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**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
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MC 30/02/24

MINUTES FOR CONFIRMATION:

ORDINARY MEETING: 6 FEBRUARY 2024

MINUTES

OF A MEETING OF THE EXECUTIVE MAYOR AND MEMBERS OF THE MAYORAL COMMITTEE OF THE CITY OF CAPE TOWN HELD IN THE COUNCIL CHAMBER, 6TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON TUESDAY, 6 FEBRUARY 2024 AT 11:02

PRESENT

Ald. G Hill-Lewis (Executive Mayor) (Chairperson)
Ald. E Andrews (Executive Deputy Mayor)
Cllr Z Badroodien
Cllr S Mbandezi
Cllr C Pophaim
Cllr R Quintas
Ald. JP Smith
Ald. G Twigg
Ald. T Uys (joined the meeting via Skype)
Cllr P van der Ross
Cllr B Van Reenen
Ald. J Vos

LEAVE/APOLOGIES

None

VISITING COUNCILLORS

Ald. F Purchase (Speaker)
Cllr D Visagie (Chief Whip)

EXECUTIVE MANAGEMENT TEAM

Mr L Mbandazayo (City Manager)
Mr V Botto (ED: Safety & Security)
Ms D Campbell (ED: Urban Mobility)
Ms R Gelderbloem (ED: Economic Growth)
Ms Z Mandlana (ED: Community Services & Health)
Mr L Manus (ED: Water & Sanitation)
Mr R McGaffin (ED: Spatial Planning & Environment)
Mr G Morgan (ED: Future Planning & Resilience)
Mr W Muller (acting on behalf of the Chief Financial Officer)
Dr L Rencontre (acting on behalf of the ED: Energy)
Mr E Sass (ED: Corporate Services)

Note: Some attendees listed below were present in the venue while others linked in via Skype.

OTHER OFFICIALS

Ms E Apollis
Mr S Booysen
Ms T Davids
Mr M De Jongh
Mr D Esau
Ms A Fillis
Ms W Hartshorne
Mr A Hazell
Mr Z Hoosain
Mr A Joseph
Mr J Liebenberg
Ms P Mayisela
Mr Z Mohamed
Ms V Ngcobozi
Ms R Sayed
Ms N Singh
Mr J Smale
Mr L Tyhalibongo
Ms L Visagie

PUBLIC AND PRESS

None

EXECUTIVE COMMITTEE SERVICES

Ms R Razack
Mr G Josephs
Mr M Carolus

MC 01/02/24 OPENING

The Chairperson, Ald. G Hill-Lewis (Executive Mayor) welcomed all those present to the meeting, including the newly appointed ED: Water and Sanitation, Mr Leonardo Manus.

MC 02/02/24 APOLOGIES/LEAVE OF ABSENCE

No applications for leave of absence were received for the Mayco Members.

It was further noted that apologies were received for Mr K Jacoby (Chief Financial Officer), Mr K Nassiep (ED: Energy) and Ms N Gqiba (ED: Human Settlements).

RESOLVED that it be noted that no apologies for leave of absence were received from committee members for this meeting.

ACTION: G JOSEPHS

MC 03/02/24 CONFIRMATION OF MINUTES OF MAYCO MEETING HELD ON 16 JANUARY 2024

RESOLVED that the minutes of the ordinary Mayoral Committee meeting held on 16 January 2024, be confirmed.

ACTION: G JOSEPHS

MC 04/02/24 MATTERS RECEIVING ATTENTION

The following comments were made with regard to the list of Matters Receiving Attention (MRA):

- (i) **Item MC 11/01/22 - The request for approval of an Informal Trading Plan in terms of the City of Cape Town's Informal Trading By-Law for the area of Subcouncil 2**

The Ward Councillors and line departments have submitted their comments and the public participation process will commence shortly and thereafter the report will be submitted to Subcouncil 2 for onward submission to Mayco and Council.

- (ii) **Item MC 69/10/23 - The transfer of portions 83, 84 and 85 of Farm no. 544 Cape Farms and Farm no. 1549 Cape Farms from the City of Cape Town to the Provincial Government of Western Cape by invoking the reversionary condition in the deed of alienation**

The above matter to remain on the MRA for further discussion at the Intergovernmental Committee during the last week of February 2024.

RESOLVED that the Mayco Matters Receiving Attention list as at 6 February 2024, be noted.

ACTION: G JOSEPHS

EXECUTIVE MAYOR

FOR DECISION BY THE EXECUTIVE MAYOR

TOGETHER WITH MEMBERS OF MAYCO

MC 05/02/24 FEEDBACK ON THE INTERNATIONAL/OUTSIDE THE BORDERS OF THE RSA TRIP UNDERTAKEN FROM 31 OCTOBER 2023 TO 4 NOVEMBER 2023 TO ATTEND THE WORLD ENERGY CITIES PARTNERSHIP (WECP) ANNUAL GENERAL MEETING IN THE CITY OF PERTH, AUSTRALIA

It was requested that the report on the agenda be referred to the conference team of the Mayco Member for Economic Growth, Ald. J Vos, for future editions of the World Energy Cities Partnership (WECP) conference.

RESOLVED that the feedback report on the trip undertaken by Cllr Beverley van Reenen (Mayoral Committee Member for Energy and Executive Director for Energy) and Mr. Kadri Nassiep to attend the World Energy Cities Partnership (WECP) Annual General Meeting from 31 October 2023 to 04 November 2023 in the City of Perth, Australia, be noted.

ACTION: N MKWANE; D VAN SCHALKWYK

MC 06/02/24 FEEDBACK ON THE INTERNATIONAL/OUTSIDE THE BORDERS OF THE RSA TRIP UNDERTAKEN FROM 2 TO 6 DECEMBER 2023 TO GENEVA ON AN OFFICIAL MISSION TO SWITZERLAND

RESOLVED that the feedback report on the official mission to Switzerland undertaken by Alderman Eddie Andrews (Executive Deputy Mayor) on 2 to 6 December 2023, be noted.

ACTION: D VAN SCHALKWYK

MC 07/02/24 FINANCIAL MONITORING REPORT: DECEMBER 2023

The Executive Mayor, Ald. G Hill-Lewis, noted that there are a number of directorates behind schedule in terms of their capital expenditure and he urged EMT to ensure that capital expenditure is accelerated in order to achieve the targets for the 2023/24 financial year.

RESOLVED that:

- (a) The Financial Monitoring Report for the period ending 31 December 2023 be noted and referred to Mayco Members and EMT for remedial action, where required.
- (b) It be noted that savings on expenditure items will be set aside to reduce borrowing and to fund the City's capital programme.

ACTION: C STROUD; K JACOBY

MC 08/02/24 VIREMENTS APPROVED AND PROCESSED FOR QUARTER 2 OF THE 2023/24 FINANCIAL YEAR (OCTOBER TO DECEMBER 2023)

RESOLVED that the capital and operating virements approved and processed for quarter 2 of the 2023/24 financial year for the period October to December 2023, be noted.

ACTION: C STROUD; K JACOBY

FOR DECISION BY COUNCIL

MC 09/02/24 REVIEW AND AMENDMENT OF RESOLUTION MC 51/10/23: TO REVISE THE SECTION 78(1) STUDY IN TERMS OF THE MUNICIPAL SYSTEMS ACT, 32 OF 2000, TO INCLUDE OPTIONS FOR FINANCING AND IMPLEMENTING THE PROPOSED UPGRADES AND EXPANSIONS AT THE CAPE FLATS WASTEWATER TREATMENT WORKS (LSU Q2249)

RESOLVED that, for the reasons mentioned in the report on the agenda, resolution MC 51/10/23 taken on 17 October 2023 be reviewed and amended to include options for financing and implementing the proposed upgrades and expansions at the Cape Flats Wastewater Works, in order for it to read as follows:

RESOLVED that:

- (a) *authorisation be granted for an assessment, in terms of the Section 78(1) process of the Municipal Systems Act, to determine the best way forward to operate the following works: the Zandvliet Wastewater Treatment Works, the Fisantekraal Wastewater Treatment Works the Borchersds Quarry Faecal Sludge Handling Facility and the Cape Flats Wastewater Treatment Works, inclusive of the Biosolids Beneficiation Facility and the Managed Aquifer Recharge Facility.*
- (b) *in terms of the Section 78(1) process of the Municipal Systems Act, 32 of 2000, authorisation be granted for an assessment to include options for financing and implementing the proposed upgrades and expansions at the Cape Flats Wastewater Treatment Works.*

It is **RECOMMENDED** that Council note that Mayco resolved:

- (a) to authorise an assessment, in terms of the Section 78(1) process of the Municipal Systems Act, to determine the best way forward to operate the following works: Zandvliet Wastewater Treatment Works, Fisantekraal Wastewater Treatment Works, Borchersds Quarry Faecal Sludge Handling Facility and Cape Flats Wastewater Treatment Works, inclusive of the Biosolids Beneficiation Facility and of the Managed Aquifer Recharge Facility.

- (b) in terms of the Section 78(1) process of the Municipal Systems Act, 32 of 2000, to grant authorisation for an assessment to include options for financing and implementing the proposed upgrades and expansions at the Cape Flats Wastewater Treatment Works.

ACTION: N MEISSENHEIMER; B WOOD; K OLSEN; L MANUS

MC 10/02/24 APPROVAL OF A THREE-YEAR AGREEMENT FOR HOSTING THE INVESTEC SOUTH AFRICAN WOMEN'S OPEN DURING THE 2023/24, 2024/25 & 2025/26 FINANCIAL YEARS (LSU Q2128)

It is **RECOMMENDED** that:

- (a) Council approves a three-year sponsorship agreement with Women's Professional Golf Association for the Investec South African Women's Open for the 2023/24, 2024/25 and 2025/26 financial years. The agreement shall commence on 25 April 2024.
- (b) Council approve that an amount of R1 700 000 (15% VAT where applicable) be disbursed during the 2023/24 financial year from the Events Budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and Event Services.
- (c) Council approve that an amount of R1 785 000 (15% VAT where applicable) be disbursed during the 2024/25 financial year from the Events Budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and Event Services.
- (d) Council approve that an amount of R1 874 250 (15% VAT where applicable) be disbursed during the 2025/26 financial year from the Events Budget, cost centre 19060505 (Events), GL 457300 (Sponsorship: Events) towards City and Event Services.

ACTION: N MEISSENHEIMER; L DESOUZA-ZILWA; V BOTTO

MC 11/02/24 ESTABLISHMENT OF A TOWNSHIP DEVELOPMENT - DEVELOPMENT CHARGES (DC) FUND TO ASSIST MICRO DEVELOPERS DEVELOPING SMALL SCALE RENTAL UNITS (SSRU) AND SUPPORTING INVESTMENT ATTRACTION IN TARGETED AREAS (LSU Q2060)

The Mayco Member for Economic Growth, Ald. J Vos, proposed the following amendments to the application qualifying criteria as set out in the report on the agenda:

- (a) Confirmation of project funding be a condition for the payment of DCs from the Capital Reserve Fund in terms of this Council Resolution rather than a criterion for qualification. *(The intention is to ensure that funding is prioritised based on readiness to*

execute, but does not exclude applications from developers that might need this approval in order to achieve financial close.)

- (b) Add an additional criterion of proof of submission of building plans.
- (c) Applicants must be a micro-developer, i.e. the development of 3 to 30 units.

The above proposals were duly supported.

It is **RECOMMENDED** that Council:

- (a) Approve the Township Development - Development Charges Fund pilot programme attached as Annexure A to the report on the agenda, subject to the amendment of the application qualifying criteria as follows:
 - (i) confirmation of project funding be a condition for the payment of DCs from the Capital Reserve Fund in terms of this Council Resolution rather than a criterion for qualification.
 - (ii) proof of submission of building plans.
 - (iii) applicants must be a micro-developer, i.e. the development of **3** to 30 units.
- (b) Approve that the application of the financial and non-financial incentives as per sections 4.1. (Affordable Housing Markets) of the report on the agenda, be extended to the targeted areas, or subsequent revision thereof, listed in Annexure B to the report on the agenda.
- (c) Approve the creation of a new CRR: Township Development - Development Charges Fund with an initial allocation of R20 million funded from the accumulated surplus to enable the subsidisation of development charges and shared network charges (to City supplied areas only) for micro developers of small scale rental units in targeted areas as determined by Spatial Planning and Environment, listed in Annexure B to the report on the agenda.
- (d) Approve the revenue to be forgone, in respect of development charges and shared network costs (to City supplied areas only) in terms of clause 11.4 of the Development Charges Policy for Engineering Services for the City of Cape Town, for the Township Development - Development Charges Fund pilot programme.

- (e) Note that section 4.2. (Attracting Investors) incentives will be determined in accordance with the review of the Investment Incentives Policy.
- (f) Note that the period of the pilot will run from February 2024 until the R20 million budget allocation has been completed. Where after, further request for funding will need to be submitted.
- (g) Note that quarterly progress reports will be submitted to the Land Release Mayoral Priority Programme (MPP) on the performance of the proposed Township Development - Development Charges Fund.

ACTION: N MEISSENHEIMER; C VIZZI; L NXUMALO; L GREYLING; R GELDERBLOEM

MC 12/02/24 TO REVIEW THE CATEGORISATION OF LAND USE APPLICATION TYPES TO BE CONSIDERED BY THE MUNICIPAL PLANNING TRIBUNAL (MPT) AND THE AUTHORISED OFFICIALS (NO LSU)

It is **RECOMMENDED** that:

- (a) Council prescribe that the category 1 applications listed in Annexure C to the report on the agenda be decided by the Municipal Planning Tribunal and the category 2 applications listed in Annexure C be decided by an authorised official for the purposes of section 114(1) of the Municipal Planning By-law.
- (b) Council designate the Executive Director: Spatial Planning and Environment or his successors in title, as an authorised official for the purposes of section 114(1)(b) of the Municipal Planning By-law to decide on category 2 applications.
- (c) Council designate employees in the following positions as authorised officials for the purposes of section 114(1)(b) of the Municipal Planning By-law to decide on category 2 applications subject to conditions as may be determined by the Executive Director: Spatial Planning and Environment or his successor in title, namely: Director Development Management, Manager Development Policies, Processes and Legislation, Manager: District Operations, District Managers, Head: Land Use Management, Section Head: Land Use Management, Principal Professional Officer (LUM), Senior Professional Officer (LUM) and Professional Officer (LUM).
- (d) Council authorise the Executive Director: Spatial Planning and Environment, or his successors-in-title, to withdraw the designation of any of the authorised officials listed in (c) above in the event of non-compliance with the Spatial Planning and Land

Use Management Act, the Municipal Planning By-law or in terms of the authorization given to the Executive Director: Spatial Planning and Environment, or his successors in title.

ACTION: N MEISSENHEIMER; J VAN DER WESTHUIZEN; C WALTERS; R MCGAFFIN

***FOR DECISION BY THE EXECUTIVE MAYOR
TOGETHER WITH MEMBERS OF MAYCO***

MC 13/02/24 INTERNAL AUDIT ADJUSTMENT AUDIT PLAN FOR 2023/2024

RESOLVED that the Internal Audit Adjustment Audit Plan for the 2023/24 financial year, be approved.

ACTION: E WESSELS; Z HOOSAIN

MC 14/02/24 COMBINED ASSURANCE AND GOVERNANCE ADJUSTED OPERATIONAL PLAN FOR 2023/2024

RESOLVED that the Combined Assurance and Governance Adjusted Operational Plan for 2023/24, be approved.

ACTION: S DU TOIT; Z HOOSAIN

FOR DECISION BY COUNCIL

MC 15/02/24 GRANTING OF IN PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 1412 GORDON'S BAY (PUBLIC STREET), SITUATED ON BEACH ROAD, GORDON'S BAY TO OWNER OF ERF 3342 GORDON'S BAY: AYESHA MUKADAM FAMILY TRUST

AND

PROPOSED CLOSURE OF A PORTION OF PUBLIC STREET, BEING PORTION OF ERF 1412 GORDON'S BAY (LSU P3999)

It is **RECOMMENDED** 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 Erf 1412, situated off Beach Road, Gordon's Bay, in extent approximately 6.5 m² as shown cross-hatched and lettered ABCD on Plan 130008765 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) Council grants in-principle approval in terms of Regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, for the closure and transfer of a portion of Erf 1412 Gordon's Bay (Public Street) to the owners of the adjoining Erf 3342 Gordon's Bay as shown cross-hatched and lettered ABCD on Plan 130008765 attached as Annexure A to the report on the agenda.
- (c) Council, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approve the closure of the subject property being a portion of a public place (street), being a portion of Erf 1412, in extent approximately 6.5 m² as shown cross-hatched and lettered ABCD on Plan 130008765 attached as Annexure A to the report on the agenda.
- (d) The transfer of a portion of Erf 1412 Gordon's Bay (Public Street), situated off Beach Road, Gordon's Bay, in extent approximately 6.5 m² as shown cross-hatched and lettered ABCD on Plan 130008765 attached as Annexure A to the report on the agenda, to Ayesha Mukadam Family Trust as owner of Erf 3342 Gordon's Bay, or its successor(s) in title, be approved, subject to the following conditions, that:
 - (i) A purchase price of R61 500 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 from date of valuation, i.e. from 2023-05-01, until date of registration;
 - (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 2025-10-31;
 - (iv) An occupational rental of R300 per month, escalating at 6% per annum, shall be payable as from 2023-05-01 until date of registration;
 - (v) A portion of Erf 1412 be consolidated with Erf 3342 Gordon's Bay to form a new erf and that a servitude right of way be registered over the area shown cross-hatched and lettered ABCD on Plan 130008765 attached as Annexure A to the report on the agenda, in favour of the City of Cape Town and the General Public at street level at the cost of the purchaser;

- (vi) No further development of the property will be allowed;
- (vii) Rates and municipal charges, if applicable, be levied;
- (viii) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority, including 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.

ACTION: N MEISSENHEIMER; L ABRAHAMS; A FORD; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 16/02/24 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER OF THE CITY-OWNED, VACANT, REMAINDER ERF 5113, STRAND, SITUATED AT GUSTROUW ROAD, FIRLANDS WHICH IS ZONED AGRICULTURE (LSU Q1510)

It is **RECOMMENDED** 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 Remainder Erf 5113, Strand at Gustrouw Road, Firlands, approximately 42.84 ha in extent, vacant, zoned Agricultural AG, and shown lettered A-J on Plan LIS 2529 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) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of Remainder Erf 5113, Strand as described in (a)(i) above.
- (c) The comments and recommendation provided by the Provincial Treasury, be noted.
- (d) The resolution provided by Subcouncil 8, be noted.

**ACTION: N MEISSENHEIMER; T MADIKANE; T LEWIS; D
JOUERT; R GELDERBLOEM**

**MC 17/02/24 GRANTING OF IN PRINCIPLE APPROVAL: PROPOSED
TRANSFER OF A PORTION OF ERF 1332 SOMERSET WEST
(PUBLIC STREET), SITUATED ON MERRIMAN AVENUE,
SOMERSET WEST TO OWNER OF ERF 2708 SOMERSET WEST:
JOHANNES VAN ZYL**

AND

**PROPOSED CLOSURE OF A PORTION OF PUBLIC STREET,
BEING PORTION OF ERF 1332 SOMERSET WEST (LSU Q1846)**

It is **RECOMMENDED** 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 Erf 1332, situated off Merriman Avenue, Somerset West, in extent approximately 45 m² as shown cross-hatched and lettered ABCD on Plan 130009894 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 Erf 1332 Somerset West (Public Street) to the owners of the adjoining Erf 2708 Somerset West as shown cross-hatched and lettered ABCD on Plan 130009894 attached as Annexure A to the report on the agenda.
- (c) Council, in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approve the closure of the subject property, a public place (street), being a portion of Erf 1332, in extent approximately 45 m² as shown cross-hatched and lettered ABCD on Plan 130009894 attached as Annexure A to the report on the agenda.
- (d) The transfer of a portion of Erf 1332 Somerset West (Public Street), situated off Merriman Avenue, Somerset West, in extent approximately 45 m² as shown cross-hatched and lettered ABCD on Plan 130009894 attached as Annexure A to the report on the

agenda, in favour of Erf 1332 Somerset West to Johannes Jacobus Van Zyl, or his successor(s) in title, be approved, subject to the following conditions, that:

- i) A purchase price of R70 000 excluding VAT be payable;
- ii) The transfer price shall escalate at 5% per annum compounded annually on a pro-rata basis, commencing 6 months from date of valuation, i.e. from 2024-02-01, until date of registration;
- iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 2026-07-31;
- iv) An occupational rental of R350 per month, escalating at 6% per annum, shall be payable as from 2024-02-01 until date of registration;
- v) A portion of Erf 1332 be consolidated with Erf 2708 Somerset West to form a new erf and that a servitude be registered over the existing services over the subject portion of land in favour of the City of Cape Town at the cost of the purchaser;
- vi) No further development of the property will be allowed;
- vii) Rates and municipal charges, if applicable, be levied;
- viii) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority, including 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;

ACTION: N MEISSENHEIMER; L ABRAHAMS; D GEYSMAN; D JOUBERT; R GELDERBLOEM

MC 18/02/24 PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE A MUNICIPAL CAPITAL ASSET: PROPOSED REGISTRATION OF A BUILDING RIGHTS SERVITUDE OVER A PORTION OF REMAINDER ERF 481 FRESNAYE, SITUATED OFF AVENUE DISANDT, FRESNAYE, IN FAVOUR OF ERF 1092 FRESNAYE: DINA HURWITZ (LSU Q2042)

It is **RECOMMENDED** 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 a Portion of Remainder Erf 481 Fresnaye, situated off Avenue Disandt, Fresnaye, in extent approximately 1 m² and 8 m² as shown cross-hatched and lettered ABCD and DEFGHA respectively on Plan 130009293 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 rights to use, control and manage a municipal capital asset by way of granting a Building Rights Servitude over a Portion of Remainder Erf 481 Fresnaye, situated off Avenue Disandt, Fresnaye, in extent approximately 1 m² and 8 m² as shown cross-hatched and lettered ABCD and DEFGHA respectively on Plan 130009293 attached as Annexure A to the report on the agenda.
- (c) That the granting of rights to use, control and manage a municipal capital asset by way of granting a Building Rights Servitude over a Portion of Remainder Erf 481 Fresnaye, situated off Avenue Disandt, Fresnaye, in extent approximately 1 m² and 8 m² as shown crosshatched and lettered ABCD and DEFGHA respectively on Plan 130009293 attached as Annexure A to the report on the agenda, to Dina Hurwitz, or her successor(s) in title, be approved, subject to the following conditions, that:
- (i) A compensation amount of R115 000, excluding VAT, will be payable;
 - (ii) The compensation amount is to be escalated by 5% per annum compounded annually on a pro-rata basis, commencing 6 months after date of valuation, i.e. from 1 December 2023 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. by 31 May 2026;
 - (iv) Rates and municipal charges, if applicable, be levied;

- (v) Subject to such further conditions imposed by the Director: Property Management in terms of his delegated authority, including inter alia the following:
 - (aa) that all further statutory and land use requirements be complied with;
 - (bb) that no further development or construction is allowed on the subject property;
 - (cc) that the subject Building Rights Servitude be registered in favour of Erf 1092 Fresnaye;
 - (dd) that all costs related and incidental to the transaction be borne by the purchaser.

ACTION: N MEISSENHEIMER; S CAROLUS; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 19/02/24 PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE A MUNICIPAL CAPITAL ASSET: GRANTING OF A PIPELINE SERVITUDE OVER CITY-OWNED IMMOVABLE PROPERTY BEING PORTIONS OF ERVEN 154469 AND 154478 CAPE TOWN SITUATED AT MAWSON AVENUE, MAITLAND, CAPE TOWN (LSU P4277)

It is **RECOMMENDED** that:

- (a) Council resolve in terms of regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations that the subject property being portions of Erven 154469 and 154478 Cape Town situated at Mawson Avenue, Maitland, Cape Town, in extent approximately 512 m², shown by the hatched figure lettered ABCDEFGHJKLMA on Plan STC 3586 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) The granting of rights to use and control or manage municipal capital assets by way of granting a Pipeline Servitude over the subject property being portions of Erven 154469 and 154478 Cape Town situated at Mawson Avenue, Maitland, Cape Town, in extent approximately 512 m², shown by the hatched figure lettered ABCDEFGHJKLMA on Plan STC 3586 attached as Annexure A to the report on the agenda, in favour of the Department of Transport and Public Works: Western Cape Government, or their successor(s)-in-title, be approved, subject to the following conditions, that:

- (i) A compensation amount of R180 000, excluding VAT be payable;
- (ii) The amount is to be escalated by 5% per annum for the period 01 December 2020 until date of registration;
- (iii) The valuation is to be reviewed if the proposed granting of rights is not approved by the delegated authority within 36 months from current date of valuation, i.e. by 31 March 2026;
- (iv) Rates and municipal charges, if applicable, be levied;
- (v) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority, including *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;
 - (cc) the necessary servitude(s) be registered.

ACTION: N MEISSENHEIMER; M CARELSE; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 20/02/24 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION OF VACANT ERF 23536 GOODWOOD (UNREGISTERED PORTION OF REMAINDER ERF 22856 GOODWOOD), SITUATED AT 38 FAIRMEAD ROAD, EPPING FOREST, ZONED COMMUNITY 1: LOCAL (CO 1) FOR COMMUNITY PURPOSES (LSU Q1821)

It is **RECOMMENDED** that:

- (a) In terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA):
 - (i) Council resolves that Erf 23536 Goodwood (unregistered portion of Remainder Erf 22856 Goodwood) situated at 38 Fairmead Road, Epping Forest in extent approximately 2650 m², shown lettered ABCDEF Plan LIS 3004 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 confirms 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) of the Municipal Asset Transfer Regulations of 2008 (MATR), in-principle approval be granted for the transfer of Erf 23536 Goodwood (unregistered portion of Remainder Erf 22856 Goodwood), as described in (a)(i) above.
- (c) Erf 23536 Goodwood (unregistered portion of Remainder Erf 22856 Goodwood) situated at 38 Fairmead Road, Epping Forest, be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of his delegated authority.
- (d) Council confirm that when considering the sale of the property 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 account.
- (e) The comments and recommendations provided by Provincial and National Treasury, be noted.

ACTION: N MEISSENHEIMER; M WITBOOI; S HLENGWA; T LEWIS; D JOUBERT; R GELDERBLOEM

MC 21/02/24 PROPOSED EXEMPTED TRANSFER OF ERF 3231 CROSSROADS (SIGCAWU PRIMARY SCHOOL) SITUATED AT PAULI ROAD, CROSSROADS: PROVINCIAL GOVERNMENT OF THE WESTERN CAPE (DEPARTMENT OF EDUCATION) (LSU Q2036)

It is **RECOMMENDED** that:

- (a) Council resolve in terms of regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations that Erf 3231 Crossroads, shown lettered ABCDEFGHJLMN on Plan 130009656 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) Council confirm, in terms of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations, that the property indicated by the figure ABCDEFGHJLMN on Plan 130009656 attached as Annexure A to the report on the agenda, be transferred for less than fair market value.
- (c) Council confirm, per the motivation in the report on the agenda, that the consideration factors of Regulation 20(1)(f)(ii)(aa)-(jj) of the Municipal Asset Transfer Regulations, which are triggered by

the proposed less than market value transfer of the subject property, have been taken into consideration.

- (d) The transfer of Erf 3231 Crossroads located at Pauli Road, Crossroads and shown lettered ABCDEFGHJLMN on Plan 130009656 attached as Annexure A to the report on the agenda, in extent of approximately 13 967 m², to the Provincial Government of the Western Cape (Department of Education), or its successor(s)-in-title, be approved, subject *inter alia* to the following conditions, that:
- (i) 10% of market-related purchase price being R210 000 (two hundred and ten thousand rand) excluding VAT calculated at the rate applicable at the time of transaction, where applicable, be payable;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing six months after the date of valuation, i.e. from 2024-03-01, until the date of registration;
 - (iii) The market value is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 August 2026;
 - (iv) Rates and municipal charges, if applicable, be levied;
 - (v) The City is to ensure that an appropriate reversionary clause is inserted on the title deed that limits the use of the subject property to public schooling purposes;
 - (vi) Subject to such further conditions imposed by the Director: Property Management in terms of delegated authority, including *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.

ACTION: N MEISSENHEIMER; Y MOHAMED; R KOLIA; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 22/02/24 PROPOSED TRANSFER OF A PORTION OF ERF 793-RE KHAYELITSHA: WESTERN CAPE GOVERNMENT (LSU Q1961)

The Mayco Member for Economic Growth, Ald. J Vos, proposed an amendment to recommendation (b)(i) in the report on the agenda in

order for the purchase price to be determined at 10% of the market value.

The above proposal was duly supported.

It is **RECOMMENDED** that:

- (a) Council resolve in terms of regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations that a portion of Erf 793-RE Khayelitsha, shown lettered ABCDEFGH Plan 130009228 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) The transfer of a portion of Erf 793-RE Khayelitsha, in extent approximately 6 223 m² shown lettered ABCDEFGH on Plan 130009228 attached as Annexure A to the report on the agenda, to Western Cape Government, or its successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A discounted purchase price of **R130 000**, being **10%** of the market value, excluding VAT calculated at the rate applicable at the time of transaction, where applicable, be payable;
 - (ii) The selling price shall escalate at 5% per annum compounded annually on a pro-rata basis, commencing six months after the date of valuation, i.e. from 01/08/2023 until the date of registration;
 - (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31/01/2026;
 - (iv) 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;
 - (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 his delegated authority, including *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.

- (c) It be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations (MATR) has been duly taken into consideration.

ACTION: N MEISSENHEIMER; L ABRAHAMS; D GEYSMAN; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 23/02/24 PROPOSED TRANSFER OF A PORTION OF ERF 39976 KHAYELITSHA: WESTERN CAPE PROVINCIAL GOVERNMENT (DTPW) (LSU Q1285)

It is **RECOMMENDED** that:

- (a) Council resolve in terms of regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations that a portion of Erf 39976, Khayelitsha, shown lettered ABCDEFGHJ on Plan 130009614 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) The transfer of a portion of Erf 39976 Khayelitsha, in extent approximately 26 648 m² shown lettered ABCDEFGHJ on Plan 130009614 attached as Annexure A to the report on the agenda, to the Western Cape Government, or its successor(s)-in-title, be approved, subject to the following conditions, that:
- (i) A discounted purchase price of R400 000, being 10% of the market value, excluding VAT calculated at the rate applicable at the time of transaction, where applicable, be payable;
 - (ii) The purchase price is to be adjusted by 5% per annum compounded annually on a pro rata basis, commencing six months after the date of valuation, i.e. from 01 February 2024 until the date of registration;
 - (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 July 2026;
 - (iv) A suitable restrictive condition should be inserted in the title deed that limits the use of the subject property for educational purposes;
 - (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 his delegated authority, including *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;
 - (cc) that a courtesy building plan be submitted for the existing and all future structures on the property.
- (c) The encroachments along C to G and H to J as indicated on Plan 130009614 attached as Annexure A to the report on the agenda, be rectified by way of a Boundary Adjustment.
 - (d) It be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations (MATR) has been duly taken into consideration.

ACTION: N MEISSENHEIMER; L ABRAHAMS; D GEYSMAN; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 24/02/24 PROPOSED TRANSFER OF ERF 55610 KHAYELITSHA: WESTERN CAPE GOVERNMENT (DTPW) (LSU Q1358)

It is **RECOMMENDED** that:

- (a) Council resolve in terms of Regulation 20(1)(f)(i) of the Municipal Asset Transfer Regulations that Erf 55610, Khayelitsha, shown lettered ABCDEFGHJKLMN on Plan 130009632 attached as Annexure A to the report on the agenda, is not required for the provision of any minimum level of basic municipal services and is surplus to the requirements of the Municipality.
- (b) The transfer of Erf 55610 Khayelitsha, in extent 26 392 m² shown lettered ABCDEFGHJKLMN on Plan 130009632 attached as Annexure A to the report on the agenda, to the Western Cape Government, or its successor(s)-in-title, be approved, subject to the following conditions, that:
 - (i) A discounted purchase price of R396 000, being 10% of the market value, excluding VAT calculated at the rate applicable at the time of transaction, where applicable, be payable;
 - (ii) The selling price shall escalate at 5% per annum compounded annually on a pro rata basis, commencing six months after the date of valuation, i.e. from 01 February 2024 until the date of registration;

- (iii) The valuation is to be reviewed if not implemented within 36 months from date of valuation, i.e. by 31 July 2026;
- (iv) A suitable restrictive condition must be inserted in the title deed that limits the use of the subject property to use for public schooling;
- (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 his delegated authority, including *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;
 - (cc) that a courtesy building plan be submitted for the existing and all future structures on the property.
- (c) It be confirmed that, when considering the alienation of the land at less than market value, the contents of Regulation 20(1)(f)(ii) of the Municipal Asset Transfer Regulations (MATR) has been duly taken into consideration.

ACTION: N MEISSENHEIMER; L ABRAHAMS; D GEYSMAN; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 25/02/24 PROPOSED LEASE OF CITY LAND, COUNCIL GARAGE NO G, BEING PORTION OF ERF 148-RE CLIFTON, OFF VICTORIA ROAD, CLIFTON FOR PARKING PURPOSES: IAAN VAN HEERDEN (LSU P3835)

It is **RECOMMENDED** to Council that the lease of City Land, Council Garage G, being a Portion of Erf 148-RE Clifton, situated Off Victoria Road at Clifton, Cape Town, shown hatched and lettered G on Plan 130009531 attached as Annexure A to the report on the agenda, in extent approximately 24 m², to Iaan van Heerden, or his successors-in-title, be approved subject to *inter alia* the following conditions, that:

- (a) A market rental of R3 350.00 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 i.e. as from 01 March 2023;

- (c) The above recommended rental is effective and payable as from 01 March 2023;
- (d) The lease will endure for a period of 10 (ten) years, subject to a rental review after a period of 5 years;
- (e) The property be used for parking purposes only;
- (f) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority;
- (g) Subject to compliance with any other statutory requirements.

ACTION: N MEISSENHEIMER; N VANQA; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 26/02/24 PROPOSED LEASE OF A PORTION OF CITY LAND, PORTION OF ERF 1240 SEA POINT EAST, ABUTTING ERF 1702 AT MAIN ROAD, SEA POINT EAST FOR OUTDOOR SEATING PURPOSES: ZEUS PROPERTY CO (LSU P3654)

It is **RECOMMENDED** to Council that the lease of a portion of City Land, being portion of Erf 1240 Sea Point East, abutting Erf 1702, situated at Main Road, Sea Point East, shown hatched and lettered ABCD on Plan 130007944 attached as Annexure A to the report on the agenda, in extent approximately ± 12.3 m², to Zeus Property Co Proprietary Limited, or its successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) A market rental of R1 600.00 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;
- (b) The monthly rental to be adjusted on the basis of 6% per annum compounded annually on a pro-rata basis commencing from date of valuation i.e. as from 2021-09-01;
- (c) The above market rental is effective and payable as from 2021-09-01;
- (d) The lease will endure for a period of ten (10) years. The rental to be reviewed after a period of five (5) years;
- (e) The property to be used for outdoor seating purposes only;
- (f) Subject to such further conditions to be imposed by the Director: Property Management in terms of his delegated authority;
- (g) Subject to compliance with any other statutory requirements;

- (h) No compensation will be payable for any improvement made to the property.

ACTION: N MEISSENHEIMER; M TAYLOR; C DAVIS; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

MC 27/02/24 PROPOSED LEASE OF A PORTION OF PUBLIC PLACE, BEING A PORTION OF ERF 15775 GOODWOOD, SITUATED AT MARIGOLD STREET, UITSIG, GOODWOOD: SEVENTH DAY ADVENTIST WELFARE SERVICES INCORPORATED (LSU N1717)

It is **RECOMMENDED** to Council that the lease of a portion of Public Place, being a portion of Erf 15775 Goodwood, situated at Marigold Street, Uitsig, Goodwood shown hatched and lettered ABCD on Plan TA 988v1 attached as Annexure A to the report on the agenda, in extent approximately 69 m², to Seventh Day Adventist Welfare Services Incorporated, owner of Erf 15653 Goodwood, or its successors-in-title, be approved subject, to *inter alia* the following conditions, that:

- (a) A market rental of R300 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 8% per annum compounded annually commencing from date of valuation, i.e. as from 2019-12-01 until 2020-03-31 and thereafter at 6% per annum;
- (c) The rental will escalate at 6% per annum;
- (d) The lease will endure for a period of 10 years. The rental is to be reviewed after a period of 5 years;
- (e) The property be used for parking purposes only;
- (f) The applicant contact Open Serve, a division of Telkom SA SOC Ltd, at least 48 hours prior to the commencement of any construction work;
- (g) Should alterations or relocation of existing telecommunication infrastructure be required, such work will be done at the request and cost of the applicant;
- (h) The applicant contact Open Serve should any infrastructure be damaged while work is undertaken;
- (i) No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve plant (i.e. any telecommunication equipment above or below ground level);

- (j) Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility;
- (k) Should it be necessary to move/relocate or support any existing electricity services, it will be at the applicant's cost;
- (l) No mechanical plant is to be used within 3m of Eskom underground cables;
- (m) No manholes, catch-pits or any structure to be built on top of existing underground services;
- (n) Subject to such further conditions imposed by the Director: Property Management in terms of his delegated authority;
- (o) Subject to compliance with any other statutory requirements;
- (p) No compensation will be payable for any improvement made to the property.

ACTION: N MEISSENHEIMER; P VAN SITTERT; B MALI-SWELINDAWO; R SCHNACKENBERG; D JOUBERT; R GELDERBLOEM

THE MEETING ENDED AT 11:15

CHAIRPERSON: _____

DATE: _____