



REPORT TO SUBCOUNCIL 18

-
- 1 **ITEM NUMBER 18SUB13/11/2019**
- 2 **RESERVATION OF A PORTION OF ERVEN 90470, 90475 AND 91191
CAPE TOWN, SITUATED AT WETTON ROAD, WYNBERG: PUBLIC
TRANSPORT MANAGEMENT**
- 2 **RESERVERING VAN 'N GEDEELTE VAN ERF 90470, 90475 EN 91191
KAAPSTAD, GELEË IN WETTONWEG, WYNBERG
OPENBAREVERVOERBESTUUR**
- 2 **UKUBEKELWA BUCALA KWESIQEPHU ZEZIZA-90470, 90475 NO-91191
EZISEKAPA, KWI-WETTON ROAD, E-WYNBERG: KULUNGISELELWA
ULAWULO LWEZOTHUTHO LOLUNTU**

LSU:L1471

PTMS NO: 130006383

File Ref No: S14/3/12/2/222/00/91191

(Category 1)

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: Assets and Facilities 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

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

Application Summary:

Applicant	Directorate:	Transport		
	Department:	Public Transport Management		
	Branch:	Architecture		
Responsible Official	Natalie Billings			
Director	Ernest Sass			
Land applied for	Erven 90470, 90475 and 91191 Cape Town			
LP Key	63346			
Location	Wetton Road, Wynberg			
Extent reserved:	5ha			
Current Zoning	Open Space 2 and Community 1			
Current Usage	Vacant Land			
Proposed Project/ Usage	The land is required for the development of a MyCiti bus facility to support the Phase 2 rollout.			
TOD Assessment	Cat 1 – TOD		Cat 1	
	N/A			
	Based on the TOD (Transit Oriented Development) strategic screening of the proposed erf to be disposed of, the subject property was found to have no TOD potential (also known as Category 1 in terms of the TOD land Disposal Assessment Process) and did not meet the minimum TOD criteria due to its size, lack of consolidation potential and/or locational characteristics relevant to the City's TOD Strategic Framework.			
	Potential Cat 2 & 3.			X
	Deemed to have potential in terms of Key Objectives therefore a detailed assessment in terms of the TOD Land Disposal Assessment Process was requested.			
	Date submitted to TDA:		N/A	
	Date TDA Comment Received:		N/A	
	TDA Comment Attached:		N/A	
Recommendation:	Approve	x	Decline	

1 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 portions of erven 90470, 90475 and 91191 Cape Town situated at Wetton Road, Wynberg in extent 5ha and indicated as ABCDEFGHJKLMN on Plan LT 1637v1, attached as Annexure "A", be reserved for the Public Transport Management Department, subject to the following conditions:

- a) The subject property shall be utilised for the purpose of development of a MyCiti bus facility to support the Phase 2 rollout. A phased build is anticipated, initially comprising day time staging only, and ultimately some overnight, fueling, washing and maintenance facilities. The full scale depot will house 220 buses;
- b) The Public Transport Management 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 Public Transport Management Department

6. AANBEVELINGS VIR OORWEGING EN KOMMENTAAR DEUR DIE BETROKKE SUBRAAD

Daar word aanbeveel dat gedeeltes van erf 90470, 90475 en 91191 Kaapstad, geleë in Wettonweg, Wynberg, ongeveer 5 ha groot en aangetoon deur die letters ABCDEFGHJKLMN op plan LT 1637v1, aangeheg as bylae "A", vir die departement openbarevervoerbestuur, onderworpe aan die volgende voorwaardes dat:

- a) Die betrokke eiendom gebruik word vir ontwikkeling van 'n MyCiti-busfasiliteit om die implementering van fase 2 te ondersteun. Daar word beoog dat die oprigting in fases sal plaasvind, aanvanklik net 'n dagoorstaanplek, en uiteindelik oornag-, brandstofingooi-, was- en instandhoudingsfasiliteite. Die volskaalse depot sal 220 busse akkommodeer;
- b) Die departement openbarevervoerbestuur verantwoordelikheid aanvaar vir die vereiste grondgebruikprosesse, asook die nakoming van enige toepaslike wetgewing;
- c) Die betrokke departement volle verantwoordelikheid aanvaar vir die bestuur en instandhouding van die grond en enige struktuur wat daarop opgerig word, insluitende instandhouding, nutsgebruik, sekuriteit en inhoudsversekering, waar van toepassing;

- d) Die departement openbarevervoerbestuur voorsiening maak vir enige koste verbonde aan bogenoemde.

6. IZINDULULO UKUBA ZIQWALASELWE KWAYE KUVAKALISWE ULUVO LIBHUNGANA ELIFANELEKILEYO

Kundululwe ukuba iziqephu zeziza-90470, 90475 no-91191 eziseKapa, kwi-Wetton Road, e-Wynberg, ezibukhulu obumalunga ne-5ha nezibonakaliswe ngoonobumba abakhulu u- ABCDEFGHJKLMN kwiplani engu- LT 1637v1 esiqhotyoshelwe kwisihlomelo-A, ngokuxhomekeke kule miqathango ilandelayo:

- a) Ipropati le ichaphazelekayo kufuneka isetyenziselwe umbandela wophuhliso lwesakheko sebhasi i- MyCiti ukuxhasa ukuqaliswa kwiSigaba-2. Kulindeleke ulwakhiwo ngokwezigaba, apho ekuqaleni kuquka isigaba esinezakheko ezinikezel ainkonzo yexesha lasemini kuphela, kulandele izakheko ezinikezela inkonzo yasebusuku, ukutha amafutha, ukuhlamba nononotshelo. Idepho engokuphangaleleyo iyakuthi yamkele iibhasi ezingama-220;
- b) ISebe loLawulo lezoThutho loLunytu malithabathe uxanduva ngokujoliswe kwiinkqubo ezifunekayo zosetyenziso lomhlaba kunye nokuthotyelwa kwawo nawuphina umthetho onxulumene noko;
- c) ISebe elisele likhankanyiwe malamkele uxanduva ngokupheleleyo lolawulo nononotshelo lomhlaba naso nasiphina isakheko esiyakuthi sakhawe, kuquka unonotshelo, usetyenziselo uncedo, ukhuseleko ne-inshorensi njengoko kufanelekile;
- d) Zonke iindleko ezimalunga noku kungentla, mazibonelelwe/mazihlawulwe liSebe loLawulo lezoThutho loLuntu.

7 BACKGROUND/MOTIVATION:

An application was received from the Director: Transport: Public Transport Management for the reservation of a portion of Erven 90470, 90475 and 91191 Cape Town, as depicted by figure ABCDEFGHJKLMN on the plan LT 1637v1 attached as **annexure A**, for the purpose of reserving the subject property for the development of a MyCiti bus facility to support the Phase 2 rollout. The subject property is further depicted on the aerial photograph attached as **annexure B**.

Erf 91191 Cape Town is registered in the name of City of Cape Town by Deed of Transfer No. T 30736/1985.

Erf 90470 Cape Town is registered in the name of City of Cape Town by Deed of Transfer No. T 6899/1926.

Erf 90475 Cape Town is registered in the name of City of Cape Town by Deed of Transfer No. T 8653/1934.

8 DISCUSSION

The Department of Public Transport Management requires the subject property for development of a MyCiti bus facility to support the Phase 2 rollout. A phased build is anticipated, initially comprising day time staging only, and ultimately some overnight, fueling, washing and maintenance facilities. The full scale depot will house 220 buses.

BFI National Grant Funding has been provided for the design and construction of the facility. Receipt of the first tranches of this funding align with the requested amount, implying further funding will become available in due course, in alignment with the budget asked. The service provider has been appointed to manage the facility in due course.

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 to the following conditions:

DIRECTORATE/DEPARTMENT	
Transport	
Public Transport Management Mark Harding	
Departmental Comment	
No objection to the application , subject to the following conditions:	
<ul style="list-style-type: none"> Unless there is going to be an intersection designed and built to assist the busses and vehicles out onto Wetton Road then they will only be able to turn left and not right when leaving the depot. So it is crucial that the entrance and egress is well thought out so as to limit congestion and accident at this location. 	
Transport	
Roads and Infrastructure Management Heuppschenne Lekay	
Departmental Comment	
No objections to the application and no conditions imposed.	
Transport	
Environmental Management Joy Garman	
Departmental Comment	
See per the attached comment per Annexure C	
Transport	
Integrated Transport Portfolio Nathaniel Williams	
Departmental Comment	
No objection to the application and no conditions to be imposed.	
Energy and Climate Change	
Electricity Generation and Distribution Susan Nel	
Departmental Comment	

<p>No objection to the application, subject to the following conditions:</p> <ul style="list-style-type: none"> Any alteration or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost. No excavation or filling shall be carried out without the prior written consent of the Director: Electricity Services via the wayleave approval/ process. All excavations within 3 m of the electrical services must be carried out under the direction of a representative of this Department. In this regard, please contact this Directorate two weeks before the commence of work. 	
Water & Waste Services	
Solid Waste Management Chantel Erlank	
Departmental Comment	
<p>No objection to the application, subject to the following conditions:</p> <ul style="list-style-type: none"> Any future development must comply with the Solid Waste Conditions. The Refuse Generated on their premises must be stored on the premises to the satisfaction of the Director of Solid Waste Mngement. The applicant must make use of all Solid Waste Services and will be responsible for the Clean Up of the Area. 	
Water & Waste Services	
Water & Sanitation Services Verna Cogill	
Departmental Comment	
<p>No objections to the application, subject to the conditions attached as Annexure D</p>	
Community Services and Health	
Development (SDECD) Contact Person: Brian Ford	
Departmental Comment	
Community Services and Health	
Recreation and Parks Jennifer Pienaar	
Departmental Comment	
<p>No objection to the application, subject to the following conditions:</p> <ul style="list-style-type: none"> The applicant department applying for, and obtaining all the land use, building rights and Environmental and Heritage authorizations. The Transport Department maintaining and managing the land, once the reservation has been approved. The PTD installing a permeable (Clearvu type) fence along the perimeter of the property demarcating and providing a safe, secure and aesthetically pleasing interface with the rest of the Public Open Space (POS) area. Informing the R&PD, of the approx. time frames for construction. 	
Economic Opportunities and Asset Management	
Property Transaction Management Nabilah Jaffa	
Departmental Comment	

<ul style="list-style-type: none"> No objection to the application and no conditions to be imposed. 	
Economic Opportunities and Assets Management	
Immovable Property Planning	
Faaiza Ahmed	
Departmental Comment	
<p>No objection to application, subject to the following condition:</p> <ul style="list-style-type: none"> The user Department for the usage area UA1 (Kromboom Parkway POS) is Recreation and Parks where accountability means the responsibility for use, management and control of the immovable property asset. As the user Department, Recreation and Parks must be offered the opportunity to comment on the proposed reservation. It is recommended that where mutual consent exist for the transfer between the accountable department and requesting department, that a reservation benefit transfer transaction be facilitated via IPP. Should this reservation application continue and be approved by the Director: Property Management, the signed application must be made available to IPP in order to ensure that the City's Immovable Property Asset Register (IPAR) is updated. The subject property has not been subject to immovable property asset performance assessment. 	
Economic Opportunities and Asset Management	
Property Acquisition and Disposals	
Jason Drummer	
Departmental Comment	
<ul style="list-style-type: none"> No objection to the application and no conditions to be imposed. 	
Safety and Security	
Fire and Rescue Service	
Mark Petersen	
Departmental Comment	
<p>No objection to the application, subject to the following conditions:</p> <ul style="list-style-type: none"> No development takes place prior to it being approved by the Local Authority in terms of the National Building Regulations and Community Fire Safety By-Law. Applicant is to consult with the Building Control Officer and/or BDM department whether building plans will be required. 	
Safety and Security	
Law Enforcement, Traffic & Coordination	
Hendrik De Wee	
Departmental Comment	
Western Cape Government	
Road Network Management	
Alvin Cope	
Departmental Comment	
<p>No objection to the application, subject to the following conditions:</p> <ul style="list-style-type: none"> The affected Directorate of the COCT approve of this proposal, with special reference to the safety aspect of the access via Wetton Road (PMR 122). 	
Valuations	
Valuer: Disposals	
Garth Johnson	
Departmental Comment	

Telkom	
Jesse Skippers	
Departmental Comment	

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 Sustainable Urban Management Department.

13. LEGAL IMPLICATIONS

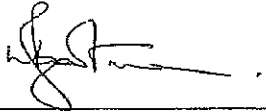
None

14. ANNEXURES

ANNEXURE A: SKETCH PLAN LT 16137V1
 ANNEXURE B: AERIAL PHOTOGRAPH
 ANNEXURE C: ENVIRONMENTAL MANAGEMENT COMMENT
 ANNEXURE D: WATER AND SANITATION COMMENT

FOR FURTHER DETAILS CONTACT:

NAME	PRINCESS MBUKWANA
CONTACT NUMBERS	021 444 2589
E-MAIL ADDRESS	PRINCESS.MBUKWANA@CAPETOWN.GOV.ZA
DIRECTORATE	ECONOMIC OPPORTUNITIES AND ASSET MANAGEMENT
FILE REF No	S14/3/12/2/222/00/91191 (130006383)



REGIONAL HEAD: AREA SOUTH

Comment:

NAME WILSON MXOLISI BAARTMAN

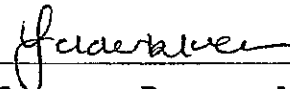


MANAGER : PROPERTY HOLDING

Comment:

NAME RACHEL SCHNACKENBERG

DATE 21-10-2019



DIRECTOR : PROPERTY MANAGEMENT

NAME RUBY GELDERBLOEM

DATE 2019-10-29

☒ APPROVED

☐ REFUSED

☐ REFERRED BACK

Comment:

SUBCOUNCIL CHAIRPERSON

NAME: Cllr S Rossouw

SIGNATURE: *S Rossouw*

TEL 021 444 1370

DATE 14/4/2019

COMMENTS

SUBCOUNCIL MANAGER

NAME: Mr F Monk

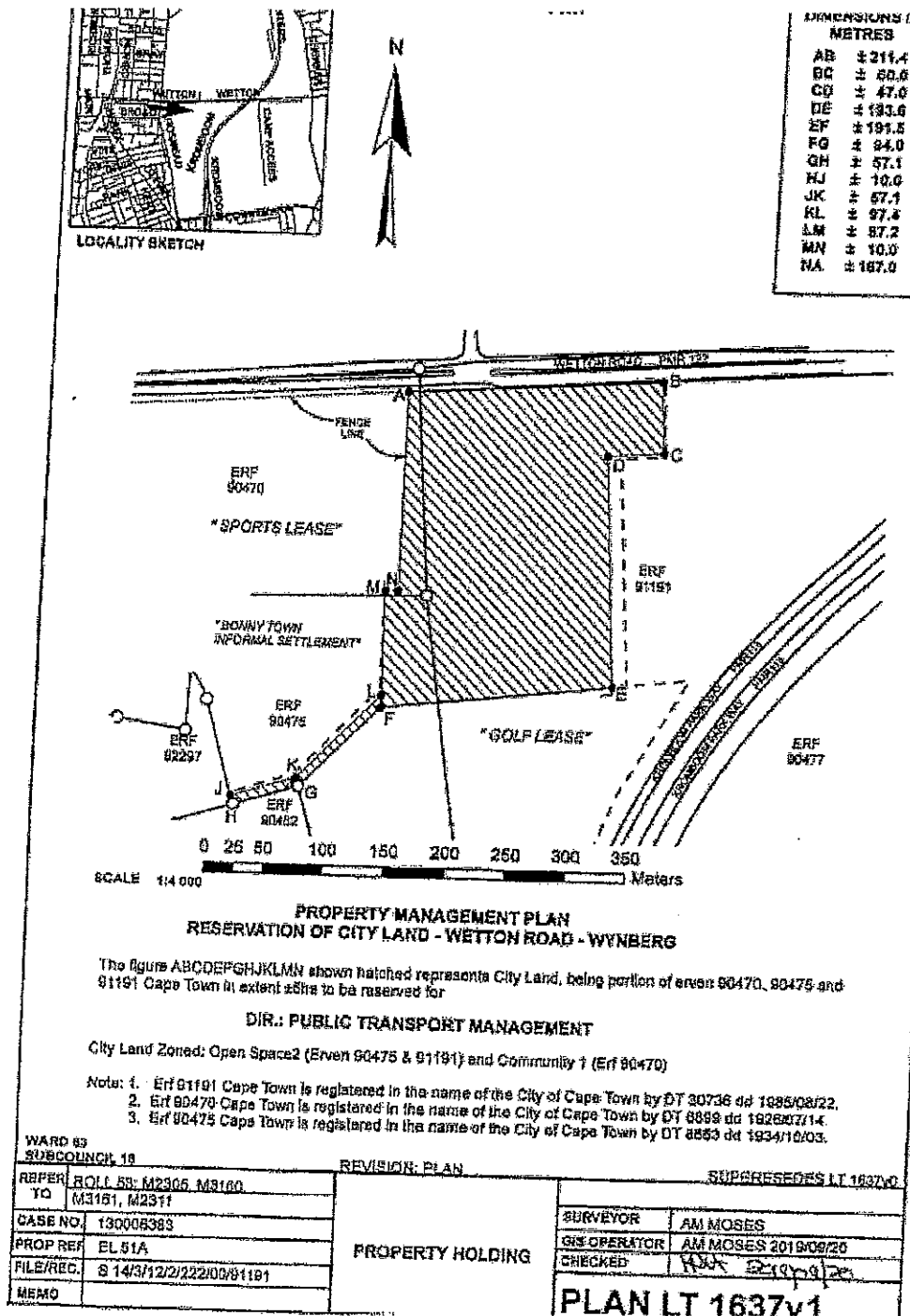
SIGNATURE: *F Monk*

TEL 021 444 8788

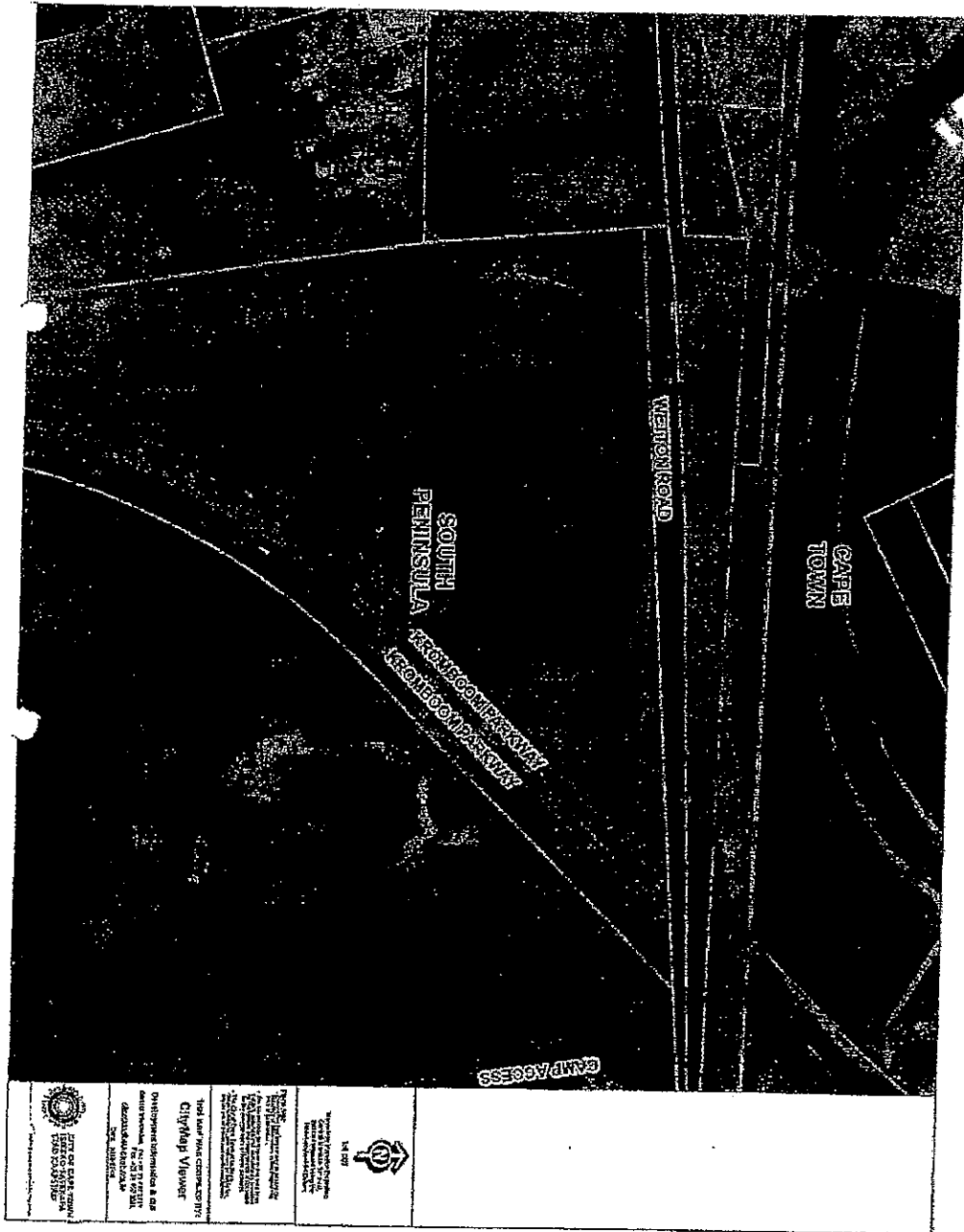
DATE 12/11/19

COMMENTS

ANNEXURE A



ANNEXURE B





CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

ANNEXURE C

SPATIAL PLANNING AND ENVIRONMENT

Internal Memorandum

T: 021 441 2606
E: joy.garman@capetown.gov.za

To : Property Management: Shireen Miller

From : Joy Garman

Subject : The proposed reservation of City owned land, being portions of erven 90470, 90475 and 91191, for a My City Bus Facility

Date : 23 July 2019

130006383

File Reference number: S14/63/12/2/222/0091191

With reference to the abovementioned application, Environmental Management Services (EMS) has the following comments:

The site under discussion exhibits sensitive environmental attributes such as the presence of wetlands (watercourses) and the Endangered Western Leopard Toad (and other amphibians) and the fact that it falls within the BIONET.

It is likely that activities listed in terms of the National Environmental Management Act of 1998 (No. 107 of 1998) ('NEMA'), may be triggered due to, *inter alia*, the proximity of the proposed development to watercourses and the land being zoned Open Space.

Therefore, Environmental Authorisation may be required from the Department of Environmental Affairs & Development Planning (DEA&DP) in terms of the EIA Regulations, promulgated in terms of NEMA, that came into effect on 2 August 2010. DEA&DP, who are the competent authority responsible for all decisions pertaining to the NEMA EIA Regulations, must be contacted for clarity regarding the applicability of these regulations to this project.

It is also likely that a water use license will be required in terms of the National Water Act of 1998 (No. 36 of 1998). The Department of Water and Sanitation must be contacted in this regard.

This site falls within the BIONET which is the City of Cape Town's fine scale conservation planning which is aligned to international conservation targets, optimizing and protecting natural ecosystems as well as building resilience for adaptation to climate change. In terms of the BIONET it is categorised as 'OESA' which is open space needed for the long term functioning of neighbouring natural ecosystems. Ideally these areas will be restored to a natural or near-natural state to improve ecological functioning to assist in reaching conservation targets. The BIONET became City policy in 2015.

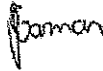
As the BIONET forms part of the Bioregional Plan, contained in the Municipal Spatial Development Framework, a land use application may be required to deviate from this.

- a botanical assessment to comment on whether it is acceptable to deviate from the BIONET or not;
- a study undertaken by an amphibian specialist to assess the impacts on the Endangered Western Leopard Toad and other amphibians.

These studies can either form part of the Basic Assessment Process, if required by DEA&DP, or they must be undertaken as part of this property management application.

ERM awaits the above requested information in order to proceed with the assessment of this project proposal.

Kind regards



Joy Garman
Senior Environmental Professional
Environmental Management Department
Environmental Branch

ANNEXURE D



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

UTILITY SERVICES: WATER & SANITATION

David de Klerk
Administrative Officer

T: +27 21 400 6584 E: +27 21 419 9667
E: david.deklerk@capetown.gov.za

PURCHASE / LEASE OF CITY OF CAPE TOWN LAND CONDITIONS

1. Access into the area shall be available 24 hours a day to personnel of the Water and Sanitation Department
2. The access control system shall be uncomplicated and to the satisfaction of the Water and Sanitation Department in order to provide immediate access to Water and Sanitation personnel, together with all vehicles and plant as may be required. In addition to vehicular access gates pedestrian gates incorporating Water pattern padlocks may be required.
3. Where gates are fitted with padlocks the Water padlocking system shall be installed at the applicants/owners/residents cost. Details of the lock arrangement may be obtained from the Principal Water Inspector, telephone number 021 957 4765
4. Notwithstanding the aforementioned, neither the Water and Sanitation Department nor the Council will be liable for any damages or loss if any lock or gate has forced or broken in order to gain access to attend the burst mains, blocked sewers or other emergencies such as inspections that must be carried out, meters that must be read, or any other cause outside the control of Council.
5. The applicants/owners/ residents shall bear the cost of the installation or repositioning of any valve, hydrant, meter or other fitting and all protective measures to the water installation that may be necessitated by the lease/purchase and servitude of land, or closure of a public street.
6. The ground surface over a water or sewer main shall not be altered in any way except with the prior approval of the Water and Sanitation Department
7. No trees shall be planted within 3m of the water and sewer mains.
8. The Council shall not be liable for any loss or damage within the lease area caused by the water main bursting or leaking or by any repair or maintenance work to the water main or fittings.
9. The lease/ purchase and servitude/closure shall be subject to the further approval of the Chief Fire Officer and all conditions imposed by him.
10. Details of the final proposal shall be submitted to the Water and Sanitation Department for approval prior to closure being effected.
11. The applicant shall advise the District Manager of Reticulation in writing not less than 14 days before the area is closed off.

