

MINUTES

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN
HELD IN THE COUNCIL CHAMBER, 6th FLOOR, PODIUM, CIVIC CENTRE, CAPE
TOWN ON THURSDAY, 26 JANUARY 2023 AT 10H00.**

MEMBERS PRESENT:

Cllr M F Achmat (AJ)	Cllr D C De Vos (ACDP)	Cllr M R Kleinschmidt (DA)
Cllr F Adams (CCC)	Cllr P W De Vos (DA)	Cllr M Kleinsmith (DA)
Cllr R Adams (DA)	Cllr X D Diniso (ANC)	Cllr C Kobeni (DA)
Cllr M Adonis (DA)	Cllr S S Duka (ANC)	Cllr N F Kopman (ANC)
Cllr N R Adonis (DA)	Cllr P East (DA)	Cllr A E Kuhl (DA)
Cllr F K Ah-Sing (DA)	Cllr A Z M I Elyas (DA)	Cllr E Langenhoven (DA)
Cllr W Akim (DA)	Cllr C J Esau (DA)	Cllr A Lansdowne (DA).
Ald E Andrews (DA)	Cllr F Essack (DA)	Cllr U F Lasiti (DA)
Cllr E Anstey (DA)	Ald G Fourie (DA)	Cllr T A Le Goff (DA)
Cllr R Arendse (DA)	Cllr P Francke (DA)	Cllr S Liell-Cock (DA)
Cllr S F August (GOOD)	Cllr C V Franklin (DA)	Cllr A G Lightburn (DA)
Cllr D Badela (ANC)	Cllr S Frenchman (CCC)	Ald X T Limberg (DA)
Cllr Z A Badroodien (DA)	Cllr A Gabuza (ANC)	Cllr E Linde (DA)
Cllr U M Barends (DA)	Cllr M Gadeni (ANC)	Cllr S A Little (GOOD)
Ald A J G Basson (DA)	Cllr G E Gordon (DA)	Cllr F P Lombard (DA)
Cllr A M Benadie (DA)	Cllr A J Griesel (DA)	Cllr N Lombi (ANC)
Cllr R Beneke (DA)	Cllr N E Grose (DA)	Cllr A C Louw (GOOD)
Cllr M Booï (DA)	Cllr L A Gungxe (ANC)	Cllr M Mabungani (ACDP)
Cllr P N Booï (EFF)	Cllr K W Gxasheka (ANC)	Cllr E M Madikane (ANC)
Cllr S S Booysen (DA)	Cllr B Hansen (DA)	Cllr B M Majingo (ANC)
Cllr N A Botya (EFF)	Cllr W Harris (DA)	Cllr M S Makuwa (ANC)
Cllr R Bresler (DA)	Cllr P G Helfrich (DA)	Cllr M Manuel (DA)
Ald C A Brynard (CIP)	Cllr A Hendricks (AJ)	Cllr B B Maqungwana (UDM)
Cllr R C Cameron (DA)	Cllr P Hendricks (PA)	Cllr G P Marais (FF Plus)
Cllr R W Cannon (DA)	Cllr P C Heynes (ANC)	Cllr K Maré (DA)
Cllr K R Carls (DA)	Cllr F Higham (DA)	Cllr S G Markgraff (GOOD)
Cllr H Carstens (DA)	Executive Mayor G G Hill-Lewis (DA)	Cllr M J Marr (DA)
Cllr A Cassiem (EFF)	Cllr T Jackson (DA)	Cllr L Martin (ANC)
Cllr M A Cassiem (DA)	Cllr M R Jacobs (ARA)	Cllr J Martlow (DA)
Cllr C Cerfontein (DA)	Cllr B M Jacobs (DA)	Cllr D Z Masiu (DA)
Ald P H Chapple (DA)	Cllr D G Jacobs (CCC)	Cllr N Matutu (ANC)
Cllr M N Chitha (ANC)	Cllr P S Jacobson (FF Plus)	Cllr L H Max (FF Plus)
Cllr K A Christie (DA)	Ald W D Jafftha (DA)	Cllr P Maxiti (DA)
Cllr B Clarke (DA)	Cllr A Jansen (DA)	Cllr L Mazwi (EFF)
Cllr G J Classen (ARA)	Cllr E Jansen (DA)	Cllr S Mbandezi (DA)
Cllr D G Cottey (ANC)	Cllr C Janse van Rensburg (DA)	Cllr L N Mbiza (ANC)
Cllr J Cupido (GOOD)	Ald C Jordaan (DA)	Cllr A P McKenzie (DA)
Cllr M Dambuza (EFF)	Cllr N Jowell (DA)	Cllr I P McMahon (DA)
Cllr A Davids (CCC)	Ald C R Justus (DA)	Cllr B Mei (EFF)
Cllr R Davids (DA)	Cllr K Kama (ANC)	Cllr T M Mjuza (ANC)
Cllr A C De Beer (UIM)	Cllr A Kay (CIP)	Cllr M A Mkutswana (ANC)
	Ald M L Kempthorne (DA)	Cllr Y Mohamed (DA)

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Cllr T Mokhatshi (DA)	Cllr M J Sampson (PA)	Ald J Vos (DA)
Ald S Moodley (DA)	Cllr N Satarien (CCC)	Cllr F C Walker (DA)
Cllr T Mpengezi (ANC)	Cllr F A Sauls (DA)	Cllr C M K Wannenburg (GOOD)
Cllr L M Mqina (ANC)	Cllr E Sawant (DA)	Ald B R W Watkyns (DA)
Cllr N Mvinjelwa (DA)	Cllr M M Sibunzi (DA)	Cllr N Williams (CCC)
Cllr S Ndamane (PAC)	Cllr C C Siebritz (DA)	Cllr J J Witbooi (DA)
Ald I D Neilson (DA)	Cllr L Simangweni (ANC)	Cllr J Woodman (DA)
Cllr D Nelson (DA)	Ald J P Smith (DA)	Cllr B Yeko (EFF)
Cllr B Ngcombolo (ANC)	Cllr J Solomon (DA)	Cllr S Zumana (ANC)
Cllr D Ngubelanga (AIC)	Cllr L Somdaka (ANC)	
Ald M Nieuwoudt (DA)	Cllr N P Sono (PA)	
Cllr M Nikelo (DA)	Cllr L P Sonyoka (ANC)	
Cllr S Nodliwa (ANC)	Cllr Z W Sophazi (ANC)	
Cllr M L Nqavashe (DA)	Ald X R Sotashe (ANC)	
Cllr L Ntshuntshe (EFF)	Cllr K Southgate (DA)	
Cllr N A Ntshweza (ANC)	Cllr S L Stacey (DA)	
Cllr A Ntsodo (DA)	Cllr N R E Sukers (ACDP)	
Cllr T Nyamakazi (ANC)	Cllr Z Sulelo (DA)	
Cllr G D Paige (ACDP)	Cllr P S Swart (DA)	
Cllr B L Payiya (ANC)	Cllr S Taliep (DA)	
Cllr G C Peck (DA)	Cllr P P Tause (ANC)	
Cllr X G Peter (ANC)	Cllr M Temlett (DA)	
Cllr M Petersen (DA)	Cllr H P Terblanche (DA)	
Cllr L Phakade (ANC)	Cllr A Tetani (ANC)	
Cllr S Philander (DA)	Cllr S C Thompson (ANC)	
Cllr T I Pimpi (ANC)	Ald T Thompson (DA)	
Cllr A Plaatjies (DA)	Cllr G Timm (DA)	
Cllr C Pophaim (DA)	Ald G Twigg (DA)	
Cllr A J Potts (DA)	Cllr N V Tyandela (EFF)	
Ald S Pringle (DA)	Ald T Uys (DA)	
Cllr C B Punt (DA)	Cllr B van der Merwe (DA)	
Ald F Purchase (DA)	Ald J F H van der Merwe (DA)	
Cllr R M Quintas (DA)	Ald A van der Rheede (DA)	
Cllr M H Raise (DA)	Cllr P E van der Ross (DA)	
Cllr A Richards (PA)	Cllr B van Reenen (DA)	
Cllr S Rigby (DA)	Cllr A van Zyl (DA)	
Cllr N Rheeder (DA)	Cllr R Viljoen (DA)	
Ald S Rossouw (DA)	Cllr D Visagie (DA)	
Cllr S Salie (AJ)	Cllr C L Visser (DA)	
	Cllr J Visser (DA)	

APOLOGIES

Cllr A Adams (DA)
Cllr Y Adams (CMC)
Cllr E Botha-Rossouw (FF Plus)
Cllr D Christians (DA)
Cllr M Christians (ACDP)
Cllr T Gqada (DA)
Cllr G Haskin (ACDP)

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Cllr G V Joachims (GOOD)
Cllr M Joseph (GOOD)
Cllr N Makasi (ANC)
Cllr M Manuel (CCC)
Cllr P I Marman (GOOD)
Cllr N W McFarlane (DA)
Cllr A Moses (DA)
Cllr P S Mzolisa (DA)
Cllr Z L Qoba (ANC)
Cllr J N Stevens (ANC)
Cllr N Stuurman (EFF)

ABSENT

The following Councillors were absent without an apology:

Cllr A Adams (DI)

The following Councillor submitted an apology for late arrival:

Cllr P East (DA)

The following Councillors submitted an apology for leaving early:

Ald A J G Basson (DA)
Cllr P N Booï (EFF)
Cllr S S Booysen (DA)
Cllr A Cassiem (EFF)
Cllr M Dambuza (EFF)
Cllr A E Kuhl (DA)
Cllr S Liell-Cock (DA)
Cllr L Martin (ANC)
Cllr T Mpengezi (ANC)
Cllr L M Mqina (ANC)
Cllr L Ntshuntshe (EFF)
Cllr N V Tyandela (EFF)
Cllr B Yeko (EFF)

PRESENT

Executive Management Team

Mr L Mbandazayo	-	City Manager
Mr K Jacoby	-	Chief Financial Officer
Mr E Sass	-	ED: Corporate Services
Ms D Campbell	-	ED: Urban Mobility
Ms N Gqiba	-	ED: Human Settlements
Ms Z Mandlana	-	ED: Community Services & Health
Ms R Gelderbloem	-	ED: Economic Growth
Mr V Botto	-	ED Safety & Security
Mr M Webster	-	ED: Water & Sanitation

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Executive Committee Services

Ms L Ndaba - Acting Director: Executive & Councillor Support Operations
Mrs R Razack - Manager : Executive Committee Services
Mr M Carolus
Ms J Cooper
Ms C France
Mr E Fray
Mr G Josephs
Mrs A Kline
Ms M Levendall
Ms L McGregor
Mr N Meissenheimer
Ms L von Molendorff

Legal Services

Ms R Sayed
Mr Z Mohamed

LIST OF ACRONYMS FOR INFORMATION

SEATS

ACDP	- African Christian Democratic Party	6
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	3
ANC	- African National Congress	43
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	7
CAPEXIT	- Cape Independence Party	2
CMC	- Cape Muslim Congress	1
DA	- Democratic Alliance	134 (1 vacancy)
DI	- Democratic Independence	1
EFF	- Economic Freedom Fighters	10
FF Plus	- Freedom Front Plus	4
GOOD	- GOOD	9
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	1
Total		230 (1 vacancy)

SECTION 1 OPENING OF MEETING

Council Minutes: 26 January 2023 (Final Copy)

The Speaker, Ald F Purchase welcomed all Councillors, officials, guests, the media and the public connected via the YouTube Livestream.

A special welcome was also extended to the representatives of the Auditor-General's Office.

A moment of silence was observed.

Councillors were called upon to register their attendance electronically.

SECTION 2 MAYORAL ADDRESS

The Speaker called on the Executive Mayor, Ald G Hill-Lewis to address Council, as follows:

"Speaker, City Colleagues, Members of the public and guests, Members of the media, Good morning, Molweni, Goeiemore, Assalamu alaikum. As Council reconvenes, I wish you all a very blessed 2023.

As we mark the beginning of a new year, we also know that South Africa faces great and growing challenges – challenges that threaten our nation's economy, the livelihoods of so many, and threaten our hopes for the future. At times of great peril, anxiety and fear, it is perhaps important just to remind ourselves what it is that we are trying to do here, and how important our work is. There are so many in our country only in public office for personal gain. But in Cape Town our purpose in government is for the public's gain.

Our purpose is simple to express: We want Cape Town to be a "city of hope" in South Africa. A place that shows that South Africa can work, despite all of the evidence to the contrary. We aim to lift people out of poverty and into work. We aim to make our city safer for every resident. We aim to set the highest standards for basic service delivery in the whole country, to be honest when we do not live up to this standard, and do better. We aim to drive out, and keep out, the pervasive sense of failure and decline that has crept in to the streets, homes and hearts of so much of our country. We aim to show every resident – particularly the poorest residents – that they are cared for by a government committed to seeing their lives improve.

In Cape Town, we hope to show the difference that good governance makes, and to be that beacon of hope, so that in time, our country can thrive.

In that vein, today is an important day as we:

- update residents and Council on the details of our three-phase procurement plan for load-shedding protection;*
- table the City's over-arching spatial policy to drive meaningful economic growth and unstitch apartheid's spatial legacy in our city;*
- and*

- *adopt Adjustment Budget shifts to make Cape Town more resilient in the face of unbridled national state failure*

We also have the City's 2021/22 Annual Report on the agenda. I hope that Council will join me in celebrating the 'Clean Audit' opinion from the Auditor General. My thanks go to every dedicated official who gets up every day to serve Capetonians with pride and integrity, as we build the City of Hope for all. Improving the audit outcome to clean audit status is no easy task, and is not achieved in one year. It has been a multi-year project. I wish to give special honourable mentions to Cllr Siseko Mbandezi, Ald Ian Neilson, Mayor Plato, Cllr Yagyah Adams, Cllr Siva Moodley, and the members of the Municipal Public Accounts Committee, as well the Chief Financial Officer, Mr Jacoby, and his entire budgets and audit team, the project management, contract management, engineering support and the procurement teams; and finally the City Manager, Mr Mbandazayo. They all deserve a round of applause.

Here in Cape Town, unlike in so many other places, the public can rest assured that their money is being well stewarded for broad public benefit, and particularly in service of the poorest residents. We will never allow the mismanagement and corruption that has brought South Africa to its knees to ever get a foothold here. Wherever we see it, we will cut it out without hesitation. Make no mistake, a clean audit is not the beginning and the end of the work of government. But excellence in governance and sound financial management is a pre-requisite for excellence in delivery for all. It is also a pre-requisite for growing public confidence in a government and in a city, province or country. When people know that services are delivered to all, when money is well spent, they tend to vote with their feet, before voting with their pens. The Financial Mail last week posed the question on its cover, "The great semigration: should you join the exodus to Cape Town?"

Of course we are aware of the record numbers of people that want to move their homes and their businesses to Cape Town. And we see it as a huge vote of confidence in our City. It is fantastic that people are choosing to move here instead of emigrating to other countries. So we say: bring your skills and set up your businesses here. Help us to grow the local economy and create new jobs to help people into work and out of poverty over time. We won't accept as our destiny, the ubiquitous state failure we see every day - on policing, on rail, in the economy, on electricity, in our ports, in our post offices, and more.

But in this long litany of failure, the failure of our national government to ensure a reliable power supply is the most glaring, and the most devastating. On Sunday, Eskom projected that South Africa will be placed on permanent stage 2 or 3 load shedding for the next two years. Last week we hit stage 6 load-shedding – more than eight hours a day without power. Load-shedding is at its worst since rolling blackouts started in 2008, and we are still in the height of summer. Stage 8 has become a realistic prospect in the winter months ahead. President Ramaphosa cancelled his trip to Davos apparently to deal with the crisis,

but was unable to give South Africa any reassurance that there was a serious plan. He did announce that he would bring back Eskom engineers who were pushed out years ago. But we have to ask: why were they pushed out in the first place?

He also announced that government would start importing power from neighbouring countries. What an embarrassment that it has come to that. Otherwise, the President said, his hands are tied up in red tape: "When we are now supposed to do things, there is this regulation, law and processes. When Eskom has to buy a boiler, they have to go to Treasury and get permission, it is a long process." Of course he is correct. But he is also the President. He has the power to untangle this bureaucracy. Indeed, we have seen no meaningful achievements by the Red Tape Unit set up in the Presidency, and announced in February 2022. Crucially, the President has retained an Energy Minister who has failed to advance new power generation procurement, and succeeded only in bullying the Eskom CEO out of his office. Incredibly, Eskom has still not begun the recruitment process to replace Mr de Ruyter – despite having received his resignation in mid-December. This means Eskom will almost certainly be without a CEO from March, just as the colder months start to bite and the demand for power goes up.

I am afraid that the President's lack of firm leadership does not bode well. And it pains me to say that he has utterly failed to confront the crisis with any sense of urgency. Here in Cape Town, we will not go gently into that good night, as the Welsh poet Dylan Thomas famously wrote; we will rage, rage against the dying of the light. We will not be forever wedded to Eskom's dwindling supply alone. We will seek our own independent supply. We will not be forever wedded to their crushing, hyper-inflationary increases, even as families struggle to make ends meet in this load-shedding-shattered economy. We look forward to a future of cheaper renewable power meaning cheaper power for consumers. Kwanele ngoEskom, sikhangelana iinkampani ezino-kusithengi-sela umbane nge-xabiso eli-phantsi. [Enough with Eskom, we are searching for companies who can sell us cheaper electricity.]

We will not accept thriving businesses going bust and laying off workers. We will not accept powerless households struggling to keep their last food edible, their vital appliances from breaking, and their children prepared for school. We won't accept the damage to infrastructure – to sewer and water systems – nor the rising theft of state and private property under the cover of darkness. We won't accept that the billions looted from Eskom through state capture and cadre deployment – is the ball and chain that sinks us all. We won't go gently into that dark night.

And so Speaker, it is with a sense of renewed determination, that I can update residents and Council on the detail of our three-phase procurement for Load-shedding Protection, with the goal of protecting residents from the first four stages of Eskom's load-shedding. Dit is ons doelwit om Kaapstad teen beurtkrag te beskerm totdat Eskom fase 5 bereik.

Eers dan sal ons moontlik fase 1-beurtkrag hoof in te stel in gebiede waar die Stad krag voorsien. Ons beoog om beurtkrag mettertyd heeltemal af te skaf. We have already made much progress on the first of our three-phase procurement for Load-shedding protection, with a 200MW procurement of renewable energy concluded last year. Tenders are to be awarded in the coming months, with the procurement now in the evaluation phase of technical proposals received from IPPs. I can also confirm that we are working with the Centre for Scientific and Industrial Research (CSIR) on grid integration studies to determine when and where these IPPs will feed power into Cape Town's grid.

The second of the three-phase procurement for load-shedding protection takes the form of our Power Heroes programme. The initiative is based on paying residents incentives for voluntary energy savings, which will entail automated remote switching off of power-intensive devices at peak times. The 'demand response tender' for this programme, launched in October last year, is currently in evaluation phase, and will also be awarded within the coming months. Finally, the third phase of procurement will be launched this February. This will take the form of a Dispatchable Energy tender, expected to yield at least 500MW for our grid. This tender will not only focus on renewable energy, as the first phase of our Load-shedding Protection Plan did, but will include all-important dispatchable technologies, such as battery storage and gas to power. These power sources need to generate power for a significant portion of the day to support our load-shedding protection efforts. Importantly, these dispatchable supply sources need not be located in a City-supply area. We are expecting enough progress on this 3-Phase procurement – and our other deliverables – to provide at least four stages of load-shedding protection within three years. Procuring 500MW will go a long way to ending load shedding over time, given that a single load-shedding stage requires the City to shutdown around 60MW.

We will add future phases to this plan in time, potentially including more renewables procurement and utility-scale battery storage. Last February I first set out this plan to end load shedding over time. Nearly a year on, two major tenders have been issued, have closed, and are in assessment phase; and the biggest one will be issued in a matter of weeks. Spread the word: if you have a dispatchable power project, you better get ready to submit a bid to the City of Cape Town when our tender opens! We are on track for the plan we set out last year. We are also doing what we must to keep our municipal generation projects in good order, including an additional allocation today for the extra maintenance of Steenbras which is working overtime.

But we're not only buying power from big utility-scale IPPs. We're also buying power from every private resident who wants to sell it to us, and from every business, or school, who wants to sell it to us. Last week we obtained an essential exemption from National Treasury allowing us to avoid the competitive bidding processes to buy power from households and businesses. Now there is no obstacle in our way to actually paying customers for as much excess power as they can produce. The message

is clear: If you've got kilowatts to sell, we want 'em all. And if you want to be paid cash for your power, now you can be – just tell us if you want it by EFT, e-wallet, SnapScan, or Apple Pay. But seriously, this is a first in South Africa, and demonstrates both our commitment to ending load shedding over time, and to being a centre of innovation on the continent. Cash Payments to commercial customers will be possible before June and, within the year, for any Capetonian with the necessary City-approved generation capacity. We will also pay these customers an incentive over and above the NERSA-approved tariff. This is a great time for Capetonians to go solar. This is what we mean when we say #PowertothePeople. And this is the difference: In one case, you pay higher prices and you get even less power and more load-shedding. And in the other case, we pay you for your power, and, together, we end load shedding over time.

Adjustment Budget

Speaker, today we table the adjustment budget, which takes a range of resilience measures to protect our city from national state failure. The budget includes R117 million for fuel – driven by rising diesel costs and the need to constantly run generators to keep basic services infrastructure going. We are further buying generators worth over R17m, as we steadily install back-up power at our critical facilities. An amount of R20 million is set aside for additional maintenance at Steenbras to keep this load-shedding protection facility in tip-top shape. There are several further items in the budget relating to security from theft and vandalism at City facilities, as well as at construction sites, to prevent the derailing of projects due to safety threats.

National Government failure is not the only external factor impacting on the City, and we are also increasing our resilience to climate change, with R6.6m being invested in coastal infrastructure to protect the city against beach erosion, storm surges and sea level rise. There is also provision for year-on-year growth in the budget for water infrastructure over 3 years as part of our New Water Programme to diversify supply sources. Besides these resilience measures, there are several items to enhance services, including:

- R33m for mowing requirements*
- R16m for top-up cleaning on main arterial routes and CBDs*
- R35m for the pothole repair programme, with R100m more to come in the main budget*

The budget further reflects our ease of doing business agenda, with R10.8m more to improve the online Development applications system – known as DAMS. Finally, it is of great encouragement to announce that this R32m writedown in capital spending – at just 0,19% of capex budget – is the smallest in history. Importantly, the writedown results from technical changes in the timelines on bridging finance from national government to Urban Mobility, and not due to poor planning or execution of infrastructure delivery.

We said last year that capital budgets must be spent – it is the first job of a city to be constantly investing in critical infrastructure, and caring for that which we have.

Municipal Spatial Development Framework (MSDF)

Speaker, on Council's agenda today is the Municipal Spatial Development Framework (MSDF), the over-arching spatial policy of our city, alongside the various district spatial plans. This is a major five-year update, and replaces the 2018 MSDF. The MSDF and district plans – a result of extensive public participation – represent our policy efforts to deliver transit-oriented densification. It also sets the framework for more affordable housing, close to economic activity, along public transport routes. It encourages development in the urban core, and furthers our project of breaking down apartheid's spatial legacy, which still casts such a long shadow. This includes various important economic nodes, from the Inner City, Century City, Tygervalley, Mitchells Plain, Khayelitsha, Phillippi, Atlantis, Somerset West, and Cape Town's second CBD and major public investment project, Bellville. We are also pursuing the regeneration of underperforming inner-city business nodes such as Salt River, Maitland, Goodwood, Parow and Athlone.

In closing, we look forward to our second full year in office ahead. We are determined to deliver on our priorities of ending load shedding over time, making Cape Town safer, cleaning up our waterways and public places, releasing more land for affordable housing, fighting for the control of rail, doing the basics better and investing in infrastructure, and working to grow the economy to help more people into jobs and out of poverty over time. I thank you.”

SECTION 3

Cllr F Adams (CCC) was given an opportunity to direct a question to the Executive Mayor in terms of Rule 11.2 after the Mayoral address. During this time, Cllr Adams made certain unbecoming comments in the Chamber directed at another councillor. The Speaker directed Councillor Adams to withdraw his comments, in terms of Rule 28.3. Despite the Speaker continuously calling the councillor to order and issuing the required caution in terms of the Rules, Cllr Adams refused to comply with the Speaker's instruction.

The Speaker requested the Councillor on numerous occasions to leave the Chamber, and on his refusal to do so, ordered his removal from the Chamber in terms of the Rules of Order.

The meeting was adjourned at 10:50, during which time Cllr F Adams (CCC) was escorted out of the Chamber for the remainder of the meeting.

The meeting reconvened at 11H00 and Councillors were requested to re-register their attendance.

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C 02/01/23 APOLOGIES / LEAVE OF ABSENCE

The Chief Whip of Council, Cllr D Visagie announced the applications for leave of absence as listed below.

RESOLVED that the following applications for leave of absence as announced by the Chief Whip, **BE NOTED**:

Cllr A Adams (DA)
Cllr Y Adams (CMC)
Cllr E Botha-Rossouw (FF Plus)
Cllr D Christians (DA)
Cllr M Christians (ACDP)
Cllr T Gqada (DA)
Cllr G Haskin (ACDP)
Cllr G V Joachims (GOOD)
Cllr M Joseph (GOOD)
Cllr N Makasi (ANC)
Cllr M Manuel (CCC)
Cllr P I Marman (GOOD)
Cllr N W McFarlane (DA)
Cllr A Moses (DA)
Cllr P S Mzolisa (DA)
Cllr Z L Qoba (ANC)
Cllr J N Stevens (ANC)
Cllr N Stuurman (EFF)

ACTION: L KELLEEM

SECTION 4 ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that there would be no catering for Council and its Portfolio Committees, due to cost containment measures. She informed Councillors that the Banqueting Hall would be available to sit down during the lunch-break and that no eating would be allowed in the Council Chamber.

SECTION 5 OFFICIAL NOTICES / URGENT MATTERS

There were no official notices or urgent matters raised.

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C 03/01/23 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 8 DECEMBER 2022

RESOLVED that the minutes of the ordinary Council meeting held on 8 December 2023, be confirmed, subject to the following corrections:

Pg 8 MEMBERS ABSENT WITHOUT AN APOLOGY

The names of Cllrs N F Kopman (ANC), L M Mqina (ANC), A Tetani (ANC) and A Benadie (DA) be listed under the heading: "APOLOGIES."

Pg 21 - It be noted that 7 ~~(8)~~ Councillors of GOOD were present at this meeting.

ACTION: N MEISSENHEIMER

At this stage, the Speaker, Ald F Purchase (DA) announced that the following items were agreed on by the respective political parties at the Whips' meeting:

Volume 3 - Items 15, 19, 20, 21A and 21B

Volume 4 - Items 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 [Reports for information and noting.]

Volume 5 - Items 40 and 41. [Reports for information and noting.]

GOOD indicated that in-principle they agreed on Items C07, C09, C13, C21, C28 and C36, but with concerns.

207 Councillors participated when this announcement was made.

It also be noted that the following totals of Councillors from the respective Political Parties present at the meeting were taken into account when the decisions were taken by Council:

ACDP	- African Christian Democratic Party	4
AIC	- African Independent Congress	1
AJ	- Al Jama-ah	3
ANC	- African National Congress	33
ARA	- Africa Restoration Alliance	2
CCC	- Cape Coloured Congress	6
CAPEXIT	- Cape Independence Party	2
CMC	- Cape Muslim Congress	0
DA	- Democratic Alliance	124
DI	- Democratic Independence	0
EFF	- Economic Freedom Fighters	9
FF Plus	- Freedom Front Plus	3

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GOOD	- GOOD	6
PA	- Patriotic Alliance	4
PAC	- Pan Africanist Congress of Azania	1
UDM	- United Democratic Movement	1
UIM	- United Independent Movement	1

The Speaker announced that Items C04 to C06 would be clustered for debate and that the decisions would be recorded separately.

At this stage, the Executive Mayor tabled Items C04 to C06 for consideration.

C 04/01/23 2022/23 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT

RESOLVED that:

- (a) it be noted that the mid-year budget and performance assessment report was considered in terms of Section 54 and 72 of the MFMA
- (b) an adjustments budget (January 2023 adjustments budget) be proposed based on the financial outcomes indicated in annexure A to the report on the agenda.

[The AIC, CCC, EFF, PA and PAC recorded their votes against the above decision.]

ACTION: C STROUD, N ISHMAIL, K JACOBY

C 05/01/23 ADJUSTMENTS BUDGET: 2022/23 FINANCIAL YEAR

The Executive Mayor, Ald G Hill-Lewis tabled the adjustments budget for the 2022/23 financial year during his Mayoral Address and highlighted the reasons for the adjustment budget and the changes to the capital – and operating budgets.

The recommendation as per the agenda was put to the vote, with a majority vote in favour of the recommendation.

The recommendation as per the agenda was therefore carried.

RESOLVED that:

- (a) In terms of section 28 of the MFMA, the amendments proposed for incorporation into the 2022/23 adjustments budget (January 2023), as contained in Annexure A to the report on the agenda, be adopted
- (b) The January 2023 adjustment budgets be further adjusted by:
 - (i) Appropriation of R1 002 866 on the capital budget within the Safety & Security Directorate for the 2022/23 financial year as

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shown in the table below, as it relates to amendments on the Public Transport Safety Grant:

Approval Object	Approval Object Description	WBS Element	WBS Element Description	Funding Source	Increase / (decrease) amount 2022/23	Motivation
CPX/0000744	Firearms & related Equipment: Additional	CPX.0011203- F3	Firearms & related Equipment: Add FY23	4 PGWC Rail Safety	308 000	Funding required for the procurement of firearms linked to the Public Transport Interchange project where additional staff requiring firearms will be appointed.
CPX/0001314	Radios: Additional	CPX.0011216- F3	Radios: Additional FY23	4 PGWC Rail Safety	330 000	Funding required for the procurement of radios linked to the Public Transport Interchange project where additional staff requiring radios will be appointed.
CPX/0030848	EPIC Devices: Additional	CPX.0031433- F2	Handheld Mobile EPIC Devices: Add FY23	1 EFF: 2	-220 224	Funding transferred to CPX.0031433-F3 due to not all positions being filled within the directorate and devices procured can be utilised for the Public Transport Interchange project. Budget provision will be made in the 2023/24 draft budget for procurement of additional devices.
CPX/0030848	EPIC Devices: Additional	CPX.0031433- F3	Handheld Mobile EPIC Devices: Add FY23	4 PGWC Rail Safety	585 090	Funding required for the procurement of devices linked to the Public Transport Interchange project where additional staff requiring devices will be appointed.
Total capital amendment					1 002 866	

- (ii) An increase of R21 million on Public Transport Safety Grant funded ex WCG within Urban Mobility Directorate (R19.8 million) and Safety & Security Directorate (R1.2 million) for establishing a Public Transport Facilities Enforcement detail to ensure efficient and effective enforcement services in identified high-volume and high-risk public transport facilities in aid of improved commuter safety. To be allocated to both revenue and expenditure as follows:

Expenditure

Cost Centre	Cost Element	Cost Element Description	Amount
19070169	453260	Security Services Other	19 776 910
18040008	480630	Transfer to / from FDR : Capital Receipts - GGRP	308 000
18040016	480630	Transfer to / from FDR : Capital Receipts - GGRP	330 000

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18040076	480630	Transfer to / from FDR : Capital Receipts - GGRP	585 090
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Revenue

Profit Centre	Profit Element	Profit Element Description	Amount
P19070169	856300	Grant: Prov: Conditional	19 776 910
P18040008	855410	Capital GGR - Provincial	308 000
P18040016	855410	Capital GGR - Provincial	330 000
P18040076	855410	Capital GGR - Provincial	585 090

- (iii) An increase of R300 000 on Western Cape Financial Management Capability Grant within Corporate Services Directorate to support municipalities and improve their financial management capabilities. To be allocated to both revenue and expenditure as follows:

Expenditure

Cost Centre	Cost Element	Cost Element Description	Amount
13010008	411450	Bursaries: Non Employees	300 000

Revenue

Profit Centre	Profit Element	Profit Element Description	Amount
P13010008	856300	Grant: Prov: Conditional	300 000

- (iv) A reduction of R26 million on the Primary Health Care Grant within Community Services & Health Directorate. The detail of changes on both revenue and expenditure are reflected in the table below:

Cost/Profit centre	Cost Centre Description	Cost element	Cost Element Description	Revenue Element	Revenue Element Description	Reduction amount
18070021	Health Management: Northern Sub District	414410	Vaccines	856300	Grants : Prov Conditional	2 970 613
18070060	Health Management: Klipfontein Sub-District	414410	Vaccines	856300	Grants : Prov Conditional	3 421 589
18070072	Health Management: Tygerberg Sub-District	414410	Vaccines	856300	Grants : Prov Conditional	4 726 737

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18070085	Health Management: Khayelitsha Sub-District	414410	Vaccines	856300	Grants : Prov Conditional	3 316 061
18070176	HIV / AIDS / TB Coordination	659110	Labour to Operating	856300	Grants : Prov Conditional	2 309 000
18070000	Health: Management	413320	Pharmaceutical Supplies	856350	Grants : Prov Unconditional	9 256 000
Total Reduction						26 000 000

- (v) An increase of R6 million on School Resources Officers Programme funded ex Provincial Government within the Safety & Security Directorate to be allocated to both revenue and expenditure as follows:

Expenditure

Cost Centre	Cost Element	Cost Element Description	Amount
18040016	401200	Non-Permanent Staff	6 000 000

Revenue

Profit Centre	Profit Element	Profit Element Description	Amount
P18040016	856500	Grants : PCDR (Conditional)	6 000 000

- (vi) The total project cost on CPX.0023251-F1 Green Point Precinct Road Upgrades be increased by R2,7 million to R39 555 804, which is still below the original envisaged total project cost of R44 085 293.
- (c) The relevant legislated MBRR Schedule B tables be amended after Council approval but before the submission of the adjustment budget documentation to National Treasury.
- (d) The January 2023 adjustment budgets be further adjusted by:
- (i) Appropriation of R17 000 000 on the capital budget within the Corporate Services Directorate for the 2022/23 financial year as shown in the table below:

Approval Object	Approval Object Description	WBS Element	WBS Element Description	Funding Source	Increase / (decrease) amount 2022/23
CPX/0030590	Load-shedding impact alleviation	CPX.0035368-F1	Installation of Inverters	1 EFF: 2	17 000 000

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- (e) the relevant legislated MBRR Schedule B tables be amended after Council approval but before the submission of the adjustment budget documentation to National Treasury.

[The CCC, EFF, PA and PAC recorded their votes against the above decision.][The ANC abstained and GOOD supported the decision with concern]

ACTION: C STROUD, K JACOBY

C 06/01/23 **TABLING OF THE CITY'S INTEGRATED ANNUAL REPORT FOR 2021/2022**

Cllr S Mbandezi (DA) presented the changes to the annual financial statements on the City's Integrated Annual Report, as follows:

- Financial note 41.3.2.1 (see screen images below) – page 726 on Council Agenda.
- Financial note 41.4.2 (see screen images below) – page 728 on Council Agenda.

41.3 MUNICIPAL FINANCE MANAGEMENT ACT (CONTINUED)				
41.3.2 SECTION 125				
	ECONOMIC ENTITY		CITY OF CAPE TOWN	
41.3.2.1 IRREGULAR EXPENDITURE	2022	2021	2022	2021
Opening balance	587 266	885 952	587 266	885 952
Expenditure incidents identified in the current year, relating to	27-933	762 186	27-922	762 186
Current year	21-514	385 866	21-503	385 866
Prior year	6 419	376 320	6 419	376 320
	615-199	1 648 138	615-186	1 648 138
Resolved by Council	(387 915)	(1 060 872)	(387 904)	(1 060 872)
Closing balance	227-284	587 266	227-284	587 266
INCIDENTS				
Legal services procurement not in terms of SCM regulations	746	34 379	746	34 379
Expenditure incurred after contract expiry	8 279	124 742	8 279	124 742
Non-compliance with SCM regulations and sections 33 and 116(3) of the MFMA	18-908	603 065	18-897	603 065
TOTAL	27-933	762 186	27-922	762 186

Correct figures as per note 41.3.2.1 below:

41.3.2 Section 125		ECONOMIC ENTITY		CITY OF CAPE TOWN	
		2022	2021	2022	2021
41.3.2.1 Irregular expenditure					
Opening balance		587 266	885 952	587 266	885 952
Expenditure incidents identified in the current year, relating to		33 285	762 186	33 274	762 186
Current year		26 866	385 866	26 855	385 866
Prior year		6 419	376 320	6 419	376 320
		620 551	1 648 138	620 540	1 648 138
Resolved by Council		(387 915)	(1 060 872)	(387 904)	(1 060 872)
Closing balance		232 636	587 266	232 636	587 266
Incidents					
Legal services procurement not in terms of SCM regulations		746	34 379	746	34 379
Expenditure incurred after contract expiry		8 279	124 742	8 279	124 742
Non-compliance with SCM regulations and sections 33 and 116(3) of the MFMA		24 260	603 065	24 249	603 065
TOTAL		33 285	762 186	33 274	762 186

Correct figures as per note 41.4.2 below:

41.4.2 SCM BREACHES					
Ratification of minor breaches		102 465	142 396	100 664	139 853
Comparative amount has been amended.					
41.4.2 SCM breaches					
Ratification of minor breaches		58 503	142 396	56 702	139 853
Comparative amount has been amended.					

The changes to the financial statements of City's Integrated Annual Report, as reflected on pages 574 to 789 of the agenda, were duly supported and noted.

RESOLVED that:

- (a) it be noted that the City's 2021/2022 Integrated Annual Report attached as Annexure A to the report on the agenda was considered and that the steps below as required by section 127 of the MFMA be followed:
 - (i) The Integrated Annual Report for 2021/2022 now be made public;
 - (ii) Representations be invited from the local community; and

- (iii) Copies of the Integrated Annual Report be distributed to the institutions referred to in section 127(5) of the MFMA.
- (b) the Integrated Annual Report be dealt with in accordance with the steps contained in sections 129 and 130 of the MFMA and an oversight report be adopted
- (c) the Municipal Public Accounts Committee (MPAC) be authorised to undertake investigations into the recoverability of fruitless, wasteful and irregular expenditure as disclosed and applicable in the Integrated Annual Report.
- (d) It be noted that all Councillors must make use of the electronic copy of the integrated annual report attached to the report on the agenda to submit comment on the integrated annual report at the February round of Portfolio Committee and Subcouncil meetings, as part of the public participation process. Written comment can also be submitted directly to performance.management@capetown.gov.za.

ACTION: M FILLIES, W CLAASSENS, C JANUARY, E FRAY, G JOSEPHS, A MOOLMAN, G MORGAN

C 07/01/23

NATIONAL TREASURY MUNICIPAL FINANCE MANAGEMENT ACT (MFMA) CIRCULAR 121 CONSEQUENCE MANAGEMENT AND ACCOUNTABILITY FRAMEWORK

RESOLVED that National Treasury MFMA Circular 121 not be adopted.

[The ANC, AJ, CCC, EFF and PA recorded their votes against the above decision.][GOOD supported the decision with concern.]

ACTION: C STROUD, K JACOBY

C 08/01/23

ADOPTION OF THE CITY COMBINED ASSURANCE MODEL AND THE INTERNAL CONTROL MODEL FOR CUSTOMISATION, IMPLEMENTATION AND APPLICATION IN THE CITY OF CAPE TOWN (CITY)

RESOLVED that:

- (a) the adoption of the Committee of Sponsoring Organisations (COSO) internal control model, which would form the basis for the development of the internal control framework and related standard operating procedures, be approved
- (b) the adoption of City's combined assurance model, which would form the basis for the amendment of the assurance governance framework and the combined assurance standard operating procedures, be approved

- (c) the abovementioned initiatives, which include the development of the relevant frameworks, standard operating procedures and guidelines to formalise the City's existing controls and enable a uniformed application and reporting on the City's internal control environment, be supported.

ACTION: S DU TOIT, K JACOBY

C 09/01/23 APPROVAL OF THE REVISED SUPPLY CHAIN MANAGEMENT POLICY

RESOLVED that:

- (a) the amendments be approved and the amended Supply Chain Management (SCM) Policy to be implemented from 26 January 2023, be adopted
- (b) the City Manager be authorised to make the necessary amendments / updates to the System of Delegations, in order to align with the new SCM Policy.

[The ANC, AJ, CCC, EFF and PAC recorded their votes against the above decision.] [GOOD supported the decision with concern.]

ACTION: B CHINASAMY, K JACOBY

C 10/01/23 REQUEST FOR AUTHORITY FOR THE CITY OF CAPE TOWN TO CONTINUE ITS MEMBERSHIP OF UNION INTERNATIONALE DES TRANSPORT PUBLICS (UITP)

RESOLVED that:

- (a) the renewal of membership to the Union Internationale Des Transport Publics (UITP/UATP) for a period of three calendar years, starting on 1 January 2023 to 31 December 2025 be approved. The current membership subscription expired on 31 December 2022.
- (b) the payment of the indicative annual fee of approximately R337 326,08 (€18 824) towards membership that shall be paid annually, subject to the ZAR / Euro exchange rate as calculated on the day of payment, be approved.
- (c) Council approved that the Urban Mobility Directorate retain its role within the UITP / UATP and participate in / be nominated to the appropriate subcommittees as appropriate, with the aim to benefit the City of Cape Town.

[The EFF abstained from the above decision.]

ACTION: H PETERS, D CAMPBELL

C 11/01/23 PROPOSED CLOSURE OF PUBLIC PLACE ERF 1210 MATROOSFONTEIN

RESOLVED that, in terms of section 4(2)(f) of the City of Cape Town: Immovable Property By-law, 2015, approval be granted that the City may, by Notice in the Provincial Gazette, close Public Place Erf 1210 Matroosfontein, in extent 2.2869 ha and as depicted by the figure CDEFGHJ on the plan attached as Annexure A to the report on the agenda.

[The EFF recorded their vote against the above decision.]

ACTION: P STRUMPHER, A DE GOEDE, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 12/01/23 BLOOMBERG INITIATIVE FOR CYCLING INFRASTRUCTURE (BICI) FUNDING APPLICATION

RESOLVED that:

- (a) the contents of the report on the agenda be noted and approved that the Urban Mobility Directorate may proceed with submitting an online application for the Bloomberg Initiative for Cycling Infrastructure (BICI) grant funding and associated Technical Assistance support.
- (b) permission be granted to the Urban Mobility Directorate to enter into formal engagements with the Grantor.
- (c) the Executive Director: Urban Mobility, as the delegated official, be authorised to sign the letter of support contained in Annexure B to the report on the agenda that will be submitted online as part of the online application process.
- (d) the Executive Director: Urban Mobility, as the delegated official, be authorised to sign the grant proposal/application, if applicable, and the grant agreement should the application be successful.

ACTION: K NAIDOO, C HOLDERNESS, D CAMPBELL

At this stage, namely at 13H00, members of the EFF, namely Cllrs M Dambuza, A Cassiem, B Yeko, N Tyandela, P Booie and L Ntshuntshe left for the remainder of the meeting.

C 13/01/23 REQUEST FOR THE 2018 COUNCIL APPROVED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) BE REPLACED WITH THE AMENDED 2022 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF)

REQUEST FOR THE EIGHT 2012 DISTRICT SPATIAL DEVELOPMENT FRAMEWORKS (DSDFs) AND ENVIRONMENTAL MANAGEMENT FRAMEWORKS (EMFs) BE REPLACED WITH THE REVIEWED 2022 INTEGRATED DISTRICT SPATIAL DEVELOPMENT FRAMEWORKS (DSDFs) AND ENVIRONMENTAL MANAGEMENT FRAMEWORKS (EMFs)

Ald A Andrews (DA), seconded by Cllr A Cassiem (DA), proposed the following amendment to the recommendations in Volume 2 of the Council agenda on page 1251:

“that subsection (3) – The Area surrounding Joostenbergvlakte and Farm Nooitgedacht (4/728) as follows, be deleted:

(1) Area surrounding Joostenbergvlakte and Farm Nooitgedacht (4/728):

- Incorporate the farm Nooitgedacht (4/728) into the Incremental growth and consolidation area as shown on the map and amend the urban development edge accordingly.*
- In terms of the draft Northern District Plan, amend the district plan to accommodate the Joostenbergvlakte area as a new mixed use in accordance to the original policy proposals for the area.*
- Commence with the development on an integrated development and services plan for the area to provide certainty to the future role of this area.*

Additionally, recommendation (I) in Volume 2 of the Council agenda on page 1250 as follows, be deleted:

(I) The first review of the MSDF Urban Development Edge module include the review of specifically 3 areas: 1) Land needs in the Du Noon area to accommodate urban growth on farm land to the north; 2) Land development opportunities in the N1 Corridor around Joostenbergvlakte farms considering the potential SANRAL road improvements; and 3) Springfontein Farm (west of Atlantis to enhance biodiversity conservation as quid pro quo to residential development).”

The amendments to the recommendation were duly supported by a majority vote.

The amended recommendation was therefore carried.

RESOLVED that:

(a) Council approve the adoption of the following list of Integrated District Spatial Development Frameworks (DSDFs) 2022 (District Plans):

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Volumes I to 4 (attached as Annexure 1 to the report on the agenda), in terms of Sub Sections 11, 13, 14, 17 and 18 of the Municipal Planning By-law;

- 1.1 Table Bay District Plan;
- 1.2 Blaauwberg District Plan;
- 1.3 Northern District Plan;
- 1.4 Tygerberg District Plan;
- 1.5 Helderberg District Plan;
- 1.6 Khayelitsha Mitchells Plan and Greater Blue Downs District Plan;
- 1.7 Cape Flats District Plan; and
- 1.8 Southern District Plan.

Subject to the amendments as set in the preamble above, where applicable;

- (b) The District Plans be submitted to the National Minister of Forestry, Fisheries and the Environment or the MEC of Environmental Affairs and Development Planning, in concurrence with the National Minister, for approval as Environmental Management Frameworks (EMFs) in terms of the Environmental Management Frameworks Regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. Act 107 of 1998);
- (c) The combined Metropolitan Spatial Development Framework and District Plans Public Participation Report (PPR) (attached as Annexure 3 to the report on the agenda), containing the public comments and related responses in terms of Sub Section 4(2) (c) and 13 (3) (a)-(d) of the Municipal Planning By-law be noted, the responses be accepted and the alternative comments be dismissed;
- (d) The combined MSDF and District Plans Urban Development Edge Report (attached as Annexure 4 to the report on the agenda), in terms of Subsection 3 (3) and 11 (2) of the Municipal Planning By-law and the Urban Development Edge line contained within the report be noted; the responses be accepted and the alternative comments be dismissed;
- (e) The Urban Development Edge delineation be submitted to the Department of Environmental Affairs & Development Planning for the delineation of the Urban Areas for approval in terms of the Amended Environmental Impact Assessment Regulations 2014 promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- (f) The proposals to amend to the Coastal Edge (Coastal Management Line) be submitted to the Minister National Minister of Forestry, Fisheries and the Environment to be processed for approval in

terms of section 25 of the National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008);

- (g) It be note that, to further assist with awareness making and the promotion of the MSDF and the District Plans, that the following programmes will be initiated:
 - (i) Training programmes for councillors, ward committee members and Identified civic leaders; and
 - (ii) A programme of continuous community interaction that promotes area based spatial planners to develop and support local implementation plans, as prioritized, that would in turn promote, amongst others, community interaction in spatial planning and the attainment of more effective spatial plans.
- (h) It be noted that the initiation of a programme to review the MSDF and District Plans (Sections 10 and 17 of the Municipal Planning By-law) that considers shorter term (more regular) and longer term reviews that will incorporate updates of any newly developed City policies and implementation plans;
- (i) Council note, in accordance with Subsections 7, 8, 15 and 18 of the Municipal Planning By-law, the requirements to:
 - (i) Submit a written notice of the adoption of the Amended MSDF to the Provincial Minister responsible for local government;
 - (ii) Publish a notice of the decision of the adoption the MSDF and District Plans;
 - (iii) Give notice to the public of amended documents, withdrawn documents and publicize a summary of the MSDF.
- (j) The Executive Director: Spatial Planning and Environment submits a review framework for the frequent review of the MSDF, indicating alignment to the IDP, other corporate processes and legislative requirements by May 2023 to the Spatial Planning and Environment Portfolio Committee and Mayco.
- (k) It be noted that the proposed MSDF review framework specifically addresses the annual review of infrastructure capacity information and proposed infrastructure projects to support the spatial development framework of the City, contributing to the improved alignment of sector plans, infrastructure budget and projects in the MSDF/DSDFs.
- (l) Council approve further amendments to the Metropolitan Spatial Development Framework and District Plans, as follows:

- (i) The definition of Affordable Housing to reflect as follows where it appears Metropolitan Spatial Development Framework and/or District Plans:

Traditionally, affordable housing refers to housing with prices or values below the overall open market value, and which targets below-average incomes. This is a function of context and, in well-located areas of the City; unit prices are significantly higher than elsewhere, thus increasing the affordability threshold. The Provincial Inclusionary Housing Policy Framework points out that the affordability gap – the mismatch between what most households can afford versus the price most properties are available for - may differ across towns. Affordable housing should be primarily targeted at households earning between R3,500 a month and the upper threshold of the Financial Sector Code Affordable Housing Standards, currently R27 200 in 2023 (in 2018, these were households typically earning R22,000 or more). The 2021 Financial Sector Code Affordable Housing Standards define the affordable housing target market as households earning an upper income limit of R26,100 (rounded) (BASA, 2021). Any housing provision that complies with the definition of the Financial Services Sector, annually updated by using the midpoint between the Consumer Price Index and Building Cost Index, is considered as Affordable Housing in terms of the MSDF. With contributions from the State – in subsidies, land, or other development incentives – the National Department of Human Settlements' upper threshold of R22,000 can be applied and a deeper reach into the lower income bands of the affordable housing market can be achieved.

- (ii) With regards to Erf 1117 in the Blaauwberg district, wherever applicable and when describing proposed land uses can the housing typology be described as mixed income households instead of subsidized, low income or affordable housing.
- (iii) Urban Development Area [UDA] amendments for the three (3) sites -

- (1) Area East of N7:

- Incorporate the area as shown on the map as an Incremental Growth and Consolidation Area in the draft Metropolitan Spatial Development Framework, amend the Urban Development Edge accordingly and identify the area as a new mixed-use area in the draft Blaauwberg District Plan.

- Commence in association with the stakeholders the development of an integrated plan for this area ensuring that provision is made for human settlement requirements.

(2) Silwerstroomstrand and the farm Springfontein:

- Incorporate the area as shown on the map as an Incremental Growth and Consolidation Area in terms of the draft Metropolitan Spatial Development Framework and as a new development area in terms of the draft Blaauwberg District Plan.
- Ensure compliance with all statutory processes but specifically compliance with the Koeberg Evacuation Plan.

(iv) Additional Urban Development Area [UDA] amendments -

To not amend the Urban Development Area (UDA) for Imizamo Yethu (IY) and Hangberg.

- (m) an annual report on the implementation of the MSDFs/DSDFs be submitted to the Spatial Planning and Environment Portfolio Committee including spatial trends and decisions related to the development application system (such as land use applications and building plans).
- (n) a quarterly report be submitted to the Spatial Planning and Environment Portfolio Committee on progress made on implementing the MSDFs and DSDFs through Land Use and Building Plan decisions.
- (o) the late comments received after the public participation closure date of 30 August 2022, although included in the public participation report be noted and considered in the next review round.

[The AJ, ARA, CCC and EFF (3) recorded their votes against the above decision.] [GOOD supported the decision with concern.]

ACTION: E NAUDE, R McGAFFIN

C 14/01/23

PROPOSED REVIEW AND AMENDMENT OF COUNCIL RESOLUTION NO SPC 26I/09/21 FOR THE PROPOSED LEASE OF CITY LAND BEING PORTION OF PUBLIC STREET, PORTION ERF 14888 CAPE TOWN, NEWMARKET STEET, CAPE TOWN FOR PARKING PURPOSES: GROWTHPOINT PROPERTIES LIMITED

RESOLVED that the lease of City Land, being portion of Public Street, Erf 14888 Cape Town situated at Newmarket Street, Cape Town, shown

hatched and lettered ABC back of footway D curve E on Plan STC 2298v2 attached as Annexure A to the report on the agenda, in extent approximately 8 478 m², to Growthpoint Properties Limited, owner of Erf 172660 Cape Town, or its successors in title, be approved subject to inter alia the following conditions:

- (a) A market rental of R56 100.00 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable.
- (b) The monthly rental shall escalate at 6% per annum compounded annually commencing 2 months from date of valuation. Accordingly, the above recommended rental is effective and payable as from 1 August 2022.
- (c) The lease will endure for a period of 1 year and 8 months up until May 2024.
- (d) The property be used for parking only, limited to 102 parking bays only.
- (e) Subject to such further conditions to be imposed by the Director: Property Management in terms of his/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.
- (h) All outstanding accounts with the City of Cape Town must be settled.
- (i) The objection is not upheld.

ACTION: N VANQA, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 15/01/23

PROPOSED CLOSURE AND TRANSFER OF CITY-OWNED IMMOVABLE PROPERTY: A PORTION OF PUBLIC PASSAGE BEING A PORTION OF ERF 956 BANTRY BAY, SITUATED AT DE WET ROAD, BANTRY BAY TO THE ABUTTING OWNER OF ERF 502 BANTRY BAY

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) It be resolved that the subject property being a portion of Public Passage, Erf 956 Bantry Bay, situated at De Wet Road, Bantry Bay in extent approximately 96 m², shown hatched and lettered ABCD, on Plan STC 3341 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;

- (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of a portion of Public Passage, Erf 956 Bantry Bay situated at De Wet Road, Bantry Bay in extent approximately 96 m², shown hatched and lettered ABCD, on Plan STC 3341 attached as Annexure A to the report on the agenda.
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of the subject property being a portion of Public Passage, Erf 956 Bantry Bay situated at De Wet Road, Bantry Bay in extent approximately 96 m², shown hatched and lettered ABCD, on Plan STC 3341 attached as Annexure A to the report on the agenda.
- (d) the transfer of a portion of Public Passage, being a portion of Erf 956 Bantry Bay situated at De Wet Road, Bantry Bay in extent approximately 96 m², shown hatched and lettered ABCD, on Plan STC 3341 attached as Annexure A to the report on the agenda, to The Body Corporate of Bantry Bay 502, or their successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R2 700 000 excluding VAT be payable.
 - (ii) The purchase shall escalate at 8% per annum commencing 1 December 2019 until 31 March 2020; thereafter it will further escalate at 5% per annum until date of registration.
 - (iii) The market value is to be reassessed if the transaction is not approved by the relevant decision making authority within 36 Months from the current date of valuation, i.e 31 July 2025.
 - (iv) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject portion of Public Passage being portion of Erf 956 Bantry Bay, be consolidated with the purchaser's Erf 502 Bantry Bay;
 - (cc) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: M CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 16/01/23

PROPOSED TRANSFER OF ERF 2701 GUGULETHU SITUATED OFF NY5, GUGULETHU: THE ROMAN CATHOLIC ARCHDIOCESE OF CAPE TOWN (PBO)

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved that the subject property being Erf 2701 Gugulethu, situated off NY5, Gugulethu in extent approximately 2 970 m², as shown by the hatched figure lettered ABCDE, on Plan STC 2856v1 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of Erf 2701 Gugulethu, situated off NY5, Gugulethu in extent approximately 2 970 m², as shown by the hatched figure lettered ABCDE, on Plan STC 2856v1 attached as Annexure A to the report on the agenda.
- (c) it be confirmed that when considering the alienation of the land at less than market value, as provided for in terms of Clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR have been duly taken into consideration.
- (d) any gain or loss incurred by the City in respect of the transfer of the assets be included in the adjustment budget, if not budgeted for in the approved annual budget.
- (e) the transfer of Erf 2701 Gugulethu, situated off NY5, Gugulethu in extent approximately 2 970 m², shown by the hatched figure lettered ABCDE, on Plan STC 2856v1 attached as Annexure A to the report on the agenda, to The Roman Catholic Archdiocese of Cape Town, or its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A reduced purchase price of R148 750 excluding VAT be payable.

- (ii) The purchase price is to escalate at 8% per annum from 1 November 2019 until 31 March 2020; thereafter the escalated price will escalate at 5% per annum until date of registration.
- (iii) The market value be reassessed if the transaction is not approved within 36 months from the current valuation date, i.e. by 30 September 2024.
- (iv) The sale be subject to a suitable reversionary clause limiting the use of the subject property to Community/Social Care/Place of Worship use, which restriction is to be registered against the title deed of the subject property.
- (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority, inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that all costs related and incidental to the transaction be borne by the purchaser.

[The EFF (3) recorded their votes against the above decision.]

ACTION: M CARELSE, C DAVIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 17/01/23

PROPOSED TRANSFER OF VACANT ERF 21187, CORNER OF PARK AVENUE AND WESPOORT DRIVE, WESTRIDGE, MITCHELL'S PLAIN FOR COMMUNITY PURPOSES

RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) it be resolved and reaffirmed that Erf 21187, situated at the corner of Park Avenue and Wespoort Drive, Westridge, Mitchells Plain, approximately 10 070 m² in extent, zoned Community 2 and shown lettered ABCDEFG on Plan LIS 1240v2 attached as Annexure A to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
 - (ii) it be confirmed that the fair market value of the asset described in (a)(i) and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.

- (b) it be confirmed that when considering the transfer of the property at less than market value as provided in terms of clause 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, the contents of Regulation 13(2) of the MATR have been duly taken into account.
- (c) in terms of Regulation 5(1) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, Council approve the transfer of Erf 21187, situated at the corner of Park Avenue and Wespoort Drive, Westridge, Mitchells Plain, approximately 10 070 m² in extent, zoned Community 2 to Autism Connect, in the amount of R450 000 (Four Hundred and Fifty Thousand Rand) excluding VAT (i.e. 10% of fair market value).
- (d) the purchase price be subject to escalation at the rate of 5% per annum compounded annually on a pro rata basis commencing 6 months after date of valuation (i.e. as from 2021-11-01) until date of registration.
- (e) the valuation is to be reviewed if not approved by the relevant decision making authority of Council within 36 months from date of valuation (i.e. by 2024-04-30)
- (f) the sale is to be subject to a suitable reversionary clause limiting the use of the subject property to Community/Social Care use. This restriction is to be registered against the title deed of the subject property.
- (g) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority finalises the terms and conditions, as set out in the sale agreement and to effect the transfer.

[The EFF (3) recorded their votes against the above decision.]

ACTION: T MADIKANE, A HUMAN, D BORAIN, L GREYLING, R GELDERBLOEM

C 18/01/23

PROPOSED TRANSFER OF ERF 61061 SITUATED AT 12 LONGWOOD ROAD, HARMONY VILLAGE, MITCHELL'S PLAIN

RESOLVED that:

- (a) the sale price of R312 500-00 (Three Hundred and Twelve Thousand - Five Hundred Rand) excluding VAT offered by Design26 Foundation NPC in respect of the sale and transfer of Erf 61061 Mitchells Plain, situated at 12 Longwood Road, Harmony Village in Mitchells Plain, approximately 1647 m² in extent and zoned Community 1, shown

lettered ABCDEFGHJ on Plan LIS 2470 attached to the report on the agenda, be accepted

- (b) the transfer of Erf 61061, situated at 12 Longwood Road, Harmony Village in Mitchells Plain, approximately 1647 m² in extent and zoned Community 1, shown lettered ABCDEFGHJ on Plan LIS 2470 attached to the report on the agenda, to Design26 Foundation NPC for the establishment and development of a skills training centre, be approved
- (c) the purchase price be subject to escalation at the rate of 5% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation (i.e. as from 2023-02-01) until date of registration.
- (d) the market value is to be re-assessed if the transaction is not approved by the relevant decision making authority of Council within 36 months from date of valuation (i.e. by 2025-07-31).
- (e) the sale is to be subject to a suitable reversionary clause limiting the use of the subject property to Community / Social Care use, which restriction is to be registered against the title deed of the subject property.
- (f) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority finalises the terms and conditions, as set out in the sale agreement and to effect the transfer.

[The EFF (3) recorded their votes against the above decision.]

ACTION: T MADIKANE, T LEWIS, M SIMS, R GELDERBLOEM

C 19/01/23

PROPOSED TRANSFER OF PUBLIC STREET ERF 711, PUBLIC PLACE ERF 755 AND A PORTION OF ERF 793 RUSTDAL: SCHWARTZ FAMILY TRUST

PROPOSED CLOSURE OF PUBLIC STREET ERF 711 AND PUBLIC PLACE ERF 755 RUSTDAL

RESOLVED that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, being a public street erf 711, public place erf 755 and a portion of erf 793 Rustdal, situated off Hawthorne Way, Rustdal, in extent approximately 1 473 m² as shown cross-hatched and lettered ABCDEFG on plan 130008279 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and has considered the fair market value of the asset and the

economic and community value to be received in exchange for the asset;

- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the transfer of a public street erf 711, public place erf 755 and a portion of erf 793 Rustdal, situated off Hawthorne Way, Rustdal, in extent approximately 1 473 m² as shown cross-hatched and lettered ABCDEFG on plan 130008279 attached as Annexure A to the report on the agenda;
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, the closure of the public place and street, being erven 711 and 755 Rustdal, in extent approximately 951 m² as shown cross-hatched and lettered ABCD on plan 130008279 attached as Annexure A to the report on the agenda, be approved;
- (d) the transfer of a public street erf 711, public place erf 755 and a portion of erf 793 Rustdal, situated off Hawthorne Way, Rustdal, in extent approximately 1 473 m² as shown cross-hatched and lettered ABCDEFG on plan 130008279 attached as Annexure A to the report on the agenda, to the Schwartz Family Trust, or its successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R1 800 000 excluding VAT be payable;
 - (ii) The purchase price is to be escalated by 5 % per annum compounded annually on a pro rata basis commencing 6 months after date of valuation, i.e. as from 1 April 2022, until date of registration;
 - (iii) The market value is to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 36 months from date of valuation, i.e. it must be approved by 30 September 2024;
 - (iv) The necessary servitude(s) are to be registered against the title deed to protect the services crossing a portion of erf 793 Rustdal;
 - (v) Rates and municipal charges, if applicable, be levied;
 - (vi) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that the subject properties be consolidated/ notarial tied with the purchaser's erf 703 Rustdal;

(cc) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: A KLUE, D GEYSMAN, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 20/01/23

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF ERF 6056 WESFLEUR, SITUATED 5 KRAANVOËL CLOSE, ROBINVALE, ATLANTIS ZONED LOCAL BUSINESS ZONE 2 (LB2)

RESOLVED that:

- (a) in terms of sections 14(2)(a) and (b) of the Local Government: Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) Council resolved that of Erf 6056 Wesfleur, situated at No. 5 Kraanvoël Close, Robinvale, Atlantis, approximately 2 169m² in extent, zoned Local Business Zone 2 (LB2), shown lettered ABCDEFGHJ on the Disposal Plan attached as Annexure A to the report on the agenda is not required for the provision of the minimum level of basic municipal services;
 - (ii) Council confirmed that the fair market value of the asset described in (a)(i) above and the economic and community value to be received in exchange for the asset described in (a)(i) have been considered.
- (b) in terms of regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the sale of Erf 6056 Wesfleur, situated at No. 5 Kraanvoël Close, Robinvale, Atlantis;
- (c) Erf 6056 Wesfleur, situated at No. 5 Kraanvoël Close, Robinvale, Atlantis, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- (d) the comments received from Subcouncil 1, be noted.

ACTION: S MBA, T LEWIS, R SCHNACKENBERG, M SIMS, R GELDERBLOEM

C 21/01/23

PROPOSED TRANSFER OF VARIOUS PORTIONS OF CITY OWNED LAND UPON WHICH SCHOOL BUILDINGS WERE BUILT PRIOR TO 1994 TO WESTERN CAPE GOVERNMENT

RESOLVED that:

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- (a) in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations, that the transfer of the 39 land parcels on the schedule below, with their transfer plans attached hereto marked Annexure "A", are not required for the provision of any minimum level of basic municipal services and are surplus to the requirements of the municipality:

ERF AND ALLOTMENT	SCHOOL NAME	TITLE DEED	EXTENTS ha/m2	ADDRESS	PLAN
1. ERF 11090 PORTION OF RE- ERF 2858 NYANGA	ANDILE PRIMARY	T42358/2001	1,27ha	716 KOORNHOF STREET, NYANGA	LIS2634
2. ERF 25405 PORTION OF RE- ERF 25404 KHAYELITSHA	CHUMA PUBLIC PRIMARY	T70176A/1995	2,13ha	2 BEKELENTLOKO STREET, MANDELA PARK, KHAYELITSHA	LIS2635
3. ERF 107335 PORTION OF RE-ERF 107662 CAPE TOWN	CRESTWAY SECONDARY	T1413/1978	5,22ha	107 JOE MARKS BOULEVARD, RETREAT	LIS2636
4. ERF 6482 PORTION OF RE- ERF 8635 GUGULETU	I D MKIZE SENIOR SECONDARY	T32802/2002	2,96ha	57 MKHANYISI MAPHUMA STREET, GUGULETU	LIS2637
5. ERF 6824 PORTION OF RE- ERF 8635 GUGULETU	INTSHUKUMO SECONDARY	T32802/2002	3,58ha	15 SIKHOMO STREET, GUGULETU	LIS2638
6. ERF 1330 PORTION OF RE- ERF 8608 GUGULETU	LEHLOHONOLO PRIMARY	T55528/90	9 031.4m2	18A LEHLOHONOLO STREET, GUGULETU	LIS2639
7. ERF 39186 PORTION OF RE- ERF 38923 KHAYELITSHA	LULEKA PRIMARY	T16374/2001	2,64ha	127 NCUMO ROAD, HARARE, KHAYELISHA	LIS2640
8. ERF 4139 PORTION OF RE- ERF 8640 GUGULETU	LUZUKO PRIMARY	T71678/2001	1,69ha	22A NGAMBU STREET, GUGULETU	LIS2641
9. ERF 340 PORTION OF RE- ERF 346 LANGA	MOKONE PRIMARY	T93523/2002	3,16ha	1D BENNIE STREET, LANGA	LIS2642
10. ERF 416 PORTION OF RE- ERF 3545 LANGA	MOSHESH PRIMARY	T105449/2002	7 244.78m2	22A ROSE INNES STREET, LANGA	LIS2643
11. ERF 4900 PORTION OF RE- ERF 8628 GUGULETU	MSEKI PRIMARY	T88012/2001	1,56ha	23A MSEKI STREET, GUGULETU	LIS2644
12. ERF 1310 PORTION OF RE- ERF 2862 NYANGA	OSCAR MPETHA HIGH SCHOOL	T70414/1996	2,67ha	17 EMMS DRIVE, NYANGA	LIS2646
13. ERF 2325 PORTION OF RE- ERF 3292 LANGA	SIYABULELA PRIMARY	T68030/2002	9 453.34m2	40 RHODES STREET, LANGA	LIS2647
14. ERF 631 PORTION OF RE- ERF 8740 GUGULETU	SIYAZINGISA PRIMARY	T89562/2001	1,69ha	22 STEVE BIKO DRIVE, GUGULETU	LIS2648
ERF AND ALLOTMENT	SCHOOL NAME	TITLE DEED	EXTENTS ha/m2	ADDRESS	PLAN
15. ERF10325 PORTION OF RE- ERF 8610 GUGULETU	SONWABO PRIMARY	T15559/1984	9 649.26m2	10 DONANA GALO ROAD, GUGULETU	LIS2649
16. ERF 13732 & 13733 PORTIONS OF RE- ERF 18390 KHAYELITSHA	SOYISILE PRIMARY	T15248/2001	1,44ha	113 & 151 BONKOLO DRIVE, NONQUBELA, KHAYELITSHA	LIS2650
17. ERF 552 PORTION OF RE- ERF 3545 LANGA	THEMBANI PRIMARY	T105449/2002	8 194.36m2	32 LEROTHOLI AVENUE, LANGA	LIS2651
18. ERF 6813 PORTION OF RE- ERF 8635 GUGULETU	VUYANI PRIMARY	T32802/2002	1,47ha	1A SIMON SESHEA STREET, GUGULETU	LIS2652
19. ERF 1065 PORTION OF RE- ERF 2851 YANGA	WALTER TEKA PUBLIC PRIMARY	T70403/1996	8 722.75m2	45A FENYANA STREET, NYANGA	LIS2653
20. ERF 1856 PORTION OF RE- ERF 8625 GUGULETU	XOLANI PRIMARY	T54593/2010	9 912.39m2	48A XOLANI SQUARE,	LIS2654

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				GUGULETU	
21. ERF 1735 PORTION OF RE- ERF 3230 LANGA	ZIMASA PRIMARY	T20015/1984	4,2ha	203 KING LANGALIBAL ELE DRIVE, LANGA	LIS2655
22. ERF 636 PORTION OF RE- ERF 3559 MITCHELLS PLAIN	MITCHELL'S PLAIN PRIMARY	T27901/1979	2,62ha	2 PARK AVENUE, WESTRIDGE - MITCHELLS PLAIN	LIS2657
23. ERF 710 - RE AVONDALE, WESFLEUR, PORTION OF RE- ERF 2741 WESFLEUR	ATLANTIS SECONDARY	T27473/1996	7,24ha	117A GROSVENOR AVENUE, AVONDALE - WESFLEUR	LIS2544
24. ERF 709 AVONDALE, WESFLEUR, PORTION OF RE-ERF 2741 WESFLEUR	PARKVIEW PRIMARY	T27473/1996	2,54ha	52 PALMER AVENUE, AVONDALE - WESFLEUR	LIS2545
25. ERF 1400 PORTION OF RE- ERF 8738 GUGULETU	INTSHINGA PRIMARY	T83493/1992	1,26ha	46A INTSHINGA AVENUE, GUGULETU	LIS2546
26. PORTION OF RE- ERF 108359 CAPE TOWN	PARKFIELDS PRIMARY	T11785/2002	2,62ha	85A DOWNBERG RD, HANOVER PARK	LIS2547
27. PORTION OF RE- ERF 108359- CAPE TOWN	VOORSPOED PRIMARY	T11785/2002	2,87ha	LONEDOWN RD, HANOVER PARK	LIS2548
28. PORTION OF RE- ERF 108359 CAPE TOWN	CRYSTAL SECONDARY	T11785/2002	3,25ha	10 GREENTURF RD, HANOVER PARK	LIS2549

- (b) the transfer of the 39 land parcels on the above schedule to the Western Cape Provincial Government, or their successor(s)-in-title, be approved, subject inter alia to the following conditions, that:
- (i) The land be transferred to the Western Cape Government at nil (0) compensation
 - (ii) The land only be utilized for education and ancillary use purposes under jurisdiction of the Western Cape Education Department, and the transfer of these land parcels will be subject to a suitable reversionary clause in order to enforce compliance.
 - (iii) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - (aa) that any statutory and land use requirements be complied with before transfer;
 - (bb) that all the costs related to these transactions be borne by the Western Cape Government.
 - (iv) In terms of Regulation 45 of the MATR the Director: Property Management, or her nominee, be authorised to finalise the terms and conditions, as set out in the Memorandum of Transfer attached as Annexure B to the report on the agenda and any other documentation require to effect the transfer of ownership.

[GOOD supported the decision with concern.]

ACTION: M MURRAY, G NEVIN, M SIMS, R GELDERBLOEM

**C 21A/01/23 2022/23 GRANTS-IN-AID ALLOCATION (WARD 68) AS
RECOMMENDED BY SUBCOUNCIL 18 AND CONSIDERED BY THE
GRANT-IN-AID COMMITTEE**

RESOLVED that the proposed Grants-In-Aid allocation for 2022/23 amounting to R100 000, as recommended by Subcouncil 18, and supported by the Grant-In-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: F MONK, E SASS

**C 21B/01/23 2022/23 GRANT-IN-AID ALLOCATION (WARD 61) AS RECOMMENDED
BY SUBCOUNCIL 19 AND CONSIDERED BY THE GRANT-IN-AID
COMMITTEE**

RESOLVED that the proposed Grants-In-Aid allocation for 2022/23 amounting to R250 000, as recommended by Subcouncil 19, and supported by the Grant-In-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

ACTION: D MENTOR, E SASS

C 22/01/23 QUESTION RECEIVED FROM CLLR S LITTLE

The questions, as refelected on page 1 of Volume 4 of the agenda, were posed by Cllr S Little (GOOD) and related to the legal fees paid by the City of Cape Town for Councillour N Grose's case, the investigation against Mr W Solomons relating to money laundering in the aforementioned case, as well as proof of evidence of the payment for costs incurred.

The Executive Mayor verbally responded to the questions as follows:

1. *This question should be directed to the SAPS who are responsible for investigating this matter.*
- 2, and 3. *I am informed that the same legal firm was used to provide legal assistance to Mr Solomons and so the costs have accrued under the same file number in the City records. I would have preferred separate accounting so as not to artificially inflate the costs attached to the Cllr Grose defence. These costs are already inflated, due to the excessive number of postponements in the case, which were requested by the prosecution.*
4. and 5. *These questions will have to be directed to SAPS who would have this information. Mr Solomons is no longer an employee of the City of Cape Town.*

6. *Since I have not given any instruction to Council to implicate a former official in anything, this question is misguided.*

Cllr S Little (GOOD) indicated that she would submit a written supplementary question in this regard.

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

C 23/01/23 NEW PROPERTY RATING CATEGORIES: GV2023 AND RATES POLICY 2023/2024

RESOLVED that the proposed establishment of two new property rating categories for the 2023/2024 financial year and the inclusion of the property rating categories in the General Valuation Roll for GV2022, be noted.

ACTION: R WOOTTON, L MULLER, B CHINASAMY, K JACOBS

C 24/01/23 REPORTING ON MINOR BREACHES OF PROCUREMENT PROCESSES APPROVED BY THE SUPPLY CHAIN MANAGEMENT BID ADJUDICATION COMMITTEE FOR THE PERIOD 01 - 30 NOVEMBER 2022

RESOLVED that the report on the agenda and the list of minor breaches for the period 1 - 30 November 2022 attached as Annexure A to the report on the agenda, as ratified by the Bid Adjudication Committee, be noted.

ACTION: B CHINASAMY, K JACOBS

C 25/01/23 PERFORMANCE REPORTS (2021/22) OF THE CITY'S TWO MUNICIPAL ENTITIES: CAPE TOWN INTERNATIONAL CONVENTION CENTRE COMPANY (RF) SOC LTD (CTICC) AND CAPE TOWN STADIUM (RF) SOC LTD

RESOLVED that:

- (a) the tabled Annual Financial Statements and the Audit Report from the Office of the Auditor-General as contained in the Annual Reports of the Cape Town International Convention Centre (CTICC) and the Cape Town Stadium respectively, for the 2021/22 financial year, be noted
- (b) the tabled Annual Reports of the CTICC and Cape Town Stadium for the 2021/22 financial year be forwarded to the Municipal Public Accounts Committee (MPAC) for the preparation of the oversight reports
- (c) the performance reviews of the CTICC and the Cape Town Stadium, for the 2021/22 financial year, be noted.

ACTION: L FORTUNE, K JACOBY

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- C 26/01/23 FORENSIC SERVICES: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DEPARTMENT'S PERFORMANCE**
- RESOLVED** that the 2022/23 first quarter's progress report on the Forensic Services Department's performance, be noted.
- ACTION: S LEWIS, A KARRIEM, L MBANDAZAYO**
- C 27/01/23 INTERNAL AUDIT: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DEPARTMENT'S PERFORMANCE**
- RESOLVED** that the 2022/23 first quarter's progress report on the Internal Audit Department's performance, be noted.
- ACTION: H VAN WYK, Z HOOSAIN, L MBANDAZAYO**
- C 28/01/23 LEGAL SERVICES: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DEPARTMENT'S PERFORMANCE**
- RESOLVED** that the 2022/23 first quarter's progress report on the Legal Services Department's performance, be noted.
- [GOOD noted the subject report with concern.]**
- ACTION: M NYUMBKA, R SAYED, L MBANDAZAYO**
- C 29/01/23 CITY OMBUDSMAN: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DEPARTMENT'S PERFORMANCE**
- RESOLVED** that the 2022/23 first quarter's progress report on the City Ombudsman Department's performance, be noted.
- ACTION: M MEYER, V MAGWEBU, L MBANDAZAYO**
- C 30/01/23 RISK, CONTINUITY AND ETHICS: 2022/23 FIRST QUARTER'S PROGRESS REPORT ON THE DEPARTMENT'S PERFORMANCE**
- RESOLVED** that the 2022/23 first quarter's progress report on the Risk, Continuity and Ethics Department's performance, be noted.
- ACTION: A SWANEPOEL, L GELDENHUYS, L MBANDAZAYO**
- C 31/01/23 COMBINED ASSURANCE AND GOVERNANCE PROGRESS REPORT ON QUARTER ONE DEPARTMENTAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2022/23 FINANCIAL YEAR**

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RESOLVED that the 2022/23 first quarter's progress report on the Combined Assurance and Governance Department's performance, be noted.

ACTION: Z KAKAZA, S DU TOIT, L MBANDAZAYO

C 32/01/23

RESULTS OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE'S SELF-ASSESSMENT OF PERFORMANCE AND PERFORMANCE AS ASSESSED BY STAKEHOLDERS FOR THE YEAR ENDED 30 JUNE 2022

RESOLVED that the results of the Audit and Performance Audit Committee's self-assessment and stakeholders' assessment for the year ended 30 June 2022 be noted and that the Audit and Performance Audit Committee compiles and updates their action plan based on the results of the assessments.

ACTION: A MOOLMAN, Z HOOSAIN, L MBANDAZAYO

C 33/01/23

ANNUAL REPORT ON THE PERFORMANCE OF INTERNAL AUDIT FOR THE 2021/2022 FINANCIAL YEAR

RESOLVED that the performance of the Internal Audit Department for the 2021/2022 financial year against its approved charter and plans as required by section 11 of the Internal Audit Charter, and the effective functioning of the department, be noted.

ACTION: E WESSELS, Z HOOSAIN, L MBANDAZAYO

C 34/01/23

MINUTES OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE (PERFORMANCE, AUDIT AND OTHER MATTERS) MEETINGS HELD FOR THE PERIOD AUGUST 2022 TO SEPTEMBER 2022

RESOLVED that the minutes of the Audit and Performance Audit Committee meetings held for the period August 2022 to September 2022 attached to the report on the agenda, be noted.

ACTION: A KLINE, A MOOLMAN, G POSTINGS, L MBANDAZAYO

C 35/01/23

WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR THE QUARTER ENDING DECEMBER 2022

RESOLVED that the report on the withdrawals made from the City's bank accounts for the quarter ending December 2022, be noted.

ACTION: H ROBBINS, S ODENDAAL, W MULLER, K JACOBY

C 36/01/23

REPORTING ON DEVIATIONS IN TERMS OF THE MANAGEMENT OF CERTAIN OF THE CITY OF CAPE TOWN'S IMMOVABLE PROPERTY

POLICY, SECTION 13, FOR THE BI-ANNUAL PERIOD OF 1 JULY 2022 TO 31 DECEMBER 2022 FOR INFORMATION PURPOSES

RESOLVED that the matters as authorised by the City Manager in terms of section 13 of the Management of Certain of the City of Cape Town's Immovable Property Policy, for the bi-annual period 1 July 2022 to 31 December 2022 for the 2022/23 financial year, attached as Annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's Annual Financial Statements.

[GOOD noted the subject report with concern.]

ACTION: J M HOLT, L MBANDAZAYO

C 37/01/23 DECISIONS TAKEN BY THE SECTION 79 PORTFOLIO COMMITTEES IN TERMS OF DELEGATED AUTHORITY: OCTOBER TO DECEMBER 2022

RESOLVED that the decisions taken in terms of delegated authority by the Section 79 Portfolio Committees, as set out in Annexure A, be noted.

ACTION: M CAROLUS, L NDABA, E SASS

C 38/01/23 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 24 NOVEMBER 2022 TO 13 JANUARY 2023: FOR INFORMATION PURPOSES

RESOLVED that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, clause 330, for the period 24 November 2022 to 13 January 2023, attached as annexure A, be noted and be disclosed as a note to the Council's annual financial statements.

ACTION: G POSTINGS, L MBANDAZAYO

C 39/01/23 QUARTERLY FINANCIAL REPORT: DECEMBER 2022

RESOLVED that the quarterly financial report for the quarter ended 31 December 2022, be noted.

ACTION: C STROUD, N ISHMAIL, K JACOBY

C 40/01/23 QUARTERLY REPORT ON THE DELEGATIONS EXERCISED BY SUBCOUNCILS: 1 OCTOBER 2022 TO 31 DECEMBER 2022

COUNCIL MINUTES: 26 JANUARY 2023

RESOLVED that the contents of the report regarding the delegations exercised by Subcouncils during the period 1 October 2022 to 31 December 2022, be noted.

ACTION: M JANUARY, G FOULDIEN, D MENTOR, E SASS

C 41/01/23

RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: FROM SEPTEMBER TO DECEMBER 2022

RESOLVED that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period September to December 2022, be noted.

[GOOD noted the report with concern.]

ACTION: C KNOTT, OFFICE OF THE EXECUTIVE MAYOR

THE MEETING ENDED AT 14H05.

.....
**ALD F PURCHASE
SPEAKER**

.....
DATE

At this stage, the Speaker requested the public to leave the Chamber as the Confidential Council meeting would commence.

At this stage, Cllr F Adams entered the Chambers to re-join the Confidential Council meeting. The Speaker informed Cllr Adams that he was not granted permission to join the confidential meeting and requested that he leave the Chamber. The Councillor again refused to comply with the Speaker's instruction, whereupon the Speaker ruled, in terms of Rule 30.2 of the Rules of Order that he be removed.

Due to the disruptive nature of the meeting at this stage, the Speaker ruled that the meeting would conclude and would therefore not deal with the items on the Confidential agenda. All confidential items are to be included on the agenda of the next Confidential Council meeting.