

HS1/2019**REQUEST FOR ALIENATION: SITE No: 5735 RIEBEECKSTAD (SENIOR
MANAGER: AED: LED, PLANNING AND HUMAN SETTLEMENTS) (8/4/14/1)****PURPOSE**

To present before Section 80, a request to alienate site 5735 measuring 1899m² for educational purposes.

BACKGROUND AND DISCUSSION

Koppie alleen Primary school submitted an application to purchase site 5735 Riebeeckstad to utilize it for educational purposes. This is necessitated by the growing number of new learners especially during the beginning of the year.

During the discussion with the school principal, it came out that they would like to be assisted with the site in order to put up temporary containers which they have already secured while the processes of final acquisition are being embarked upon.

*******Attached on pages 1 to 2 of the annexures are the following**

- Letter of application from Koppie Alleen Primary School
- Locality Plans
- Valuation certificate from the Valuation section

POLICY AND LEGISLATIVE FRAMEWORK

- The Constitution of the Republic of South Africa
- MFMA
- Supply Chain and Management Policy
- South African Schools Act (SASA)
- Matjhabeng approved Policy on the Alienation of Immovable Assets

COMMENTS FROM OTHER DEPARTMENTS**INFRASTRUCTURE**

Comments from Infrastructure were not yet received at the time of compilation of this item due to time limitations and they will be obtained before submission to MAYCO

SPATIAL PLANNING

The site is zoned for Educational purposes and can therefore be utilized for a school

FINANCIAL IMPLICATIONS

There will be revenue derived from the consumption of services and subsequently from rates and taxes when the site is disposed.

LEGAL IMPLICATIONS AND POLICY IMPLICATIONS

Council as the owner of land has the prerogative to sell land to the individuals and organizations it feels are for community good in accordance with:

- **Municipal Finance Management Act (MFMA), which reads as follows:**
- **“Disposal of Capital Asset**
 - 1) A Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of capital asset needed to provide the minimum level of basic Municipal services
 - 2) A Municipality may transfer ownership or otherwise dispose of capital asset other than one contemplated in sub- section (1) but only after the Municipal Council, in a meeting open to public
 - (a) has decided on reasonable ground that the asset is not needed to provide the minimum level of basic municipal services; and
 - (b) has considered the fair market value of the asset and the economic and community value to be received in exchange of the asset.”
- **Approved Supply Chain Management Preferential Procurement Policy which reads as follows:**
 - 6.4. The Council reserves the power to decide on the transfer of ownership or otherwise of the disposal of a capital asset that is not needed to provide a minimum level of basic municipal services.
 - 6.5. The power to decide on the transfer of ownership or otherwise of the disposal of a movable capital asset below the value of R 1,000,000 that is not needed to provide a minimum level of basic municipal services is delegated to the Municipal Manager.

CONCLUSION

The requested erf is not required for the provision of municipal services as such can be disposed of accordingly.

RECOMMENDATION

1. That Section 80 Committee recommends the granting pf permission for the school to put up temporary containers to be used as additional classrooms.
2. That the disposal of erf 5735 Riebeeckstad as it is not required for the provision of municipal services be supported.
3. That the Municipal Manager **BE AUTHORIZED** to dispose of same in compliance with the relevant legislative framework
4. That upon conclusion of the process the Municipal Manager submits the report to Council for noting.

HS 2/2019

REPORT ON INDIVIDUAL SUBSIDY APPLICATIONS BY POTENTIAL PRIVATE COMPANIES IN SOME WARDS IN MATJHABENG MUNICIPALITY (AED: LED, PLANNING AND HUMAN SETTLEMENTS) (5/4/2/5)

PURPOSE

To present before Section 80, a request for potential private property developers who intend to obtain subsidies from the Provincial Department of Human Settlements on behalf of occupants of sites and properties.

To propose to Section 80 to request Council to approve a uniform approach towards the private initiative while each case will be treated in its own merit

BACKGROUND AND DISCUSSION

Numerous private companies enter our space with the intention of filling in subsidy application forms for occupants who stay in either Matjhabeng properties or/and in properties whose previous owners are no longer in existence. This approach if left uncoordinated, has a potential to give rise to many social, financial and political problems for all stakeholders.

The following wards are currently affected:

Ward 14, 15 and Thabong

Ward 18, 20, 21, 22 Kutlwanong

Ward .08/ Way back in 2015 till last year, one company called Mohale and Langa Projects approached the Municipality claiming that they have bought properties from NU-WAY Properties in Kutlwanong and Thabong. Their aim is to sell the erven to Matjhabeng Municipality or apply for subsidies on behalf of occupants. This process could not be finalised as there was no tangible agreement between the company and the property owner Nu-Way

Occupants of these properties\ erven are mostly registered as indigents with the municipality and have been consuming the services for years without payments.

During 2018, the municipality either administratively and politically was approached by different companies with the intention to sell properties they claimed to have purchased at an open market and/or from Government Institutions involved in the Housing market such as the then SA Housing Trust, Nu Way, Khayaletu/Hlano etc.

The companies had indicated that they do not intend to initiate eviction processes as the best way to stabilize the situation is to apply and obtain individual subsidies from the Provincial Department of Human Settlements.

On the 16th January 2019, all the known potential companies met with the Matjhabeng Housing Department and after lengthy deliberations they were advised not to proceed with the filling of the application forms without knowing the budget allocation of individual subsidies from Province lest they raise hopes unnecessarily. They were also advised to interact with the Municipality's administration to confirm rightful occupants/tenants in the files before the process of filling application forms.

PROBLEM STATEMENT

- A majority of citizens are staying in houses and on sites that were not originally allocated to them and as such, are unable to have properties transferred onto their names.
- Properties of this nature are embedded with huge arrears of rates and taxes and are thus a burden to the municipality.

FINANCIAL IMPLICATIONS

The Municipality tends to derive rates and taxes with the registration of the properties onto the rightful owners, as well as payment of municipal services

A further financial injection is envisaged with the registration of indigent occupants

CONSULTATION

During the budget bilaterals, Province indicated the Provincial budget availability for individual subsidies in the financial year 2019/2020 although it cannot be specific for a municipality because of the nature of the programme

Council stands to benefit from rates and taxes as well as municipal services once these properties are transferred into rightful owners. In cases of indigent occupants, a process of registering them will be refined so as to inform the indigent register.

******attached on pages 3 to 5 are the lists of site numbers, agreement letter from Nu-Way as well as the attendance register to the effect that a formal meeting was held with these potential companies.**

POLICY POSITION

- Housing Act of 1997 as amended
- Breaking New Grounds (BNG)

RECOMMENDATIONS

- That Section 80 to take note of the report
That properties belonging to Hlano be separated from the SA Housing Trust as there was some work done already on same
- That the current status of accounts be obtained from Finance and a strategy be developed
- That the project is fully supported and endorsed by the Municipality
- That the transactions are closely monitored with the Provincial Department of Human Settlements

HS3/2019

REPORT ON 2019/20 FINAL BUSINESS PLAN DRAFT FOR THE DEPARTMENT OF HUMAN SETTLEMENTS (DHS) AED: LED, PLANNING AND HUMAN SETTLEMENTS (12/1/2/15)

PURPOSE OF REPORT

To present before section 80, the Provincial Department of Human Settlements the final Business Plan draft meant to support the municipalities in the financial year 2019/2020

BACKGROUND AND DISCUSSION

The Provincial Department of Human Settlements has been engaging the Municipalities regarding the Business Plan detailing support projects that are aimed at supporting the various municipalities during the financial year 2019/2020. The process has been informed by numerous engagements during 2018, both at political and administrative level.

On the 22nd January 2019, all the Municipalities were invited to deliberate on the final draft and the Matjhabeng Local Municipality was represented by the Senior Manager Human Settlements and two other programme Managers Me Porotloane (Accreditation Support and beneficiary Management as well as Mr Themba Rasmeni (Title deeds distribution and Restoration programmes).

The presentation covered planned and existing Infrastructure, Top structure projects, as well as Compliance issues namely:

- Infrastructure
- Top Structures
- Title deeds restoration project
- Accreditation Support

A detailed presentation is attached on pages ## of the annexures

During the deliberations, Matjhabeng LM indicated programmes that still need attention namely:

- Infrastructure delivery for the development of Gap Market Housing
- Individual subsidies where different private developers enter our space in an endeavour to assist on bonded houses and properties that belonged to SA Trust, Nu-way and Hlano respectively.
- Self-built incomplete houses and that policy makes provision for that under consolidation subsidy.

Regarding the above, the HOD Human Settlements advised that the Municipality deliberates on the limited budget and provides direction in accordance with Municipal priorities.

Separate cover 1

******Attached on separate cover 1 the following**

- Copy of the Presentation
- Confirmation letter as required by the Provincial HS Department

Consultation

The CFO and Manager Erven Planning were provided with copies of the final Business Plan draft for inputs and confirmation. Manager Erven Planning confirmed that all projects are on the 2018/2019 IDP and are on various stages of implementation.

LEGISLATIVE AND POLICY POSITION

Underneath is legislative framework that is not exhaustive

- Intergovernmental Relations Act(IGR)
- DoRA
- Public Finance Management Act
- Municipal Finance Management Act
- Housing Act of 1997 as amended
- Municipal Systems Act
- Municipal Structures Act
- BNG policy

FINANCIAL IMPLICATIONS

The overall budget for the Matjhabeng LM is **R156 452 962**

RECOMMENDATIONS:

- That Section 80 notes the final Business Plan draft as presented
- That Section 80 to recommend that projects on the Business Plan are aligned to the Municipal IDP and SDBIP
- That institutional arrangements to respond to the execution of the Business Plan be in place

HS 4/2019

**PROGRESS REPORT ON THE KHAEDU IMPLEMENTATION PLAN
REGARDING TITLE DEEDS REGISTRATION AND DISTRIBUTION (ARD:
LED, PLANNING AND HS) (12/1/2/15)**

1. PURPOSE

To present to the Human Settlement Section 80 Committee a progress report on the KHAEDU Action Plan pertaining title deeds registration and distribution.

2. BACKGROUND

During September 2018 the Provincial Human Settlement Department as well as the Municipality met and identified challenges with regard to the registration and the distribution of title deeds within the municipality as part of the Province's Khaedu Project. Following the said interaction, an Implementation Plan (See Annexure A) was drafted to address the identified challenges.

3. DISCUSSION

With regard to the registration of title deeds (security of tenure) in terms of Act 81 of 1988 (Conversion of certain rights of leasehold into ownership) and the Enhanced Extended Discount Benefit Scheme (Programme to transfer Government's housing rental stock to qualifying occupants), the biggest challenge identified was that the municipality was depended on walk-ins from qualifying occupants for the application process hence the low numbers and slow progress in applications made. The solution as per the Implementation Plan was that there should be community outreach programmes to encourage qualifying to come and apply for title deeds.

Community outreach programmes were embarked on in Nyakallong, Mmamahabane, Phomolong and Thabong, where call-in letters were distributed to qualifying occupants as per the updated list of sites not yet registered from the Provincial Department.

Summary of the reports pertaining to call-in letters issued is attached as Annexure B.

The verification and distribution of title deeds was done in Thandanani (2010) during the week of the 22nd to the 26th of October 2018. A list of 150 title deeds was received from the Provincial HS department and the summary report of the work carried out during that week is attached as Annexure C. There was also a verification and distribution programme of 150 title deeds in Meloding that was earmarked for the week of the 19th to the 23rd of November 2018. The programme was however not embarked on due to the strike action that was undertaken by municipal workers during November 2018.

4 PROBLEM STATEMENT

Most of the beneficiaries have passed on and the next of kin do not have letters of authority from the court.

Beneficiaries are not honouring call-in letters issued to them.

Some of the people occupying the properties are not the rightful owners and the whereabouts of the rightful owners are not known.

5. RECOMMENDATION

It is recommended that the Human Settlements Section 80 Committee note the report.

HS 5 /2019

**PROGRESS REPORT - ALLOCATION OF SITES AT THABONG WARD 16
FREEDOM SQUARE (ED: LED/P&HS) (20/14/4/3)**

PURPOSE OF REPORT

To report to the section 80 on the progress of allocation / formalisation of sites in Thabong ward 12 (Freedom Square).

BACKGROUND AND DISCUSSION

During 2007, relocation process took place to Thubelisha from Freedom Square. Approximately 90% of shacks were relocated but some could not due to lack of more pegged sites. Illegal occupation on the cleared blocks of Freedom Square then took place thus creating another informal settlement. During 2014, the latter was enumerated and recorded as one of the 21 informal settlements in Matjhabeng and it was subsequently registered as an IDP Project.

After enumeration was conducted by HDA (Housing Development Agency) the process of verifying the registered **334** occupants of shacks in Freedom Square through HSS(Housing Subsidy System) took place and the list was submitted to ward Councilor to also verify.

The list was resubmitted to the Department with an indication that some of the people on the list have vacated Freedom Square and their shacks were either leased or removed from site. The list also included people from backyards in Freedom Square and not only people to be formalized in Freedom Square. On the basis of that, the number on the list increased from **334** to **456**.

In 2013 the Provincial Department of Human Settlements approved funding of **7000** sites to be planned and pegged in Matjhabeng and Freedom Square was one of the areas that benefitted from this project.

The Consultant, Pula, who was appointed by Provincial Human Settlements planned and pegged 390 residential sites in Freedom Square,

When formalization was physically conducted it was discovered that only **366** shacks were on site and allocated permanent site numbers. The other people appearing on the list were reported to be from the backyards.

To date a total of 382 sites has been allocated, about 8 sites remained, however these sites are already occupied by individuals. The finalization of allocation and installation of Electricity has resulted in the number of disputes arising as people who have been

allocated sites, namely backyard dwellers are only coming fourth to occupy their sites now due to electricity being installed and these sites are already occupied by other individuals.

PROBLEM STATEMENT

- The Department has received complaints from people who were reported to have vacated Freedom Square a long time ago but because permanent site numbers were being allocated they wanted to come back and also benefit.
- The installation of Electricity has given rise to demand, as people who have been allocated sites but never occupied found their sites occupied by other individuals who refuse to vacate sites.
- Sites that were not allocated due to being situated on wet land have been invaded, allocation was halted there so as to allow the Municipality to backfill the area, and however the sites have been invaded illegally.
- A total number of 150 people in the Freedom Square list cannot be allocated sites, an alternative land is required to move these individuals temporarily there.

POLICY POSITION

The approved Allocation policy stipulates as follows in terms of clause 5.3

5.3 ALLOCATION OF SITES

Allocation will be done per Proportional representation:

The municipality allocates sites either for **in situ** developments or on greenfield. With regard to **in situ** developments, a thorough verification process must have been done by administration in order to ascertain the property ownership.

With regard to greenfield, allocation is informed by the waiting list once the process of township establishment has been finalized.

The plight of backyard dwellers must be considered as first priority as opposed to informal settlers.

Serviced sites shall be made available to all applicants of housing subsidies, informal settlements recognized for upgrading backyard dwellers and applicants who only need to purchase serviced sites and will be able to build their own houses.

STEPS

1. *Land Affairs Section will inform the ward councilors every time there is serviced land available for allocation to the residents who cannot afford to buy, with special emphasis to the previously disadvantaged communities.*
2. *Ward Councilors will also be invited to come forward and verify the waiting list that has been kept by the Department.*

3. *After verification, and acceptance of conditions, residents will be given allocation letters as well as permission to occupy document to sign*
4. *The list of all people who have been allocated sites will be sent to Finance Department for opening of accounts.*
It then becomes the responsibility of the residents to open an account with finance and register for indigence where applicable.

RECOMMENDATION

- That the human settlement section 80 takes note of the report.

HS 6/2019

**REQUEST FOR APPROVAL FOR *IN-SITU* UPGRADINGS MELODING
(AED: LED PLANNING & HS) (19/4/6)**

PURPOSE

To obtain an approval from the human settlement section 80 for *in-situ* upgrading of the following Meloding Informal Settlements:

1. Tiptop Bazaar informal settlements
2. Unit 3 Informal settlements
3. Unit 7 Informal Settlements.

BACKGROUND AND DISCUSSION

A rapid assessment on Informal Settlements in Matjhabeng was conducted in 2013 with the assistance of Housing Development Agency (HDA).

This process led to the enumeration of informal settlement within Matjhabeng, about 21 informal settlement were enumerated, and about 7 informal settlements in Meloding were recorded, namely;

No.	Settlement Name	Township / farm	Enumerated no. of structures	Updated no of Household as of April 2018.
1.	Bareng Informal Settlement	Meloding	6	6
2.	MK Square Informal Settlement	Meloding	10	73
3.	Matlharantlheng Informal Settlement	Meloding	139	135
4.	Unit 7 Informal Settlement	Meloding	45	45
5.	Unit 3 Informal Settlement	Meloding	88	55
6.	Phelindaba Informal Settlement	Meloding	9	9
7.	Tiptop & Bazaar Informal settlement	Meloding	8	8

The Criteria for selecting the 3 informal settlement for *in-situ* upgrading are;

1. The land must belong to the Municipality;
2. The number of households must be less than 150, or

3. area requiring only an amendment of a General Plan and rezoning in terms of municipal planning bylaws;
4. The settlement must be integrated and adjoining to an established township for ease of basic services connection by the Municipality.
5. LAND MUST NOT BE DISASTER PRONE

Profile information on the informal settlement selected and location of the land are attached hereto.

DISCUSSION

All these settlements age are of over 15 years, though the land they are on has been zoned for different purpose other than residential, attached hereto the comments of Town Planning division on proposed in-situ upgrading.

The challenge with Meloding has been identifying and acquiring alternative land as there's land scarcity.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

Municipal policy on allocation of Sites

RECOMMENDATIONS

1. That human settlement section 80 notes the report.
2. That humans settlement section 80 approves proposed in-situ upgrading in 3 informal settlements in Meloding.
3. Council avail Erf 1553, 1554 (Tiptop bazaar), 12142, 12143, 12144 (Unit 7) and 12434 (Unit 3) for in-situ upgrading of the 3 informal settlement in Meloding.

HS 7/2019

THE STATUS QUO WITH REGARDS TO UTILISATION OF THE OLD HENNEMAN HOSTEL

PURPOSE

To present before Section 80 for deliberation the utilization of Old Phomolong Hostel by various NPO and SMME's.

BACKGROUND

On the 4th November 2004 Human Settlement Portfolio resolved as follows;

IT WAS RESOLVED BY THE EXECUTIVE MAYOR (3 NOVEMBER 2004)

1. That four classrooms plus two offices – Administration block, **BE RENTED** out to People with Disabilities Association **FOR FREE** provided that they **WILL MAINTAIN** the building for a period of 3 years, where after the matter will be reconsidered by Council.
2. That the Lessee **ACCEPTS** the Conditions and **SIGN** the Lease Agreement within 30 days of notification.
3. That the Lessee **BE PERMITTED TO FENCE** and **ELECTRIFY** at his cost, the space so rented.
4. That the Lessee **BE RESPONSIBLE** for its own water connection.
5. That any other costs incidental to this Lease **BE** for the account of the Lessee.

The portfolio committee on Housing made the aforementioned resolution after an item served before it requesting the approval of the utilization of the Administration block of Reiketseditse Primary school.

No formal lease agreement was signed with respective NPO, on our investigation we found the BLOCK to be occupied by the following NPO and SMME's.

NO.	ORGANISATION	NO UNITS OCCUPIED	DATE OF OCCUPATION	CONTACT PERSON
1.	Tshwarahanang Disabled Centre	6	2004	Martha Moletsane 0764459773
2.	Reiketseditse Disabled Day centre	3	2004	Mantola Lelala 0834615629
3.	Thamahano Blind Association	3	2007	Rev. Mogoloa 063603130

4.	Rehlotse Pre-Primary School	4	2007	
5.	Thusanong Old Age Centre	1	2007	Tselane Sebatana 0781262719
6.	Bulang Mahlo Old Age	1	2012	Cloring Mphore 0786431807
7.	St Veli Electronic Repair	1	June 2018	Velile Mjezu 0723156519
8.	Lesedi Creche	5		Mpho Mosala 0843789525

According to the information received from Finance the service accounts on this block is 00 as there is no billing happening as the property is Municipal Owned.

Thus all NPO and SMME's have continued to utilize the Municipal buildings and services with paying.

DISCUSSION

During June 2018 a representative from Rehlotse Pre-primary School approached the Housing department requesting for occupation of the school to be formalized with lease agreement so as to enable the school to apply for funding.

The department felt it's better to bring the request of the school to the management so as to address occupation of the administration block by various NPO and SMME's *in toto*, and to have way forward to address this matter.

The department is of the view that lease agreement should be signed with all NPO and SMME's and lease amount be charged per Municipal rates, and each units should be installed with individual meter so as to allow them to pay for the Municipal Services.

FINANCIAL IMPLICATIONS

Cost implication of municipal service being utilized without payment.

Revenue will be enhanced as accounts are opened for individuals in occupation

POLICY POSITION

Land Disposal Policy

MFMA

RECOMMENDATION

- That human settlement section 80 Committee notes the report and resolved as follows.

- That lease agreement be entered with 6 institutions occupying the Municipal Building and rental amount of **R110** be charged per month as per the approved Municipal tariff
- That all individual meters be installed so as to enable the institutions to pay for Municipal Services.
- That Infrastructure Department be responsible for the maintenance of the Building.

HS 8/2019

**PROGRESS REPORT – PHYSICAL VERIFICATION IN DICHOKOLETENG
WARD 16 THABONG (20/2/4/1)**

PURPOSE OF REPORT

To present before section 80 brief progress reports on the physical verification conducted in Dichokoleteng Ward 16.

BACKGROUND

The process of allocation of 1207 pegged sites in Dichokoleteng ward 16 started in April 2017 and allocation of sites to qualifying beneficiaries resumed after they had paid R250,00 administration fee.

On the 6th July 2017 allocation of all pegged sites had to be halted as illegal occupation was taking place in Dichokoleteng,

A meeting was later convened between the Provincial Human Settlements and Matjhabeng Municipality and it was resolved that physical verification of allocated and illegally occupied sites in Dichokoleteng Ward 16 be conducted.

Physical verification started in November 2018 and the following was identified on the ground:

- Verification of a block of sites from Indoor Sports Centre went smoothly and most people who were allocated were found on site.
- Occupants of sites next to where RDP houses are constructed (Ka Motlakaseng) were found to have not paid R250,00 administration fee and were not legally allocated by Municipality .A list of occupants was compiled and is to be verified on HSS and Deeds Search in order to check whether they have previously benefitted or not.

From January 2019 physical verification on the new block of sites next to Phokeng was conducted and the undermentioned problems were identified:

PROBLEM STATEMENT

- High number of Illegal occupants on sites zoned for Park and flooding areas. (A list of them is yet to be to be compiled as verification on allocated and pegged unallocated sites at Dichokoleteng is ongoing).
- 119 sites from number 22660-22793 (referred to as green field) were not allocated nor were pegs opened by the relevant officials from Engineering (for showing of site pegs) and Human Settlements (recording of allocations). It was discovered

that they have been illegally occupied by individual who have not been verified on HSS or deeds search, and most of this individuals do not have the R 5000.00 baruch slip.

- Quite a number of shacks were locked and some happened to be ghost shacks (an empty shack without furniture in it)
- Illegal occupations on sites that have already been allocated to qualifying beneficiaries are reluctant to move out of the site to allow the rightful allocated person to occupy.
- The community forum in ward 16 wants these illegal occupants to be allocated the site and has indicated that they will not allow anyone to be evicted.
- The rightful beneficiaries who have been allocated sites want to occupy their sites but are unable to due to illegal occupants refusing to vacate their sites.

FURTHER DISCUSSION

The complete report with different statuses will be submitted to Section 80 Human Settlements in March 2019 as the verification is ongoing due to people who could not be found on site, and land affairs official are no longer authorized to work overtime so it's not possible to reach occupants who are at work during the week.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None

RECOMMENDATIONS

1. That Section 80 notes the report.

SUBMITTED FOR INFORMATION

HS 9/ 2019

PROGRESS REPORT ON DISPOSAL OF CHURCH, CRECH AND NPO SITES ED: LED PLANNING & HS) (8/1/1)

PURPOSE

To submit before Section 80 Committee of Human Settlements the status report on disposal of community facilities sites.

BACKGROUND AND DISCUSSION

On the 30th May 2018 an item served before Council for approval of Community facility sites; Council resolved as follows;

A50 of 2018

DISPOSAL OF CAPITAL ASSETS – ALIENATION OF IMMOVABLE PROPERTIES: COMMUNITY FACILITIES SITES IN MATJHABENG (EXECUTIVE MAYOR) (8/3)

COUNCIL RESOLVED: (30 MAY 2018)

1. That Council **NOTES** the report.
2. That Council **RESOLVES** that Erven mentioned on the item and also depicted on pages 52-81 of the Annexures **ARE NOT NEEDED** to provide future minimum basic municipal services.
3. That Council **NOTES** the Valuation amount on each property as received from the revenue department.
4. That Council **RESOLVES**, in compliance to Section 14 (5) of the MFMA, that the property **BE DISPOSED OFF** at the market value in a fair, equitable, transparent, competitive manner and in accordance with Council's Supply Chain Management Policy and Policy on the Alienation of Immovable Assets.
5. That Council **RESOLVES** that the Municipal Manager, in compliance with Section 6.20 of the SCM Policy and Policy on the Alienation of Immovable Assets, shall **SUBMIT** a report concerning the outcome of the bidding process to Council.
6. That provision for sites in Hani Park **BE INCLUDED** in the list of community facilities (churches, crèches and NPO) that are earmarked for disposal.

7. That the addresses reflected in the list **BE UPDATED**.

Following the approval by Council the land affair section proceeded to prepare an advert to be placed in newspaper for advertisement.

The press publication form has been submitted to the Office of Municipal Manager for approval, the advert is planned to appear in two (2) local and one (1) national newspaper by the latest 1st March 2019.

FINANCIAL IMPLICATIONS

Newspaper publication cost.

LEGAL IMPLICATIONS

MFMA

RECOMMENDATIONS

2. That Section 80 notes the report.

HS 10 2019

PROGRESS REPORT MUNICIPAL RESIDENTIAL SITES SOLD OR INTENDED TO BE SOLD ILLEGAL(12/1/2/5)

PURPOSE

To submit before the Section 80 status report on Municipal land that was sold or purported to be sold illegal.

BACKGROUND AND DISCUSSION

On or around 2017 the Housing department discovered that there was a growing number of individual alleging to have purchased the site from the Municipality, with concern of this the Housing department engaged the finance department in memo dated 21st April 2017, the clearance department was requested to refrain from issuing clearance certificate without consulting the Housing department on Erven registered as belong to the Municipality, however despite the above, the illegal sale of land proceeded.

the following are cases which came to the attention of the Housing department, these are but a few we believe there is more which we might not have been aware of, the common thing with all this is that the signature of the previous Municipal Manager were used, Namely; Mr. Lepheana and Mr. Ramathebane.

The criminal case CAS 116/08/2017 has been submitted to National Director of Prosecution for decision.

Messrs. Kemi Akinbohun Attorneys was appointed to sought a court order to de-register sites that were already illegal transferred, we attached hereto her report pertain to the case.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

CRIMINAL PROCEDURE ACT

RECOMMENDATIONS

1. That Section 80 notes the report.

SUBMITTED FOR INFORMATION

HS 11/2019

DEPARTMENT OF HUMAN SETTLEMENT MONTHLY REPORT (JANUARY 2019) (12/1/2/5)

1. PURPOSE

To present to the Human Settlement Sec 80 Committee the departmental monthly report for the month of January 2019.

2. BACKGROUND

The department of Human Settlement comprises three sections namely, the Administration section, Land Affairs section as well as the Housing Development section. The Administration section's core functions include the application of the Enhanced Extended Discount Benefit Scheme for qualifying occupants of the public housing stock, the application of qualifying occupants in the of Conversion Act 81 of 1988, transfer of Estate sites to nominated individuals stated in letters of authority and the handling of disputes. The Land Affairs section's core functions are the allocation of sites as well as land alienation. Housing Development section's core function is to facilitate the subsidy backed programmes with the main projects being, Flamingo Park 529, Gap Market, Ventersburg's Mixed Development Project and the Development of 62 Houses for Military Veterans.

3. DISCUSSION

Kindly refer to the consolidated quarterly report for stats and further information **(Attached as separate cover 3)**

4. POLICY POSITION

National Housing Code Part 3: Enhanced Extended Discount Benefit Scheme

Conversions Act 81 of 1988

Housing Act of 1997 as amended (second amendment Act. No 60 of 1999)

Section 9 of the Housing Act of 1997 section 1 as amended

Matjhabeng Local Municipality Allocation Policy

5. RECOMMENDATION

It is recommended that the Human Settlement Sec 80 Committee note the report.

HS 12/ 2019

**PROGRESS REPORT ON MUNICIPAL ACCREDITATION PROGRAMME
(LED, PLANNING & HS) (12/1/2/15)**

PURPOSE

To inform Section 80 on Human Settlements about the progress in Municipal Accreditation Programme.

BACKGROUND AND DISCUSSION

In its sitting on the 25 September 2012 **COUNCIL RESOLVED**

- 1 .That Council **ACKNOWLEDGES** the requirements of the accreditation process.
2. That Council **APPROVES** the participation of the municipality in the accreditation Programme.
3. That the Municipal Manager **MUST SUBMIT** a quarterly report to Council indicating Progress made.
Subsequently, Lekwa Consulting was appointed to assist Municipalities with the development of the Accreditation Business Plan.

In its sitting on the 28th March 2017 **COUNCIL RESOLVED**

- 1 .That Council **ACKNOWLEDGES** the requirements of the Level 1 accreditation Business Plan process to be compiled by Lekwa Consulting (HDA)
2. That Council **APPROVES** the participation of the municipality in the Level I accreditation Business Plan programme.
3. That Me Mothekhe be appointed as accreditation champion on behalf of the Municipality.
4. That workshop be held on behalf of all councillors on accreditation process.
In compliance with the council resolution a workshop was held on the 9th May 2017.
A progress report was submitted to council on the 31st May 2017.

COUNCIL FURTHER RESOLVED to take note of progress made in the Accreditation process.

On the 29th June the department and Lekwa consulting had working session to finalise the outstanding ABP templates, required documents were submitted electronically with an undertaken to submit copies per requirements of Lekwa.

During this working session the consultant expressed a concern on the lack of following plans;

1. Housing Sector Plan
2. Infrastructure Plan: water and sanitation, electricity, roads.
3. Risk Management Plan
4. Land use management strategy
5. Integrated Transport Management Plan
6. Economic Growth strategy or LED Plan.
7. Updated Spatial Development Framework

Subsequently a final meeting was convened on the 3rd October 2017 by the Provincial Department of Human Settlements to finalise the completion of the Enhanced Accreditation Tool questionnaire.

Pursuant to the above meeting, a Provincial Accreditation PSC was convened in Bloemfontein on the 6th October 2017 for the identified municipalities to submit the Business Plan. The Municipal Manager successfully signed off for the final assessment document that would inform level 1 accreditation readiness.

Limitations were however indicated on the absence of the compliance plans as alluded to above, as well as their possibility to negatively affect the acquisition of ABP Level 1.

During the compilation of this report, the consolidated document developed by HDA after the Accreditation PSC was not yet forwarded to the Municipality.

PROGRESS

An item was later submitted to Council and it was resolved:

COUNCIL RESOLVED: (16 JANUARY 2018)

1. That Council **TAKES NOTE** of the progress report.
2. That the sector plans **BE SECURED** in line with the recommendations from Lekwa Consulting and Free State Provincial Government.
3. That the Provincial Department of Human Settlements **BE APPROACHED** for assistance with acquisition of Sector Plans.

4. That the Municipal Manager **MUST ENSURE** that the master plans are in place by the next Council meeting

FURTHER DISCUSSION

In an endeavor to implement the absence of the compliance plans, Royal HaskoningDHV Consultants were appointed in order to develop the Sector Plans.

The Task team consisting of Municipal officials from the affected Directorates are meeting regularly with the Consultants for the development of the Sector Plans.

The Consultants will assist with the development of:

- Housing Sector Plan
- Spatial Development Framework (SDF)
- Land use management Plan; and
- Infrastructure Management Plan

The drafts are expected to be handed in by end of March

Due to the financial constraints on the side of the Municipality, Royal HaskoningDHV Consultants are unable to proceed with the development of the Sector Plans and their letter is attached as an Annexure.

Subsequently an item was submitted to Council and it was resolved as stated below:
A100 of 2018.

COUNCIL RESOLVED: (06 SEPTEMBER 2018)

1. That Council **TAKES NOTE** of the progress report.
2. That additional funds must **BE SOUGHT** from the Department of Human Settlements in the Province.

ACCREDITATION READINESS ASSESSMENT

The HOD: Human Settlements forwarded a letter to the office of the Municipal Manager on the 14/12 2018.

The letter informs the office of the MM that National Department of Human Settlements has appointed a Policy and Legislative Review Team as well as Municipal Capacity support Programme panel to assist the Municipalities earmarked for Accreditation.

The key documents required for assessment are the following:

- Council Resolution ratifying the request for accreditation
- Approved Accreditation Business Plan
- AGSA Report

- Approved Housing Sector Plans
- Approved IDP

The letters are attached on page/s of the Annexures.

FINANCIAL IMPLICATIONS

The Municipality has procured a Service provider to develop the Sector Plans

POLICY POSITION

- **The Constitution of South Africa 1996**

Section 26 of the Constitution of the Republic of South Africa, 1996, states that everyone has the right to have “access to adequate housing”

- **Housing Act of 1997 as amended (second amendment Act. No 60 of 1999)**

Section 9 of the Housing Act of 1997 section 1 as amended, states that every Municipality must, as part of the municipality’s process of integrated development planning, take all reasonable and necessary steps within the framework of national and provincial housing legislation and policy to-

Ensure that-“The inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis”

- Guidelines on Breaking New Grounds(BNG)
- Approved Municipal IDP and Budget
- SDBIP

RECOMMENDATION

- That Section 80 on Human Settlements to take note of the progress report
- That the funds be made available for the service provider to proceed with Sector plans