

11 November 2018

**SPEAKER: Cllr MXOLISI SIYONZANA**

**COUNCIL ITEM**

**ACCEPTANCE OF DONATION BY DEPARTMENT OF RURAL DEVELOPMENT  
LAND REFORM: PORTION 7 OF THE REMAINING EXTENT OF THE FARM  
THABA-NCHU 404, SITUATED IN THE DISTRICT OF THABA-NCHU FOR  
ECONOMIC DEVELOPEMNT**

**1. PURPOSE**

The purpose of this submission is to request the Mangaung Metropolitan Municipal Council to exercise Power A86 of the Delegation of Power Policy by accepting the donation by the Provincial Department of Rural Development and Land Reform, of Portion 7 of the Remaining Extent of the Farm 404 Thaba Nchu situated in the district Thaba-Nchu, measuring 0.9075 hectares or 9 075 m<sup>2</sup> in extent.

**2. BACKGROUND**

There is currently a serious shortage of land development for SMMEs in Thaba Nchu, especially the hawkers. To address this issue, the City submitted an application to the Department of Rural Development and Land Reform for the acquisition of the above-mentioned piece of land. The land parcel is already being used by hawkers and other businesses like Kentucky Fried Chicken who utilises apportion thereof as parking. Therefore, MMM saw this as an opportunity to reinforce this notion and subsequently approached the Department of Rural Development and Land Reform for support in the acquisition of portion 7/404 by means of donation.

An application was done to Free State Share Service Centre (FSSSC) by MMM to acquire the above-mentioned property by means of donation for the development of



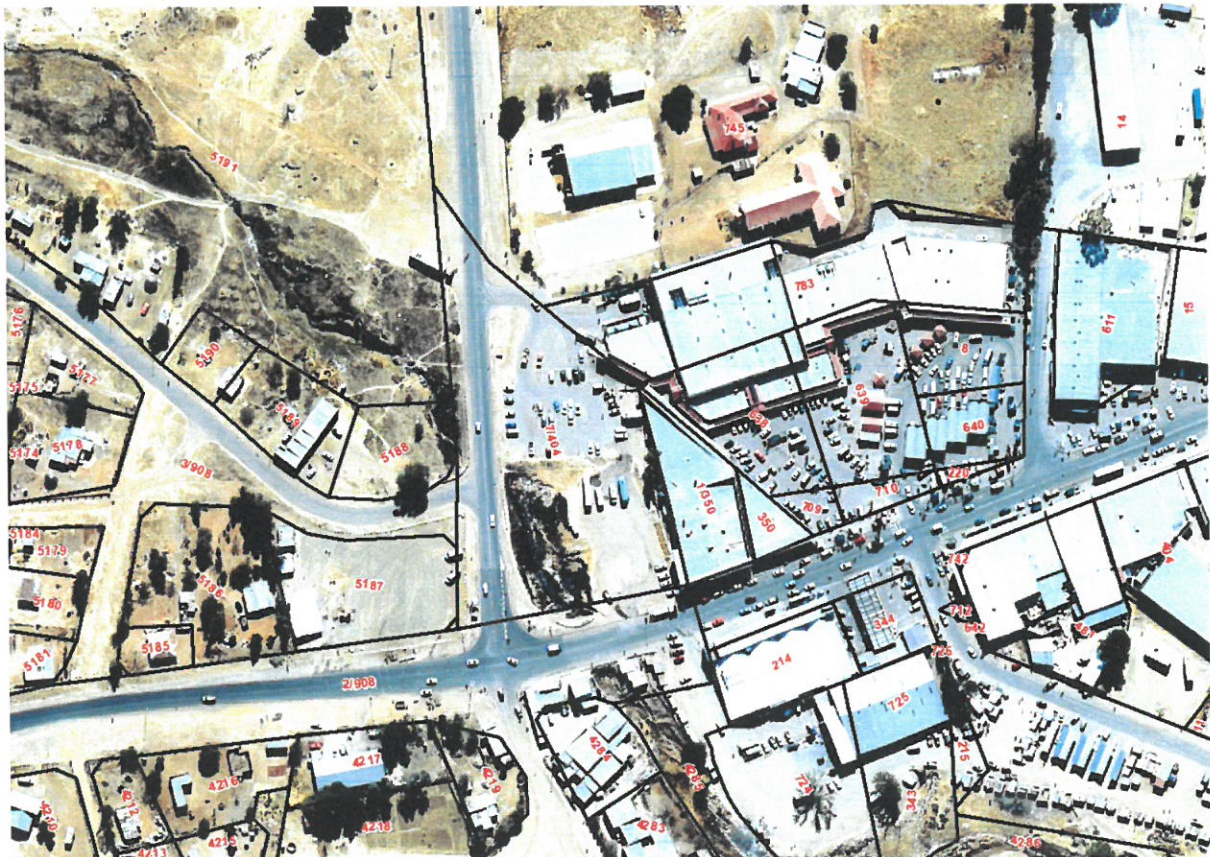
hawkers stand. The Minister: Rural Development and Land Reform has sign and approve the donation of Portion 7/404 on the 21<sup>st</sup> February 2014 (see **Annexure A**).

### 3. DISCUSSION

Informal trade activities have grown in a fast pace due to available economic opportunities, urbanisation and high unemployment rate especially the youth category being the most hard-hit community members. Thaba Nchu as one of the MMM region, experience the same challenge of fast-growing informal trading activities particularly CBD main street and this led to illegal informal trade activities. Based on this challenge informal traders operating in the CBD Main Street were allocated a new area and to extend the markets for street trading, hence the Economic Development came up with a model of Container Park as an ideal infrastructure support that can be suitable for informal market.

Prior to 27<sup>th</sup> April 1994 portion 7/404 was intended to be used for agricultural purposes. The property is 9 075m<sup>2</sup> in extend. The Regional Land Claim Commission for the Restitution of Land Rights for the Free State and Northern Cape has confirmed that there is no land claim lodged against the above-mentioned erf.

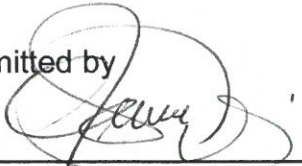
*Figure 1: The below aerial photograph includes portion 7/404*



#### 4. RECCOMENDATIONS

1. That the Mangaung Metropolitan Municipality Council, in line with the power A86 of the Delegation of powers Policy, accept the donation of portion 7/404 from the Department of Rural Development and Land Reform for the development of Hawkers stand


Submitted by



**Adv NN Mofokeng**

**GM: Land Development and Property Management**

Supported/~~not supported~~

 20.8.19

**Adv. MJN Phaladi**

**HOD: Human Settlements**

Recommended/~~not recommended~~



**Adv. TA Mea**  
**City Manager**

26/08/2019

Approved/~~not approved~~



**Cllr SM Mlamleli**  
**Executive Mayor**





rural development  
& land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

Free State Provincial Shared Service Centre - Private Bag X20546  
Bloemfontein 9300.  
Tel (051) 400 4200 Fax (051) 430 2392

## MEMORANDUM

REQUEST FOR APPROVAL OF THE DONATION OF THE REMAINING EXTENT  
OF PORTION 7 OF THE FARM THABA'NCHO NO. 404 DISTRICT OF  
THABA'NCHU TO THE MANGAUNG METRO MUNICIPALITY FOR THE  
DEVELOPMENT OF HAWKER STANDS

REFERENCE: FS 6/3/13/7/2/2001 / FS/2013/03/05/12969

### MINISTER

#### 1. PURPOSE

To obtain approval for the donation of the Remaining Extent of Portion 7 of the farm Thaba'Ncho No. 404, district of Thaba'Nchu, Free State Province, to the Mangaung Metro Municipality for the development of hawker stands.

#### 2. BACKGROUND

- 2.1 The Free State Shared Service Centre (FSSSC) received a request from the Mangaung Metro Municipality to release the above mentioned property to the said municipality for the development of hawker stands (see **Annexure 5**)
- 2.2 There is presently a serious shortage of land for development and the above mentioned property is already being used by hawkers and other businesses like Kentucky Fried Chicken who are utilizing it as parking space. (see **Annexure 6**)
- 2.3 The Free State Shared Service Centre submitted an application to the Free State Provincial State Land Vesting and Disposal Committee (PSLVDC), dated 12 November 2012, in order to obtain a recommendation for the transfer of the said property to the Mangaung Metro Municipality for the development of hawker stands.
- 2.4 The application with copies of the minutes of the PSLVDC meetings, title deed and surveyor-general diagram are attached. (See **Annexure 1 - 4**).
- 2.5 The Free State PSLVDC recommended the application, on 29 November 2012, that the Remaining Extent of Portion 7 of the farm Thaba'Ncho No. 404, district of Thaba'Nchu be transferred by way of a donation to the Mangaung Metro Municipality for the development of hawker stands.

### 3. DISCUSSION

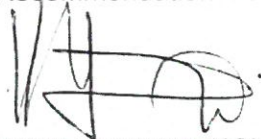
- 3.1 Prior to 27 April 1994 the subject property was intended to be used for agricultural purposes. The property is 9075 square metres in extent.
- 3.2 The confirmation of vesting as envisaged in Item 28(1) of Schedule 6 of the Constitution of the Republic of South Africa Act, 1996 of the subject property is not necessary as its "mother property" – the Remainder of the Farm Thaba' Ncho No 404, Thaba' Nchu RD - was already confirmed to vest in the National Government of the Republic of South Africa on 16 July 1998, (see **Annexure 9**). The certificate is actually written, '*Republic of South Africa*', instead of *National Government of the Republic of South Africa* since that is the wording that was erroneously used in vesting certificates at that time.
- 3.3 The Regional Land Claims Commission for the Restitution of Land Rights for the Free State and Northern Cape has confirmed that there are no land claims lodged against the subject, (see **Annexure 7**).
- 3.4 The value of the property was determined at R5 000.00 by Spectrum Valuation Services [MJ Carson] (see **Annexure 8**).
- 3.5 National Treasury approval in terms of section 76(1)(k) of the Public Finance Management Act No. 1 of 1999 and Treasury Regulations 21.3, for the donation of the said property to the Mangaung Metro Municipality will be obtained after the donation approval has been granted by the Minister of Rural Development and Land Reform.

### 4. RECOMMENDATION

It is recommended that approval be granted for the donation of the Remaining Extent of Portion 7 of the farm Thaba'Ncho No. 404, District Thaba'Nchu, to the Mangaung Metro Municipality for the development of hawker stands.

(Signed) **Mr O Ramagaga**  
**CHIEF DIRECTOR: FREE STATE SHARE SERVICE CENTER**  
**DATE: 19/07/2013**

Recommendation 4 supported / not supported



**MR V Z MNGWENGWE**  
**CHIEF DIRECTOR: STATE LAND ADMINISTRATION**  
**DATE: 14.01.2014**

**REQUEST FOR APPROVAL OF THE DONATION OF THE REMAINING EXTENT  
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Recommendation 4 supported / ~~not supported~~



**MR M M MBONGWA**

**acting DEPUTY DIRECTOR GENERAL: LAND TENURE AND ADMINISTRATION**

**DATE:** 16 01 2014

Recommendation 4 supported / ~~not supported~~



**MR P M SHABANE**

**DIRECTOR-GENERAL: RURAL DEVELOPMENT AND LAND REFORM**

**DATE:** 7/2/2014

**REQUEST FOR APPROVAL OF THE DONATION OF THE REMAINING EXTENT  
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Recommendation 4 supported / ~~not supported~~

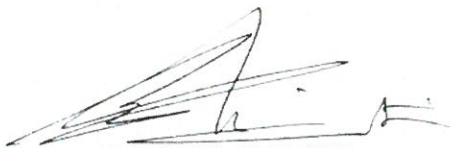


**MS TSHWETE, P (MP)**

**DEPUTY MINISTER: RURAL DEVELOPMENT AND LAND REFORM**

**DATE: 19/02/2013**

Approved.



**NKWINTI, G E (MP)**

**MINISTER: RURAL DEVELOPMENT AND LAND REFORM**

**DATE: 21/02/2014**