

REPORT TO SUBCOUNCIL 16

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- 1      **ITEM NUMBER      16 SUB 14/01/20**
- 2      **RESERVATION OF PORTIONS OF ERVEN 98 AND 61  
TAMBOERSKLOOF: ENERGY (ELECTRICITY GENERATION AND  
DISTRIBUTION)**
- 2      **RESERVERING VAN GEDEELTE VAN ERF 98 EN 61  
TAMBOERSKLOOF: ENERGIE EN KLIMAATSVERANDERING  
(ELEKTRISITEITSOPWEKKING EN -VERSPREIDING)**
- 2      **UKUBEKELWA BUCALA KWESTRATO SOLUNTU ESIZIQEPHU ZEZIZA-  
98 NO-61 E-TAMBOERSKLOOF: KULUNGISELELWA ELEZAMANDLA  
OMBANE NEZIBASO KUNYE NOKUTSHINTSHA KWEMOZULU (ISEBE  
LEZOVELISO NOKUNIKEZELWA KOMBANE)**

L1808

PTMS NO: 130004143

File Ref No: CT14/3/12/1/2/168/A08

(Category 9)

3      **DELEGATED AUTHORITY**

- ☒ The report is for comment by the subcouncil to the competent authority in terms of Part 24, Delegation 10(3).
- ☐ In terms of Part 34 Paragraph 2(5) of the Council's System of delegations and as subdelegated by the Executive Director: Economic Opportunities & Asset Management authorises the Director: Property Management:
- “To reserve property for municipal purposes.”
- ☐ Final delegation lies with Director: Property Management.

This report is submitted in terms of Section 17 of the Policy on the Management of Certain of the City of Cape Town's Immovable Property to the Director: Property Management to consider the following application for the reservation of municipal land:

**Reservation Category**

Mark X

1	<b>New Reservation</b> (New project/ Operational requirements)	<b>X</b>
2	<b>Amendment to an existing Reservation</b>	
3	<b>Reservation Benefit Transfer</b> (Consensual handover between Departments)	

**Application Summary:**

Applicant	Directorate:	Energy and Climate Change		
	Department:	Electricity Generation and Distribution		
	Branch:	Engineering		
Responsible Official	Leslie Rencontre (021 444 2179)			
Director	Edgar Capes			
Land applied for	Portion of Erven 98 and 61 Tamboerskloof			
LP Key	223299			
Location	Brownlow Road, Tamboerskloof			
Extent reserved:	Approximately 18m <sup>2</sup>			
Current Zoning	Public Street			
Current Usage	Vacant Land			
Proposed Project/ Usage	Miniature Electricity Substation			
TOD Assessment	Cat 1 – TOD N/A		Cat 1	
	N/A			
	Potential Cat 2 & 3			
	N/A			
	Date submitted to TDA:		N/A	
	Date TDA Comment Received:		N/A	
	TDA Comment Attached:		N/A	
Property Management Comment on TOD Assessment	N/A			
Recommendation:	Approve	X	Decline	

## **GENERAL INFORMATION REGARDING THE RESERVATION OF CITY LAND**

In terms of Clause 17 of the Policy on the Management of Certain of the City of Cape Town's Immovable Property, land required by line departments for municipal purposes needs to be officially applied for by, and reserved for the subject department, after which process they will become accountable for the property. "Accountability" means the responsibility for use, management and control of an immovable property asset including but not limited to operations, relationship management, security, maintenance, budgeting, income and expenditure management and performance reporting.

Immovable Property Asset User Directorates and Departments must:

- 1) Use immovable property assets for purposes reserved;
- 2) Inform the Property Management Department of any changes in use and attributes of immovable property assets that might impact on the data in IPAR and the integrity thereof;
- 3) Embrace accountability for immovable property assets and performance;
- 4) Use, manage and control immovable property assets in an economic, efficient, and effective (and compliant) manner;
- 5) Engage Property Management Department as Custodian in the execution of activities and responsibilities pertinent to the management of immovable property assets;
- 6) Participate actively in the implementation and operation of the IPAMF by accurately recording performance data, collaborating with Custodian on development and execution of portfolio strategies and business plans;
- 7) Ensure establishment and capacitation of the roles of Department Representative and Departmental Assessors in support of the Immovable Property Asset Management Framework implementation;
- 8) Accept full responsibility for the management and maintenance of the reserved land and building/s erected thereon, including maintenance, utility consumption, security and insurance;
- 9) Obtaining and complying with the Land-use, Fire & Safety, Occupational Health or any other related legislative or regulatory requirements that might be applicable to the utilization of the property; and
- 10) Is authorized to initiate Agreements, if required, subject to compliance with the Municipal Asset Transfer Regulations, Supply Chain legislation as well as the Council's System of Delegations.

## **RECOMMENDATIONS FOR CONSIDERATION AND COMMENT BY THE RELEVANT SUBCOUNCIL**

It is recommended that a portion of Erven 98 and 61 Tamboerskloof situated on Brownlow Road, Tamboerskloof, measuring approximately 18m<sup>2</sup> in extent, indicated as ABCD on Plan STC 2921 marked annexure "A", be reserved for the Electricity Generation and Distribution Department, subject to the following conditions:

- a) The subject property shall be utilised for the purpose of a Miniature Substation only;

- b) The Electricity Generation and Distribution Department takes responsibility for the required land use processes, as well as compliance with any related legislation;
- c) The said Department accepts full responsibility for the management and maintenance of the land and any structure to be erected thereon, including maintenance, utility consumption, security and content insurance, as is applicable;
- d) All costs related to the reservation shall be for the account of the Energy: Electricity Generation and Distribution Department.

## 6 AANBEVELINGS VIR OORWEGING EN KOMMENTAAR DEUR DIE BETROKKE SUBRAAD

Daar word aanbeveel dat 'n gedeelte van erf 98 en 61 Tamboerskloof, geleë in Brownlowweg, Tamboerskloof, ongeveer 18 m<sup>2</sup> groot en aangetoon as ABCD op plan STC 2921 gemerk bylae "A", vir die departement elektrisiteitsopwekking en -verspreiding gereserveer word, onderworpe aan die volgende voorwaardes:

- a) Die onderhawige eiendom slegs vir die doel van 'n miniatuur substasie aangewend word;
- b) Die departement elektrisiteitsopwekking en -verspreiding verantwoordelikheid aanvaar vir die vereiste grondgebruikprosesse, asook die nakoming van enige verwante wetgewing;
- c) Die gemelde departement volle verantwoordelikheid aanvaar vir die bestuur en instandhouding van die grond en enige struktuur wat daarop opgerig word, insluitende instandhouding, nutsdiensverbruik, sekuriteit en versekering van die inhoud, soos van toepassing;
- d) Alle koste verbonde aan die reservering deur die departement elektrisiteitsopwekking en -verspreiding gedra word.

## 6 IZINDULULO UKUBA ZIQWALASELWE KWAYE KUVAKALISWE ULUVO LIBHUNGANA ELIFANELEKILEYO

Kundululwe ukuba isiqephu seziza-98 no-61 ezise Tamboerskloof, kwi-Brownlow Road, Tamboerskloof, ezibukhulu obumalunga ne-18 m<sup>2</sup> ezibonakaliswe ngoonobumba abakhulu u-ABCD kwiplani engu-STC 2921 ephawulwe isihlomelo-A, mazibekelwe bucala, kulungiselelwa elezaMandla oMbane: iSebe lokuVeliswa noNikezelo loMbane, ngokuxhomekeke kule miqathango ilandelayo:

- a) Ipropati le ichaphazelekayo iyakuthi isetyenziselwe umbandela wokumiselwa kweyunithi esisikhululwana sombane kuphela;
- b) ISebe loVeliso noNikezelo loMbane malithathe uxanduva lweenkqubo ezifunekayo sokusetyenziswa komhlaba kunye nokuthotyelwa kwawo nawuphina umthetho ofanelekileyo.

- c) ISebe elisele likhankanyiwe malithathe uxanduva olupheleleyo lolawulo nononotshelo lomhlaba kunye naso nasiphina isakheko esiyakuthi sakhiwe kuquka unonotshelo, usetyenziselo uncendo, ukhuseleko ne-ishorensi, njengoko kufanelekile;
- d) Zonke iindleko ezimalunga nolu bekelo bucala beziza, kufuneka zibeluxanduva leCandelo loLawulo lezaMandla oMbane neZibaso: iSebe lokuVeliswa nokuNikezelwa koMbane.

## 7 BACKGROUND/MOTIVATION:

The Director: Electricity Generation and Distribution Department submitted a formal request to reserve a Portion of land being a portions of Erven 98 and 61 Tamboerskloof situated at Brownlow Road, Tamboerskloof in favour of that Department in order to establish a Miniature Substation.

Erf 98 Tamboerskloof is registered in the name of Henry Mathew B-E Arderne under D/T 1286 dated 1898/02/22 and D/T 2875 dated 1901/04/22 and vests in the City of Cape Town as Public Street

Erf 61 Tamboerskloof is registered in the name of Anthony Frederick Jacobus Benning under D/T 5077 dated 1903/04/16 and D/T 8032 dated 1902/08/06 and vests in the City of Cape Town as Public Street.

## 8 DISCUSSION

The Director: Electricity Generation and Distribution Department submitted a formal request to reserve a Portion of land being a portions of Erven 98 and 61 Tamboerskloof situated at Brownlow Road, Tamboerskloof in favour of that Department in order to establish a Miniature Substation.

In terms of Section 14 of the MFMA, the subject property is required to provide a basic municipal service, and may therefore not be disposed of.

There is thus no objection to the reservation being approved.

## 9 COMMENTS FROM THE SERVICE BRANCHES

The application was circulated to the service branches, and no objections were received, subject thereto the following conditions complied with:

DIRECTORATE/DEPARMENT	
<b>Urban Integration</b>	SUPPORTED
Urban Design Unit Pieter Wasserman	
<b>Departmental Comment</b>	
<ul style="list-style-type: none"> <li>The miniature substation should be placed in a position that will allow for pedestrians to be able to move past it and not impede pedestrian flow. It is preferable that a 1.5m sidewalk space around the miniature sub-station must be left for pedestrian flow.</li> </ul>	

<ul style="list-style-type: none"> <li>The miniature sub-station must not be fenced or create awkward spaces in which potential unsocial activities could take place.</li> </ul>	
<b>Electricity and Climate Change</b>	
Electricity Services Fadia Martin	SUPPORTED
<b>Departmental Comment</b> <ul style="list-style-type: none"> <li>Any alterations or deviations to electricity services necessary as a consequences of the proposal or requested by the applicant will be carried out at the applicants cost.</li> <li>Electrical infrastructure may exist on the property or in its vicinity. A wayleave shall be obtained from the Electricity Services Department before any excavation work may commence. In this regard, please contact this Departments Drawing Office Manager Mr D Smith on 021 444 2146 or <a href="mailto:davidb.smith@capetown.gov.za">davidb.smith@capetown.gov.za</a></li> </ul>	

**10 VALUATION**

Not applicable.

**11 CONSTITUTIONAL AND POLICY IMPLICATIONS**

Council's policy relating to the Management of Certain of the City of Cape Town's Immovable Property permits the reservation of immovable property for other departments.

**12 FINANCIAL IMPLICATIONS**

Funding for the required land-use process and maintaining the facility will be provided for by the Electricity Generation and Distribution Department.

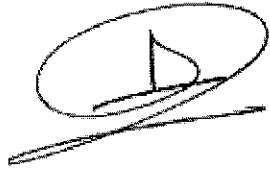
**13 LEGAL IMPLICATIONS**

None

**14 ANNEXURES**

ANNEXURE A: STC 2921

FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	 SAUL JACOBS (JN)
<b>CONTACT NUMBERS</b>	021 400 6419
<b>E-MAIL ADDRESS</b>	SAUL.JACOBS@CAPETOWN.GOV.ZA
<b>DIRECTORATE</b>	ECONOMIC OPPORTUNITIES & ASSET MANAGEMENT
<b>FILE REF No</b>	CT14/3/12/1/2/165/A00 (130004143)

**REGIONAL HEAD: CAPE TOWN REGION**NAME CHARLENE DAVIS

Comment:

Schnackenberg**MANAGER : PROPERTY HOLDING**NAME RACHEL SCHNACKENBERGDATE 03-12-2019

Comment:


**DIRECTOR : PROPERTY MANAGEMENT**
NAME RUBY GELDERBLOEMDATE 2019.12.11

- ☒ APPROVED  
☐ REFUSED  
☐ REFERRED BACK

Comment:

