



REPORT TO ALL SUBCOUNCILS

1 ITEM NUMBER 05SUB 13/3/2019

2 SUBJECT

PROPOSED GRANTING OF RIGHTS TO USE, MANAGE AND CONTROL 27  
EARLY CHILDHOOD DEVELOPMENT FACILITIES OF THE CITY'S SOCIAL  
DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD)  
DEPARTMENT

ONDERWERP

VOORGESTELDE TOESTAAN VAN REGTE OM 27  
VROEËKINDONTWIKKELINGSFASILITEITE VAN DIE STAD SE  
DEPARTEMENT MAATSKAPLIKE ONTWIKKELING EN  
VROEËKINDONTWIKKELING (SDECD) TE GEBRUIK, TE BESTUUR EN TE  
BEHEER

ISIHLOKO

ISIPHAKAMISO SOKUVUNYELWA KWAMALUNGELO OKUSEBENZISA,  
OKUPHATHWA NOKULAWULWA KWEZAKHEKO EZINGAMA-27  
ZOPHUCULO LABANTWANA ABASELULA EZIZEZESEBE LESIXEKO  
LOPHUCULO LWENTLALO NOPHUCULO LABANTWANA ABASELULO

K3368

3 PURPOSE

To consider the application of the granting of rights for a period of 10 years to 27  
ECD Centre operators in SDECD facilities.

4 STRATEGIC INTENT

SFA 1 : an OPPORTUNITY City of Cape Town

Objective 1.5	Leverage the City's assets to drive economic growth and sustainable development
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Programme 1.5(a)	City strategic assets investigation
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## 5 DELEGATION

In terms of delegation Part 27B paragraph 22 (8), the following delegation was conferred upon the City Manager. The Acting City Manager has sub-delegated this delegation to the Director: Property Management.

"To approve the granting of rights to use, control or manage capital assets: Capital assets less than R10 million, longer than 3 years (<R10 million and > 3 years) and capital assets more than R10 million, not longer than 3 years (>R10 million and <3 years) for the following categories:

- a) Social Care Leases: Leases to Social Care organisations) NPOs, NGOs, sports organisations not for profit) at a tariff rental as approved by Council annually.
- b) Non-viable gardening and security leases: Leases of non-viable portion(s) of municipal land to adjacent land owners at a tariff rental as approved by Council annually."

Provided that this delegation may only be exercised after considering the comment from the Sub-council in whose area of jurisdiction the capital is situated.

## 6 RECOMMENDATIONS

**It is recommended that:**

Subcouncils note the content of the report.

It is further recommended that the right to use, control and manage ECD centres on behalf of council on the following erfs by the applicants below be supported:

Erf numbers	Applicants
32707	Hazendal Educare Centre
101900	Little Lillies Educare Centre
139741	Mighty Minds Educare Centre
22391	Avonwood Educare Centre
37990	Ecclesia ECD Centre
125376	Kiddies Educare Centre
28978	Leonsdale Educare Centre
32003	Sunshine Edu & Aftercare Centre
9623	Uvuyolwethu Enrichment Mnweba Centre
6173	Mfuleni ECD Centre
9140	Mustadafin Educare Centre
9563	Sing for Africa ECD Centre

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Erf numbers	Applicants
13925	Dora Tamana Educare Centre
71	Cuddly Bear ECD Centre
180	Fisanteakraal ECD Centre
16170	Shelley Street ECD Centre
13952	Sonwabile Educare Centre
11073	Amy Biehl Enrichment Centre
10536	Eulalie Stott Educare Centre
1914	Joyce Ndinisa Enrichment ECD Centre
4926	Ruth First Educare Centre
4062	Vukile Tshwete Enrichment Centre
107662	Jenny Morris
1201	Scorpio Educare Centre/ Radiance ECD Centre
43094	Strandfontein Educare Centre
9167	The Aiden Rose ECD Centre
5872	Isibane Sethu Enrichment Centre

subject inter alia to the following conditions:

- a) A consideration of R883 per annum excluding VAT calculated at the rate applicable at the time of transaction be payable. Rates not applicable;
- b) The management agreement will endure for a period of up to ten (10) years;
- c) The consideration will be adjusted annually in terms of the tariff structure as approved by Council;
- d) The property be used for early childhood development purposes only;
- e) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- f) Subject to compliance with any other statutory requirements;
- g) No compensation will be payable for any improvement made to the property.

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

**Daar word aanbeveel dat:**

Subrade van die inhoud van die verslag kennis neem.

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Daar word verder aanbeveel dat die reg om vroeëkindontwikkelingsentrums namens die Raad op die volgende erwe deur die volgende aansoekers te gebruik, te beheer en bestuur word, gesteun word:

<b>Erftnommer</b>	<b>Aansoeker</b>
32707	Hazendal Educare Centre
101900	Little Lillies Educare Centre
139741	Mighty Minds Educare Centre
22391	Avonwood Educare Centre
37990	Ecclesia ECD Centre
125376	Kiddies Educare Centre
28978	Leonsdale Educare Centre
32003	Sunshine Edu & Aftercare Centre
9623	Uvuyolwethu Enrichment Mnweba Centre
6173	Mfuleni ECD Centre
9140	Mustadafin Educare Centre
9563	Sing for Africa ECD Centre
13925	Dora Tamana Educare Centre
71	Cuddly Bear ECD Centre
180	Fisantekraal ECD Centre
16170	Shelley Street ECD Centre
13952	Sonwabile Educare Centre
11073	Amy Biehl Enrichment Centre
10536	Eulalie Stott Educare Centre
1914	Joyce Ndinisa Enrichment ECD Centre
4926	Ruth First Educare Centre
4062	Vukile Tshwete Enrichment Centre
107662	Jenny Morris
1201	Scorpio Educare Centre/ Radiance ECD Centre
43094	Strandfontein Educare Centre
9167	The Aiden Rose ECD Centre
5872	Isibane Sethu Enrichment Centre

onderworpe onder andere aan die volgende voorwaardes dat:

- 'n Tariefhuurbedrag van R883 per jaar, BTW bereken teen die koers van toepassing ten tye van die transaksie uitgesluit, betaalbaar is. Eiendomsbelasting nie van toepassing nie;
- Die bestuursooreenkoms vir 'n tydperk van tot tien (10) jaar duur;
- Die huurbedrag jaarliks aangepas sal word volgens die huurtariefstruktuur soos deur die Raad goedgekeur;
- Die eiendom slegs vir vroeëkindontwikkelingsdoeleindes gebruik word;

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- e) Onderworpe aan sodanige verdere voorwaardes wat die direkteur: eiendombestuur ingevolge haar gedelegeerde magtiging oplê;
- f) Onderworpe aan die nakoming van enige ander statutêre vereistes;
- g) Geen vergoeding betaal sal word vir enige verbeterings wat aan die eiendom aangebring word nie.

**IZINDULULO UKUBA ZIQWALASELWE KWAYE KUVAKALISWE ULUVO LIBHUNGANA ELIFANELEKILEYO**

**Kundululwe ukuba:**

- a) IBhungana maliqwalasele okuqulathwe yingxelo.

Kundululwe kwakhona ukuba malixhaswe ilungelo lokusebenzisa, ulawulo nokuphathwa kwamaziko e-ECD egameni leBhunga kwiziza ezilandelayo, ngabafaki-sicelo abangezantsi apha:

linombolo zesiza	Abafaki-sicelo
32707	Hazendal Educare Centre
101900	Little Lillies Educare Centre
139741	Mighty Minds Educare Centre
22391	Avonwood Educare Centre
37990	Ecclesia ECD Centre
125376	Kiddies Educare Centre
28978	Leonsdale Educare Centre
32003	Sunshine Edu & Aftercare Centre
9623	Uvuyolwethu Enrichment Mnweba Centre
6173	Mfuleni ECD Centre
9140	Mustadafin Educare Centre
9563	Sing for Africa ECD Centre
13925	Dora Tamana Educare Centre
71	Cuddly Bear ECD Centre
180	Fisantekraal ECD Centre
16170	Shelley Street ECD Centre
13952	Sonwabile Educare Centre
11073	Amy Biehl Enrichment Centre
10536	Eulalie Stott Educare Centre
1914	Joyce Ndinisa Enrichment ECD Centre
4926	Ruth First Educare Centre
4062	Vukile Tshwete Enrichment Centre
107662	Jenny Morris
1201	Scorpio Educare Centre/ Radiance ECD Centre

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linombolo zesiza	Abafaki-sicelo
43094	Strandfontein Educare Centre
9167	The Aiden Rose ECD Centre
5872	Isibane Sethu Enrichment Centre

Ngokuxhomekeke, phakathi kwezinye izinto, ekuthotyelweni kwale miqathango ilandelayo:

- h) Makuhlawulwe umlinganiselo werenti ongama-R883 ngonyaka (ngaphandle kweRhafu-ntengo) elibalwe ngexabiso elijoliswe kwixesha elo lonaniselwano. IiRhafu zokuhlala azihlawulwa;
- i) Isivumelwano sezolawulo siyakuthi siqhubekeke isithuba seminyaka elishumi;
- j) Umlinganiselo werenti uyakuthi ulungelelaniswe rhoqo ngonyaka ngokungqinelana nesakheko samaxabiso njengoko siphunyezwe liBhunga;
- k) Ipropati mayisetyenziselwe kuphela imibandela yezophuculo labantwana abaselula;
- l) Ngokuxhomekeke kweminye imiqathango eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;
- m) Ngokuxhomekeke ekuthotyelweni kwayo nayiphina imimiselo engeminye yomthetho;
- n) Akukho mbuyekezo iyakuthi ihlawulwe ngalo naluphina uphuculo oluthe lwenziwa kwipropati.

## 7 EXECUTIVE SUMMARY

PURPOSE OF REPORT	To consider the application for the granting of rights for a period of 10 years to 27 ECD Centre Operartos listed below on behalf of the City of Cape Town:	
Property description	<i>Erf numbers</i>	<i>Applicants</i>
	32707	Hazendal Educare Centre
	101900	Little Lillies Educare Centre
	139741	Mighty Minds Educare Centre
	22391	Avonwood Educare Centre
	37990	Ecclesia ECD Centre
	125376	Kiddies Educare Centre

	28978	Leonsdale Educare Centre	
	32003	Sunshine Edu & Aftercare Centre	
	9623	Uvuyolwethu Enrichment Mnweba Centre	
	6173	Mfuleni ECD Centre	
	9140	Mustadafin Educare Centre	
	9563	Sing for Africa ECD Centre	
	13925	Dora Tamana Educare Centre	
	71	Cuddly Bear ECD Centre	
	180	Fisantekraal ECD Centre	
	16170	Shelley Street ECD Centre	
	13952	Sonwabile Educare Centre	
	11073	Amy Biehl Enrichment Centre	
	10536	Eulalie Stott Educare Centre	
	1914	Joyce Ndinisa Enrichment ECD Centre	
	4926	Ruth First Educare Centre	
	4062	Vukile Tshwete Enrichment Centre	
	107662	Jenny Morris	
	1201	Scorpio Educare Centre/ Radiance ECD Centre	
	43094	Strandfontein Educare Centre	
	9167	The Aiden Rose ECD Centre	
	5872	Isibane Sethu Enrichment Centre	
Current zoning	Community purposes		
Current usage	Educational purposes		
Proposed usage	Educational and Early Childhood Development Centre Programmes		
Public participation outcome summary	The application for the granting of rights was advertised in the Cape Argus and Die Burger on 16 November 2018. • <b>No objections were received.</b>		
<b>WARD CLLR</b>	<b>NOTICE DATE</b>	<b>WARD</b>	
1. Rashid Adams	Hazendal Educare Centre	15 November 2018	49
2. Mboniswa Chitha	IsabaneSethu Enrichment Centre	15 November 2018	35
3. Mogamat Cassiem	Little Lillies Educare Centre	15 November 2018	46
4. Anthony Moses	Mighty Minds Educare Centre	15 November 2018	44
5. Christopher Jordaan	Avonwood Educare Centre	15 November 2018	28
6. Mercia Kleinsmith	Ecclesia ECD Centre	15 November 2018	9
7. Angus McKenzie	Kiddies Educare Centre	15 November 2018	50
8. Franchesca Walker	Leonsdale Educare Centre	15 November 2018	26
9. Mercia Kleinsmith	Sunshine Edu & Aftercare Centre	15 November 2018	9

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10. Xolani Ndongeni	Uvuyolwethu Enrichment Mnweba Centre	15 November 2018	106
11. Thembisile Batembu	Mfuleni ECD Centre	15 November 2018	108
12. Thando Mpengezi	Mustadafin Educare Centre	15 November 2018	91
13. Roelof Mare	Sing for Africa ECD Centre	15 November 2018	14
14. Monde Mqulwana	Dora Tamana Educare Centre	15 November 2018	89
15. Simpiwe Nonkeyizana	Cuddly Bear ECD Centre	15 November 2018	6
16. Ruan Beneke	Fisantekraal ECD Centre	15 November 2018	105
17. Paddy Chapple	Shelley Street ECD Centre	15 November 2018	57
18. Babara Rass	Sonwabile Educare Centre	15 November 2018	32
19. Fikiswa Nkunzana	Amy Biehl Enrichment Centre	15 November 2018	34
20. Goawa Timm	Eulalie Stott Educare Centre	15 November 2018	76
21. Nokuthula Bolitye	Joyce Ndinisa Enrichment ECD Centre	15 November 2018	36
22. Fikiswa Nkunzana	Ruth First Educare Centre	15 November 2018	34
23. Sithembiso Mzobe	Vukile Tshwete Enrichment Centre	15 November 2018	75
24. Kevin Southgate	Little Bambinos Daycare Centre	15 November 2018	72
25. Simon Liell-Cock	Scorpio Educare Centre/ Radiance ECD Centre	15 November 2018	61
26. Elton-Enrique Jansen	Strandfontein Educare Centre	15 November 2018	43
27. William Akim	The Aiden Rose ECD Centre	15 November 2018	66
Viable	Yes	x	No
Recommended decision	Approval	x	Refusal
Regulation 34(1) In-principle approval	Granted by Director: Property Management in terms of delegated authority		

## 8 DISCUSSION/ CONTENTS

### 8.1 BACKGROUND:

The SDECD Department constructs new ECD Centres on Council owned land and maintain the existing Council owned ECD Centres. The Department also constructs different typologies of ECD centres depending on the yield of the portion of the land available. Recently the department decided to move away from brick and mortar to prefab structures in order to have greater reach and ensure ECD Services to more children.

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In line with the provisions of the Municipal Finance Management Act (MFMA), upon the completion of an open public participation process, SDECD concludes Facility Management Agreements (FMA) with appointed registered ECD NGOs to operate from Council owned ECD Facility.

27 FMAs that SDECD had with ECD Centres expired on 30 June 2018 and were re-advertised for ECD Centre operators. Following a competitive supply chain management process, 27 ECD centre operators were identified as successful operators for the below highlighted erfs:

AREA	ERF NUMBER	PHYSICAL ADDRESS	SUBURB	NAME OF ECD CENTRE
Central	32707	2 Kuils Road	Bokmakierie	Hazendal Educare Centre
	101900	Cnr Sabie & Scheidt Road	Manenberg	Little Lillies Educare Centre
	139741	36 Zuurberg Road	Heideveld	Mighty Minds Educare Centre
	22391	19 Multi-purpose Centre, Halt Road	Elsies River	Avonwood Educare Centre
	37990	4 Waterberry Street	Greenlands, Bellville South	Ecclesia ECD Centre
	125376	62 Camelia Street	Bonteheuwel	Kiddies Educare Centre
	28978	Cnr 14th Avenue & Norwood Road	Leonsdale, Elsies River	Leonsdale Educare Centre
	32003	Cnr Frank Louw and Stilwayney Crescent	Bellville South	Sunshine Edu & Aftercare Centre
	9623	67 Osmabeet Street	Delft South	Uvuyolwethu Enrichment Mnweba Centre
East	6173	356 T Tokwana Street. Extension 6	Mfuleni	Mfuleni ECD Centre
	9140	S830 Bida Street, Site B	Khayelitsha	Mustadafin Educare Centre
	9563	38 Luyolo Crescent	Happy Valley, Blackheath	Sing for Africa ECD Centre
	13925	N132 Ngqika Street	Khayelitsha	Dora Tamana Educare Centre
North	71	71 St. Joseph's Avenue	Scottsdene, Kraaifontein	Cuddly Bear ECD Centre
	180	180 Boy Briers Road	Fisantekraal	Fisantekraal ECD Centre
	16170	7 Shelley Street	Salt River	Shelley Street ECD Centre

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AREA	ERF NUMBER	PHYSICAL ADDRESS	SUBURB	NAME OF ECD CENTRE
South	13952	13252 Mbubu Street	Witsand, Atlantis	Sonwabile Educare Centre
	11073	454 Kobodi Street, Brown's Farm	Phillippi	Amy Biehl Enrichment Centre
	10536	C/o Merrydale and Sunflower Road	Lentegeur, Mitchell's Plain	Eulalie Stott Educare Centre
	1914	1914 Stulo Street	Crossroads	Joyce Ndinisa Enrichment ECD Centre
	4926	4926 Chris Hani Street	Philippi	Ruth First Educare Centre
	4062	7 Cnr Matthew Goniwe and Oliver Tambo	Weltevreden Valley, Samora Machel	Vukile Tshwete Enrichment Centre
	107662	Cnr Cradock Road & Concert blv	Retreat	Jenny Morris
	1201	Galaxy Close	Ocean View	Scorpio Educare Centre/ Radiance ECD Centre
	43094	37 Children's Way	Strandfontein	Strandfontein Educare Centre
	9167	28 Field Road	Lotus River	The Aiden Rose ECD Centre
	5872	5872 Ngqabe Road	Lower Crossroads	Isibane Sethu Enrichment Centre

No objections were received. These 27 ECD Centre Operators will enter into FMAs with the City in order to regularise the usage of these properties.

## 8.2 CONSULTATION WITH INTERNAL BRANCHES:

SDECD Department supports the use and management of the facilities by the applicants on the council's behalf.

SDECD consulted Property Management Department on advice regarding the Municipal Asset Transfer Regulations.

## 8.3 FACTORS MOTIVATING RECOMMENDATIONS:

8.3.1 The properties are currently being used for ECD programmes and the broader communities are benefiting from the services being offered

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Page 10 of 15



8.3.2 The use and management of the property by the ECD NPOs will relieve Council of the maintenance burden.

8.3.3 Better utilization of City property.

8.3.4 The service rendered by the applicant is of crucial importance to the community.

8.3.3 The Public Participation Process has been complied with.

#### 8.4 PUBLIC PARTICIPATION

The public participation and competitive processes ran parallel to each other and it was clear from the advertisement that it served two purposes; i.e. public participation and competitive process;

- The advertisement clearly stated that the City of Cape Town is considering entering into a FMAs with the 27 ECD Centre Operators.
- The public participation process complies with both the provisions of the MATR and Section 21 of the Systems Act.

Advertising	Cape Times & Burger	16 November 2018
	Prov & Nat Treasury	No comments received
	Notices to adj owners	No immediate adjacent owners affected
	Ward councilors	15 November 2018
	Subcouncil Chairs & Managers	15 November 2018
	Community organisation(s)	November - December 2018
Outcome	Objections	No
	Ward Councillors' support	Yes

#### 8.5 VALUATION

The ECD Centres will pay a nominal consideration equal to the tariff rental for social facilities of R 883 per annum excl. VAT. This nominal consideration equal to the tariff rental for social facilities will be subject to increase in accordance with the City's tariff structure as approved by Council and as may be amended from time to time.

#### 9.6 CONSTITUTIONAL AND POLICY IMPLICATIONS

9.6.1 The proposal complies with Section 14 of the Municipal Finance Management Act No.56 of 2003 in that the relevant branches of Council

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have confirmed that the land is not required for the provision of the minimum level of a basic municipal service.

9.6.2 Chapter C of Council's policy relating to the Management of certain of the City of Cape Town's Immovable Property (approved 26 August 2010), permits the leasing of immovable property.

## 9.7 FINANCIAL IMPLICATIONS

All costs involved in this transaction will be for the Applicant's account.

## 9.8 TAX COMPLIANCE

In terms of the City's Supply Chain Management Policy, approved by Council on 29 March 2017 (C22/03/17), paragraph 92.3 stipulates the City may not consider a bid or quote unless the bidder who submitted the bid or quote has submitted a valid tax clearance certificate certifying that the provider's tax matters are in order.

In terms of the City's Supply Chain Management Policy, approved by Council on 29 March 2017 (C22/03/17), paragraph 93 stipulates "Irrespective of the procurement process, the City may not make any award above R15 000,00 to a person who's tax matters have not been declared by the SARS to be in order."

Paragraphs 372 – 375 of the afore-mentioned policy deal with the sale and letting of City owned immovable property and are silent on the SARS requirement. Property Management adopted the principle as per paragraph 93 above and applicants need to submit a SARS clearance certificate or exemption certificate for the sale of all City Owned immovable property. Except for tariff based rentals, which do not exceed R15 000,00 all applicants need to submit a SARS clearance or exemption certificate for the leasing of City owned immovable property.

This transaction is tariff based and does not exceed R15 000,00 and as such the requirements for a SARS clearance or exemption certificate is not applicable.

## 9.9 FINANCIAL DUE DILIGENCE

The applicant's debt profile has been verified and it is confirmed that the debt profile is not in arrears.

## 9.10 SUSTAINABILITY IMPLICATIONS

Does the activity in this report have any sustainability implications for the City?

No ☒ Yes ☐



## 9.11 LEGAL IMPLICATIONS

### Regulation 36 of the MATR

In terms of the above Regulation, Council must take into account a number of factors (highlighted in bold) when considering any proposed granting of rights to use, control or manage municipal capital assets, and it is herewith confirmed that:

#### **Whether asset may be required for the municipality's own use during the period for which the right is to be granted**

Council's service branches confirmed that the asset is not required for provision of basic municipal services.

#### **Extent to which any compensation to be received, estimated value of improvements or enhancements to party the right is granted to will be required to make, economic or financial benefit to the City**

Council will receive a financial benefit in the form of a tariff based consideration annually. The ECD Centres will pay a consideration equal to the tariff rental for social facilities of R 883 per annum excl. VAT. This nominal consideration equal to the tariff rental for social facilities will be subject to increase in accordance with the City's tariff structure as approved by Council and as may be amended from time to time.

### Management of Risk

No operational or control risk to the City.

### Stakeholder comments and recommendations

The Director: Property Management, in terms of her delegated powers, has approved the public participation process as required, resulting in the proposed lease being advertised in the Cape Argus and Die Burger on 16 November 2018. Closing dates for objections were 7 December 2018. Copies of the advertisement were sent to the Ward Councillor, Manager and Chairperson of the relevant Sub-Council and registered local community organisations. No objections were received.

### Views from National and Provincial Treasury

In terms of Regulation 34 of the MATR the subject property falls within the category of a capital asset in respect of which the proposed right to be granted has a value less than R10 million and a period exceeding 3 years (Non-Significant Property Right). National and Provincial Treasury have been notified. No objections were received.

### Strategic, Legal and Economic Interests

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None of these interests will be compromised through the granting of the right to use, control or manage the asset. In fact, they will be supported.

**Compliance with Legislative Regime that is Applicable to Proposed Transfer or Disposal**

Granting of the right to use, control or manage the asset is compliant with the Municipal Finance Management Act, Municipal Asset Transfer Regulations and Council's policy on the management of certain of the City of Cape Town's immovable property.

**10. STAFF IMPLICATIONS**

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No ☒

Yes ☐

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APPLICANT


Page 14 of 15





FOR FURTHER DETAILS CONTACT:

NAME	ABIGAIL JACOBS – WILLIAMS
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DIRECTORATE	SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (SDECD)
FILE REF NO	

  
MANAGER: SOCIAL DEVELOPMENT AND EARLY  
CHILDHOOD DEVELOPMENT (SDECD)-  
CENTRALIZED OPERATION, PROGRAMMES AND PMO

NAME

NAZLIE DU TOIT

DATE

1/05/2019

Comment:

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Page 15 of 15