

**Makhanda Office**

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# LRC

**Legal Resources Centre**

Municipal Manager  
MAKANA MUNICIPALITY  
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27 October 2022

Dear Sirs

**RE: EZIHAGWENI & OTHERS/ MAKANA MUNICIPALITY AND OTHERS**

The above matter and the Municipality's recent "*affidavit filed in compliance with the court order dated 09 September 2021*" refers.

We have noted the contents of the affidavit served on our offices on 19 October 2022 and make the following comments and requests for further information.

1. While the municipality has made some limited progress in clearing illegal dump sites, there is a long way to go. For the Municipal Manager to say, "the First Respondent has taken the necessary steps under the circumstances to comply with the Court Order of 09 September 2021 as

mandated” is disputed. Numerous unofficial, unlawful dumpsites remain scattered around Makhanda and a concerted effort must still be made if the First Respondent is to comply with the court order and avoid contempt of court proceedings. As you are aware, paragraph 3 of the 9 September 2021 court order provides that the municipality must identify all unofficial dumpsites within 30 days of the court order and “*clean, clear and remove all waste at any dumpsites so identified within 120 calendar days of the court order.*” While progress has been made, the court order has not been complied with. **Please provide the complete list of all 117 illegal dumpsites identified and indicate which ones have been cleared.** Please also provide the plan and timeframes for clearing the remaining sites.

2. In relation to the “Illegal Dumping: Court Order Report” dated September 2022 which is annexure MM3 to the Municipal Managers Affidavit, kindly provide information regarding the local NGO and environmental organization sponsored by the National Art Foundation that has formed a partnership with the Municipality. Please provide **full details of this partnership, including any memorandum of agreement or similar documents that may have been concluded with the NGO.**
3. The report states that R2 million was sourced and received to purchase a “waste management fleet dedicated to illegal dumping”. The tender was awarded in August 2022 and it appears that the Municipality is awaiting delivery (October 2022). Kindly provide the tender advertisement and the **details of the contract awarded so that the exact specifications of the waste management fleet** can be known to our clients and the public.
4. Regarding the donation received by the Municipality of the Skip container truck valued at R2,8 million to tackle illegal dumping, kindly provide the **details and specifications of the skip container truck and explain**

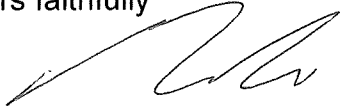
**when and how it is used. How much waste has been removed using this skip container truck to date?**

5. The report states that the Municipality has received R5 million to construct a “material recovery and recycling facility”, which will be in Joza in close proximity to the community. Kindly provide **full specifications, details and a timeline for the construction and utilization of the recycling facility.**
  
6. Regarding the bylaws, kindly **provide us with a copy of the Makana LM bylaws** that were “submitted to province to be finalized”. Please also provide us with the Sarah Baartman district municipality by-laws approved by the Sarah Baartman District council for Makana LM and promulgated in June 2022. Kindly provide details of the number of “environmental health officers” (EHOs) that are implementing the bylaws. Who funds the EHO’s and please provide their job descriptions?
  
7. Regarding the waste management technical assessment which opens a “window opportunity” for Makana Local Municipality to apply for waste management specialized waste vehicles, we have noted the documentation which ostensibly constitutes the application and motivation for the two compaction unit trucks, 2 tipper trucks and 1 front end loader. Please advise **what response has been received to the application.**
  
8. Regarding the **distribution of refuse bags** per quarter to indigent households, please confirm whether the distribution that was to take place in October 2022 has indeed happened.
  
9. Regarding the R300 000 that has been budgeted for additional skip bins the 2022 / 2023 Municipal budget, kindly advise **how much one skip bin costs and where the Municipality intends using them.** Does the technical assessment which was submitted to the national and provincial

departments of environmental affairs indicate that more skip bins are needed?

We look forward to receiving the further information and documents requested within 21 days. We would also welcome a meeting to discuss the issues raised above in more detail. Kindly suggest suitable dates for a meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Cameron McConnachie', written in a cursive style.

**LEGAL RESOURCES CENTRE**  
**Per: CAMERON MCCONNACHIE**