
MATATIELE LOCAL MUNICIPALITY

**LAND ALLOCATION FOR ESTABLISHMENT OF CONSTRUCTION SITES
POLICY**



MATATIELE
LOCAL MUNICIPALITY

2022-23 financial year

MATATIELE MUNICIPALITY ALLOCATION OF LAND FOR ESTABLISHMENT OF CONSTRUCTION SITE POLICY

1. INTRODUCTION

Construction Sector plays a vital role towards contribution to Local Economic Development initiatives and providing support to building industry sector specifically to service delivery industry.

2. AREA OF APPLICATION

The policy shall be applicable to the three main areas of Matatiele i.e. CBD, Cedarville and Maluti.

3. PROBLEM STATEMENT

3.1 The Municipality has observed a number of construction sites being established specifically on the Municipal commonage without prior authorization or permission being obtained from the Municipality. Some of the sites are being developed on land that is not properly zoned for such and there is no proper consultation with the surrounding property owners let alone the actual owner of the land.

3.2 In the case of the Municipality, proper permission to use or acquire land for such has to be obtained. It therefore important that proper policy for allocation of land for establishment of construction site have to be developed in order to guide the process.

3.3 The Policy shall reflect guidelines for procedures and time frames for assessment of application, monitoring and penalties.

4. LEGAL REQUIREMENTS

- Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) provides for spatial planning and land use management
- 2014 Spatial Development Framework Matatiele Local Municipality
- 2013 Land Use Management System (LUMS) By-Law
- Spatial Planning and Land Use Management Act 2013, (Act No. 16 of 2013) SPLUMA, make provision for spatial planning and land use management.

- Sect 113 of Municipal Finance Management Act (Act 56 of 2003): consideration of unsolicited Bids.
- Section 37 (2) of Matatiele Supply Chain Management Policy makes provision for consideration of the unsolicited bid.
- Sections 11 of the Land and Lease Disposal Policy also makes provision for consideration of the unsolicited bid.

5. PURPOSE

The policy aims to provide guidelines for the following:

- Allocation of strategic land for establishment of Construction Sites.
- Ensuring timeous assessment of application
- Ensure that public health and safety of community and built environment is maintained at all times.
- Implementation is in line with the applicable legislation and by-laws.

6. DEFINITIONS

Agricultural Land means mean arable meadow or pasture land, market gardens, poultry farms, nursery gardens, plantations or orchards, but shall not include: -

- (a) land occupied as a park together with a house thereon
- (b) land used as a garden other than as aforesaid; or
- (c) land kept or reserved for the purposes of sport, athletics, or recreation, or used as a race course.

Departure means an altered land use restriction or a use right granted on a temporary basis (in terms of Section 15 (1) of L.U.P.O Ordinance 15 of 1985).

Construction Site Establishment means process of development of land for establishing a construction office and storage of building material in preparation for a new building construction project.

Construction Site means a piece of land where a building for offices and storage of building material and equipment is being situated during the course of construction project.

Exemption Certificate *means* a temporary approval, usually five years after which the applicant must make a new application for renewal. A renewal may not be granted twice therefore applicants need to keep this in mind if they plan to invest huge sums of money in alterations etc.

Municipal Land/Commonage *means* virgin land owned by the Municipality that is vacant or undeveloped.

7. POLICY OBJECTIVES

The policy aims to create an environment that:

- Supports a public health and safety within Matatiele Local municipality
- Provides an effective framework of guidelines within Matatiele Local municipality to allocate land for establishment of Construction site.
- Ensure the maintenance of a satisfactory safety standard of facility, which has planning as well as Environmental Health and Building approval.
- Maintains the amenity of both the property and the neighborhood where the construction site is located
- Ensure the appropriate location of site establishments so as to increase the safety of surrounding environment, property owners and community at large.

8. PLANNING CONTROLS

8.1 TOWN PLANNING AND BUILDING CONTROL CRITERIA

The Construction site shall be located on Agricultural zoned site as per Town planning Regulations. Allocation of land shall be in line with the Spatial Development Framework guidelines.

A departure approval, exemption certificate (temporary buildings) shall be issued upon approval of application by the Town Planning and Building Control.

9. APPLICATION REQUIREMENTS

8.2.1 Application shall consist of the following documentation:

- a) Covering Letter (Postal address of the applicant, the physical address included)
- b) Motivation report (Need and desirability)
- c) Filled application forms
- d) Proof of on-site notice
- e) Letter from adjoining property owners
- f) Locality Plan
- g) Site Plan showing the following:
 - the location of the ingress/egress point;
 - sight distances (in metres) in each direction;
 - location of any obstructions within the road reserve (i.e. trees, crests);
 - Speed limit of road access is proposed to be gained
 - On- site Parking,
 - Footprint of the proposed buildings on site
 - Application fees as per approved Tariffs of the Council

8.2.2 Establishment which proposes to gain direct vehicular access from the main road must consult Traffic Department for comments.

8.2.3 Proof of sent letters of no objections from adjoining property owners must be furnished with the application.

8.2.3 Application forms are available and must be submitted at the Town Planning Department.

10. ENVIRONMENTAL HEALTH REQUIREMENTS

All Environmental Health requirements shall be attended to by the Alfred Nzo District Environmental Health Officer.

11. ADVERTISING

8.4.1 Written notification will be forwarded by the applicant to the owners of land adjoining and opposite the subject site, which shall contain the following information:

- (a) description and address of the site
- (b) description of the building or land use
- (c) name of the applicant and establishment
- (d) where and when the plans can be inspected
- (e) copy of the locality plan

8.4.2 Written comments/objections on the application shall be submitted within 28 days from the date of the letter.

12. FEES AND CHARGES

8.5.1 Application fees and charges shall also be payable in terms of the approved Council Tariff Policy as may be determined by Council from time to time.

8.5.2 Lease charges of the allocated land shall be determined at a market value.

13. NOTES

13.1 If there are no objections from adjoining property owners and relevant departments to the application, the final decision lies with the Town Planning Department to make recommendations to the Municipal Manager.

13.2 Lease agreement shall be signed between the contractor and the Municipality.

13.3 The lease shall be for the duration of the project.

13.4 Town Planning Department reserve the right not to approve any application if it feels that it will have a negative impact on the surrounding area (specific Erf/services within that vicinity)

13.5 Council reserves the right to withdraw its approval should establishment become detrimental to the surrounding area by:

- causing a disturbance or annoyance to neighbours or occupiers of land in the vicinity
- causing traffic problems
- contravening with any of the other criteria as laid down in the policy.

13.6 Any loss incurred by the municipality as a result of the establishment shall be at a cost of the contractor.

13.7 Payment of Deposit which will be commensurate with the level of risk that the project imposes to the Municipal infrastructure.

13.8 An assessment to be conducted after the expiry of the lease.

14. NOTICE TO COMPLY

14.1(a) The Municipality 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 and the responsible person shall forthwith comply with the notice.

(b) 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.

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