
MATATIELE LOCAL MUNICIPALITY

REVITALISATION POLICY



MATATIELE

LOCAL MUNICIPALITY

2022-23 financial year

INTRODUCTION

This policy is called the Revitalisation Policy for the Development Planning Unit under the Directorate of Economic Development and Planning of the Matatiele Local Municipality. The policy shall address spatial issue and will be applicable in redressing underutilized and/ or dilapidated infrastructure in the three main areas of Matatiele i.e CBD, Cedarville and Maluti. The Revitalisation (urban renewal) is defined a program of land redevelopment in areas of moderate to high density urban land use and to a certain extent in rural areas. The main objectives of revitalisation, is but not limited to the following:

- Replenish the housing stock in order to improve its quality
- Increase density so as to reduce urban sprawl
- Improve economy by increasing competitiveness of a city centre
- Improve social amenities and to
- Improve opportunities for safety and surveillance

The mandate behind this policy is that there has been an increase in unlawful land use activities within the town. This, in turn, has led to a flood of complaints from surrounding land owners, as well as from the Councilors who represent the ratepayers. The approach adopted must discourage the commencement of an activity prior to the land use rights being in place.

The approach must also give guidelines to officials on how to deal with land use enforcement issues in terms of Chapter 9 of the Spatial Planning and Land Use Management Act (Act 16 of 2013).

1.1 POLICY ISSUE

Internationally it has been recognised that urban revitalisation adds value to the development processes through its pivotal role in urban transformation. Revitalisation is therefore globally perceived as a generic median, in that cities and towns are constantly competing for investment, hence it is paramount to develop policies and methodologies that will ensure Matatiele Local Municipality and its areas of jurisdiction are a destination of choice.

The Draft Matatiele Revitalisation Policy aims at redressing the previously inherited spatial imbalances amongst other will ensure that the key issues are fundamental to an understanding of urban revitalization, its processes as a whole and its benefits. The policy is geared at redefining neglected spaces around town, dilapidated structures (both privately owned and municipal owned properties). The policy also aims at creating awareness around neglected potential tourism destinations in town and thus making Matatiele a pull factor for investment which later lead to potential dividends and or revenues to the Municipality

3. LEGAL MANDATE

Section 39, as read with section 46 of the Land Use Planning Ordinance no 15 of 1985 (LUPO) places an obligation on the Municipality to enforce compliance with this law and the zoning scheme regulations promulgated in terms of it and a reciprocal obligation on all people to comply with the provisions of the law.

Section 11 (3) (a) of the Municipal Systems Act no 32 of 2000, entitles a municipality to

exercise its executive authority by creating inter alia creating, developing and adopting policies. In addition, section 4 (2) (i) of the Municipal Systems Act no 32 of 2000 places a duty on the Municipality to provide a safe and healthy environment for its citizens. This policy contributes to the fulfilment of this duty.

4. POLICY OBJECTIVES

The policy aims to create an environment that:

- Supports a diversity of accommodation base within Matatiele Local Municipality and ensures that the housing stock improved and is of quality.
- Ensure the maintenance of a satisfactory standard of facilities around town, whilst also looking into matters of a sustainable environment.
- Revitalizing and improving the neglected tourism hotspots and open spaces
- Assist in identifying and curbing crime and drug hotspots.
- Links, integrates and co-ordinates all development plans of the municipality
- The municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs:
- An assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services.
- A spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality;
- The council's operational strategies;

To achieve a diversity of accommodation within the Municipal area, needs be to ensure that a financial plan which includes a budget projection to achieve revitalisation, and that the housing stock, must be in-line with the global housing trend whilst also looking into affordable housing alternatives. Revitalisation can take place in the developed areas of the town, on vacant infill sites within the developed areas, and on Greenfield sites that coincide with the Towns planned growth direction.

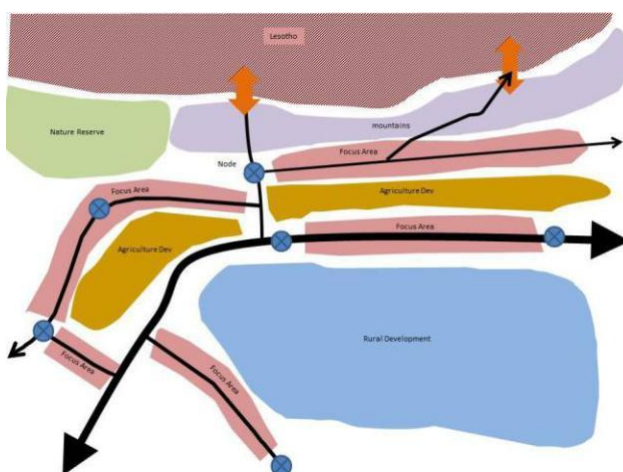


Figure1: Development direction as derived from the Matatiele Spatial Development framework



Figure 2



Figure 3



Figure 4



Figure 5

Figures 2-5: global trends and affordable means of housing (Housing stock)

5. Maintenance of a satisfactory standard of facilities around town

It is paramount to ensure that there is a maintenance of a satisfactory standard of facilities around town, whilst also looking into matters of a sustainable environment to avoid levels of urban degeneration before a un-controllable situation is reached (problem buildings). Problem buildings are properties that contravene national building regulations; are overcrowded or in a deplorable state; are the subject of numerous complaints; or are the sites of criminal activity. The following segment under this policy will ensure the identification, control and management of dilapidated, abandoned and problem properties in the jurisdiction of Matatiele and to provide for matters incidental thereto.

"building" includes, but is not limited to:

- (a) any structure whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with the-
 - (i) the accommodation or convenience of human beings or animals;
 - (ii) manufacture, processing, storage, display or sale of any goods;
 - (iii) rendering of any service;
 - (iv) destruction or treatment of refuse or other waste materials;
 - (v) cultivation or growing of any plant or crop;
- (b) any wall or part of building;
- (c) a unit or common property as defined in the Sectional Titles Act, 1986 (Act no. 95 of 1986); or
- (d) any vacant or unoccupied Erf of whatever nature and size, with or without walls, with or without a roof and if there is a structure, whether or not building plans for such structure are approved by the relevant authority in terms of any legislation
- (e) any advertising sign, advertising board or other structure as defined in the local authority's advertising sign By-laws, as promulgated from time to time;
- (f) all structures which fall within the definition of "building" in:
 - (i) the National Building Regulations and Building Standards Act, (Act 103 of 1977), any amendments thereto or substitutions thereof, as well as any

Regulations promulgated thereunder or any deemed-to-satisfy or similar standards published by the Government Printers;

- (ii) any town planning scheme in operation in respect of the property;
- (iii) all regulations and standards issued by the South African Bureau of Standards or related authority.



Figure 6: Examples of problem buildings around Matatiele

5.1 Declaring a Building as a Problem Building

Step 1- identifying

Step 1

It is appropriate to first identify a responsible person, -who in this case being the person, any or all of the trustees of a trust or body corporate, any or all of the members of an association, any and all members of a partnership, any or all of the directors of a company, any or all of the members of a close corporation, registered as the owner or holder of any property in the relevant deeds registry office.

An authorised official shall at all times identify him/herself to the responsible person with an identification card as provided to him/her for this purpose by the local authority at the time of his/her appointment.

Step 2

Any authorised official may enter any property or building at any reasonable time with a view to: inspect and/or determine whether the property or building complies with these policy and any other legislation; inspect and determine whether the property or building is, in his/her opinion, a problem property; serve the responsible person with a notice contemplated in these or any other By-laws or legislation

Step 3

The authorised official together with an experienced Building Inspector may, subject to the provisions of this policy, declare a property or a building or any part thereof a Problem Property, provided that one or more of the following circumstances exist at the property:

- The building appears to have been abandoned by the registered owner or responsible person with or without the consequence that rates or other municipal services charges have not been paid for a period of more than three (3) months during any period of twelve (12) months
- the building does not comply with existing legislation and/or is not maintained in accordance with the health, fire-safety and town planning and building control By-laws;
- is overcrowded as envisaged in any law, By-law, town planning scheme in operation or any other relevant legislation;

- has overloaded or illegally connected electricity supply;
- has no electricity supply;
- has no water supply;
- has illegal connections to sewer mains;
- has overflowed or blocked sewer drains;
- is subject to complaints of criminal activities, including but not limited to drug dealings, prostitution, money laundering;
- is occupied illegally;
- where refuse, waste material, rubble, scrap or any similar material is accumulated, dumped, stored or deposited, unless so stored in terms of a valid approval by the local authority;
- is partially completed and the responsible person has not complied with a notice issued in terms of Section 11 of the National Building Regulations and Building Standards Act, 1977;
- is structurally unsound;
- is a threat or danger to the safety of the occupiers, registered owners, responsible person or the public in general.



Figure 7: Dilapidated Structures around town

5.2 Control Measures

- 5.2.1 The authorised official shall give notice in writing to the responsible person, before so declaring the building or property a Problem Property:
- 5.2.2 Stating his/her intention to declare the building or property a Problem Property;
- 5.2.3 Providing brief reasons for such intention; and granting the responsible person a period of not less than 10 (ten) days, excluding Saturdays, Sundays and Public Holidays, to provide written representations as to why the building or property is not to be declared a Problem Property.
- 5.3 The authorised official shall:
- 5.3.1 Consider the written representations provided to him/her by the responsible person, and; declare the building as: a Problem Property; or declare it as not being a Problem Property; and forth with provide the responsible person with his/her written decision by way of service in terms of possible legislation.

6. Notice to comply

6.1 The authorised official shall serve a written notice (first and final) on the responsible person that the property has been declared a Problem Property, 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.

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

6.3 Legal action will be undertaken upon serving Final Notice on non-compliance. 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.

6.4 Despite the provisions of sub section (1), and subject to any applicable legislation, if the authorised official has reason to believe that the condition of any building or property is such that steps should immediately be taken to protect the safety and health of persons or property, he or she may take such steps as may be necessary in the circumstances to alleviate that condition, without serving or delivering such notice on or to the responsible person and may recover the cost of such steps from the responsible person.

6.5 If the authorised official deems it necessary for the safety of any person, he or she may, by notice in writing, and subject to any applicable legislation:

- Order the responsible person of any Problem Property to remove, within the period specified in such notice, any person occupying or working, or who for any other purpose is in or on the Problem Property, and to take care that no person who is not authorised by the local authority enters the Problem Property;
- Order any person occupying, operating or working from, or who for any other purpose is in or on any Problem Property, to vacate the Problem Property.
- No person shall occupy, use or permit the occupation or use of any Problem Property or continue to occupy, use or permit, the occupation or use of any Problem Property in respect of which a notice was given of subsection (3) or steps were taken by the local authority in terms of this section, unless he or she has been granted permission by the local authority in writing that the Problem Property may be occupied or used, as the case may be.
- It may be recommended that an alternative use for a building may be sort, demolished, change of use, renovated or repossessed by the Municipality for any use action that the Municipality may prescribe or prohibited.

7. Service of notice

All and any notices to be given in terms of these By-laws shall be deemed to be duly given and effectively served on such person:

- When it has been delivered to him/her personally;
- When it has been delivered to a person, who accepts it on behalf of the responsible and who is apparently over the age of 16 years at found at the problem property or at the responsible person's place of residence or business in the Republic;

- When it has been posted by prepaid registered or certified mail to the responsible person's last known residential or postal address as in possession of the local authority, 7 (seven) days after such posting;
- If the responsible person's address in the Republic of South Africa is unknown, when it has been served on his/her representative in the manner set out in subclasses (1), (2) or (3) above;
- If the responsible person's address and/or agent in the Republic of South Africa is unknown, when it has been posted in a conspicuous place, including but not limited to, the front door or gate to the property, to which it relates.
- It shall be preferable to name the responsible person in the notice, but if his/her full names are unknown to the authorised official, it shall be sufficient if he or she is therein described as the "responsible person" of the property.
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8. Assist in identifying and curbing crime and drug hotspots.



Figure 8-11: Crime and Drug Hotspots

Crime prevention is the attempt to reduce and deter crime and criminals. It is applied specifically to efforts made by governments to reduce crime, enforce the law, and maintain criminal justice. Various ways of preventing crime is getting to know one another within neighbourhoods. It is also important inviting law enforcement officers within communities, to educate and make community members aware of crime hot-spots. Further-more the policy will look into the formulation of modern day Neighbourhood Watch that will keep up with crime trends whilst spreading the word on crime. The policy also aims at considering surveillance as possible crime mitigating factor.



Figure 12 -13: Envisaged Surveillance

9. Revitalizing and improving the neglected tourism hotspots and open spaces



BEFORE (CURRENT)

AFTER (PROPOSED)

10. Conclusion

By the evidence produced above, it is safe to conclude that the policy aims at linking, integrating and co-ordinating all development plans of the municipality i.e Densification, Transport Orientated Developments etc. The municipal council's vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation need. Further an assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services. A spatial development framework which must include the provision of basic guidelines for a land use management system for the municipality



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