



## **MUNICIPAL NOTICE: 054 OF 2023**

### **INVITATION FOR COMMUNITY PARTICIPATION**

#### **GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSET: DEVELOPMENT OF HIBBERDENE SMALLCRAFT HARBOUR AND OTHER ASSOCIATED DEVELOPMENT INITIATIVES ON THE LAND CO-OWNED BY UGU DM AND RNM (REM. OF FARM WOODGRANGE NO. 17133).**

Ugu District and Ray Nkonyeni Local Municipalities hereby invite the local community in terms of Section 21 of the Local Government: Municipal Systems Act (Act No. 32 of 2000, as amended) to participate by way of submission of written comments or representations on their intention to grant rights to use, control or manage Municipal Capital Asset situated in Remainder of Farm Woodgrange No. 17133 held under the Deed of Transfer No T 030428 / 09, measuring 3.4849 hectares.

The identified Municipal Capital Asset was acquired and transferred into the name of both Municipalities in 2009 under the following conditions:

1. The property is to be utilized for the development of a Small Craft Harbour and such other developments as may be associated therewith including but not limited to hotels, retail, and commercial space.
2. The proposed development of the Small Craft Harbour and other associated developments shall conform with the relevant Acts, By-Laws, and Regulations.
3. In the event of the property not being utilized for the purpose referred to in No. 1 above or in the event of the transferees failing to comply with the condition referred to in No. 2 above, the agreement shall be null and void and of no effect whatsoever and the property hereby sold shall revert to the Transferor at the expense of the Transferees.

On their respective Council meetings, both Ray Nkonyeni Local Municipality (on 13 December 2021, under the Council Resolution 114/12/2021) and Ugu District Municipality (on the 20 January 2023) resolved as follows:

1. THAT Council hereby make the following determinations in line with the provisions of Section 14(2), (3) and (5) of the Municipal Finance Management Act (Act No. 56 of 2003) read together with the Municipal Asset Transfer Regulations issued in terms of the aforesaid Act:
  - 1.1 THAT Council on reasonable grounds, is hereby granting approval that the identified municipal asset (being (being Remainder of Farm Woodgrange No. 17133) is not needed for the duration of the contemplated long-term lease to provide the minimum level of basic municipal services.

- 1.2 THAT Council also note and record that the land use allowed on this identified Municipal Asset is limited to the establishment of harbour and associated development initiatives as per its conditions of Title.
- 1.3 THAT Council further note and record that its decision that the identified municipal immovable asset will not be required for the provision of the minimum level of basic municipal services may not be reversed for the duration of the contemplated long-term lease unless it is due to breaches committed by the prospective Developer.
- 1.4 THAT Council hereby acknowledges that notwithstanding, the value of R2.8 million depicted on the current Ray Nkonyeni Municipal Property Valuation roll an amount of R1 045 500.00 is depicted on the Ugu's Asset Register, the latest land value of the subject property is to be determine by an independent property valuer.
- 1.5 THAT Council hereby also acknowledges that the economic and community value to be received in granting of right to use, manage and control for the asset are still to be determined after the due processes and the determination mentioned herein above are concluded.
- 1.6 THAT Council hereby further note though that the granting of right to use, control or manage of the identified municipal asset will be subject to a process of public participation to adhere to the principles of procurement as provided for in Section 217 of the RSA Constitution (Act 108 of 2006). Accordingly, it can be concluded therefore that adherence to the principles of fairness, equity, transparency, and competitiveness will be adhered to.

It should be noted and recorded that a copy of the Deed of Transfer and the respective Council Resolutions are available on the Municipal Websites ([www.rnm.gov.za](http://www.rnm.gov.za)) and ([www.ugu.gov.za](http://www.ugu.gov.za)). Hard copies of these documents (Deed of Transfer and Council Resolutions) are also available for perusal between 08h00 and 15h30 at the Municipal Offices situated at ERF 666 Crescent Road, Uvongo for Ray Nkonyeni Local Municipality and 96 Marine Drive, Oslo Beach for Ugu District Municipality.

It should be further noted and recorded that any person who cannot read or write may come during office hours to the Municipal Offices where a staff member of the municipality named in the invitation will assist that person to transcribe that person's comments or representations. The members of the local community who wish to submit their comments or representations may do so to the office of the Head of Department of Development Planning within thirty (30) days from the day of this advertisement via email: [Simphiwe.nikelo@rnm.gov.za](mailto:Simphiwe.nikelo@rnm.gov.za) / [deidre.rankin@ugu.gov.za](mailto:deidre.rankin@ugu.gov.za) or Postal Address (P.O Box 5, Port Shepstone, 4240) or facsimile: 086 587 7603.

**NB: COMMENTS OR REPRESENTATIONS RECEIVED AFTER THIS STATED PERIOD WILL NOT BE ENTERTAINED.**

**V. MAZIBUKO**  
**UGU ACTING MUNICIPAL MANAGER**  
P.O. Box 33  
PORT SHESPTONE  
4240

**KJ ZULU**  
**RNM MUNICIPAL MANAGER**  
P.O. Box 5  
PORT SHEPSTONE  
4240