

ITEM NUMBER: C 16/04/16

*RECOMMENDATION FROM THE EXECUTIVE MAYOR: 19 APRIL 2016*

**MC 36/04/16 PROPOSED GRANTING OF IN-PRICIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 37256 AND ERF 37257 (AN UNREGISTERED PORTION OF ERF 21180), SELENE WAY, MITCHELLS PLAIN FOR SINGLE RESIDENTIAL PURPOSES**

It is **RECOMMENDED** that:

- (a) in terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) Council resolve that Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, in extent approximately 285 m<sup>2</sup> (Erf 37256) and 336 m<sup>2</sup> (Erf 37257), zoned Single Residential Subzone 1: Conventional Housing (SR1), shown lettered ABCD on Plan LIS 1441v0 attached as Annexure A to the report on the agenda and ABCD on Plan LIS 1449v0 attached as Annexure B to the report on the agenda, is not required for the provision of the minimum level of basic municipal services;
  - (ii) Council confirm that the fair market-value of the assets described in (a)(i) above and the economic and community value to be received in exchange for the assets described in (a)(i) above 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, Council approve in principle the sale of Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, as described in (a)(i) above
- (c) Erf 37256 and Erf 37257 (an unregistered portion of Erf 21180), Selene Way, Mitchells Plain, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (Sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

IPAC 22/03/2016

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 37256 AND ERF 37257 (AN UNREGISTERED PORTION OF ERF 21180), SELENE WAY, MITCHELLS PLAIN FOR SINGLE RESIDENTIAL PURPOSES

MC 36/04/16

VOORGESTELDE TOESTAAN VAN BEGINSELGOEDKEURING VIR DIE VERKOOP VAN ONBEOUDE ERWE 37256 EN 37257 (ONGEREGISTREERDE GEDEELTE VAN ERF 21180), SELENEWEG, MITCHELLS PLAIN, DEUR MIDDEL VAN OPENBARE MEDEDINGING, VIR ENKELRESIDENSIELE DOELEINDES

ISIPHAKAMISO SOKUPHUNYEZWA KOKUNIKEZELWA KOKUTHENGISWA NGOKOKHUPHISWANO LOLUNTU KWESIZA ESIVULELEKILEYO ESINGU-37256 NESIZA-37257 (ESINGABHALISWANGA SESIQEPHU SESIZA-21180), SELENE WAY, MITCHELLS PLAIN KULUNGISELELWA IMIBANDELA YOKUHLALA USAPHO OLUNYE

*Property Management representative was present to answer any question for clarity*

#### RECOMMENDATIONS

Not delegated: for decision by Council

It is recommended that:

- a) In terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - i) Council resolve that erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, in extent approximately 285 m<sup>2</sup> (erf 37256) and 336 m<sup>2</sup> (erf 37257), zoned Single Residential Subzone 1: Conventional Housing (SR1), shown lettered ABCD on Plan LIS 1441v0 (**annexure A**) and ABCD on Plan LIS 1449v0 (**annexure B**), not be required for the provision of the minimum level of basic municipal services;
  - ii) Council confirm that the fair market-value of the assets described in (a)(i) and the economic and community value to be received in exchange for the assets 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, Council approve in principle the sale of erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, as described in (a)(i);
- c) Erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;

- d) Any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

## AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad

Daar word aanbeveel dat:

- a) Ingevolge artikel 14(2)(a) en (b) van die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur (MFMA), Wet 56 van 2003:
- i) Die Raad bepaal dat erf 37256 en 37257 (ongeregistreerde gedeelte van erf 21180), Seleneweg, Mitchells Plain, ongeveer 285 m<sup>2</sup> (erf 37256) en 336 m<sup>2</sup> (erf 37257) groot, met die letters ABCD op plan LIS 1441v0 (**bylae A**) en LIS 1449v0 (**bylae B**) aangedui, gesoneer as enkelresidensiële subson 1: konvensionele behuising (SR1), nie benodig word vir die voorsiening van die minimum vlak van basiese munisipale dienste nie;
  - ii) Die Raad bevestig dat die billike markwaardes van die bates wat in (a)(i) beskryf word en die ekonomiese en gemeenskapswaarde wat ontvang staan te word in ruil vir die bates wat in (a)(i) beskryf word, in aanmerking geneem is;
- b) Ingevolge regulasie 5(1)(b) van die regulasies oor die oordrag van munisipale bates (MATR), R.878 gepromulgeer op 22 Augustus 2008, die Raad die vervreemding van erf 37256 en 37257 (ongeregistreerde gedeelte van erf 21180), Seleneweg, Mitchells Plain, beskryf in (a)(i), in beginsel goedkeur;
- c) Erf 37256 en 37257 (ongeregistreerde gedeelte van erf 21180), Seleneweg, Mitchells Plain deur middel van openbare mededinging vervreem word, onderworpe aan die voorwaardes wat die direkteur: eiendomsbestuur ingevolge haar gedelegeerde bevoegdheid sal oplê.
- d) Enige wins of verlies vir die munisipaliteit ten opsigte van die oordrag van die bates in die aansuiweringsbegroting van die munisipaliteit ingesluit word (artikels 28 en 87 van die MFMA), indien daar nie in die goedgekeurde jaarlikse begroting daarvoor voorsiening gemaak is nie.

## IZINDULULO

Azigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) Ngokwecandelo 14(2) (a) no(b) loRhulumente woMmandla: ojongene noLawulo lweeMali zikaMasipala (MFMA), uMthetho 56 wango-2003:

- i) IBhunga ligqibē ukuba isiza-37256 no-37257 (isiqephu esingabhaliswanga sesiza-21180), esise-Selene Way, e-Mitchells Plain, esibukhulu obumalunga nama-285 m<sup>2</sup> (isiza-37256) ne-336 m<sup>2</sup> (isiza-37257), ezicandwe njengommaandla ongezindlu zenguqulelo (SR1), ezibonakaliswe ngoonobumba abakhulu u-ABCD kwiplani engu-LIS 1441v0 (**isihlomelo-A**) no-ABCD kwiplani engu-LIS 1449v0 (**isihlomelo-B**), azifuneki nganto ukubonelela ngomlinganiselo weenkondo ezingundoqo zikamasipala;
- ii) IBhunga maliqinisekise ukuba kuthathelwa ingqalelo ixabiso lemarike elifanelekileyo lezinto zexabiso ezicaciswe ku-(a)(i) nexabiso lezoqoqosho noluntu eliza kufunyanwa ngotshintshiselwano ngezinto zexabiso ezicaciswe ku-(a)(i);
- b) NgokoMigaqo-5(1)(b) yeMigaqo engokuTshintshelwa kweMpahla kaMasipala (MATR), R. 878 owamisela ngowama-22 Agasti 2008, iBhunga maliphumeze ngokomthetho-siseko ukunikezelwa kweziza-37256 no-37257 (isiqephu esingabhaliswanga sesiza-211900), esise-Selene Way, e-Mitchells Plain, njengoko kucacisiwe ku-(a)(i) ngentla apha;
- c) Iziza-37256 no-37257 (isiqephu esingabhaliswanga sesiza-21180), Selene Way, Mitchells Plain, masinikezelwe ngokokhuphiswano lwethenda yoluntu, ngokuxhomekeke kwimiqathango ethe xhaxhe eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;
- d) Nayiphina ingeniso okanye ilahleko kumasipala ngokujoliswe ekutshintshelweni kwempahla, mayiqukwe kulungelelaniso lohlahlo-lwabiwo-mali lukamasipala (amacandelo-28 nele-87 le-MFMA) ukuba ayibhajethelwanga kuhlahlo-lwabiwo-mali lonyaka oluphunyeziweyo.

**ACTION: A HUMAN; R GELDERBLOEM**

**It is noted that this resolution is in line with Supply Chain Management Policy.**

  
 MR THEMBINKOSI SIGANDA  
 EMPLOYEE NO: 10020234  
 ACTING CHAIRPERSON : IMMOVABLE PROPERTY  
 ADJUDICATION COMMITTEE

DATE:

17/03/2016

COMMENT:

*[Handwritten Signature]*

DIRECTOR : LEGAL SERVICES  
LUNGELO MBANDAZAYO

COMMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 2016 -03- 18

*[Handwritten Signature]*

ALDERMAN IAN NEILSON  
MAYORAL COMMITTEE MEMBER : FINANCE

COMMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 22/3/2016

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CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

Making progress possible. Together.

## REPORT TO IMMOVABLE PROPERTY ADJUDICATION COMMITTEE

1. **ITEM NUMBER :**
2. **SUBJECT: PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 37256 AND ERF 37257 (AN UNREGISTERED PORTION OF ERF 21180), SELENE WAY, MITCHELLS PLAIN FOR SINGLE RESIDENTIAL PURPOSES**

**ONDERWERP: VOORGESTELDE TOESTAAN VAN BEGINSSELGOEDKEURING VIR DIE VERKOOP VAN ONBEOUDE ERWE 37256 EN 37257 (ONGEREGISTREERDE GEDELTE VAN ERF 21180), SELENEWEG, MITCHELLS PLAIN, DEUR MIDDEL VAN OPENBARE MEDEDINGING, VIR ENKELRESIDENSIËLE DOELEINDES**

**ISIHLOKO: ISIPHAKAMISO SOKUPHUNYEZWA KOKUNIKEZELWA KOKUTHENGISWA NGOKOKHUPHISWANO LOLUNTU KWESIZA ESIVULELEKILEYO ESINGU-37256 NESIZA-37257 (ESINGABHALISWANGA SESIQEPHU SESIZA-21180), SELENE WAY, MITCHELLS PLAIN KULUNGISELELWA IMIBANDELA YOKUHLALA USAPHO OLUNYE**

LSU G4389

### 3. STRATEGIC INTENT

#### SFA 1: THE OPPORTUNITY CITY

<b>Objective 1.5</b>	Leverage the City's assets to drive economic growth and sustainable development
Programme 1.5(a)	City strategic assets investigation

### 4. PURPOSE

To obtain Council's in-principle approval to proceed with the sale by public competition of City-owned vacant land being erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, in extent approximately 285 m<sup>2</sup> and 336 m<sup>2</sup> respectively, for Single Residential purposes.

## 5. FOR DECISION BY

This report is for decision by Council

The legal provision for this non-delegable authority can be found in section 14 of the Municipal Finance Management Act, Act 56 of 2003 and regulation 5 of the Municipal Asset Transfer Regulations of 2008.

## 6. EXECUTIVE SUMMARY

PURPOSE	To obtain Council's in-principle approval for the sale by public competition of City-owned vacant land erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, for Single Residential purposes	
Property description	Erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain	
Site extent	285 m <sup>2</sup> (erf 37256) and 336 m <sup>2</sup> (erf 37257)	
Current zoning	Single Residential Subzone 1: Conventional Housing (SR1)	
Current usage	Vacant land	
Proposed usage	Single Residential Subzone 1: Conventional Housing (SR1)	
Desktop values	R 150 000 (erf 37256) and R170 000 (erf 37257) (excluding VAT)	
Public participation outcome summary	No objections	
WARD COUNCILLOR Natalie Bent	NOTICE DATE 16 October 2015	WARD 75

## 7. RECOMMENDATIONS

Not delegated: for decision by Council

It is recommended that:

- a) In terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - i) Council resolve that erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, in extent approximately 285 m<sup>2</sup> (erf 37256) and 336 m<sup>2</sup> (erf 37257), zoned Single Residential Subzone 1: Conventional Housing (SR1), shown lettered ABCD on Plan LIS 1441v0 (**annexure A**) and ABCD on Plan LIS 1449v0 (**annexure B**), not be required for the provision of the minimum level of basic municipal services;

- ii) Council confirm that the fair market-value of the assets described in (a)(i) and the economic and community value to be received in exchange for the assets 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, Council approve in principle the sale of erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, as described in (a)(i);
- c) Erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, be sold by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- d) Any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

### AANBEVELINGS

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- a) Ingevolge artikel 14(2)(a) en (b) van die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur (MFMA), Wet 56 van 2003:
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- d) Enige wins of verlies vir die munisipaliteit ten opsigte van die oordrag van die bates in die aansuiweringsbegroting van die munisipaliteit ingesluit word (artikels 28 en 87 van die



MFMA), indien daar nie in die goedgekeurde jaarlikse begroting daarvoor voorsiening gemaak is nie.

## IZINDULULO

Azigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) Ngokwecandelo 14(2) (a) no(b) loRhulumente woMmandla: ojongene noLawulo lweeMali zikaMasipala (MFMA), uMthetho 56 wango-2003:
- i) IBhunga ligqibe ukuba isiza-37256 no-37257 (isiqephu esingabhaliswanga sesiza-21180), esise-Selene Way, e-Mitchells Plain, esibukhulu obumalunga nama-285 m<sup>2</sup> (isiza-37256) ne-336 m<sup>2</sup> (isiza-37257), ezicandwe njengommaandla ongezindlu zenguqulelo (SR1), ezibonakaliswe ngoonobumba abakhulu u-ABCD kwiplani engu-LIS 1441v0 (**isihlomelo-A**) no-ABCD kwiplani engu-LIS 1449v0 (**isihlomelo-B**), azifuneki nganto ukubonelela ngomlinganiselo weenkondo ezingundoqo zikamasipala;
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- b) NgokoMigaqo-5(1)(b) yeMigaqo engokuTshintshelwa kweMpahla kaMasipala (MATR), R. 878 owamiselwa ngowama-22 Agasti 2008, iBhunga maliphumeze ngokomthetho-siseko ukunikezelwa kweziza-37256 no-37257(isiqephu esingabhaliswanga sesiza-211900), esise-Selene Way, e-Mitchells Plain, njengoko kucacisiwe ku-(a)(i) ngentla apha;
- c) Iziza-37256 no-37257 (isiqephu esingabhaliswanga sesiza-21180), Selene Way, Mitchells Plain, masinikezelwe ngokokhuphiswano lwethenda yoluntu, ngokuxhomekeke kwimiqathango ethe xhaxhe eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;
- d) Nayiphina ingeniso okanye ilahleko kumasipala ngokujoliswe ekutshintshelweni kwempahla, mayiqukwe kulungelelaniso lohlahlo-lwabiwo-mali lukamasipala (amacandelo-28 nele-87 le-MFMA) ukuba ayibhajethelwanga kuhlahlo-lwabiwo-mali lonyaka oluphunyeziweyo.

## 8. DISCUSSION/CONTENTS

### 8.1 Background

Erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain have been identified for sale and included in the Property Management Disposal Programme for the 2015/16 Financial year.

The properties are zoned Single Residential Subzone 1: Conventional Housing and measure approximately 285 m<sup>2</sup> (erf 37256) and 336 m<sup>2</sup> (erf 37257) in extent as shown on the attached plans (**annexures A and B**). It is intended to sell the properties in terms of their current zoning.

## 8.2 Public Participation

In accordance with the authority obtained from the Director: Property Management on 8 October 2015, Council's intention to sell the subject properties was advertised as follows:

Advertising	Cape Times & Burger	16 October 2015
	Provincial & National Treasury	20 October 2015
	Ward Councillor	20 October 2015
	Subcouncil Chair & Manager	20 October 2015
Outcome	Objections	No
	Ward Councillor's support	Yes

## 8.3 Constitutional and Policy Implications

- (i) Chapter B of Council's policy relating to the Management of certain of the City of Cape Town's Immovable Property, as approved by Council on 26 August 2010 (C54/08/10), permits the sale of immovable property.
- (ii) A resolution to proceed with the sale of these properties is supported by the applicable policies.

## 8.4 Sustainability Implications

Does the activity in this report have any sustainability implications for the City? No  Yes

## 8.5 Legal Implications

- (i) The proposal complies with section 14 of the Municipal Finance Management Act, Act 56 of 2003.
- (ii) The sale of municipal capital assets is governed by Chapter 2 of the Municipal Asset Transfer Regulations (R.878) in effect from 1 September 2008 (MATR).

Council may in terms of **Reg 5(1)(b)(i) of the MATR** transfer or sell non-exempted capital assets after it has, in a meeting open to the public, made the determinations required by section 14(2)(a) and (b) of the MFMA:

- the erven (assets) are not needed for basic municipal services;
- the fair market value of the assets and the economic and community value to be received in exchange for the assets, have been considered.

*JBA*

In terms of **Reg 7 of the MATR**, Council must take into account a number of factors (highlighted in bold) when considering any proposal to transfer or sell non-exempted capital assets and it is herewith confirmed that:

**Factor A: Whether assets are required for municipality's own use at later date (also Sec 14(1), Sec 14(2)(a) and Sec 90(1) of MFMA)**

Council's service branches have confirmed that the assets are not required for its own purposes.

**Factor B: Loss or gain expected to result from proposed transfer**

Council will not make a loss, but a gain on receipt of fair market value and future rates and taxes.

**Factor C: Significant economic or financial cost or benefit to municipality/ compensation**

Council will receive a financial benefit in the form of the sales prices as well as future rates and taxes in respect of the properties. The desktop valuation reports (**annexures C and D**) estimate the value of the properties to be in the region of R150 000 (erf 37256) and R170 000 (erf 37257), excluding VAT.

**Factor D: Management of risk**

No operational or control risk to the City

**Factor E: Impact on credit rating, financial position, cash flow of municipality**

No impact

**Factor F: Limitations and conditions attached to capital assets**

None

**Factor G: Cost of transfer or disposal**

The normal costs related to advertisements and land surveying, if applicable, will be incurred by Council. The purchasers will be responsible for the transfer costs.

**Factor H: Transfer of liabilities and reserve funds associated with the assets**

None

**Factor I: Stakeholder comments and recommendations**

The City's intention to alienate erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain, was duly advertised to the public in the Cape Times and Die Burger on 16 October 2015. The relevant subcouncil Chairperson, subcouncil Manager, Ward Councillors and Regional Offices were notified for comment. No objections were received.

**Factor J: Views from National and Provincial Treasury**

No comments were received.

**Factor K: Strategic, legal, and economic interests**

None of these interests will be compromised through the alienation of the assets - in fact they will be supported.

**Factor L: Compliance with legislative regime that is applicable to proposed transfer or disposal**

Alienation of the assets is compliant with the MFMA and the Municipal Asset Transfer Regulations, Reg. 12(1).

**8.6 Staff Implications**

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

No

**8.7 Risk Implications**

No operational or control risk to the City

**8.8 Other Services Consulted**

The proposed sale of the properties was circulated to the relevant departments of the City and to external departments for comment. No objections were received.

**9. SUBCOUNCIL RECOMMENDATION**

Subcouncil 23 on 18 January 2016 resolved to recommend the sale of vacant erf 37256 and erf 37257 (an unregistered portion of erf 21180), Selene Way, Mitchells Plain. (See item 23SUB 14/1/2016) attached as **annexure E**).

**ANNEXURES**

Annexure A: Plan LIS 1441v0


Annexure B: Plan LIS 1449v0

Annexure C: Desktop valuation dated 2015-09-22

Annexure D: Desktop valuation dated 2015-09-16

Annexure E: Subcouncil minutes – 23SUB 14/1/2016

## FOR FURTHER DETAILS CONTACT:

NAME	Angelene Kelland
CONTACT NUMBERS	(021) 400 1076
E-MAIL ADDRESS	angelene.kelland@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	HO 14/3/4/1161/A22 & 14/3/4/3/403/A22
SIGNATURE : MANAGER PROPERTY DEVELOPMENT	 7.03.2016

Comment:

*Ruby Gelderbloem*  
 DIRECTOR: PROPERTY MANAGEMENT IN HER  
 CAPACITY AS NOMINEE FOR THE EXECUTIVE  
 DIRECTOR: FINANCE  
 RUBY GELDERBLOEM

NAME RUBY GELDERBLOEMDATE 2016-03-09


REPORT COMPLIANT WITH THE PROVISIONS OF  
 COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS  
 AND ALL LEGISLATION RELATING TO THE MATTER  
 UNDER CONSIDERATION.

NON-COMPLIANT

LEGAL COMPLIANCE

NAME CHARLYNNE ARENOSETEL 021 400 1265DATE 10/3/2016

Comment:

Certified as legally compliant: 

Based on the contents of the report.