
MATATIELE LOCAL MUNICIPALITY

LAND DISPOSAL POLICY



MATATIELE

LOCAL MUNICIPALITY

2022-2023 Financial year

1. INTRODUCTION

The Disposal Policy of the Matatiele Municipality reflects the methodology and procedure for the sale and letting of various types of properties, and in order to make economic opportunities available in our town for local investors, this Municipality will in all Land Disposal and Letting matters, give preference to local Investors.

Further, the municipality has a responsibility in terms of acquiring, managing, developing and releasing its land, buildings and rights on behalf of its residents and ratepayers. In this regard the key consideration is that the best interests of the municipality (and thus its residents) rather than that of individuals should be paramount in all real estate transactions that the municipality enters into. This demands that, in all transactions that the municipality enters into, there should be maximum benefit to the municipality, its operational requirements and the broader community

A policy in respect of immovable property includes any right, interest or servitude and it must also take account of other legislation, policies and practices inter alia relating to land use, health, environment (both natural and built) and safety.

2. KEY PRINCIPLES UNDERPINNING LAND POLICY

2.1 The Matatiele Municipality, in its sole discretion, reserves the right, within the confines of any applicable legislation, to dispose of or let Council owned property, within a set of principles and values to guide the process of policy formulation and its application.

2.2 The disposal policy must –:

(a) Redress past land ownership patterns to reflect the population demographics of the town. (b) Ensure an equitable, flexible and transparent Policy which enables the efficient

performance of appropriate land transactions to serve the diverse need of the Municipality's Business Units and Communities.

(c) Act in support of :–

(i) The development of land, the local economy, the provision of infrastructure and housing;

(ii) Land use, Land Use Management Scheme and land information system;

(iii) The interest of the public and plight of the poor;

(iv) The rates systems; and

(v) Local Agenda 21 principles of sustainable development and environmental preservation; and

(vi) Transportation planning.

(d) Stimulate Economic Development.

To fulfil this aim, the Policy

- must :- (i) Be equitable;
- (ii) Be flexible and always in a process of development;
- (iii) Enable efficient transactions to reduce bureaucracy;
- (iv) Ensure appropriate land transactions;
- (v) Serve the needs of the municipality's Departments and Communities; and
- (vi) Ensure compliance with all related legislations.

3. KEY VALUES AND ISSUES

- (a) The evolving Disposal Framework for this Municipality must be informed by the legal and constitutional context within which Municipalities are operating, as the Constitution is the supreme law of the land.
- (b) The Municipality has a core responsibility to acquire and avail land and buildings, for –
 - (i) Use by its Business Units for purposes of developing and maintaining Municipal infrastructure.
 - (ii) For promoting service delivery; and
 - (iii) For facilitating social and economic development, spatial integration and environmental sustainability
 - (iv) any immovable Lands not required for these purposes are by implication surplus to Municipal needs although future requirements of the Municipality must be acknowledged, hence the need to hold property in reserve.
- (c) The Municipality has a responsibility to acquire, manage, develop and release its real estate holdings and rights on behalf of its residents and ratepayers, with a key consideration being the best interests of the Municipality and its residents in all real estate transactions that the Municipality enters into, which demands that there must be maximum benefit to it, its operational requirements and the broader community in all transactions the Municipality enters into.
- (d) Certain interventions are regularly necessary in land transactions pursued by the Municipality as compared to those of the private property market, as the private market is solely concerned with maximising capital gain, as against the collective role of the Municipality in acting in the best interest of its citizens, and the Municipality will not singularly follow the processes and values of that market.
- (e) Land and buildings affect the Municipality's entire organisation and straddles all Units and Committees of the Municipality, and the Land Disposal Framework must act in support of principles and values such as economic development, social, economic and environmental sustainability, land use, housing, social and community infrastructure, physical infrastructure, biodiversity protection, culture and recreation.
- (f) Market forces will always be the point of departure in any land or property transaction and this must be recognised and acknowledged.
- (g) A Policy in respect of immovable property includes any right, interest or servitude therein or thereon, and must also take account of for example other legislation, policies and practices relating to land use, health, environment (both natural and built), and safety.
- (h) The Municipality, in subscribing to affirmative action principles, must incorporate these principles in its' Disposal Framework, to redress practices in the past.

4. **PRINCIPLES**

Following on from the values and issues as articulated above, it is possible to isolate the following principles as cardinal to the whole process of developing and applying new Policy :-

(a) Efficiency :-

- (i) reduce unnecessary bureaucratic red tape;
- (ii) timeous decision-making;
- (iii) proper record systems; and
- (iv) economies of scale;

(b) Effectiveness :-

- (i) quality of decisions;
- (ii) public benefit;
- (iii) cost-benefit analysis; and
- (iv) decision risk;

(c) Sustainability :-

- (i) continuity;
- (ii) financial viability;
- (iii) durability; and
- (iv) affordability;

(d) Democracy :-

- (i) consultation;
- (ii) participation;
- (iii) accountability;
- (iv) transparency; and
- (v) accessibility;

(e) Co-operation and co-ordination

- :- (i) with municipal departments;
- (ii) inter-governmental; and
 - (iii) extra-governmental entities;

(f) Redress by levelling the playing

field; (g) Equity :-

- (i) fairness;
- (ii) justice; and
- (iii) equality;

(h) Flexible and

- dynamic :- (i) less rigidity; and

- (ii) adapting and changing with times;
- (i) Developmental :-
 - (i) internal; and
 - (ii) external; and
- (j) Informed :-
 - (i) identification of environmental impacts;
 - (ii) (ii) identification of cumulative effects; and
 - (iii) (iii) provision of site specific data.

5. CORE PRINCIPLES

- 1) Land sales or disposals for any purpose shall be approved by council only and may not be delegated.
- 2) Land development shall be guided by the Spatial Planning and Land Use Management Act (SPLUMA), 2013 Spatial Development Framework (SDF) and the Land Use Management Scheme (LUMS) and any other relevant legislation.
- 3). Residential sites shall be disposed, particularly the free stand sites to the local people as a preference before any other person;
- 4) Sites for business development should be first considered for leasing before opting for sale.
- 6) For residential sites, no sites may be disposed at more than 1800m² to an individual or an organization/business unless the development is going to be benefiting many people.
- 7) Business site may not be disposed to any individual if it is more than 2000m², however for shopping complex development, the size of the site may depend on the development proposal which is subject to approval by council.
- 8) Land disposal process shall also take into consideration the land markets in general though where land has to be disposed in favour of communities and not business, this consideration of market forces might be waived.
- 9) The process of land disposal shall also make due consideration and respect of the applicable legislation from other spheres of government, including the Constitution.

6. **DEFINITIONS**

For the purpose of this policy document :-

“**Act**” means Spatial Planning and Land Use Management Act 2013

“**BEE**” means Black Economic Empowerment, which includes the economic empowerment of all black people including women, youth, people with disabilities and people living in rural areas, through diverse but integrated socio-economic strategies that include, but are not limited to –

- (a) increasing the number of black people that manage, own and control enterprises and productive Lands with particular reference to preferential population groups;
- (b) facilitating ownership and management of enterprises and productive Lands by Communities, workers, co-operatives and other collective enterprises;
- (c) human resource and skills development;
- (d) achieving equitable representation in all occupational categories and levels in the workforce;
- (e) preferential procurement; and
- (f) investment in enterprises that are owned or managed by black people;

“**Biodiversity**” means all aspects of biological diversity, especially species richness, ecosystem complexity and genetic variation;

“**Black people**” means Africans, Coloureds and Indians, as referred to in the Act, and the DTI definition contained in the DTI Codes of Good Practice;

“**Bid**” means a written offer submitted in a prescribed or stipulated form, in response to an invitation by the Municipality for a procurement or disposal, as part of the competitive bidding process of the Municipality;

“**Business Co-operatives**” means a co-operative trading company established through the Co-operative Development Unit of the Department of Trade and Industry and incorporated under the Co-operatives Act, 1981 (Act No. 91 of 1981);

“**Capital Lands**” means the non consumable movable and immovable property, including land, of the Municipality;

“**Council**” means the full Municipal Council;

“**Disposal**” means the sale, exchange, donation, or letting of Municipal land,

including :-

- (a) the allocation of Municipal land free of charge, for a period of time
- (b) the conclusion of any form of land availability agreement in respect of immovable property with any person; and
- (c) the registration of any real or personal right in respect of Municipal land, including servitudes;

“Enablement” means the preparation of land for development and includes :-

- (a) securing development rights;
- (b) rehabilitating land;
- (c) removing redundant structures or installations; and
- (d) installing infrastructure;

“Enterprise” means a person or persons conducting a business, trade or profession in the Republic of South Africa;

“Exchange” means the simultaneous acquisition and disposal of immovable property or any right in respect of immovable property in terms of an agreement between the Municipality and any other party or parties, where the compensation payable by the parties to each other, are offset and only the difference, if any, is payable to the appropriate party;

“Local Area” means the area under the jurisdiction of the Matatiele Municipality; **“Local**
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“MFMA” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

“Non-viable property” means immovable property that, owing to urban planning or physical constraints or extent, cannot be developed on its own or function as a separate entity and only becomes functional if alienated or leased to an adjoining owner for usage in conjunction with the said owner’s property;

“Viable property” means immovable property that can be developed and functioned as a separate entity and can be separately registered in the office of the Registrar of Deeds;

“Priority Previously Disadvantaged Group” refers to African people as referred to in the Act and the DTI Codes of Good Practice;

“Public Private Partnerships” means a Public Private Agreement between the Municipality and a Private Partner as contemplated in Section 120 of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“Real rights” means the right to traverse privately owned property with servitudes, which are notarially registered in the Deeds Office or contained in Title Deed Conditions;

“Social Housing” means a rental or co-operative housing option for low income persons, at a level of scale and built form which requires institutionalized management and which is provided by social housing institutions or other delivery agents in approved projects, and

in designated restructuring zones, with the benefit of public funding as contemplated in this Act;

“**Social Sites**” Worship and Institutional sites

7. REQUIREMENTS OF THE MUNICIPAL FINANCE MANAGEMENT ACT, 2003

Section 14 of the MFMA provides as

follows:- “**14. Disposal of capital Lands**

- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital Land needed to provide the minimum level of basic municipal services.*
- (2) *A municipality may transfer ownership or otherwise dispose of a capital Land other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*
 - (a) *has decided on reasonable grounds that the Land is not needed to provide the minimum level of basic municipal services; and*
 - (b) *has considered the fair market value of the Land and the economic and community value to be received in exchange for the Land.*
- (3) *A decision by a municipal council that a specific capital Land is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that Land has been sold, transferred or otherwise disposed of.*
- (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital Lands below a value determined by the council.*
- (6) *This section does not apply to the transfer of a capital Land to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of Lands approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.”*

8. SUPPLY CHAIN MANAGEMENT POLICY

- (1) The Matatiele local Municipality resolves in terms of section 111 of the Act to have and implement a supply chain management policy that –
 - (b) is fair, equitable, transparent, competitive and cost effective;
- (2) The municipality must not act otherwise than in accordance with this supply chain management policy when –
 - (b) Disposing of goods no longer needed;

37. Unsolicited bids

- (1) In accordance with section 113 of the Act there is no obligation to consider unsolicited bids received outside a normal bidding process.
- (2) The accounting officer must decide in terms of section 113(2) of the Act to consider an unsolicited bid, only if –
 - (a) The product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
 - (b) The product or service will be exceptionally beneficial to, or have exceptional cost advantages;
 - (c) The person who made the bid is the sole provider of the product or service; and
 - (d) The reasons for not going through the normal bidding processes are found to be sound by the accounting officer.
- (3) If the accounting officer decides to consider an unsolicited bid that complies with subparagraph (2) of this policy, the decision must be made public in accordance with section 21A of the Municipal Systems Act, together with –
 - (a) Reasons as to why the bid should not be open to other competitors;
 - (b) An explanation of the potential benefits if the unsolicited bid were accepted; and
 - (c) An invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.

40. Disposal management

- (1) The accounting officer must establish an effective system of disposal management for the disposal or letting of Lands, including unserviceable, redundant or obsolete Lands, subject to Municipality Risk Management Policy and sections 14 and 90 of the Act, which must stipulate the following:
 - (2) The disposal of Lands must–
 - (a) Be by one of the following methods –
 - (i) Transferring the Land to another organ of state in terms of a provision of the Act enabling the transfer of Lands;
 - (ii) Transferring the Land to another organ of state at market related value or, when appropriate, free of charge;
 - (iii) Selling the Land; or
 - (iv) Destroying the Land;
 - (b) Provided that –
 - (i) Immovable property must be sold only at market related prices except when the public interest or the plight of the poor demands otherwise;
 - (i) Immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise; and
 - (ii) All fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed; and

- (c) Ensure that where Lands are traded in for other Lands, the highest possible trade-in price is negotiated.

9. MLM FIXED LANDS MANAGEMENT POLICY

PART 3 - ROLE OF MUNICIPAL MANAGER

Section 63 of the MFMA states that:-

(b) that the municipality's Lands and liabilities are valued in accordance with standards of generally recognised accounting practice; and

(c) that the municipality has and maintains a system of internal control of Lands and liabilities, including an Land and liabilities register, as may be prescribed."

PART 5 - ROLE OF OTHER DEPARTMENTS

Section 78 of the MFMA, Senior managers and other officials of municipalities, states that:

e) that the Lands and liabilities of the municipality are managed effectively and that Lands are safeguarded and maintained to the extent necessary

PART 6 - DEFINITION OF AN LAND

A fixed Land is an Land, either movable or immovable, owned by or under the control of the municipality, and from which the municipality reasonably expects to derive economic benefits, or reasonably expects to use in service delivery, over a period extending beyond one financial year, which cost or fair value can be measured reliably.

PART 10 - FIXED LANDS TREATED AS INVENTORY

Any land or buildings owned or acquired by the municipality with the intention of selling such property in the ordinary course of business, or any land or buildings owned or acquired by the municipality with the intention of developing such property for the purpose of selling it in the ordinary course of business, shall be accounted for as inventory, and not included in either property, plant and equipment or investment property in the municipality's statement of position.

PART 22 - DEPRECIATION OF FIXED LANDS

All fixed Lands, except land and heritage Lands, shall be depreciated – or amortised in the case of intangible Lands.

PART 33 - ALIENATION OF FIXED LANDS

In compliance with the principles and prescriptions of the Municipal Finance Management Act, the transfer of ownership of any fixed Land shall be fair, equitable, transparent, competitive and consistent with the municipality's supply chain management policy.

10. Functions of Land Disposal Committee

In order to dispose the municipal Land (land) the Municipality has established a committee that processes the land disposal applications.

The functions of Land Disposal Committee are, but not limited to the following functions:

- Thorough assessment of applications in line with the relevant statutes.
- Efficient and effective recommendation and decision making in processing of land disposal applications.

- To provide advice to the Municipal Manager and Council on all Land applications that need to be considered in Matatiele Local Municipality.

11. CATEGORIES OF MUNICIPALITY'S LAND

The Municipality's land Lands are categorizes as follows:

- Residential land;
- Commercial and Industrial land;
- Agricultural land
- Social Sites (Worship, and Institutional etc.)
- Recreational sites

12. APPLICATION

This Policy Framework, must be applied to all Municipal owned immovable properties and must be complied with in every case where the disposal and letting of immovable Lands is dealt with provided that all applications must be referred in the first instance, to the land Disposal Committee established in terms of this Disposal Policy.

13. PRE-CONDITIONS FOR DISPOSAL

- 1) Ability to pay the selling price or lease rentals as per the prescripts of the lease agreement or the deed of sale.
- 2) Selling price or lease value is based on the valuation and market conditions at a given period.
- 3) Land must be available and be located at the correct land use area in terms of land use scheme/s.
- 4) The municipality shall not be responsible for costs of conveyancing, town planning processes and survey services of land sold. All related costs shall be borne by the purchaser.
- 5) Once the land has been transferred, the property will be billed whether it is occupied by the owner or left vacant.
- 6) The Municipality will not be held liable for any vandalism of services on a site left vacant or unattended.
- 7) A fine will be served to property owners (as per the rates – environment and waste) of sites disposed by Council that are left vacant and unattended posing any harm or danger to the environment or surrounding property.

14. METHODS OF DISPOSAL AND LETTING

PUBLIC TENDER

The sale or letting by public tender of all immovable property, which must be at current market related value except when the public interest or the plight of the poor demands otherwise, provided that :-

- (i) all transactions are subject to the tendering and adjudication guidelines, contained in this policy;
- (ii) all sales of immovable Lands must be on open tender, other than in exceptional circumstances as prescribed in this Policy; and

- (iii) immovable property may not be sold by auction unless the sale on the open market by other methods have not yielded a satisfactory result;

DONATIONS

Other than the donation of a capital Land to other organs of State, donation to Community Based Organisations, Non-governmental Organisations, Non-profit Organisations, and Civil Society Organisations, in furtherance of Socio-Economic and Environmental Objectives, may be considered by the Council;

LETTING

- (i) The letting of immovable Lands, must be at a market related rental as contemplated in section 14(2)(b) of MFMA.
- (ii) an Agreement of Lease must be concluded, clearly describing all salient details such as the parties, the immovable Land, rental payable, conditions, duration and breach of the Lease Agreement;

EXCHANGE

The process of exchange is where a disposal and an acquisition take place simultaneously and where an exchange of ownership of the respective immovable property occur, provided that in the event that one immovable Land is of a higher monetary value than the other, a cash payment equivalent to the shortfall must be made by the party whose Land is of lesser value;

PUBLIC PRIVATE PARTNERSHIP

A Public Private Partnership, which in regard to the disposal of capital Lands is a transaction between the Municipality and a private party, in compliance with Section 120 (1) (2) (3) of the MFMA.

SALE BY PREQUALIFICATION

This method of alienation is specifically designed for the sale of vacant or developed residential sites to persons on a waiting list who comply with preset criteria for eligibility. Applicants will be requested to register on a waiting list with pre-set qualification criteria. Only persons on the waiting list will be requested to tender for vacant building sites when made available by Council.

TRANSFER BETWEEN SPHERES OF GOVERNMENT

- (1) Where the Municipality holds an immovable Land that is identified as essential for the furtherance of Socio-Economic objectives or owner occupation of spheres of government, transfer of such Land for this purpose must, as much as possible, take preference over any other proposed disposal for which that Land may be earmarked, and in terms of the requirements of the MFMA.
- (2) The transfer of immovable Lands contemplated in sub-clause (1) will be subject to a clearly defined reversionary clause, providing for a reversion of ownership to the Municipality, free of charge, in the event that the immovable Land is no longer to be used for the specified socio-economic purpose or owner occupation by the government department concerned.

UNSOLICITED BIDS

The process applies where the disposal is made outside a normal bidding process.

- a) Proposals received will be analysed and evaluated by the municipality;
- b) Realistic propositions will be advertised in the media to elicit competitive proposals or objections from the public;
- c) Should the advertisement elicit a response from the market, then a competitive proposal call will be initiated by means of an invitation to bid;

PRIVATE TREATY SALES

The requirements contained in Section 37 above do not apply to unsolicited bids which are submitted in terms of special circumstances listed in (a) to (i) below.

The Municipality acknowledges that in certain special circumstances property can be sold or let by Private Treaty, which special circumstances apply to the following categories of properties: -

- (a) Non-viable parcels of land may be let or sold to adjoining owners, provided that the determination of non-viability rests with the Council and its decision will be final;
- (b) Viable properties in the case of business and industrial expansion and retention, may be let or sold to the adjoining owners at market related prices;
- (c) Vacant industrial land;
- (d) Vacant land for the development of lower income housing in the categories of low cost, social and bank charter housing;
- (e) Municipal land for Community projects;
- (f) Land for worship purposes (see Section 18 (5)(a) to (e));
- (g) Municipal property for educational purposes other than private schools;
- (h) Municipal property for sale and hire to registered business co-operatives established in terms of the Department of Economic Affairs, Environment and Tourism Initiative in Eastern Cape;
- (i) Previously disadvantaged areas identified by the Municipality, where the local economy is stagnant and remedial steps require special treatment.

15. REPOSSESSION OF UNDEVELOPED LAND

The Municipality has a right to repossess the disposed land if there is no development within three (3) years of signing a lease agreement (on leased or donated sites)

16. OFFICIALS AND POLITICAL OFFICE BEARERS

- (1) Officials in the employ of the Matatiele Municipality have the right to make an offer for acquisition of immovable Lands being disposed of by the Matatiele Municipality.
- (2) A political office-bearer or an official in the employ of the Matatiele Municipality who, in his or her personal capacity, has a direct or indirect interest in an immovable Land proposed for disposal, must declare such an interest, provided that the failure to do so will result in such sale or lease being cancelled forthwith and the employee or office bearer being held responsible for wasted costs.
- (3) An official in the employ of the Matatiele Municipality may not act as a member of a panel responsible for assessing and adjudicating tenders relating to the proposed disposals if his or her presence in such panel may potentially be deemed to be unfairly influential, discriminatory or in any manner contrary to the principles of this policy.

17. KEY PRINCIPLES AND GUIDELINES PERTAINING TO THE DISPOSAL AND LETTING BY COUNCIL OF IMMOVABLE PROPERTY

- (a) Council is permitted to let immovable property in its ownership, on a long term or short term basis, by way of Private Treaty or Public Tender or any other disposal method.
- (b) Where possible, Council's immovable property must be managed as a sustainable resource by leveraging environmental, social and economic returns on such immovable property while Council retains ownership thereof.
- (c) Council is permitted to dispose immovable property for development purposes aligned with its strategic objectives.
- (d) All applications to lease immovable property must be considered in accordance with this Policy Framework and other applicable legislation.
- (e) For the purpose of this Policy, viable immovable property is deemed to be property that can be developed and function as a separate entity and which can be registered as a separate entity by the Registrar of Deeds.
- (f) Council reserves the right to entertain unsolicited bids for the lease of viable immovable property for development purposes, with the provision that it abides by Council's Strategic Objectives.
- (g) Non-viable immovable property may be let by Private Treaty to adjoining owners, provided that unless otherwise provided herein, such immovable property must be let at a fair market related value, determined by a Professional Valuer.
- (h) Leases for gardening purposes must be at the tariff rental as approved by Council from time to time, provided that no permanent structures may be permitted on immovable property let for gardening purposes except a perimeter enclosure acceptable to Council.
- (i) Sport facilities and other public amenities may be let by Private Treaty to Sports Boards, Sports Federations and other similar bodies in accordance with Council's Policies on sports facilities and public amenities, provided that community based bodies and non-professional sporting bodies must be charged the tariff rentals as approved by Council from time to time, and professional sports bodies and bodies operating for profit must be charged a fair market related rental based on the market value of the property to be leased.
- (s) Improvements to Council's immovable property established by the Lessee and which Council wishes to retain will revert to Council, free of compensation, at expiration or termination of the Lease, provided that where such improvements are not required by the Council, these must be removed by the Lessee to the satisfaction of Council and all costs must be borne by the Lessee.

18. KEY PRINCIPLES AND GUIDELINES PERTAINING TO THE DISPOSAL AND LETTING OF IMMOVABLE PROPERTY FOR SOCIAL CARE USES

- (1) Social care is defined as services provided by registered welfare, charitable, non-profit cultural and religious organisations and includes, but is not limited to, the following types of uses:-
- (a) place of Worships to the degree and for that portion of a facility being used for spiritual gathering by, and social, pastoral, manse, welfare caring and support to Worshippers and the broader Community;
 - (b) child care facility insofar as it contributes to the functioning of a multi-use childcare facility and is operated on a non-profit basis;
 - (c) retirement villages for that portion of the building or facility available to general public use at subsidised or nominal prices;
 - (d) schools or centres utilised as homes for the mentally and physically disabled persons;
 - (e) non-profit rehabilitation centres;
 - (f) homes and centres for indigent, physically abused or destitute persons;
 - (g) organisations for the homeless and elderly including frail care facilities
 - (h) youth activity centres;
 - (i) facilities for the accommodation, care and burial of animals; and
 - (j) Cemeteries, NPO, funeral parlours and non-profit crematoria.
- (k) An organization acquiring a site for the purpose of erecting a facility for the said organization must register the property in the name of that organization and not in the name of any particular individual.
- (3) Council reserves the right to entertain unsolicited bids for the purchase or lease of viable immovable property for social care uses with the provision that it abides by Council's IDP objectives.
- (4) The following factors are relevant in the selection and allocation of immovable property to places of worship: -
- (a) The size of the congregation or its membership.;
 - (b) Availability of finance to acquire the site and develop same within two years plus possible extension;
 - (c) Whether or not such a denomination is already represented in the area;
 - (d) Whether or not welfare type facilities or activities will be provided in addition to religious facilities; and
 - (e) Whether or not the congregation and its membership is drawn from the area in which a site is being applied for.

- (f) Whether or not there is no Constitution or the Memorandum of the Church / Religious society.
- (g) There should be 1 denomination per site per 750 residential erven
- (h) Only one site will be allowed per denomination per suburb.

19. NOTICE TO COMPLY

The Municipality shall serve a written notice (First and Final) on the responsible person that the property has been declared a problem, it is not at the correct zoning or it is operating without permission (Municipal approval), requiring such responsible person within a specified period to comply with the provisions of these policy and any other relevant legislation or By-laws and the responsible person shall forthwith comply with the notice.

20. ACTION ON NON-COMPLIANCE

Legal action will be undertaken if there is non-compliance upon serving of final notice- A letter of demand will be served instructing the perpetrator to comply within 7-14 days, if not complying, then a matter will be taken to court as per legal processes.

Policy number

Council Resolution (CR) Number **CR**



MR. L. MATIWANE
MUNICIPAL MANAGER

28/07/2022

DATE



CLLR. S. MNGENELA
MAYOR

28/07/2022

DATE



CLLR. N. NGWANYA
SPEAKER OF COUNCIL

28/07/2022

DATE