



REPORT TO SUBCOUNCIL 9

1 ITEM NUMBER

2 RESERVATION OF ERF 6639 KHAYELITSHA: DEPARTMENT:
INFORMAL SETTLEMENT AND BACKYARDERS

RESERVERING VAN ERF 6639 KHAYELITSHA: DEPARTEMENT:
INFORMELE NEDERSETTINGS EN AGTERPLAASBEWONERS

UKUBEKELWA BUCALA KWESIZA 6639 ESISEKHAYELITSHA:
KULUNGISELELWA ISEBE LEENDAWO EZINGAMATYOTYOMBE
NABANXUSI

L2823

PTMS NO: 130006451

File Ref No: T/CO14/3/12/2/99

(Category 9)

3 DELEGATED AUTHORITY

☒ The report is for comment by 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.

4 EXECUTIVE SUMMARY

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	New Reservation (New project/ Operational requirements)	X
2	Amendment to an existing Reservation	

3	Reservation Benefit Transfer (Consensual handover between Departments)	
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Application Summary:

Applicant	Directorate:	Human Settlements		
	Department:	Informal Settlements		
	Branch:	Informal Settlements Upgrades		
Responsible Official	Gerhard Hanekom			
Director	Riana Pretorius			
Land applied for	Erf 6639 Khayelitsha			
LP Key	610256			
Location	Corner of Aliam and Bangiso Drives			
Extent reserved:	16 569 m²			
Current Zoning	Community 1 (Local)			
Current Usage	Occupied by informal settlement			
Proposed Project/ Usage	Formalisation of settlement by the provision of services infrastructure			
Recommendation:	Approve	X	Decline	

5 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.

6 RECOMMENDATIONS FOR CONSIDERATION AND COMMENT BY THE RELEVANT SUBCOUNCIL

It is recommended that erf 6639 Khayelitsha situated at the corner of Aliam and Bangiso Drives, in extent 16 569 m² and indicated as ABCDEFGHJKLMN on Plan ET 815 attached as Annexure "A", be reserved for the Informal Settlements Department, subject to the following conditions:

- a) The subject property shall be utilised for the purpose of formalizing the current informal settlement on the property by providing services infrastructure only;
- b) The Informal Settlements 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) That all costs related to the above be provided for by the Informal Settlements Department.

AANBEVELINGS VIR OORWEGING EN KOMMENTAAR DEUR DIE BETROKKE SUBRAAD

Daar word aanbeveel dat erf 6639 Khayelitsha, geleë op die hoek van Aliam- en Bangisorylaan, ongeveer 16 659 m² groot en soos aangetoon as ABCDEFGHJKLMN op plan ET 815, aangeheg as bylae "A", vir die departement informele nedersettings gereserveer word, onderworpe aan die volgende voorwaardes:

- a) Die betrokke eiendom mag slegs vir die formalisering van die huidige informele nedersetting op die eiendom deur die voorsiening van diensinfrastruktuur gebruik word;
- b) Die departement informele nedersettings aanvaar verantwoordelikheid vir die vereiste grondgebruikprosesse, asook die nakoming van enige verwante wetgewing;

- c) Die gemelde departement aanvaar volle verantwoordelikheid vir die bestuur en instandhouding van die grond en enige struktuur wat daarop opgerig word, wat insluit instandhouding, nutsverbruik, sekuriteit en inhoudsversekering, soos van toepassing;
- d) Die departement informele nedersettings moet vir alle koste verbonde aan die bogenoemde voorsiening maak.

IZINDULULO UKUBA ZIQWALASELWE KWAYE KUVAKALISWE ULUVO LIBHUNGANA ELIFANELEKILEYO

Kundululwe ukuba makubekelwe bucala isiza-6639 esiseKhayelitsha esikwikona ye-Aliam neBangiso Drives, esibukhulu bumalunga nama-16 569 m² nanjengoko siboniswe ngoonobumba abakhulu u-ABCDEFGHIJKLMN kwiPlani ET 815 eqhotyoshelwe ngenjesihlomelo "A" kulungiselelwa iSebe leNdawo ezingaMatyotyombe, ngokuxhomekeke phakathi kwezinye izinto kule miqathango ilandelayo:

- a) Ipropathi esetyenziswayo iza kusetyenziselwa injongo yokumisela ngokusemthethweni indawo amatyotyombe kwipropati ngokuthi kubonelelwe ngeenkonzo ezingundoqo kuphela;
- b) ISebe leNdawo zaMatyotyombe lithatha uxanduva kwiinkqubo zokusetyenziswa komhlaba ezifunekayo, kunye nokuthotyelwa kwawo nawuphi na umthetho onxulumene noko;
- c) ISebe elikhankanyiweyo malamkele uxanduva olupheleleyo lolawulo nonophelo lwalo mhlaba kunye nesakheko esakuthi sakhiwe emva koko, kuquka unonophelo, ukusetyenziswa kwenkonzo zoncendo, ukhuseleko kunye ne-inshorensi eyonelisayo, njengoko kufanelekile;
- d) Zonke indleko eziphathelene noku kubekelwa bucala ziyakubaluxanduva lweSebe leNdawo ezingaMatyotyombe.

7 BACKGROUND/MOTIVATION

Various sites occupied by informal settlements, were identified in the Victoria Mxenge suburb in Khayelitsha.

The Department: Informal Settlements has submitted applications for the reservation of the identified portions of land for the said department to enable the formalisation and provision of services infrastructure.

Discussion

Erf 6639 Khayelitsha is zoned for community purposes.

The property is registered in the name of the City of Cape Town by Title Deed T15248/2001.

The reservation application was circulated for comments to all the relevant departments in the City of Cape Town and no objections were received – only comments that will be addressed under Comments from the Services Branches below.

There is thus no objection to the reservation being approved.

7 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/DEPARTMENT	
Spatial Planning & Environment	
Planning and Building Development Management (Building) Gerrit Sauls	SUPPORTED
Departmental Comment	
No comment	
Transport	
Roads Infrastructure and Management Yolisa Mpendulo	SUPPORTED
Departmental Comment	
No comment	
Spatial Planning & Environment	
Heritage Section Elize Mendelsohn	SUPPORTED
Departmental Comment	
As site measures 1,6 ha in extent any permanent structures or development of the site may trigger the following activities listed in section 38 of the National Heritage Resources Act, Act 25 of 1999: <ul style="list-style-type: none"> Section 38(1)(a) the construction of a road, wall, power line, canal or other similar form of linear development or barrier exceeding 300 m in length 	
Spatial Planning & Environment	
Planning and Building Development Management (Planning) Rafiq Allie	OBJECTION/ SUPPORTED
Departmental Comment	
In principle the Land Use Management section has no objection to the reservation of the subject property by the Human Settlements Directorate subject to the submission of all requires land use applications (consolidation, rezoning, subdivision, etc.) required for approval by the Land Use Management department as well as pre-consultation meetings prior to the aforementioned submission in order to establish a formal housing development on the subject property. Additionally, the project may not commence prior to obtaining required land use approvals from the Land Use Management department.	
Spatial Planning & Environment	
Areas Environment	SUPPORTED

Alexander Forbes	
Departmental Comment	
Provincial Human Settlements to provide proof if they require an amendment to the existing Environmental Authorisation	
Transport	
Integrated Transport Implementation Bill Jones	SUPPORTED
Departmental Comment	
No comment	
Energy & Climate Change Electrical Generation & Distribution	
Engineering Daniel Ndabangaye	SUPPORTED
Departmental Comment	
Eskom supply area	
Water and Waste	
Solid Waste Management Chantel Erlank	SUPPORTED
Departmental Comment	
Development must comply with Solid Waste conditions. Refuse generated on the promises must be stored to the satisfaction of the Director: Solid Waste Management. Must make use of all solid waste services and will be responsible for clean-up of the area	
Water and Waste	
Water and Sanitation C Macakati	SUPPORTED
Departmental Comment	
The Water and Sanitation Department has no objection to the proposed reservation of the above mentioned property provided the conditions are adhered to.	
CONDITIONS <ul style="list-style-type: none"> It should be noted that before the land is rezoned or to be built upon with present zoning, capacity for servicing it for particular development needs to be confirmed with the Department, at which time any conditions of development can be imposed. Once a development is proposed, a formal application must be made in this regard to the Reticulation Regional Operations Manager. Development Contributions may be payable, not checked at this stage, but can be resolved with the Reticulation Regional Operations Manager. 	
Community Services & Health	
Development (SDECD) Anathi Dywill	SUPPORTED
Departmental Comment	
No comment	
Economic Opportunities & Asset Management	

Property Disposals and Acquisitions Jason Drummer	SUPPORTED
Departmental Comment	
No comment	
Economic Opportunities & Asset Management	
Property Transaction Management Nabilah Jaffa	SUPPORTED
Departmental Comment	
No comment	
Economic Opportunities & Asset Management	
Immovable Property Planning Faaiza Ahmed	SUPPORTED
Departmental Comment	
Should the reservation application be approved by the Director: Property Management, the singed application should be made available to IPP in order to ensure that the City's Immovable Property Asset Register (IPAR) is updated.	
Safety and Security	
Fire Services P Lewis for Ian Schnetler	SUPPORTED
Departmental Comment	
No comment	
Safety and Security	
Support Services: Traffic Stanley Rothman	SUPPORTED
Departmental Comment	
No comment	
Eskom	
Thuleleni Kgobe	SUPPORTED
Departmental Comment	
Working permit to be obtained from Eskom prior to commencement of any development	

9 VALUATION

Not applicable.

10 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.

11 FINANCIAL IMPLICATIONS

Funding for the required land-use process and maintaining the facility will be provided for by the Informal Settlements Department.

12 LEGAL IMPLICATIONS

None

13 ANNEXURES

ANNEXURE A: PLAN ET 815

FOR FURTHER DETAILS CONTACT:

NAME	ANNEKE KLUE
CONTACT NUMBERS	021 444 4613
E-MAIL ADDRESS	ANNEKE.KLUE@CAPETOWN.GOV.ZA
DIRECTORATE	ECONOMIC OPPORTUNITIES & ASSET MANAGEMENT
FILE REF No	T/CO14/3/12/2/99

[Signature]
21 January 2020

REGIONAL HEAD: EAST REGION

Comment:

SUPPORTED.

NAME

DONAVON GEYSMAN

[Signature]
Schnackenberg

Comment:

MANAGER : PROPERTY HOLDING

NAME

RACHEL SCHNACKENBERG

DATE

06-02-2020

[Signature]
DIRECTOR : PROPERTY MANAGEMENT

NAME

RUBY GELDERBLOEM

DATE

2020.02.20



APPROVED



REFUSED



REFERRED BACK

Comment:

