

ITEM NUMBER: C 21/05/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016

MC 51/05/16 PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE BEING A PORTION OF ERF 24187, CAPE TOWN AT NDABENI ADJOINING INYONI STREET AND PEDESTRIAN PASSAGE ON ERF 24183: DIRECTORATE UTILITY SERVICES (ELECTRICITY SERVICES DEPARTMENT)

It is **RECOMMENDED** that, in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, Council grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Public Place being a Portion of Erf 24187, Cape Town at Ndabeni adjoining Inyoni Street and pedestrian passage of Erf 24183, measuring approximately 352 m² in extent, as depicted by the figure ABCD on Plan SZC 1356 attached as Annexure A to the report on the agenda.



REPORT TO COUNCIL

DATE 2016-05-17

1. ITEM NUMBER : MC 51/05/16

2. SUBJECT

PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE BEING A PORTION OF ERF 24187 CAPE TOWN AT NDABENI ADJOINING INYONI STREET AND PEDESTRIAN PASSAGE ON ERF 24183: DIRECTORATE UTILITY SERVICES (DEPARTMENT ELECTRICITY SERVICES)

2. ONDERWERP

VOORGESTELDE SLUITING VAN 'N GEDEELTE VAN OPENBARE PLEK NAAMLIK 'N GEDEELTE VAN ERF 24187 KAAPSTAD TE NDABENI, WAT BY INYONISTRAAT AANSLUIT, EN VOETGANGERSTEEG OP ERF 24183: DIREKTORAAT NUTSDIENSTE (DEPARTEMENT ELEKTRISITEITSDIENSTE)

2. ISIHLOKO

ISIPHAKAMISO SOKUVALWA KWESIQEPHU SENDAWO YOLUNTU ESISIQEPHU SESIZA-24187 ESISEKAPA, E-NDABENI ESIMELENE NE-INYONI STREET NEPASEJI YABO BAHAMBA NGENYAWO KWISIZA-24183: ISEBE LEENKONZO ZOMBANE ELIPHANTSI KWECANDELO LOLAWULO LEENKONZO EZILUNCEDO

(LSU: G2468)

14/3/12/1/2/31/00/24187

PH 2016/0130 (Category 1)

3. STRATEGIC INTENT

SFA 1: an OPPORTUNITY CITY

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

4. PURPOSE

To consider the proposed closure of a portion of Public Place being a Portion of Erf 24187 Cape Town at Ndabeni adjoining Inyoni Street and pedestrian passage on Erf 24183.

5. FOR DECISION BY COUNCIL

- This report is for consideration/decision by:
- The Executive Mayor together with the Mayoral Committee
 - Council

6. EXECUTIVE SUMMARY

PURPOSE OF REPORT	To consider the proposed closure of a portion of Public Place being a Portion of Erf 24187 Cape Town at Ndabeni adjoining Inyoni Street and pedestrian passage on Erf 24183.			
Property description	A portion of Public Place being a Portion of Erf 24187 Cape Town at Ndabeni adjoining Inyoni Street and pedestrian passage on Erf 24183.			
Applicant	Directorate Utility Services (Department Electricity Services)			
Site extent	±352m ²			
Current zoning	Public Place			
Current usage	Public Place			
Proposed usage	The subject property is reserved for the Department Electricity Services for purposes of Developing a new building substation			
Application description	Closure of Public Street			
Submission date	September 2014			
Circulation date	Not applicable			
Comments	None			
Public participation outcome summary	The proposed closure was advertised in the press on 29 May 2015. No objections were received.			
WARD Cllr Brian Watkyns	Yes	Date	Ward	
		01-06-2015		53

7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that Council in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, Council grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Public Place being a Portion of Erf 24187 Cape Town at Ndabeni adjoining Inyoni Street and pedestrian passage on Erf 24183 measuring approximately 352 m² in extent as depicted by the figure ABCD on attached plan SZC 1356 marked annexure A.

7. AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat die Raad ingevolge artikel 4(2)(f) van die Stad Kaapstad: Verordening op Onroerende Eiendom, 2015, die Raad goedkeuring verskaf dat die Stad, deur 'n kennisgewing in die Provinsiale Koerant, 'n gedeelte van openbare plek, naamlik 'n gedeelte van erf 24187 Kaapstad te Ndabeni, wat by Inyonistraat aansluit, en voetgangersteeg op erf 24183, ongeveer 352 m² groot, soos aangetoon deur die figuur ABCD op die aangehegte plan SZC 1356 gemerk bylae A, te sluit.

7. IZINDULULO

Asigunyaziswanga: isiqqibo seseBhunga:

Kundululwe ukuba iBhunga ngokwecandelo-4(2)(f) loMthetho kaMasipala weSixeko saseKapa ophathelene nokuPhathwa nezoLawulo lweePropati ezingenakususwa, linikezela isiphumezo sokuba, iSixeko ngokuthe senze iSaziso kwiGazethi yePhondo, singavala isiqephu seNdawo yoluntu esisiqephu sesiza-24187, esiseKapa eNdabeni esimelene ne-Inyoni Street nepaseji yabo bahamba ngeenyawo kwisiza-24183, esibukhulu obumalunga nama-352 m² njengoko sibonakaliswe ngomzobo woonobumba abakhulu u-ABCD kwiplani eqhotyoshelweyo engu-SZC 1356 ephawulwe isihlomelo-A.

8. DISCUSSION/CONTENTS

The Director: Property Management in terms of her delegated authority on 28 December 2012 granted approval that a portion of Erf 24187 Cape Town at Ndabeni in extent approximately 352m² as depicted by the figure ABCD on the attached sketch plan 1356 marked annexure A be reserved for the Department of Electricity Services (Directorate Utility Services) for purposes of constructing a new substation building.

The current status of the subject property is Public Place. Before any Land Use application over the property can be considered, the status of the land has to be changed by way of a formal closure of the subject portion of Public Place.

The legislative framework under which the rezoning application is being considered do not provide for Council to officially close Public Places.

Council's authority to close Public Places is vested under the provisions of Section 4 of the City of Cape Town: Immovable Property By-Law, 2015. It is confirmed that the proposed closure was duly advertised as required under the provisions of the aforesaid By-Law. (See attached copy of advert marked annexure B.

8.1. Constitutional and Policy Implications

Section 4 of the City of Cape Town: Immovable Property By-Law, 2015 permits the closure of Public Places.

Sustainability Implications

Does the activity in this report have any sustainability implications for the City?	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>
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8.1.2 The proposal will have no negative impact on the natural environment.

8.2. Legal Implications

Should the recommendation contained in this report be adopted by Council, a Notice of official closure of the subject portion of Public Place must be published in the Provincial Gazette.

8.3. Staff Implications

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

No

Yes

8.4. Risk Implications

None

8.5. Other Services Consulted

Departmental comments of significance may be summarised as follows:

DEPARTMENT		DEPARTMENTAL COMMENT
Water and Sanitation	No objection	• No Comments
Telkom	No objection	• No Comments
Environmental & Heritage	No objection	• No Comments
Roads and Stormwater	No objection	• No Comments
T.I.A and Development Control	No objection	• No Comments
Planning and Building Development Management	No objection	<ul style="list-style-type: none"> • The portion of Erf 24187 Cape Town, in extent 352m², is located in the area managed by the Cape Town Zoning Scheme and is Zoned General Industrial. • In terms of the Scheme Regulations an electrical substations is defined as a Special Building. In terms of Section 16
Spatial Planning	No objection	• No Comments
Traffic Department	No objection	• No Comments
Electricity Department	No objection	• No comments

FOR FURTHER DETAILS CONTACT:

NAME	Donavon Geysman (Saul Jacobs)
CONTACT NUMBERS	021 400 6419
E-MAIL ADDRESS	Saul.jacobs@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	14/3/12/1/2/31/00/24187
MANAGER : PROPERTY HOLDING	Donavon Geysman

Handwritten signature/initials

Handwritten signature
 ACTING DIRECTOR: PROPERTY MANAGEMENT IN
 HER CAPACITY AS CFO NOMINEE
 HIS

Comment:

NAME MICHAEL SIMS
~~RUBY CELDERBLOEM~~

DATE 28/04/2016

Handwritten signature
 LEGAL COMPLIANCE

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

NAME CHARLYNE ARENOSE

TEL 021 400 1265

DATE 04 . 05 . 2016

Comment:

Certified as legally compliant: *Handwritten signature*

Based on the contents of the report.

A.G. Ras

158.

EXECUTIVE DIRECTOR: CORPORATE SERVICES AND COMPLIANCE (ED: CORC)

BERNARD RAS

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR / MAYCO / COUNCIL

NOT SUPPORTED

REFERRED BACK

DATE

12/5/16

COMMENT:



MAYORAL COMMITTEE MEMBER

COMMENT:

NAME ALD IAN NEILSON

DATE

12/5/2016

