

**SUBCOUNCIL - MATTERS RECEIVING ATTENTION REPORT 01SUB5/8/2019**

**Subcouncil 1**

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| Agenda Item No. | 01SUB 27/9/2015  | 1 | THE SEIZURE, IMPOUNDMENT AND ILLEGAL KEEPING OF HORSES ON RESIDENTIAL PROPERTIES IN ATLANTIS, MAMRE AND PELLA  |
| Author:         | Cynthia Clayton  |   | <p><i>That the relevant departments should investigate the illegal keeping of horses. Owners of the horses should be identified and they must be notified about the process of keeping horses in a residential area.</i></p> |
| How Resolved    | Consensus  |   |  |
| Meeting Date:   | 2015/09/17   |   |  |
| Outstanding:    | 1348   |   |  |
| Directorate:    | SAFETY AND SECURITY  |   |  |
| 19-Jun-19       | <p>An email was sent to Mr. Peter Lottering: "Good day Sirs, Hope you are doing well. At the last Subcouncil meeting, dated 13 June 2019, a decision was taken that a meeting needs to be scheduled with relevant officials and Councillors in Subcouncil 1, to discuss the way forward as Subcouncil is of the view that changes in the relevant By-Law will take some time. We urgently need to find a solution re the short comings and challenges. Please be so kind and provide proposed dates after the Council recess."</p>   |   |  |
| 26-May-19       | <p><i>An email was received from Mr Peter Lottering, " Deputy Chief Wentzel lead the process of writing new legislation that will replace the Animal By-Law 2010 whereby the Animal By-Law will be rather repealed or amended to address the problem with animals in a residential area as well as other animal related issues. The new legislation will address challenges officers experience in daily operation. As interim measure we attend to and compile dockets when receiving illegal horse keeping complains with the hope to obtain summons to appear in court for offenders. We try to challenge this from a health nuisance point of view. I will keep Subcouncil updated with regards to whether success in prosecution were reach or not. "</i></p> |   |  |
| 26-May-19       | <p>An email was sent by Cllr N Grose, "Mr Lottering, please we need to get closure on this matter. If you have challenges, please speak to us so we can see how we can assist to resolve the matter."</p>  |   |  |
| 24-May-19       | <p>An email was sent to Mr Peter Lottering, " Please be so kind and give us an urgent update of the above mentioned MRA. At the last Subcouncil meeting, held on 23rd May 2019, Subcouncil was not happy with this long outstanding MRA."</p>  |   |  |

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| <b>10-May-19</b> | A follow-up was done on the mentioned date. No further progress on this matter.   |
| <b>05-Apr-19</b> | A follow-up was done on the mentioned date. No further progress on this matter.   |
| <b>08-Mar-19</b> | A follow-up was done on the mentioned date. No further progress on this matter.   |
| <b>22-Feb-19</b> | The correspondence received by Mr Peter Lottering. That the matter has been referred to legal department. Mr A Roux was present at the February Subcouncil meeting and explained the process.   |
| <b>21-Jan-19</b> | It is advisable that subcouncil 1 meet with Peter Lottering to review the processes, in order to ensure that the enforcement of the illegal keeping of horses are effected. "   |
| <b>18-Jan-19</b> | A follow-up was done on the mentioned date. Feedback from Director Area North - Mr Freddie Prince.  |
| <b>16-Nov-18</b> | A follow-up was done on the mentioned date. No further progress on this matter.   |
|                  | <p>The above subject refers and the attached correspondence was tabled at the Subcouncil.</p> <ul style="list-style-type: none"> <li>• Mr Lottering mentioned that their SOP does not speak to By-Law.</li> <li>• The challengers highlighted in the correspondence makes it difficult for their department to perform their duty.</li> <li>• That sections in the By-law needs to be amended, as explained as per attached e-mail of Mr Lottering</li> <li>• Cllr Rass also offer her assistance and took a copy of the SOP for discussion at their Safety portfolio meeting.</li> </ul> <p>Taking the above into account and the historical back ground dated back , June 2016, long outstanding ,414, it requires ABSD intervention because it is a policy matter.</p> |

| MOTION OF EXIGENCY : MAMRE HOUSING PROJECT |  |
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| Agenda Item No.                            | 01 SUB 21/6/2017 2   |
| Author:                                    | Cynthia Clayton  |
| How Resolved                               | Consensus  |
| Meeting Date:                              | 2017/06/22   |
| Outstanding:                               | 705  |
| Directorate:                               | AREA BASED SERVICE DELIVERY  |
| 19-Jun-19                                  | An email was sent to Cllr Nora Grose: " Cllr Nora Grose, undertook to personally take up the concerns regarding Director Wilfred Solomons-Johannes."   |
| 28-May-19                                  | <i>An email was sent to Director Freddie Prince, "The response to your email from Director Wilfred Solomons-Johannes, is according to me irrelevant to the request of Subcouncil 1. I suggest that you rather set-up the meeting as proposed by yourself ASAP."</i>  |
| 27-May-19                                  | An email was received from Director Wilfred Solomons-Johannes, "Dear Freddie:<br>An inspection-in-loco was conducted Cllr. Malusi Boo the Mayoral Committee Member: Human Settlements in Mamre on Saturday 25 May 2019 to have a better understanding of the proposed housing development and the environment. ATTACHED hereto find the draft land availability agreement that was drafted. On Wednesday 29 May 2019 the Executive Committee wish to make further amendments whereafter the amended document will be submitted." |
| 27-May-19                                  | An email was received from Director Freddie Prince, " Good morning Director, Trust you are well.<br>Mr Prince is requesting a response on the subjoined matter please.<br>He would also like to meet with yourself and the Subcouncil Manager, Wessie iro this matter, so if you could kindly forward a few proposed dates for this meeting please?"   |

The Subcouncil resolved to support the motion re: Mamre Housing Project in the pipeline of projects in the TDA Directorate. The TDA Directorate allocate funding under the TDA's Human Settlement consultations 2017/18 budget for feasibility studies to be undertaken in order to investigate the viability and form of this proposed development.

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|                  | <p>An email was sent to Director Freddie Prince, "Good day Mr Prince<br/>At our previous Subcouncil 1 meeting held on the 23rd May 2019, Councillors were unhappy about the issue of Mir Wilfred Solomons-Johannes. Subcouncil is of the view that:</p> <ol style="list-style-type: none"> <li>1. The previous communication on this issue was completely irrelevant as Subcouncil does not have a problem with his private work in structures.</li> <li>2. That Mr Wilfred Solomons-Johannes misused his position as Director and grossly interfered in Subcouncil 1 issues.</li> <li>3. This issue must be handled by the City Manager, as a matter of urgency.</li> </ol> <p>Please note that Subcouncil would like to have your presence at our next Subcouncil meeting, scheduled for 13th June 2019."</p> |
| 24-May-19        | <p>An email was sent to Mr Duke Gumede, "Referring to the above mentioned MRA, there was uncertainty at our previous Subcouncil meeting, 23rd May 2019 about the following:</p> <ol style="list-style-type: none"> <li>1. Why this MRA was forward Mr. Prince, as you indicated that this housing issue is not part of your scope of work.</li> <li>2. If you have challenges to action this MRA you are advised to refer it to the MAYCO member for Human Settlements, Malusi Booi.</li> </ol> <p>Please be so kind and report on the MRA, as soon as possible.<br/>Please note that the deadline for all reports is 3rd June 2019. "</p>  |
| 24-May-19        | Attached correspondence from Duke Gumede  |
| <u>15-May-19</u> | Invitation was forward to Duke Gumedi, presenting an item regarding the Atlantis housing project at the Subcouncil meeting , scheduled , 18 April 2019.   |
| <u>03-Apr-19</u> | Presentation regarding the Atlantis housing project , Activity Day, scheduled ,14 March 2019.   |
| <u>08-Mar-19</u> | Duke Gumedi will be presenting an item regarding the Atlantis housing project at the Activity Day, scheduled ,14 March 2019.  |
| <u>21-Feb-19</u> | The matter concerning the involvement of Director Wilfred Solomons-Johannes, has been escalated to the City Manager   |
| <u>21-Feb-19</u> |   |

No further progress on Mamre Housing, as it was part of the Housing Plan for Subcouncil 1. On the question of Mr Wilfred Solomons-Johannes involvement in this process, the following communication was received from Mr Freddie Prince, dated 18 Jan 2019: See my response below:

- **The legality for a City Official in the capacity of a Director to serve at the housing steering committee.**

*The Mamre Communal Property Association (MCPA) is a private legal entity established by law representing the interest of community members and land restitution matters. No government employee is prevented from performing community work free-of-charge.*

- ***In which capacity or role does Director Solomon's serve on the committee***

***Wilfred Solomons-Johannes is serving in his private capacity as Chairperson of the Mamre Communal Property Association (MCPA)***

- ***That the director is influencing the housing process.***

*The Mamre Communal Property Association (MCPA) is a legal entity and has its own constitution and governs itself whereby it consists of an executive committee of the association who is responsible to make joint decision-making in the spirit of good governance subject to agreement by the legal beneficiaries to provide a mandate for all decisions.*

- ***That it requires intervention from the City Manager office***

*Not required as Wilfred Solomons-Johannes followed due process declaring his interest in doing community work with the employer for which approval has been granted.*

18-Jan-19

15SUB / /2017

*Delegation nr 1(6)*

*"To request reports from the relevant line functionaries on activities planned to be executed within the Subcouncil."*

## **MOTION OF EXIGENCY: MAMRE HOUSING PROJECT**

### **BACKGROUND**

On 25 April 2017 the community of Mamre and the CPA unanimously agreed to make land available in Mamre for the development of a mixed income housing development as well as social and economic amenities. This proposed development is intended to be done in partnership between the Mamre community and the City of Cape Town.

Please include the proposed Mamre housing project in the pipeline of projects in the TDA Directorate and allocate funding under the TDA's Human Settlement consultants 2017/18 budget for Feasibility studies to be undertaken in order to investigate the viability and form of this proposed development.

### **MOTIVATION**

Because the land belongs to the people of Mamre, please look into the most suitable partnership option the people of Mamre can enter into with the City of Cape Town in order for the City to provide USDG funding for this development to materialise.

### **MOTION:**

In terms of Rule 11.1 of the Rules of Order for the Subcouncil Meetings of the City of Cape Town, I hereby submit the following motion for consideration during the meeting of the Subcouncil 1 to be held on 22 June 2017.

#### **It is proposed that:**

1. The Subcouncil resolve to support the motion to Mamre housing project in the pipeline of projects in the TDA Directorate.
2. the TDA Directorate allocate funding under the TDA's Human Settlement consultants 2017/18 budget for Feasibility studies to be undertaken in order to investigate the viability and form of this proposed development.

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| Agenda Item No. | 01SUB 38/05/2014  | 3 | ILLEGAL STRUCTURES ON ERVEN 95 AND 233 PELLA |
| Author:         | Fiona Abrhams   |   |  |
| How Resolved    | Consensus   |   |  |
| Meeting Date:   | 22/05/2014  |   |  |
| Outstanding:    | 1832  |   |  |
| Directorate:    | ASSESTS AND FACILITIES  |   |  |
| 19-Jun-19       | <p>An email was sent to Mr Peter Combrink: "Dear Mr Combrink, Hope you are well.<br/> At the previous Subcouncil meeting, you reported that you are in the process of submitting the legal application to serve an eviction notice and the demolishing of the structure. Would you please be so kind and keep the Subcouncil updated with the progress made."</p>   |   |  |
| 28-May-19       | <p><b>An email was received from Mr Peter Combrink, "I conducted a site inspection yesterday 27 May 2019 at approx. 12:25 and found that the structure has still not been removed from the Public Open Space. None of the occupants were present at the time. I will now submit a Legal Request to Legal Services to start the process of applying for an eviction and demolition order.Hoping to have informed accordingly."</b></p> |   |  |
| 24-May-19       | <p>An email was sent to Mr Peter Combrink, "Thank you for your verbal input at the Subcouncil 1 meeting, held on the 23rd May 2019.<br/> As you indicated that the site visit will be conducted by yourself on the 27th May 2019, please keep the Subcouncil informed on the progress. Kindly note that Subcouncil took a clear decision that no disposal will take place of the erven."</p>  |   |  |
| 08-May-19       | <p>See Correspondance from Peter Combrink</p>   |   |  |
| 09-Apr-19       | <p>See Correspondance from Peter Combrink</p>   |   |  |

An email was received from Mr Peter Combrink: The occupants had an opportunity to make written representation on the notice which was served within 14 working days after receiving such notice, which should have reached me by Tuesday 5 March 2019. I have not received any representation and will now draft a Notice of Contravention which will be sent to the Director: Recreation and Parks for signature after which it will be served on the occupants. Once it is served I will inform all and explain the next phase in the process.

There has been lots of confusion around the history, ownership and inherent rights to erf233 and we have been battling to understand it all in order to address the matter in a manner that has no legal ramifications for the City. In February 2018 we submitted a legal request seeking advice around the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (PIE ACT) and in the months to follow we engaged on a few occasions with a City Legal Advisor Charlain Swart who explained the PIE ACT and the process and requirements needed when applying for an eviction order. After obtaining all the information from the occupants of the structure and submitting it to Legal Services, we were informed that we have to submit a new legal request.

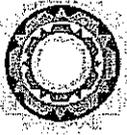
The delay in resolving this matter is sincerely regretted, but we would rather have all the legal aspects covered than to rush into a matter that could have serious legal implications for the City. A new legal request has been submitted requesting a notice be drafted informing the occupants to vacate the premises as well as to apply for an eviction order should they fail to comply."

08-Mar-19

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| 14-Feb-19 | <p>An email was received from Mr Peter Combrink, On Tuesday 12 February 2019 a Notice of intention to institute eviction proceedings and to issue a Notice of contravention in terms of Section 11(1)(r) of the City Of Cape Town Public Parks By-Law (PG6788 of 2010) has been served on the occupants of the structure which was illegally placed on Erf233. As we are guided by the Promotion of Administrative Justice Act 3 of 2000 (PAJA), which in a nutshell states; To ensure that administrative action is lawful, reasonable and procedurally fair, transgressors has to be granted an opportunity to respond (make representation) to a notice which is served on them. We have given them 14 working days to make representation which should reach us by no later than 5 March 2019 after which we will assess such representation and decide what the next phase in the process will be.</p> <p>There has been lots of confusion around the history, ownership and inherent rights to erf233 and we have been battling to understand it all in order to address the matter in a manner that has no legal ramifications for the City. In February 2018 we submitted a legal request seeking advice around the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (PIE ACT) and in the months to follow we engaged on a few occasions with a City Legal Advisor Charlain Swart who explained the PIE ACT and the process and requirements needed when applying for an eviction order. After obtaining all the information from the occupants of the structure and submitting it to Legal Services, we were informed that we have to submit a new legal request.</p> <p>The delay in resolving this matter is sincerely regretted, but we would rather have all the legal aspects covered than to rush into a matter that could have serious legal implications for the City. A new legal request has been submitted</p> |
| 22-Jan-19 | <p>An email was received from Mr Peter Combrink, Dated 22 Jan 2019, "As per our telephonic conversation; There has been lots of confusion around the history, ownership and inherent rights to erf233 and we have been battling to understand it all in order to address the matter in a manner that has no legal ramifications for the City. In February 2018 we submitted a legal request seeking advice around the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (PIE ACT) and in the months to follow we engaged on a few occasions with a City Legal Advisor Charlain Swart who explained the PIE ACT and the process and requirements needed when applying for an eviction order. After obtaining all the information from the occupants of the structure and submitting it to Legal Services, we were informed that we have to submit a new legal request.</p> <p>The delay in resolving this matter is sincerely regretted, but we would rather have all the legal aspects covered than to rush into a matter that could have serious legal implications for the City. A new legal request has been submitted requesting a notice be drafted informing the occupants to vacate the premises as well as to apply for an eviction order should they fail to comply."</p>  |

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| 18-Jan-19 | Feedback was requested from the Subcouncil to Peter Combrink.  |
| 29-Oct-18 | No further progress on this matter.  |
| 03-Oct-18 | An email was sent to Mr Peter Combrink, dated 3rd October 2018 requesting an update on the matter. See email attached. Subcouncil awaits feedback. |

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| Agenda Item No. | 01SUB 10/2/2017  | 4 | SILVERSTROOM MY CITI BUS ROUTE   |
| Author:         | F Abrahams   |   | That public transport should be available to Silverstream Beach during festive season and summer holidays. This will also give access to the community along Silverstream Road to Atlantis, Mamre and Pella. |
| How Resolved    | Consensus  |   |  |
| Meeting Date:   | 16/02/2017   |   |  |
| Outstanding:    | 837  |   |  |
| Directorate:    | AREA BASED SERVICE   |   |  |
| 19-Jun-19       | An email was sent to Tom Press   |   |  |
| 28-May-19       | An email was sent to Clari Holderness and Kapil Sing, " As our last Subcouncil meeting, held on 23rd May 2019, Subcouncil expressed the need for further information on the above mentioned MRA. Would you please investigate the possibility of a marketing campaign for the relevant area.<br>Subcouncil also requested that a presentation be done on the way forward at one of the Subcouncil Activity day, which will be after the Council recess." |   |  |
| 27-May-19       | Mrs Wendy Pinder, has submitted the Transport report on the bus route.   |   |  |
| 21-Feb-19       | A report (01SUB02/02/19) was tabled at the February 2019 Subcouncil meeting. Mr Tom Pressinger from the Transport Department was present and reported on the matter. The Subcouncil will correspond with the Department of Transport closer to the date of next Silverstroom My Citi Bus Route   |   |  |
| 21-Jan-19       | No further progress on the matter, as the bus service was operating during the festive season  |   |  |
| 18-Oct-18       | An email was sent to Clari Holderness and Kapil Sing to attend the Subcouncil meeting on 18 October 2018 in order to   |   |  |
| 01-Oct-18       | An Memo was received from Claire Holderness. Please see attachment.  |   |  |



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23 January 2017

The Manager  
Subcouncil 1 – Blaauwberg  
Royal Ascot  
Bridle Way  
Milnerton  
7441

Dear Sir

### **NOTICE OF MOTION**

In terms of Rule 17.1 of the Rules of Order for Sub-Council meeting of the City of Cape Town, I hereby submit the following motion for consideration during the meeting of Sub-Council 1 to be held on 16 February 2017.

#### **MOTIVATION:**

Silwerstroomstrand is situated approximately 10 km west of Atlantis. The resort is accessible from the West Coast Road (R27) on the Silwerstroomstrand Road but only by private transport. It falls within the Cape West Coast Biosphere Reserve and Koeberg Power Station, and is bordered by the nature reserve to the south. It has Blue Flag status with a tidal pool for those wanting a warmer dip without the waves. Families can make it a day to relax at one of the various picnic sites and braai areas, or for longer stays there are camping sites and comfortable bungalows. Silwerstroomstrand is named after the 'silver stream' to the north of the resort, which rises from a spring at the edge of the Atlantis Dunefield and supplies water to the town from its underground aquifer.

This beautiful resort which is close to Atlantis, Mamre, Pella are not so easily accessible to the communities of these areas. For these communities access to Silwerstream Beach are only for those families with private transport others need to hire transport to take them to the beach. The majority rather goes to Melkbos strand because public transport is easily accessible and available. During the festive season and holiday periods it becomes an expensive exercise to take families to the beach. Whilst the community for Atlantis, Mamre and Pella have a beach close to home, right on their door step.

#### **IT IS PROPOSED THAT:**

That public transport should be available to Silwerstream Beach during festive season and summer holidays this will also give access to the community along Silwerstream road to Atlantis, Mamre and Pella.

I so move,

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| Agenda Item No. |           | 01SUB 8/3/2017  | 5 | THUSONG MULTI-PURPOSE CENTRE  |
|-----------------|-----------|---|---|---|
| Author:         |           | G Barnardo  |   | <p>That the Assets and Facilities Directorate ensures the centre is managed within the guideline as directed by the Policy of the City of Cape Town, as the building is under-utilised.</p> |
| How Resolved    |           | Consensus   |   |   |
| Meeting Date:   |           | 16/02/2017  |   |   |
| Outstanding:    |           | 837   |   |   |
| Directorate:    |           | AREA BASED SERVICE  |   |   |
|                 | 20-Jun-19 | <p>An email was sent to Mrs. Gerda du Plessis, " At our last Subcouncil meeting held on 13 June 2019, Subcouncil took the following decision:<br/>That a meeting be scheduled for the way forward at the Thusong Centre."</p>   |   |   |
|                 | 12-Jun-19 | <p>A site was conducted at the Thusong centre, which was attended by the Councillors.<br/><b>An email was sent to Mrs. Gerda du Plessis, " At our last Subcouncil meeting held on 23 May 2019, Subcouncil took the following decision:</b><br/><b>That you supply Subcouncil with the latest report on the Thusong Centre.</b><br/><b>That the report must address the following:</b><br/><b>A list of persons, organisations and businesses who had contracts with CoCT</b><br/><b>A list of persons, organisations and businesses that applied.</b><br/><b>Furthermore, Council wants to advice that if you have any challenge to determine the responsible Line Department which need to take ownership of the building, that you engage the Mayco member, Councillor James Vos, to assist.</b><br/><b>Please action the report asap as our next Subcouncil meeting is scheduled for 13 June 2019. "</b></p> |   |   |
|                 | 13-May-19 | <p>Attached correspondence from Gerda du Plessis</p>  |   |   |
|                 | 10-Apr-19 | <p>Attached correspondence regarding the maintenance of ECD at the Thusong Centre</p>   |   |   |
|                 | 08-Mar-19 | <p>A follow-up was done on the mentioned date.</p>  |   |   |

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|           | <p>Correspondance from Gerda : A list of all the upgrading matters currently being attended to at the Thusong Centre in Atlantis</p> <ul style="list-style-type: none"> <li>• Repair roof leaks</li> <li>• Paint roof sheets</li> <li>• Repair wall cracks</li> <li>• Paint all walls and window blocks</li> <li>• Paint window cages</li> <li>• Paint window frames</li> <li>• Paint security gates</li> <li>• Paint all timber doors, fascias and barge boards</li> <li>• Fit new handrail to wheelchair ramp and staircase</li> <li>• Remove floor tiles and apply new screed to main entrances steps and landing</li> <li>• Replace broken window glass</li> </ul> |
| 28-Feb-19 | The Fire matters are included and the work is 80% complete to the resolve the non-compliance matters. We will be signing this off at the end of February 2019.   |
| 21-Feb-19 | Mr P Strumphor from Property Management reported that the contractors are on site and that renovations currently   |
| 21-Jan-19 | No further progress on the matter.   |
| 18-Oct-18 | No further progress on the matter.   |
| 03-Oct-18 | No further progress on the matter.   |