

*Nelson Mandela Metropolitan Municipality*

# **POLICY DOCUMENT**

## **SALE/LEASE OF SITES ZONED FOR RELIGIOUS PURPOSES**

Compiled by:  
Land Management & Planning Silo  
Housing and Land Business Unit

## **1. INTRODUCTION**

The criteria/procedures/requirements set out in this policy document are as approved by the Executive Mayor on 8 June 2005 and the Council on 23 June 2005 and is made available for general information and guidance. Also included are additions/amendments as approved by the Executive Mayor on 30 November 2005 (Min. no. 1183)

It should be noted that the criteria/procedures/requirements apply to the sale and lease of Council-owned erven only and not to privately-owned property.

## **2. PROCEDURE**

The procedure for the making available of Council-owned sites zoned for religious purposes is as follows:

- (a) Before applications for sites zoned for religious purposes by religious organisations are submitted for consideration, such applications will be subjected to a comprehensive investigation on an individual basis, dealing with, inter alia, the following:
  - (i) the zoning of the site to ascertain the use to which it can be put;
  - (ii) the number of Council-owned sites permitting a religious use within a radius of 1 km from the subject site not exceeding four sites of the same denomination on Council-owned land;
  - (iii) the number of developed/undeveloped sites zoned for religious purposes within a radius of 1 km from the subject site;
  - (iv) the needs of other community-driven organisations in the area.
- (b) The availability of Council-owned sites zoned for religious purposes, once identified, shall then be advertised for lease or sale and interested religious organisations be invited to apply to acquire or lease.

## **3. REQUIREMENTS**

Religious organisations wanting to acquire or lease Council-owned sites zoned for religious purposes shall comply with the following requirements:

- (i) the religious organisation in question will be required to complete the prescribed application form;
- (ii) the religious organisation in question will be required to provide the following details and information when applying to acquire or lease:
  - (a) Name of organisation.
  - (b) Name and address of headquarters.
  - (c) Name and address of local representative.
  - (d) Number of congregants in local area of the subject site.
  - (e) Number of congregants within the area of jurisdiction of the Nelson Mandela Metropolitan Municipality.

- (f) Erf numbers and details of all immovable property owned by the church organisation within the area of jurisdiction of the Nelson Mandela Metropolitan Municipality.
- (g) Proof of financial ability to acquire/develop the subject site.
- (h) Complete motivation as to why the site should be sold/leased to it;
- (iii) interested religious organisations shall have a registered name and constitution and proof thereof shall be submitted with applications to the satisfaction of the Council's Business Unit Manager : Housing and Land;
- (iv) the site in question shall be leased or registered in the name of the religious organisation and not in the name of a representative;
- (v) the religious organisation shall, together with its application, submit a certified copy of its minutes authorising representation of the organisation to acquire/lease on its behalf.

**4. Other criteria that will be applied with the sale or lease of sites zoned for religious purposes to religious organisations:**

The following will apply and will be strictly enforced:

- (i) all sales and leases shall comply with the provisions of the Local Government : Municipal Finance Management Act, Act No. 56 of 2003, which came into force on 1 July 2004;
- (ii) no informal structures/shacks of any description on any site zoned for religious purposes shall be permitted and the provisions of the National Building Regulations shall be complied with and enforced by the Council;
- (iii) only formal structures, in accordance with building plans approved by the Council shall be permitted on sites zoned for religious purposes;
- (iv) development of the site in question shall be completed within a period of two (2) years from date of signature of the Agreement of Lease or registration of transfer into the name of the religious organisation; whatever the case may be, provided that the Council, in its sole discretion, may grant an extension (see 5(i) below);
- (v) the religious organisation to whom a site zoned for religious purposes has been allocated shall be required to complete the Council's Deed of Sale/Agreement of Lease as the case may be;
- (vi) the conditions of sale/lease shall be strictly enforced by the Council, the religious organisation acknowledging that non-compliance may result in the Council repossessing the site as provided for in the Deed of Sale/Agreement of Lease.

**5. The following additions/amendments as approved by the Executive Mayor on 30 November 2005:**

- (i) the building period shall be three (3) years;
- (ii) the religious organisation shall be indigenous or shall have existed in South Africa for more than ten (10) years and shall have in excess of 100 members. Indigenous religious organisations shall have preference over foreign structures;

- (iii) non-compliance with 4(iv) above shall be dealt with its merits at the discretion of the Council;
- (iv) the Council shall attempt to locate sites zoned for religious purposes away from sites where taverns, shebeens and the like are operated, within reason.