

LEDO8 of 2017

THABONG T11: DEEPER LIFE MINISTRIES: TEMPORARY LEASE OF A PORTION OF LAND: PREVIOUS ERVEN 21752, 21751, 21750 (8/3/2/10) (LED)

PURPOSE OF REPORT

The purpose of the report is to provide information to the current lease of a portion of Municipal owned land in Thabong T11.

BACKGROUND

LOCALITY PLAN

The locality plan of the area of discussion is enclosed on **Page 05 of the Annexures**.

FACTUAL SITUATION

The chronological events in relation to the lease agreement by Deeper Life Ministries are as follows:

- a) Deeper Life Ministries applied to the Municipality to pitch a tent for a crusade during the Easter weekend in 2016. The letter is enclosed on **Page 01 of the Annexures**.
- b) At the same time Deeper Life indicated that they wish to purchase the land to establish a comprehensive development including church buildings training facilities etc. on the land.
- c) In the letter enclosed on **Page 02 to Page 03 of the Annexures** approved the temporary occupation of the land by Deeper Life Ministries.
- d) A rental agreement for the lease of the land on a month to month basis was signed on 28 October 2016.
- e) In December 2016 Council approved that development proposals be invited on various land portions including the portion in Thabong T11 where Deeper Life Ministries was established.
- f) During 2016 the Municipality appointed the firm LSB to survey the Dichocolateng area and to amend the general plan in relation to Erven 21752, 21751 and 21750 because of the ineffective layout plan. This plan is enclosed on **Page 05 of the Annexures**. In this regard Erven 21752, 21751 and 21750 was now converted into a new property with the zoning of "Community Facility" as depicted on **Page 04 of the Annexures**. The registration of these erven is still in progress.
- g) Following the invitation of development proposals in the press, Deeper Life Ministries submitted a comprehensive proposal for the development of the new site. In terms of the proposal the entire new site will be required and developed. The land alienation process must be finalised by the Bid Evaluation Committee.

- h) During the course of 2016 the LDA announced the development of an IT Hub in Matjhabeng for community development and training.
- i) Various portions of land was considered for such purpose, including Welkom Extension 17 and also the Dichocolateng area of Erven 21752, 21751 and 21750, but to date a final area was not approved by Council.
- j) In June 2017 the consultants of the project indicated that it would be feasible to establish the project in the Welkom central business area. After further discussions it was agreed that Development Planning will identify a number of alternative available land portions where the project could be established. This investigation is now in progress. As soon as the consultants selected a suitable location a report will be submitted for Council's approval of such land allocation.

LEGAL IMPLICATIONS:

The registration of the amendment of the General Plan in the Deeds office is the responsibility of the Municipality, failing of which the Municipality can be held liable.

FINANCIAL IMPLICATIONS:

The financial cost for the registration will be for the account of the Municipality

POLICY/LEGISLATIVE POSITION

The following legislation must be taken into consideration:

- The Constitution of the Republic of South Africa (Act. No. 108 of 1996);
- Tenure of Land Act (Act No. 68 of 1981)
- Broad Based Black Economic Empowerment Act (Act No. 53 of 2003);
- Extension of Security of Tenure Act (Act No. 62 of 1997)
- Local Government: Municipal Finance Management Act (Act No. 56 of 2003);
- Municipal Supply Chain Management Policy Regulations (Act No. No. 27636);
- Property Rates Act (Act No. 6 of 2004);
- Matjhabeng: Policy on the Disposal of Immovable Assets
- Spatial Planning and Land Use Management Act 16/2013

RECOMMENDATIONS

1. That the information pertaining to the lease of the vacant land in Thabong T11 to Deeper Life Ministries be noted.
2. That it be noted that in response to the invitation of development proposals, Deeper Life Ministries submitted a comprehensive development proposal for the development of the entire new erf as depicted on the plan **on Page 01 to page 05 of the Annexures.**
3. That it be noted that the lease of the land to Deeper Life Ministries is on a month to month basis. The alienation of the land to Deeper Life Ministries for the new

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development will be subject to the completion of the land alienation process by the Bid Evaluation Committee including the allocation of the land and the final appointment letter by the Municipal Manager.

4. That as soon as the consultants of the IT Hub project selected a suitable site for the project, a report be submitted to Council for approval of the land allocation for this project.

LED09 of 2017

REPORT TITLE: LOCAL ECONOMIC DEVELOPMENT: TOURISM MONTH
(LED P AND H/S) (15/2/3/54)

PURPOSE

The purpose of this item is to submit a report on Tourism Month Activities planned for 2017.

BACKGROUND

Tourism Month is an annual celebration held in September to focus on the importance of tourism to the economy of South Africa. The annual Tourism Month campaign is aimed at promoting domestic tourism. The objectives are to create awareness of available opportunities and create a friendly and safe environment for tourists.

BENEFICIARIES AND WHAT THE PROJECT MUST ACHIEVE

- Numerous activities are planned to bring previously disadvantaged and excluded individuals into the tourism arena.
- Creates opportunity for local SMMEs from previously disadvantaged communities to partake in the events e.g. caterers, communications companies.
- A tourism message would be highlighted all throughout the month long events of the festival. It would be subtle and not so on the face message relayed to the audiences. This would serve the purpose of a tourism awareness platform.

IDP OBJECTIVE

To promote Matjhabeng as a destination of choice

PROJECT NAME

Tourism Month

PROJECT LOCATION

Matjhabeng

TARGET DATES

DATE	PROGRAMME	VENUE	TIME
07 September 2017	NTCE 2017 Media Launch	Virginia	10:00
17 November 2017	Matjhabeng Tourism Service Excellence Awards (MTSEA)	Goldfields Casino	18:00
25 November 2017	Heritage Fashion Show	Goldfields Mall	Goldfields Mall
23-25 November 2017	Arts and Crafts Exhibition	Goldfields Mall	09:00 – 18:00

ACTION PLAN AND PROGRESS

MATJHABENG SERVICE EXCELLENCE AWARDS

The tourism industry is cited as a major economic force and creator of jobs, however, if Matjhabeng is to take the lead, quality, hospitality, entrepreneurship and excellence must be encouraged and rewarded. A culture of service excellence in the area needs to be developed through which consumers are able to express or report their experiences. As an extension of our commitment to service excellence, we are to create an incentive program referred to as the **Matjhabeng Tourism Service Excellence Awards**. Nominations will be requested from the general public for the following categories.

CATEGORIES

1. Accommodation

B&B/ Guest House of the Year

2. Craft project

Craft Project of the Year

3. Restaurants

Restaurant of the year

4. Petrol Station

Petrol Station of the Year

5. Best Service with a Smile

Restaurant

Petrol Station

ARTS AND CRAFT EXHIBITION

Arts and Crafters from the entire six towns will be given an opportunity to showcase their products. The venue would be at the Goldfields Casino between 09:00 in the morning and 18:00 in the evening. The reason being the feet with buying power frequenting the mall and also the buying power of the potential clients. An advert would be placed in print media. A poster would be placed all throughout the mall.

HERITAGE FASHION SHOW

Three fashion designers with heritage inspired designs will be given an opportunity to showcase their work. This is done on the last Saturday of September as this is also heritage month. This will be held at the Goldfields Mall between 10am and 1pm.

MARKETING PLAN

The following media is intended to market the festival:

NEWS PAPERS

- Vista
- Free State Sun
- Enthooz
- Face Impression
- The Weekly

Publicity would be generated via a media launch and weekly media releases

ELECTRONIC MEDIA

- The Rock FM
- Gold FM

Telephonic radio interviews would be held with the above mentioned radio station.

Community events

Announcements and social calendar programmes will be used with the television stations.

The following advertising tools will be used as well:

POSTERS

Designer posters with artists and celebrities' line up to show professionalism and organisation but

Most of all to attract the general public. Matjhabeng branded posters around all towns in the Lejweleputswa district and neighbouring towns and districts (i.e. Fezile Dabi and Motheo) advertising the event. Banners would be placed in the surrounding provinces of Gauteng and Northwest.

TARGET MARKET

Open to general public

Exclusive and stylish young and old

1. ACTION PLAN

ACTIVITY	DISCUSSIONS/ PROGRESS
1. Advert for the entry forms.	1. Delays in authorisation of press publication has meant the advert will be in the print media on the 19 and 20 October 2017
2. Venue	2. Casino could only be secured for 17 November 2017 due to lack of availability on the 10 November 2017.
3. Goldfields Mall	4. The proposed date for Arts and Crafts Exhibition is 23-25 November 2017 due to buying power available during that time and Heritage fashion show is 25 November 2017.
4. Guest list	5. Proposed guest list attached.
5. Fashion Designers	6. The changed dates would also as it as they would have recovered from Macufe and Matric Dances

*** Proposed guest list is attached on Page 06 to page 07 of the Annexures.

LEGAL IMPLICATIONS

- The Constitution of the Republic of South Africa 1996
- The White paper on National Tourism Policy as amended in 1996
- Tourism BEE Charter
- National Tourism Sector Strategy
- Matjhabeng Tourism Sector Strategy

FINANCIAL IMPLICATIONS

Within budget as approved in SDBIP

RECOMMENDATION

1. That the progress report be noted by the Section 80 committee.

LED10 of 2017

ESTABLISHMENT OF A MULTI PURPOSE SPORT STADIUM: QUARTERLY PROJECT PROGRESS REPORT (8/3/2/10) (LED)

PURPOSE OF REPORT

The purpose of the report is to provide Council with an update on the progress with the project since the last progress report served before Council.

BACKGROUND

2.1 PROJECT PROGRESS IN COMPLIANCE WITH RESOLUTION MC271/2004

The progress with the project to date must be evaluated in terms of the following development conditions as stipulated by Council in terms of Resolution MC271/2004 :

1. *“That a portion of Subdivision 2 of the Farm Vooruitgang 52 be made available to develop a multi-purpose Sport Stadium.*
2. *That the planning of all services, road, parking areas, stadiums etc. be done in consultation with and to the satisfaction of the Council.*
3. *That Council, in co-operation with Sports Marketing Dynamics, establishes a Public Private Partnership and will use a company as a vehicle to execute the project.*
4. *That Council set out the roles and responsibilities of the different Stakeholders within the company as envisaged.*
5. *That the company will have a separate account within the Municipal Financial System.*
6. *That Council put an advert in Local Newspapers about its intention of the projects (Multi-Purpose Stadium Beyond 2010)*
7. *That the financial implications for a start-up capital be submitted so that proper provision could be made if need be.*
8. *that a feasibility study, as required by the MFMA and the Systems Act as amended, be conducted as a matter of urgency.”*

The progress in this regard can be summarized as follows:

- a) The Matjhabeng Municipality entered into LAA (Land Availability Agreement) with NFS Lejweleputswa Community Partnership Trust **IT 418/04.**
- b) A PNGOP (Public Partnership Agreement) was entered into between the Matjhabeng Municipality and NFS Lejweleputswa Community Partnership Trust **IT 418/04**
- c) A SOCIAL COMPACT has been prepared by the developer and signed by several beneficiaries such as, CUT (Central University of Technology), LSRC (Lejweleputswa Sports and Recreation Council), FSSC (Free State Sports Confederation).

- d) The development of a SLA (Services Level Agreement) is in progress.

2.2 PROJECT PROGRESS IN RELATION TO THE REZONING OF THE LAND

In terms of the Progress report submitted, Council resolved the following (Resolution A62/2017 of May 2017):

1. *That it **BE NOTED** that the project is in a very advanced stage and that the majority of the conditions as stipulated in terms of Resolution MC 271/2004 have now **BEEN COMPLIED WITH**.*
2. *That as soon as all reports in relation to the rezoning application have been received and internally evaluated, a comprehensive report will **BE SUBMITTED** to Council in relation to the project's compliance to Resolution MC271/2004 as well as the aspects pertaining to the rezoning of the land and the consequent development conditions of Council regarding the development.*
3. *That in support of the project, the request for a further and final extension of the land availability agreement **IS GRANTED** with immediate effect for one year from the date of granting extension, to enable the completion of the rezoning and land transfer processes.*
4. *That a progress report must **BE SUBMITTED** every quarter to Council.*

In relation to the rezoning process it can be reported that:

- a) The rezoning application will be considered by the Provincial Townships Board and the administration of the rezoning application is therefore the responsibility of the Provincial Directorate Spatial Planning. (Application was submitted prior to the commencement of SPLUMA).
- b) The application was already submitted to the Directorate Spatial Planning.
- c) The only outstanding aspects are:
 - The Environmental Impact Analysis Report which was already submitted to the relevant Department.
 - The Bulk services agreement with the Municipality in line with MAYCU Resolution of September 2014. . In this regard the engineers are currently consulting with the Directorate Infrastructure in order to submit a final Services Agreement towards the installation of bulk infrastructure for the project to be considered by Council.

3. LEGAL IMPLICATIONS:

The legal implications of the project must be considered against the following:

- a) All applicable Council Resolutions
- b) Memorandum of Understanding
- c) The Land Availability agreement and Addendums
- d) The PNGOP Partnership Agreement with Council.

4. FINANCIAL IMPLICATIONS:

The following financial implications must be noted:

- a) That in line with Resolution MC241/2004 the land be transferred to the developer subject to the Conditions of Council.
- b) That certain financial aspects pertaining to the provision of bulk services to the project will be for Council's budget. These aspects will be addressed in the final bulk services report, also to serve before Council for consideration together with the rezoning aspects.

5. POLICY/LEGISLATIVE POSITION

- The Constitution of the Republic of South Africa (Act. No. 108 of 1996);
- Land Act (Act No. 68 of 1981)
- Matjhabeng Supply Chain Policy
- Environmental Management Act (Act No. 53 of 2003);
- Municipal Finance Management Act (Act No. 56 of 2003);
- Spatial Planning and Land Use Management Act 16/2013

RECOMMENDATIONS

1. That it be noted that regarding the rezoning application, all reports are now finalized and ready for internal evaluation and that only the EIA report as well as the completion of a bulk services agreement are still outstanding.
2. That in accordance with the above Resolution A62/2017, a comprehensive report will BE SUBMITTED to Council in relation to the project's compliance to Resolution MC271/2004 as well as the aspects pertaining to the rezoning of the land and the consequent development conditions of Council regarding the development, as soon as all requirements pertaining to the rezoning application has been adhered to by the developer.

LED11 of 2017

**MONTHLY REPORT: DEPARTMENT LOCAL ECONOMIC DEVELOPMENT
JULY TO SEPTEMBER 2017(12/1/2/13) (AED: LED AND P)**

PURPOSE OF REPORT

To submit the July to September 2017 monthly reports on activities of the Department Local Economic Development to the Section 80 Committee for consideration.

BACKGROUND

*** Attached on Pages 8 to Page 61 of the Annexures the Monthly Reports for June 2017.

RECOMENDATIONS

1. Submitted For Consideration

LED12 of 2017

THE DRAFT IMPLEMENTATION PLAN FOR PROPOSED PROJECTS TO BE FUNDED BY SEBANYE GOLD MINE THROUGH SOCIAL AND LABOUR PLAN COMPLIANCE FOR 2017/2021 CYCLE(ED:LED AND PLANNING)(6/4/2/1)(18/1/18)

PURPOSE

The purpose of this report is to submit the draft project implementation plan for the road maintenance project to be funded by the Sebanye Gold Mine Company Limited through the Social and Labour plan programme.

BACKGROUND

According to the Mineral and Petroleum Resources Development Act (MPRDA) 28 of 2002, Mining companies must submit their Mine Works Plan (MWP), Environmental Management Plan (EMP) and Social and Labour Plan (SLP) when applying for mining rights. The five-year

Cycle of SLP must ensure that upon the granting of mining rights, the mining activities cater for the needs of the current and future generations through community development initiatives.

The SLPs also covers the human resources development plans (HRD), employment equity (EE) plans, plans for the housing and living conditions of employees, and for the management of downscaling and retrenchments. The main objective of SLPs is to promote economic growth and employment, and advance social welfare by ensuring that mining companies contribute towards socio-economic development in areas in which they are operating (DMR, 2010). The purpose of the Mineral and Petroleum Resources Development Act, 2002, (Act No 28 of 2002) (MPRDA) is amongst others to transform the mining and production industries in South Africa. In order to ensure effective transformation in this regard, the Act requires the submission of the Social and Labour Plan as a pre-requisite for the granting of mining or production rights.

PROBLEM STATEMENT

If mining SLPs are not properly aligned with municipal IDPs as required by DMR guidelines, this may result in the loss of an investment opportunity for community development, economic growth, poverty reduction and infrastructure development.

The road maintenance project forms part of broader Matjhabeng Local Municipality plan and also forms part IDP on Chapter 10. It very important that the planning and implementation of this project is adhered to.

Matjhabeng Local Municipality Integrated Transport Plans

Lejweleputswa District Municipality had acquired the services of Aganang Consulting Engineers to develop the Rural Road Asset Management Systems (RRAMS) on behalf of the Matjhabeng Local Municipality in 2016. The appointment of the Aganang Consulting Engineers Company as service providers was informed by observation of seeing the Matjhabeng Local Municipality roads being in a very bad state of deterioration.

According to the Aganang Consulting Engineers, the road asset management guides the development of the road network maintenance strategies within the background of technically sound prioritization approach.

Acknowledging the fact that sustainable economic development is under-pinned by a sound road network, our challenge as the Municipality is limited financial resources needed for road investment optimization and prioritization. It is important for us as the Municipality to keep investing in the upgrading and maintenance of roads infrastructure to pave the way for economic growth and development. This will improve the flow of goods and services around the Municipality, which will ultimately lead to more economical ways of doing business. In terms of our future projects, our drive will always be to maintain our road networks, as without maintenance, these assets will deteriorate. It would be a cost to our economy, as well as a cost to us individuals.

*** **See Page 62 of annexures** for copy of Rural Road Asset Management Systems (RRAMS) developed by Aganang Consulting Engineers

DISCUSSION

Directorate Strategy and Support Services (IDP)

Lejweleputswa District Municipality

Department of Mineral Resource (DMR)

POLICY POSITION

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA: 1996 (ACT 108 OF 1996).

Mineral and Petroleum Resources Development Act (MPRDA) 28 of 2002,

The Mining Charter (Broad Based Black Economic Empowerment in south African Mining and Minerals)

Integrated Development Plan (IDP) and the Service Delivery & Budget Implementation Plan (SDBIPs)

The Chapter 10 of the Matjhabeng Local Municipality Integrated Development Plan (IDP) which encapsulate Social and Labour Plan initiatives, programs and projects make provision for the maintenance of road infrastructure in Matjhabeng Local Municipality. According to the Chapter 10 of the Matjhabeng IDP 1017-2022, this chapter in the IDP is meant specifically to respond to this requirement of the above-mentioned legislation in making sure that all player in the Mining and Quarry Extraction Industry are compliant and their Social and Labour Plans, in particularly Community Development project are geared toward Local Economic Development. The IDP is a 5 year renewable annually based on the negotiations with a mining house and the Subsequence to maintenance of road infrastructure in IDP through SLP funding from Sebanye Mining, the Service Delivery & Budget Implementation Plan (SDBIPs) for the financial year 2017 – 2018 which its objective is to facilitate the planning and the implementation of the Mining Social Plans in Matjhabeng Local Municipality.

LEGAL IMPLICATIONS

Mineral and Petroleum Resources Development Act (MPRDA) 28 of 2002,

According to section 23, 24 & 25 of the MPRDA, mining companies must submit a Social and

Labour Plan (SLP) when applying for mining rights, and the local economic development (LED) of the SLP must be aligned with the Local and District Municipality Integrated Development Plan (IDP). The alignment between the SLP and IDP Local Economic Development initiatives provides a platform for investment opportunity, economic growth, poverty reduction and infrastructure development

The objectives of the Social and Labour Plan are to:

- (a) Promote economic growth and mineral and petroleum resources development in the Republic (Section 2 (e) of the (MPRDA);
- (b) Promote employment and advance the social and economic welfare of all South Africans (Section 2 (f) of the MPRDA);
- (c) Ensure that holders of mining or production rights contribute towards the socioeconomic development of the areas in which they are operating as well as the areas from which the majority of the workforce is sourced (Section 2 (i) of the MPRDA, and the Charter); and
- (d) To utilize and expand the existing skills base for the empowerment of HDSA and to serve the community. (Revised Social and Labour Plan Guidelines October 2010)

Once a company is awarded a mining right, the Social and Labour Plan (SLP) they submitted becomes a binding legal document.

FINANCIAL IMPLICATIONS

Financial inflows: Financial investment in road infrastructures.

RECOMMENDATION:

1. It is recommended the draft implementation plan be approved.
2. That the road maintenance task team that will constitute of the LED, Planning and Human Settlements, Infrastructure and Strategy and Support Services Directorates be established.

LED13 of 2017

**LOCAL ECONOMIC DEVELOPMENT: FORGING OF PARTNERSHIP WITH
SAMTI FOR THE INCUBATION PROJECT AT HARMONY DEVELOPMENT
CENTER(ED: LED AND PLANNING) (18/1/19)**

PURPOSE OF THE REPORT

This report serves to suggest the crafting and conclusion of a formal contract to be entered between the Matjhabeng Local Municipality and The SEDA Agricultural + Mining Tooling Incubator (SAMTI) in a form of a **memorandum of understanding (MOU)**.

BACKGROUND

SAMTI stands for SEDA Agricultural + Mining Tooling Incubator. SAMTI is a business incubator for Small, Medium and Micro Enterprises (SMME) in South Africa's tooling sector for the mining and agricultural environments. Seda Agricultural Mining Tooling Incubation (SAMTI) was established in 2008 and is a government programme initiated by the DTI through a partnership between Seda and the Central University of Technology in the Free State. SAMTI promotes the development of SMMEs in the manufacturing tools and mining through technology incubation programs. In order to assist tenants in becoming successful tooling design enterprises, the SEDA Agricultural + Mining Tooling Incubator (SAMTI) provides a host of support services. Their objective is to achieve sustainable businesses at the end of the incubation process that are able to perform independently and profitably. The comprehensive list of services that are included in the SAMTI programme includes:

- Design and development of tools
- Training in tool making
- Management
- Coaching
- Assistance with licensing
- Facilitation and assistance with the management of Intellectual Property
- Innovative and entrepreneurial opportunities

SAMTI is a section 21 company that is governed by a board of directors, experts from CUT and Seda Technology Programme (STP). It is based in Bloemfontein on the premises of CUTs faculty of Engineering and Information Technology. SAMTI aspires to be a world class virtual tooling and design center, focusing on front end engineering for agricultural and mining tooling needs in the SMME sector.

The SAMTI business incubator is a will help new and startup companies to develop by providing services such as management training or office space. Their goal is to help create and grow young businesses by providing them with necessary support and facilitate the financial and technical services

PROBLEM STATEMENT

The downscaling of mining sector in Matjhabeng Local Municipality is very prominent and unavoidable. Similar to the development and mine growth which is associated with local economic growth, the downscaling and total closure of mines has a detrimental impact on local, regional and national economy of which we cannot ignore.

The mine downscaling and its associated impacts on local and regional economies cannot be ignored which result into a massive effect of socio-economic factors on poverty in Matjhabeng Local Municipality. The Matjhabeng Local Municipality should be very mindful but also be radical at the same time in support to initiatives like this one which will result in community employment, skills development and economic growth of the region.

The economic benefits associated with the proposed partnership are expected to be somewhat positive. From the point of view, the advantages include totally three: one is to boost region economic growth; the other one is that it can offer people more job opportunities and raise their living standard; finally, as well as serve as technology facilitator to form partnerships within the SME community supports collaborations between industry partners and solution providers, to address common industry-specific and business challenges.

Currently the Matjhabeng Local Municipality has adopted in partnership with Harmony, Harmony development Centre as an incubation strategic place to harbor SMMEs and other

projects. The center has been designed to accommodate all different SMME projects and thus to enable all of them to be monitored.

FINANCIAL IMPLICATION

No financial implication from the Matjhabeng Local Municipality

LEGAL REQUIREMENTS

Entering into a memorandum of understanding (MOU)

It is suggested that the Matjhabeng Local Municipality enter into a partnership agreement in a form of memorandum of understanding (MOU) with SAMTI. This memorandum of understanding (MOU) will serve as a formal agreement between Matjhabeng Local Municipality and SAMTI as the first step to establish official partnerships. The choice of signing of MOU than any other contractual agreements is because MOU is not legally binding to a certain degree and at the same time it carries a degree of seriousness and mutual respect of all parties involved. MOU is important because it outlines specific roles and responsibilities so that all parties have a clear understanding of their purpose in the partnership. Thus the crafting of MOU will give effect to both parties to outline the terms and details of an understanding, including each parties' requirements and responsibilities.

CURRENT POLICY

IDP and SDBIP

The Welkom Business Industrial Hub project forms part of broader Matjhabeng Local Municipality plan and it is also encapsulated in the current IDP on Chapter 10. It very important that the planning and implementation of this project is adhered to in line with Service Delivery & Budget Implementation Plan (SDBIP) for the financial year 2017 – 2018 which its objective is to support the establishment of SMME incubation HUB.

NATONAL DEVELOPMENT PLAN 2020, CHAPTER 3:

ECONOMY AND EMPLOYMENT

Aims to decrease the unemployment rate from 24.9 percent as in June 2012 to 14 percent by 2020 and to 6 percent by 2030. This requires an additional 11 million jobs. Total employment should rise from 13 million to 24 million.

RECOMMENDATIONS

1. It is recommended that a working relationship be concluded between Matjhabeng Local Municipality SAMTI by entering into a memorandum of understanding (MOU).

LED14 of 2017

PROGRESS REPORT OF THE MUNICIPAL PLANNING TRIBUNAL (AED: LED P and H/S) (1/1/38)

PURPOSE

The purpose of the item is to provide a progress report to Executive Management on the functioning and decisions taken on applications by the Municipal Planning Tribunal.

BACKGROUND

On the 13 December 2016, the Speaker submitted an item to Council on the appointment of the members for the Municipal Planning Tribunal in terms of the Spatial Planning and Land Use Management Act, No. 16 of 2013. Pursuant to the presentation, the Council resolved as follows:

COUNCIL RESOLVED: (30 JUNE 2015)

1. That Council **APPOINTS** the following members to constitute the Municipal Planning Tribunal:
 - 1.1 Mr T.J.A. Mongake : Chairperson
 - 1.2 Ms N.M. Mbhele : Deputy Chairperson
 - 1.3 Ms M.R. Nkhosi : Member
 - 1.4 Mr M. Radiopane : Member
 - 1.5 Mr K.P. van der Walt : Member
 - 1.6 Ms V.A. Mashiyane : Member
2. That the Office of the Speaker **MUST DEVELOP** Terms of Reference including their seating allowance and present it at the next Council meeting.”

COUNCIL RESOLVED: (01 SEPTEMBER 2015)

1. That Council **APPOINTS** the Director for LED, Mr. X Msweli, and the Director for Infrastructure, Mrs. HB Tlhabani and Mr. Koos Duvenage as members of the Municipal Planning Tribunal in their capacity as officials in the full-time service of the Municipality in terms of Regulation 36(1) (a) of the Spatial Planning and Land Use Management Act.

2. That the seating allowance for members of the Municipal Planning Tribunal **BE IN LINE** with National Treasury Regulations which is applicable to members of the Audit Committee.
3. That the seating allowance **BE PAID** to only those members that are not in full-time employment of the Council.
4. That the travelling allowance for members of the Municipal Planning Tribunal **BE IN LINE** with the tariffs for the use of transport issued by the Department of Transport.
5. That Council **RESERVES THE RIGHT** to change individuals that are appointed in the said Tribunal.
6. That Budget Adjustment **BE MADE** for their remuneration.

COUNCIL RESOLVED: (13 DECEMBER 2016)

- 1 That Council **AUTHORISES** the Municipal Manager to advertise for the filling of vacancies on the Matjhabeng Municipal Planning Tribunal created by the resignation and withdrawal of certain members.
- 2 That Council **APPOINTS** Mr B. Molelekoa and Mr F Niewoudt as alternate member to serve on the Municipal Planning Tribunal as an official representing the Matjhabeng Municipality in the Tribunal.
3. That the total membership of the Tribunal **BE CHANGED** from nine (9) to seven (7) consisting of four (4) outside members and three (3) officials.
4. That Council **APPOINTS** Ms. M.R. Nkhasi as the Deputy Chairperson of the Matjhabeng Municipal Planning Tribunal.
5. That Council **AUTHORISES** the Speaker to constitute the panel for appointment of additional members of the Matjhabeng Municipal Planning Tribunal.
6. That the appointments of the Municipal Planning Tribunal should **BE FINALIZED** by the end of January 2017.

7.
DISCUSSION

The Municipality has already adopted the Spatial Planning and Land Use Management by-law. The Municipal Planning Tribunal conducted six (6) meetings so far. It is important to mention that Mr. X. Msweli is no longer Executive Director: LED, Planning and Human Settlements nor part of the Matjhabeng Municipal Planning Tribunal as his employment contract ended on the 31st January 2017, Mr. Koos Duvenhage who was the Manager Spatial Planning: Development Control has retired from the municipality and from the MPT as well. Ms. N.M Mbhele who was appointed a deputy chairperson of the MPT has resigned from the MPT as well.

Therefore, the current situation is that an advert was placed in the Matjhabeng local newspaper inviting interested persons to apply for the vacant position in the Municipal Planning Tribunal. The advert closed on the 10th of March 2017 and no applications were received as a result of the fact that this advert could not be placed in the Provincial Gazette. This means that a re-advertisement was made through the Provincial Gazette and only two applications were received. A report was prepared and served the Section 80 Committee on the 14th September 2017 and will serve MAYCO and COUNCIL in order to appoint an additional member on the Municipal Planning Tribunal. It is important to make mention that the Municipal Planning Tribunal must be introduced to the EXCO and also be provided with support by the municipality.

It should be noted that there is a lack of capacity within the Spatial Planning Division and most importantly the core functions of this division cannot be done or finalized. For the division to function effectively there is a dire need to employ more competent staff, adjust the remuneration packages as per the SPLUMA legislation and provide support to the division. Lack of capacity hampers service delivery and also leads to stress and burnout from the current employees within this division. Since the inception and implementation of SPLUMA at the municipality, there has been a reduction in timeframes with regards to land use applications approvals. This is a positive indication that if this division is capacitated urgently, the mandate of the Constitution, the National Development Plan, the International Urban Development Framework and critical objectives of government will be achieved.

*** Minutes of the Municipal Planning Tribunal meetings held on 19 May 2016, 27 June 2016, 17 August 2016, 8 March 2017 and 8 August 2017 is **attached on page 63 to page 140 of the Annexures.**

FINANCIAL IMPLICATIONS

As stipulated in the regulations under Gazette No. 38594 dated 23 March 2015 provides for norms and standards for the terms and conditions of service of the members of the Municipal Planning Tribunal under Schedule 1.

LEGAL AND POLICY REQUIREMENTS

Spatial Planning and Land Use Management Act, no 16 of 2013 provides a framework for Spatial Planning and Land Use Management. For the purposes of the Municipal Planning Tribunal, it provides for policies, principles, norms and standards for spatial development planning and land use management. It is intended to address past spatial regulatory imbalances; to promote greater consistency and uniformity in the application procedures and decision making by authorities responsible for land use decisions and development application; to provide for the establishment, functions and operations of the Municipal Planning Tribunal; to provide for the facilitation and enforcement of land use and development measures.

Chapter 6 of the aforementioned Act provides under Part B, the process that must be followed in the establishment of Municipal Planning Tribunal. Part C provides for processes of Municipal Planning Tribunal and Part D regulates related land development matters such as internal appeals.

Section 54 of the Spatial Planning and Land Use Management enjoins the Minister of the Department Rural Development and Reform to promulgate in terms of the Spatial Planning and Land Use Management Act 16 of 2013. The regulations have been promulgated.

RECOMMENDATION

1. That Executive Management takes note of the Minutes of the Municipal Planning Tribunal meetings held on 19 May 2016, 27 June 2016, 17 August 2016, 8 March 2017 and 8 August 2017.
2. That Executive Management urgently capacitates the Spatial Planning Division with more competent staff absorbs the volunteer interns on a permanent or contract positions as they are currently not getting paid.
3. That Executive Management aligns the remuneration packages of all the Spatial Planning Division employees as per the SPLUMA legislation.