partnership with the KZN bid parties of the Africa Travel Indaba. The City's funding contribution to the Africa Travel Indaba amounts to the value of R14 308 372.00 for the 2021/2022, 2022/2023 and 2023/2024 financial years. This represents the eThekweni Municipality's obligation in the partnership of host Africa Travel Indaba and to be paid to Tourism KZN as per the agreement, with additions on the two years lost due to the COVID-19 restrictions.

Africa Travel Indaba is one of the largest tourism marketing events on the African Calendar and one of the top three must-visit events of its kind on the Global Calendar, which serves as a platform to showcase offerings available and discuss growth and development of the tourism industry.

The event showcases the widest variety of Africa's best tourism products and attracts international tourism buyers and media from across the world which will be beneficial for the City.

With the Democratic Alliance (09), Action SA (01), UIM (01) and the ACDP (01) abstaining on the matter and the ANC (15), EFF (01) and IFP (01) supporting the recommendations, by majority,

**COMMITTEE RECOMMENDS:**

- 1.8.1 That Council notes the return of Annual Africa Travel Indaba in 2022 and ensuing years, which event did not happen for the past two years (2022 and 2021 due to the COVID-19 restrictions.
- 1.8.2 That Council notes the City benefitted in the previous partnership in hosting the Africa Travel Indaba for the past years, including 2018 and 2019, as per the economic impact assessment outlined in the Report by the Acting City Manager tabled at the Economic Development and Planning Committee.
- 1.8.3 That Council notes the bid has been won to host and thus the return of Africa Travel Indaba to be hosted in episodes to make up for lost years of Travel Indaba, it being recorded the event is taking place from 02 to 05 May 2022 at the Inkosi Albert Luthuli International Convention Centre.
- 1.8.4 That Council approves the City's bid partnership, including the financial contribution to the value of R14 308 372.00 (Fourteen Million Three Hundred and Eight Thousand Three Hundred and Seventy Two Rand) for the financial years 2021/2022; 2022/2023 and 2023/2024, as part of the eThekweni Municipality's financial obligation in the partnership of host Africa Travel Indaba, and which amounts are to be paid to Tourism KwaZulu-Natal entity, as per conditions of the bid annexed to the report by the Acting City Manager dated 2022-03-24.

Items 1.8.1 to 1.8.3 **NOTED;** and item 1.8.4 **ADOPTED.**

2. REPORT OF FINANCE, SECURITY AND EMERGENCY SERVICES  
COMMITTEE: MEETING HELD TUESDAY, 2022-04-26

(Page R8)

2.1 Budget Statement for the Month Ended 28 February 2022 (7/1/4):  
(Page 91: Finance, Security & Emergency Services Committee - Agenda 2022-04-26)

Attention of the Committee was drawn to the salient features of the report relative to the actual operating revenue of 99% of the budget with a variance of -1% and the revenue generated to date is 65.7%. The actual operational expenditure was reported as a percentage of year-to-date budget at 95% with a variance of -5%; the operating expenditure spent to date is 62.7%. The reported capital expenditure is 92% of the year-to-date budget with a variance of -8% and the capital expenditure spent to date is 43.3%. A cash collection of 92% as at February 2022 was reported as lower when compared to the same period in the previous year (95.74%).



The Committee scrutinized the Report drawing attention to issues needing attention such as days cash on hand; water distribution losses, reference being made also to potential worst-case scenario as a result of water pipe burst due to the recent floods; monitoring of anticipated over-expenditure in the security costs; debtors management.

With Management giving assurance of interventions being made to ensure stable financial position within the Municipality,

**COMMITTEE RECOMMENDS:**

- 2.1.1 That the Budget Statement report for the month ended 2022-02-28 and the supporting documents, submitted by the Acting City Manager as per his report dated 2022-03-14, in compliance with Section 71 of the Municipal Finance Management Act 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
- 2.1.2 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes the Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of February 2022 as detailed on section 10 of the Budget Statement Report.
- 2.1.3 That Council refers the UIFW referred to in .2 above to the Municipal Public Accounts Committee (MPAC) for investigation into the recovery or write-off of the said expenditure in terms of Section 32(2)(b) of the Municipal Finance Management Act and request MPAC to report back to Council on the outcome of its investigations.
- Items 2.1.1 and 2.1.2 **NOTED;** Item 2.1.3 **ADOPTED.**

- 2.2 EThekweni Municipality Monthly Public Tender Awards: 28 February 2022 (9/1/3):  
(Page 263: Finance, Security & Emergency Services Committee - Agenda 2022-04-26)

In noting the report in the above regard,

**COMMITTEE RECOMMENDS:**

- 2.2.1 That the public tender awards by the City for the month of February 2022, inclusive of awards made in terms of Section 36 of the Supply Chain Management Regulations, as contained in the report by the Head: Supply Chain Management dated 2022-03-04, be noted.
- 2.2.2 That it be noted that where information is available for Wards and registration numbers, it is included in the report, as information used to compile the report is taken from submissions made by the Units.
- 2.2.3 That the Finance, Security and Emergency Services Committee calls for additional information on individual awards, where it deems appropriate and necessary to play its oversight role.
- 2.2.4 That the Acting City Manager reserves the right to investigate the awards with a view to taking disciplinary, criminal and recovery actions where willful and negligent violation of Supply Chain Management Policies and Municipal Finance Management Act provisions are observed.

- 2.2.5 That the Acting City Manager shall table a report to the Committee relative to the disciplinary, criminal and recovery actions taken, it being recorded that the Acting City Manager can only respond when the reports are available.

**NOTED.**

- 2.3 Report on Investments for the Month Ended 28 February 2022 (7/1/4):  
(Page 338: Finance, Security & Emergency Services Committee - Agenda 2022-04-26)

Accordingly,

COMMITTEE RECOMMENDS:

That the report on investments for the eThekweni Municipality as at 2022-02-28, which records the total funds invested at financial institutions as R3 556 000 000.00 (Three Billion Five Hundred and Fifty Six Million Rand), at an average of return on investment of 4,81%, as submitted by the Acting City Manager, in line with the requirements of the Municipal Cash Management and Investment Regulation of the Municipal Finance Management Act, 2003, be noted.

**NOTED.**

- 2.4 Authority for City Fleet to Collaborate with the University of KwaZulu-Natal and the Accident Specialist Company to Undertake a Study into the Effects of Catastrophic Tyre Failure on Commercial Vehicle (8/3/1/7):  
(Page 344: Finance, Security & Emergency Services Committee - Agenda 2022-04-26)

In supporting the intention by the City Fleet Unit to collaborate with the University of KwaZulu-Natal and the Accident Specialist Company to undertake a study into the effects of a catastrophic tyre failure on a commercial vehicle,

COMMITTEE RECOMMENDS:

- 2.4.1 That authority be granted for the Head: City Fleet to collaborate with the University of KwaZulu-Natal and the Accident Specialist Company to undertake a study into the effects of a catastrophic tyre failure on a commercial vehicle, with an aim to investigate the effects of rapidly deflating a commercial bus front tyre and to design a safety device that can keep the vehicle safe in case of the emergency occurred.
- 2.4.2 That Council approves the use of the Municipal-owned bus, that is pending disposal, for the study referred to in .1 above, noting that the Accident Specialist will insure the bus at their own cost and rectify any damages to the bus at their own cost.
- 2.4.3 That Council approves the spend of R2 200.00 (Two Thousand Two Hundred Rand) for the fuel and wheel rim required to undertake the study.

**ADOPTED.**

**Financial Implications:**

The financial implications to eThekweni City Fleet shall be fuel for the test duration which is expected to be two (2) or three (3) days of two to three hours of testing, a wheel rim for the tyre deflation devise. The costs are summarised in the table below:

Description	Quantity	Amount
Fuel (estimated at R20 per litre)	40	R800.00
Wheel Rim (an existing will be utilised)	1	R1 400.00
<b>TOTAL</b>		<b>R2 200.00</b>

2.5 Budget Statement Report for the Quarter Ended 31 March 2022 (7/1/4):  
(Page 348: Finance, Security & Emergency Services Committee - Agenda 2022-04-26)

Attention of the Committee was drawn to the salient features of the report relative to the actual operating revenue of 98% of the budget with a variance of -2% and the revenue generated to date is 76.9 %. The actual operational expenditure was reported as a percentage of year-to-date budget at 96% with a variance of -4%; the operating expenditure spent to date is 70.7%. The reported capital expenditure is 93% of the year-to-date budget with a variance of -7% and the capital expenditure spent to date is 50%. A cash collection of 94% as at March 2022 was reported as lower when compared to the same period in the previous year (96.28%).

The Budget Statement was then scrutinized by the Committee and responses provided to issues of clarity raised with respect to cash flow status; debtors status; and catalytic projects, amongst other issues.

COMMITTEE RECOMMENDS:

- 2.5.1 That the Budget Statement report for the month ended 2022-03-31 and the supporting documents, submitted by the Acting City Manager as per his report dated 2022-04-20, in compliance with Section 71 of the Municipal Finance Management Act 56 of 2003 and in terms of Government Notice 32141 dated 17 April 2009, relating to the “Local Government: Municipal Finance Management Act 2003, the Municipal Budget and Reporting Regulations”, be noted.
  - 2.5.2 That the quarterly Section 52(d) report on the implementation of the budget and the financial affairs for the Municipality and its entities, be noted.
  - 2.5.3 That in compliance with Section 32(2) of the Municipal Finance Management Act, Council notes the Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) incurred for the month of March 2022 as detailed on section 10 of the Budget Statement Report.
  - 2.5.4 That Council refers the UIFW referred to in .2 above to the Municipal Public Accounts Committee (MPAC) for investigation into the recovery or write-off of the said expenditure in terms of Section 32(2)(b) of the Municipal Finance Management Act and request MPAC to report back to Council on the outcome of its investigations
- Item 2.5.1 and 2.5.3 **NOTED;** Item 2.5.4 **ADOPTED.**

3. REPORT OF THE AUDIT COMMITTEE FOR THE SECOND QUARTER ENDED 31 DECEMBER 2021 (11/1/3)

(Page 1)

The Executive Committee received a presentation by the Chairperson of the Audit Committee comprising deficiencies identified in the Municipal internal control environment during the quarter ended 31 December 2021, details of which are contained in his Report dated 2022-04-12 submitted to the Executive. Responses by Management on deficiencies identified were also presented and noted.

The Committee interrogated the Report by the Audit Committee together with the Management comments thereto. A request was then made to strengthen processes aimed at addressing challenges surrounding the supply chain management processes thereby ensuring implementation of consequence management where required.

Confirmation was then given that the procurement activities relating to the recent floods are being managed effectively within the confines of the relevant legislation. That a Circular has been issued by the Finance Cluster in this regard to guide the Municipal Departments accordingly.

Thereafter, speaking on the issue of floods, the Chairperson of the Audit Committee commended swift response by both the political and the administrative leadership of the Municipality. He then recommended that the Internal Audit Unit supports Management to achieve compliance requirements, from the procurement perspective, in the execution of floods-related activities.

During discussion, the Committee recognised the significance of informal economy and its impact in the families' livelihoods. Effective measures being implemented by the Municipality to support informal economy were acknowledged, but the Committee also requested a closer look of the movements in this sector to strengthen support since an increase in participants has been noticed which is due to, amongst other things, the reduction in economic opportunities in the formal sector.

The Committee acknowledged the effectiveness of the Audit Committee in providing advisory services to Council, as well as commitments by Management to address audit findings identified, and therefore,

#### COMMITTEE RECOMMENDS:

That the Audit Committee Report for the second quarter ended 31 December 2021, submitted in terms of Section 166 (1) of the Municipal Finance Management Act No. 56 of 2003, to advise Council on the activities of the Audit Committee and the results of its quarterly reviews of the systems of internal financial control, internal audit; risk management processes; financial reporting; performance management; governance; compliance with laws and regulations as well as any other issues referred by the Municipality or its Entities; be noted, as per the detailed findings contained in the Report presented by the Audit Committee Chairperson dated 2022-04-12, and also noting responses thereto as submitted by Management as per the Report by the Acting City Manager dated 2022-02-24.

**NOTED**, and with the following comments submitted:

**The Democratic Alliance expressed concerns about repeat audit findings which signaled that there were no interventions made to mitigate the findings. That some of the issues raised repeatedly by the Committee have manifested during this time of floods. Reference being made to the ineffective call centre and supply chain management process in relation to procurement of water tankers, amongst other things.**

**Speaking on the matter, the ADEC emphasised the importance of clean governance. As such, a recommendation was made that the findings identified be interrogated further with a view to clearing them thereby achieving sustainability in the internal control environment.**

**The ANC supported the view of interrogating audit findings to move towards achieving clean governance and sustainability. The Audit Committee was then commended for playing its advisory services in an objective and transparent manner. That the Committee effectively fulfils its responsibilities as outlined in Section 66 of the Local Government: Municipal Finance Management Act, 2003.**

**The ANC appreciated the Audit Committee and regarded it as the mirror of the Municipality with respect to internal control environment.**

4. REQUEST FOR ADDITIONAL FUNDING FOR COMMUNITY PARTICIPATION  
AND ACTION SUPPORT UNIT PROGRAMMES

(Page 40)

Due to budget reprioritisation to fund the Covid-19 related activities, the Community Participation and Action Support Unit (CPAS) experienced budget reduction whilst the expectation to provide service to link citizens with the Municipal programmes still existed. As such, the Unit incurred expenditure which now requires funding commitments. Also, there were standing commitments as per the Service Delivery and Budget Implementation Plan (SDBIP) deliverables. The recent floods also necessitated the involvement of the Unit in providing social relief to displaced families using its Soup Kitchen Programme. Therefore, additional funding in the total amount of R23 Million is required to cover funding as per the three elements outlined.

In terms of the breakdown, the R5 Million is required to pay service providers for the goods and services procured to execute the CPAS activities; R15 Million for the SDBIP programmes; and R3 Million for the extended Soup Kitchen Programme to feed displaced families due to the recent floods.

During discussion, focus was made on the extension of the Soup Kitchen Programme. Discussion centred around the cost of R110.00 per person to feed displaced families. Clarity was then submitted that three (03) meals are provided per day. That the aforesaid amount also include the costs of ancillary activities such as food transportation where required and payment of staff for extraordinary service in preparing food for displaced families. The idea of incorporating this service to the existing Soup Kitchen Programme was appreciated as this was considered cost-effective.

The Democratic Alliance then supported the matter in-principle, subject to the submission of an addendum Report comprising breakdown of cost with regard to the extended Soup Kitchen Programme, and outline elements which informed the costs, as well as the number of beneficiaries.

On this basis,

**COMMITTEE RECOMMENDS:**

- 4.1 That authority be granted for the Head: Community Participation and Action Support to proceed with the payment of respective service providers, and that an amount of R5 000 000.00 (Five Million Rand) be allocated to pay for goods and services procured to support the operations of the Community Participation and Action Support Unit.
- 4.2 That subject to the approval of .1 above, authority be granted to the Chief Financial Officer to identify savings in the amount of R5 000 000.00 (Five Million Rand) for the payment of service providers.

4.3

That authority be granted for the Chief Financial Officer to identify savings in the amount of R15 000 000.00 (Fifteen Million Rand) to fund the approved programmes on Service Delivery and Budget Implementation Plan (SDBIP) for the period April to June 2022 as detailed below:

Funding Requested for programmes to be implemented April 2022 to June 2022:

Project		Project Number	Funding Required from April to June 2022
1. Facilitate Grant-in Aid distribution	Adhoc grant allocated to 6 organisations upon request by 30 June 2022.	38870	R100 000.00
2. Capacitate Community Based Structures	GIA Workshops provide to beneficiaries by 30 June 2022	38870	R100 000.00
3. Facilitate Reviews of Community Participation Unit Policies	Vulnerable Groups Policy reviewed by 30 June 2022 Grant-Aid Policy reviewed by 30 June 2022. Youth Policy reviewed by 30 June  Traditional Leadership Policy reviewed and adopted by 30 June 2022. Community Participation Policy launched and adopted 30 June 2022.	38300	R100 000.00
4. Facilitate implementation of Poverty Alleviation Programme	92 Existing soup kitchen sites maintained by 30 June 2022	57100	R11 082 242.00
	12 Community gardens identified and supported by 30 June 2022	38870	R50 000.00
	40 One Home One Garden identified and supported by 30 June 2022	38870	R50 000.00
5. Facilitate and Support Vulnerable Groups Programmes	36 projects facilitated and supported by 30 June 2022	81400-24	R600 000.00
6. Facilitate and Support Gender Programmes	30 Projects Facilitated and Supported by 30 June 2022	39133	R750 000.00
	International Day of Women. Human Rights Day International Windows Day: 1 Woman/ 1 Farm / 1 Market Economic and Skills Development for young women eThekweni Traditional Leaders GBV Workshops (3) Matrons Workshop (1)	-	0
	Freedom Month Celebrations (6)		0
	16 Empowerment Programmes undertaken by 30 June 2022		R100 000.00
	Young Women in Business Programme Self-Employment programmes LGBTQ Workshop Men's Dialogue	-	-
7. Facilitate and Support Youth Development Programmes	22 Projects Facilitated and Supported by 30 June 2022	39720-3	R350 000.00
	Career EXPO for FET learners Africa Day Celebrations June 16 Commemoration @ 6 Regions	-	-
8. Facilitate Empowerment Programmes for Traditional Structures	Awareness programmes provided to traditional Councils by 30 June 2022	37630	R400 000.00
9. Facilitate implementation of Community Based Planning			

Project		Project Number	Funding Required from April to June 2022
10. Create Platforms for Stakeholder Engagements	Masakhane Roadshows and Special Community Outreach held 30 June 2022	38300	R360 000.00
	Facilitate 100% Mayoral Izimbizo and IDP & Budget Roadshows by 30 June 2022	37420	0
	Provide Support Ward-based Programmes by 30 June 2022		R180 000.00
	100% Engagements of traditional leaders facilitated by 30 June 2022	37200	0
	100% Facilitation of traditional leaders facilitated by 30 June 2022	37630	R200 000.00
	100% Facilitation of voter education programmes by 30 June 2022	47000	R200 000.00
Admin Support Functions	Creche Ward 45	57200	R235 000.00
	Repairs and Maintenance	96469	R100 000.00
<b>TOTAL</b>			<b>R14 957 242.00</b>

- 4.4 That authority be granted for the Chief Financial Officer to identify savings in the amount of R3 000 000.00 (Three Million Rand) to fund the Flood Relief Programme for displaced families, which programme will last for thirteen (13) days, commencing 18 April and concluding 30 April 2022, and thus necessitating extension of the Soup Kitchen Programme.

**The DA submitted that they were abstaining on the matter pending the submission of a report comprising the breakdown of costs in relation to the extended Soup Kitchen Programme and details of beneficiaries.**

**The matter was then put to the vote. With 198 Councillors present, 145 Councillors (ANC- 93, EFF-20, IFP-14, ABC-01, Action SA- 04, ACDP-02, NFP- 01, JEP- 01, APF-01, PRM-01, ADEC-01, ATM-01, MF-01, KZNI-01, UIM-01, AL JAMAH-AH-01, VF Plus-01) voted in support of the matter; 53 DA Members abstained on the matter.**

By the majority vote, the recommendations were, **ADOPTED.**

## 5. ADOPTION OF 2022 MAYORAL LEKGOTLA RESOLUTIONS

(Page 53)

The Executive Committee under the leadership of His Worship the Mayor, Councillor Kaunda, embarked on a 3-day Mayoral Lekgotla from 16 to 18 February 2022 to shape the five-year Local Government Agenda. The session reflected on past Local Government challenges, including unprecedented economic and financial climate realities; and to a greater extent, the overwhelming challenge of delivering efficient and effective services to the local communities.

The Mayoral Lekgotla focused on achieving the following objectives:

- (i) To understand what needs to change (strengths and weaknesses) with regard to people; systems; and structures, through reflection on the past and the status quo;
- (ii) To address organisational performance, in particular, non-performance and consequence management;
- (iii) To understand and make the trade-offs, incorporating the external change that the City leadership wants to see;
- (iv) To deliberate on and prioritise the integrated programmes and output commitments over a 10-year period and propose an implementation plan thereto; and
- (v) To establish key enablers and budget required for implementation of the City priority programmes.

Reflecting on the Mayoral Lekgotla, the Executive Committee confirmed that the session was fruitful and that key outcomes were agreed to arising therefrom. In terms of the resolutions presented mention was made that the key deliverable ensuing therefrom was the resolutions implementation and the accountability thereof. That indication of responsible officials per outcome was crucial as well as associated timelines. In this regard, it was subsequently resolved that monthly reports be provided to the Executive Committee for effective oversight.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 5.1 That Council approves the resolutions of the February 2022 Mayoral Lekgotla, as detailed in the report of the Chief Strategy Officer dated 2022-04-06, it being submitted that the resolutions focus on strengthening Municipal operations in relation to budget matters for financial sustainability; key economic and investment priorities; social infrastructure investments; organisational structures; human capital issues, including performance management; transformative opportunities; critical partnerships; improving intergovernmental planning and implementation, and a suitable implementation strategy beyond the five-year term of Local Government, with the implementation to therefore focus on the following:

- (i) Implications and prioritization for the Budget allocations for the 2021-2023 Medium Term Revenue Expenditure Framework (MTREF);
- (ii) Review of Metro Catalytic Projects;
- (iii) Alignment to the Ten-Point Mayoral Plan 2021-2026;
- (iv) Development of Business Plans by All Units and Clusters in the agreed Strategic; Tactical and Area Programmes, as per the proposed Implementation Strategy;
- (v) Review of Performance Management System to ensure improvement on Clusters and Organisational Performance;
- (vi) Review of the Community Infrastructure Programme (CIP);
- (vii) Lobby for the repurposing of the Human Settlements Development Grant (HSDG); and
- (viii) Actively seeking and promoting partnerships.

- 5.3 That Council approves the quarterly monitoring and evaluation timeline for progress and oversight via the Executive Committee, it being noted the aforesaid Committee will conduct monthly oversight in preparation to report to Council.

**Financial Implications:**

The Lekgotla reflected intensely on the financial implications. Further consultations process as legislated are anticipated to finalise the 2022-2023 financial year budget and the MTREF budget



allocations in line with the Resolutions and Actions as agreed upon at the Lekgotla and as per the Budget parameters presented.

### **REFERENCE BACK**

**In terms of Rule of Order Bylaw 20(1)(c), Councillor NI Madlala of the ANC, moved as a procedural motion and seconded by Councillor V Reddy of the ADEC, that the above recommendations of the Executive Committee be referred back to the Executive Committee to enable Party Caucus to engage the Report and contribute input and comments, if any. This also taking into account that some of the Parties are not represented at the Executive Committee level.**

**This was agreed to subject to the proviso that the matter will be resubmitted in the May Council meeting since the resolutions speak to the strategic imperatives of the Municipality and therefore commencing with the implementation process was imperative.**

**On this basis, the reference back was unanimously CARRIED.**

### 6. **SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN REPORT FOR QUARTER ENDED 31 MARCH 2022**

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#### **COMMITTEE RECOMMENDS:**

That in terms of the Municipal Finance Management Act, Circular No. 13, the Service Delivery and Budget Implementation Plan for the quarter 3 ended 31 March 2022, which reflects an overall achievement of 75.76%, with the breakdown contained in the table below, be noted.

<b>Plan No</b>	<b>Plan Name</b>	<b>Achievement Rate</b>
1	Develop and sustain our Spatial, Natural and Built Environment	100.00%
2	Developing a Prosperous, Diverse Economy and Employment Creation	100.00%
3A	Creating a Quality Living Environment	58.00%
3B	Creating a Quality Living Environment	65.00%
3C	Creating a Quality Living Environment	N/A
4A	Fostering a Socially Equitable Environment	75.00%
4B	Fostering a Socially Equitable Environment	80.00%
5	Supporting Design, Human Capital Development and Management	91.67%
6A	A vibrant and creative City - the foundation for sustainability and social cohesion	83.33%
6B	Stadia Facilities Unit	100.00%
6C	Agro-Ecology	0.00%
7A	Good Governance and Responsive Local Government	72.73%
7B	Good Governance and Responsive Local Government	100.00%
7C	Good Governance and Responsive Local Government	100.00%
8	Financially Accountable and Sustainable City	63.64%
<b>Overall Achievement</b>		<b>75.76%</b>

Plan No	Plan Name	Achievement Rate
Plan Number	Plan Name	Achievement Rate
Plan 21	ICC	90.00%
Plan 21	uShaka	69.23%

**NOTED.**

7. PROJECT AUTHORITY FOR UNFORESEEN EXPENDITURE ARISING FROM THE APRIL 2022 FLOOD DISASTER (29/2/2/3)

(Page 1 Second Supplementary Agenda)

Authority is sought for project authority to implement urgent projects to respond to the recent flood disaster. The flood disaster response will result in unforeseen expenditure that will require adjustments to the approved budget 2021-22, in terms of Section 28 of the Local Government: Municipal Finance Management Act No. 56 of 2003 and the Municipal Budget and Report Regulations (Regulations 23).

The floods have caused extensive damage to houses; businesses; roads; bridges; water and electricity infrastructures, as well as rail and telecommunications infrastructure. The flooding has also disrupted fuel and food supplies. Areas located close to rivers and waterways, particularly informal settlements, were severely affected and many dwellings were swept away.

Following engagements by the three spheres of Government, the floods experienced by KwaZulu-Natal Province have been classified as a national disaster, in terms of Section 23(3) of the Disaster Management Act No. 57 of 2002.

Council is sought to reprioritise the budget, in line with applicable legislation and regulations, to ratify any unforeseen flood disaster-related expenditure. Engagements are also continuing with National Treasury regarding the repurposing of current allocations and requests for additional allocations.

Accordingly,

**COMMITTEE RECOMMENDS:**

- 7.1 That authority be granted for project authority of the flood disaster projects listed in Annexures A & B of the Report by the Acting City Manager dated 2022-04-25, and subject to funding being identified by the Deputy City Manager: Finance.
- 7.2 That Council notes the process to be followed for the ratification of unforeseen disaster-related expenditure through a special adjustments budget.
- 7.3 That Council notes that a Special Adjustment Budget will be submitted for approval as soon as estimated costs and funding sources for the current year are confirmed.

**1. SUMMARY-Excluding Human Settlements:**

Classification	21/22 R	22/23 R	Total R
Operating	408,327,440	523,791,819	932,119,259
Capital	556,221,604	2,378,520,744	2,934,742,348

<b>Total</b>	<b>964,549,044</b>	<b>2,902,312,563</b>	<b>3,866,861,607</b>
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2. **Human Settlements:**

<b>Classification</b>	<b>21/22 R</b>	<b>22/23 R</b>	<b>Total R</b>
Capital	74,750,000	1,736,770,000	1,811,520,000

3. **OPERATING BUDGET ESTIMATES Excluding Human Settlements:**

<b>UNIT</b>	<b>2021/2022 (R)</b>	<b>2022/2023 (R)</b>	<b>Total R</b>
CES - Health Unit	-	11 872 123	11 872 123
CES - Moses Mabhida Stadium	-	251 312	251 312
CES - Parks and Recreation	-	3 010 000	3 010 000
CES- Fire and Emergency Services	-	85 000	85 000
CES-Disaster Management & Emergency Control	-	10 000 000	10 000 000
Cleansing & Solid Waste	-	2 190 000	2 190 000
Economic development & Planning	6 309 596	12 918 384	19 227 980
Electricity	108 680 000	147 800 000	256 480 000
Engineering	195 260 500	295 000 000	490 260 500
EtheKwini Transport Authority	2 056 853	300 000	2 356 853
Finance - City Fleet	705 000	2 115 000	2 820 000
Governance	1 625 000	1 450 000	3 075 000
Office of the city manager	400 000	-	400 000
Water	65 550 000	6 800 000	72 350 000
Sanitation	27 740 491	30 000 000	57 740 491
	<b>408 327 440</b>	<b>523 791 819</b>	<b>932 119 259</b>

4. **CAPITAL BUDGET ESTIMATES Excluding Human Settlements:**

<b>UNIT</b>	<b>R 2021/2022</b>	<b>R 2022/2023</b>	<b>Total R</b>
CES - Moses Mabhida Stadium	-	85,133	85,133
CES - Parks and Recreation	-	208,295,400	208,295,400

UNIT	R 2021/2022	R 2022/2023	Total R
CES -Disaster Management & Emergency Control	-	13,000,000	13,000,000
CES- Fire and Emergency Services	-	1,650,000	1,650,000
CES -Health Unit	-	640,000	640,000
Economic Development & Planning	11,625,544	40,971,318	52,596,862
Finance - City Fleet	500,000	1,000,000	1,500,000
Governance	-	50,900,000	50,900,000
Office of the City Manager	-	33,600	33,600
Engineering	292,027,500	1,247,102,420	1,539,129,920
Electricity	33,320,000	121,700,000	155,020,000
Cleansing & Solid Waste	8,800,000	7,350,000	16,150,000
Sanitation	82,433,560	612,357,873	694,791,433
Water	127,515,000	73,435,000	200,950,000
<b>Total</b>	<b>556,221,604</b>	<b>2,378,520,744</b>	<b>2,934,742,348</b>

**5. HUMAN SETTLEMENTS:**

Classification	21/22 R	22/23 R	Total R
Capital	74,750,000	1,736,770,000	1,811,520,000

The Democratic Alliance whilst acknowledging the need to reprioritize budget but stated that the damages as a result of floods have been exacerbated by poor maintenance of infrastructure. Emphasis was then put on responsible spending and with reprioritized budget only being utilised for flood damages. Further, that reprioritization should occur within the already approved budget. The importance of strengthening disaster management plans was made thereby responding swiftly when eventualities of this nature occur. The DA understood that the budget reprioritization will result in certain projects being halted. As such, that a clear plan needs to be put in place with regard to the timelines within which to resuscitate projects on hold.

The ADEC also spoke on the issue of aging infrastructure which negatively impact the City's response to disaster. With regard to budget prioritization the ADEC was of the view that this is solving a challenge by creating a challenge. A recommendation was therefore made that a claim be submitted to National Treasury for floods disaster repairs.

**That the Municipality should exhaust all the intergovernmental relations interventions in a bid to recover floods disaster repair funds.**

**The IFP supported budget reprioritization but expressed concern that resolutions are not implemented, hence, the City does not reach the state of preparedness for floods incidents. Reference was made to the floods of 2017, 2019 and the recent floods and that a decision was taken previously to inspect stormwaters and aging infrastructure, which decision has never been implemented till another floods hit the City. The IFP requested that issues of aging infrastructure be attended to and that houses located along riverbanks be relocated.**

**The Deputy Mayor, in his capacity as the Chairperson of the Human Settlements and Infrastructure Committee reported that quantification of the costs of damages was still at a preliminary stage. That assessment was still ongoing, but with short-term repairs being also undertaken, although challenges at times are experienced when repaired infrastructure is damaged further. He took Council into confidence though that leadership and officials are doing their best to restore the City although the damage was of the magnitude nature, reference being made for instance to water and sanitation issues in the Tongaat area. Also pointing out that even resilient infrastructure has been shaken by the recent floods.**

**It was noted that while diverse views were submitted but everybody is rallying behind a common goal that of infrastructural restoration to stabilise the City. As such, the recommendation relating to budget reprioritization were supported.**

Thereafter, item 7.1 was **ADOPTED;** with items 7.2 and 7.3 **NOTED.**

8. COMPREHENSIVE UPDATE ON MUNICIPAL INTER-DEPARTMENTAL INTERVENTIONS AND REQUIREMENTS FOR DAMAGES CAUSED BY THE RECENT STORMS OF 10-13 APRIL 2022 IN ETHEKWINI MUNICIPAL AREA (29/2/22)

(Page L142)

The Executive Committee has been receiving updates on flood damages since 14 April 2022 and with the latest comprehensive update provided at its 26 April 2022 meeting. Various Municipal Departments are implementing interventions to respond to the flood damages. Support is also being received from the other spheres of Government; private donors; and individual members of the community, also support from sister Municipalities outside the KZN Province.

When issues of floods were discussed, His Worship the Mayor supported by the Executive Committee Members extended condolences to the bereaved families as a result of floods and also empathizing with the residents who suffered damages to their properties whilst others lost their properties completely.

The visibility by the leadership from different spheres of Government during the floods was acknowledged with great appreciation. It was then recommended that thorough assessment be undertaken on the City infrastructure and plans devised to strengthen preparedness for potential future floods occurrence.

Regarding the Municipal Department interventions, it was submitted that outstanding assessments would be finalised, verified and subsequently quantifying related costs. That the Municipal Departments affected need to prepare detailed business plans, comprising activities to be undertaken and realistic timeliness for rehabilitation of damaged infrastructure and this to be subsequently submitted to the Provincial Disaster Management Centre. Financial implications associated with the damages were then noted as presented in the preceding item consolidated by the Finance Cluster.

The Committee acknowledged that the recent floods were unprecedented and represented natural disaster. Further, damages suffered by the residents were acknowledged, it being noted that some of the damages were as a result of the City's aging infrastructure. In view of the foregoing, it was submitted that the Municipality should consider implementing relief packages to support residents who suffered damages to properties. In response thereof, mention was made that the Executive Committee will dedicate a session to discuss packages to be put together to support the residents concerned and the criteria to be followed for implementation to occur within a structured framework and to achieve transparency and accountability.

In noting the urgent need to implement Recovery Plans to respond to the flood damages within the eThekweni Municipal area,

#### COMMITTEE RECOMMENDS:

- 8.1 That Council notes interventions by the respective Municipal Departments to respond to the flood damages of 10 to 13 April 2022, and approves implementation of Units' Recovery; Rehabilitation; and Construction Plans for damaged property and infrastructure, as per the details provided in the Report by the Acting City Manager dated 2022-04-25, it being recorded that the estimated costs are detailed in the Report presented by the Deputy City Manager: Finance.
- 8.2 That Council approves the recommendation to capacitate the Disaster Management and Emergency Control Unit and assign the Head: Organizational Development & Change Management; Finance; and the Head: Human Capital to review its capacity and its associated resources.
- 8.3 That Council notes the estimated costs submitted by various departments for short-, medium- and long-term implementation of recovery and rehabilitation and reconstruction of damaged property and infrastructure as outlined in the Report by the Acting City Manager dated 2022-04-25.
- 8.4 That subject to the approval of .3 above, Council grants authority for the Human Settlements Units to submit a report on the damaged houses to the National Department of Human Settlement and request Emergency Housing Grant funding for rectification purposes.
- 8.5 That Council notes the declaration of the floods in the KwaZulu-Natal Province as the national disaster, in terms of Section 27(1) and (2) of the Disaster Management Act No. 57 of 2002.  
**The Democratic Alliance reiterated that the floods disaster was catastrophic and that it is important for the Municipality to separate between the act of God and the act of governance thereby facing reality with regard to shortcomings in the Municipal systems.**

**It was submitted that climate change demands better resilience and better capabilities. Hence, the importance for the City to address its state of readiness for different kinds of disaster.**

**The ADEC thanked officials for their exceptional service under strenuous circumstances. A request was then made that when the Executive Committee deliberates on flood packages such engagement should also be extended to Party Whips.**

**In closing, the Deputy Mayor reiterated that the floods did not discriminate between poor and rich. Therefore, it is important to focus on overall measures to be put in place to support floods victims.**

**Thereafter the matter was supported, with Items 8.1, 8.3 and 8.5 **NOTED;** Items 8.2 and 8.4 **ADOPTED.****

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## **NOTICES OF MOTION IN TERMS OF SECTION 18 OF THE RULES OF ORDER**

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On a recommendation by Councillor MS Nkosi, it was agreed to defer consideration of the Notices of Motions below to the next Council meeting.

1. **NOTICE OF MOTION: PROPOSED BY COUNCILLOR J ANNIPEN AND  
SECONDED BY COUNCILLOR J NAIDOO: ETHEKWINI SCHOOLS IN  
ARREARS WITH UTILITY ACCOUNTS (7/6/3/1)**

This Council noting that:

Some 911 eThekweni Schools are in areas with utility accounts and risk disconnection.

Schools have rung-up debt due to infrastructural dysfunctions the Department of Education and Public Works failed to repair causing exorbitant bills. The lockdown impacted on parent's ability to pay and schools ability to recover school fees.

Further noting the debt recovery policy requires government departments to levy a 10% deposit to enter into agreements to pay off debt.

This Council resolves that Executive Committee urgently consider the following and report its findings to Council:

1. Waive the 10% deposit for schools making payments arrangements.
2. Allow schools to sign an indemnity, suspending disconnections so that such agreements are signed within 14 days.
3. Extend the payment period from 36 to 60 months, waiving interest charges.

4. Provide a 50% discount off respective interest to schools keeping commitments for 24 consecutive months.

**DEFERRED**

2. NOTICE OF MOTION: PROPOSED BY COUNCILLOR S BHANPRAKASH AND SECONDED BY COUNCILLOR J ANNIPEN: DISCONNECTION OF MUNICIPAL SERVICES FOR INDIGENT HOMEOWNERS (7/2/2)

This Council notes:

The recent decision to update the Indigent Homeowners Register to eThekweni Municipality.

Further noting that the protracted delays in processing Indigent Support Applications due to insufficient human resources i.e., social workers, OSS staff and other logistical impediments can often lead to deserving candidates having their services disconnected, resulting in the compromise of human dignity and access to basic human rights such as water and sanitation.

This Council resolves that Executive Committee consider the following and report back to Council:

1. To immediately implement a moratorium on all disconnections for individuals who are awaiting social service interventions, equipment supply and processing of applications by City Officials so that residents are not subjected to indignity and demoralization.

**DEFERRED**

3. NOTICE OF MOTION: PROPOSED BY COUNCILLOR J NAIDOO AND SECONDED BY COUNCILLOR MS NKOSI: REVERSE HISTORICAL DEBT OWED BY INGONYAMA TRUST (7/1/4)

This Council notes:

Notwithstanding that objections to the proposed Rates Valuations Roll closes on the 29 April 2022 and that the Revenue Collections Department reflects a historical debt of R217,000,000,000.00 (Two Hundred and Seventeen Billion Rand) owed by the Ingonyama Development Trust.

Further noting the discrepancies in relation to the skewed process used to evaluate collective land and holdings of the said Trust, and

Further noting the possible expense which will be incurred by the City in the event of a legal challenge, given the precedents set by the 2013 on court ruling

This Council resolves that Executive Committee consider the following and report back to Council:



1. To reverse all charges owed by the Trust until a proper evaluation is conducted and concluded.

**DEFERRED**

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## **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. **COMMUNITY SERVICES COMMITTEE**

Meeting held on : 2022-03-11

2. **EXECUTIVE COMMITTEE**

Meetings held on : 2022-03-22  
: 2022-04-14

3. **FINANCE, SECURITY AND EMERGENCY SERVICES COMMITTEE**

Meetings held on : 2022-02-16  
: 2022-03-17

4. **GOVERNANCE AND HUMAN RESOURCES COMMITTEE**

Meeting held on : 2022-03-28

5. **HUMAN SETTLEMENTS AND INFRASTRUCTURE COMMITTEE**

Meeting held on : 2022-03-11

6. **SPEAKER'S COMMITTEE**

Meetings held on : 2022-01-24  
: 2022-02-21

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**ITEMS FOR NOTING**

The Items for Noting, reflected on Pages 14 to 15 of the Agenda, pertaining to the items discussed and resolved at the Executive Committee level during the month of March 2022 were, **NOTED.**

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The Speaker thanked everybody who attended and participated in this meeting. He also thanked the administration team as well as the Head: Legal & Compliance for the support rendered to facilitate fruitful engagements. Thereafter, he declared the meeting terminated at 18h04.

ADOPTED AT THE MEETING OF THE ETHEKWINI COUNCIL ON 2022-05-31.

SPEAKER