

REPORT TO SUBCOUNCIL 20

17

LC 23870

1 ITEM NUMBER 20SUB53/11/2019

2 SUBJECT

PROPOSED LEASE OF CITY OWNED LAND, ERF 78723 DIEP RIVER,  
SITUATED AT 120 MAIN ROAD: MR AND MRS DOUMAN

ONDERWERP

VOORGESTELDE VERHURING VAN GROND IN STADSBESIT, ERF 78723  
DIEPRIVIER, GELEë TE HOOFWEG 120: MNR EN MEV DOUMAN

ISIHLOKO

ISIPHAKAMISO SOKUQESHISWA OLAWULWA SISIXEKO, OSISIQEPHU  
SESIZA 78723, DIEP RIVER, ESIMI KWA-120 KWI-MAIN ROAD: MNUMZANA  
KUNYE NONKOSIKAZI

K4130

PTMS NO: 130005200

File Ref No: 14/2/2/1/2/457/A00

(Category 2: Residential)

3 DELEGATED AUTHORITY

- ☒ The report is for comment by subcouncil to the competent authority in terms of Part 24, Delegation 10(1).

"To comment to the competent authority on the granting of rights to use, manage or control City immovable assets such as land, property and buildings and to recommend conditions of approval where deemed necessary."

- ☐ In terms of delegations Part 27B paragraph 19 (5), the following delegation was conferred upon the City Manager. The City Manager has sub-delegated this delegation to the Director: Property Management.

"To approve the granting of rights to use, manage or control capital assets of a value less than R10 million and for a period not longer than 3 years, provided that this delegation may only be exercised after considering the

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Proposed lease of City Land, being portion of Erf 78723, Diep River: Mr and Mrs Douman

comments of the subcouncil in whose area of jurisdiction the capital asset is situated.

☐ Final decision lies with Director: Property Management.

#### 4 EXECUTIVE SUMMARY

PURPOSE OF REPORT	Proposed lease of City Land, Erf 78723 Diep River, situated at 120 Main Road, to Mr and Mrs Douman for residential purposes		
Site extent	± 499m <sup>2</sup>		
Submission date	1 August 2019		
Current zoning	General Residential 4		
Current usage	Residential		
Proposed usage	Residential		
Internal circulation date	29 April 2019		
Internal department comments	No objections received.		
Public participation outcome summary	Advertised in the Cape Argus and Die Burger on 7 June 2019 No objections were received.		
WARD CLLR	NOTICE DATE		WARD
Carol Brew	29 April 2019		73
Viable	Yes	x	No
	<p>The subject land is considered to be viable, however it is affected by the CTP 2017-22 and the approved Public Right of Way / Road Network Plan (2017).</p> <p>A competitive process is followed when an improved property is tenanted. Standard application forms are available to all interested parties and applicants who qualify in terms of the said criteria are registered on the PM Database.</p> <p>The requirements are:</p> <ol style="list-style-type: none"> <li>1. Applicants must earn 3 x the rental to qualify;</li> <li>2. Positive references of previous lessor(s);</li> <li>3. Must be employed for at least 6 months;</li> <li>4. No default judgments against applicants name.</li> </ol> <p>When a residential property becomes available, the property is refurbished, a market related rental determined and tenants are selected from the database based on affordability and best fit.</p>		

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Recommended decision	Approval	x	Refusal
Regulation 34(1) In-principle approval	Granted by Director: Property Management in terms of delegated authority prior to 5 January 2017		
Factors motivating recommendation:	<ul style="list-style-type: none"> <li>Council will receive a financial benefit in the form of a market related rental</li> </ul>		
Strategic intent	<b>SFA 1 : The Opportunity City</b>		
	Objective 1.1	Positioning Cape Town as forward looking globally competitive City	
	Programme 1.1.g	Leveraging the City's assets	

## 5 RECOMMENDATIONS FOR CONSIDERATION AND COMMENT BY THE RELEVANT SUBCOUNCIL

It is recommended that the lease of Erf 78723 Diep River, situated at 120 Main Road, Cape Town, shown hatched on the attached aerial photograph marked "annexure A", in extent approximately 499m<sup>2</sup>, to Mr and Mrs Douman, be approved subject to inter alia the following conditions:

- A market rental of R 8800.00 per month, inclusive of rates and excluding VAT where applicable, be payable;
- The rental will escalate at 8% per annum;
- The lease will endure for a period of three years;
- The property to be used for residential purposes only;
- The rental is exclusive of all municipal services i.e water and electricity;
- Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- Subject to compliance with any other statutory requirements;
- No compensation will be payable for any improvements made to the property.
- The lessee is to ensure that the necessary land use permissions, if applicable, are in place for the duration of the lease period.

## AANBEVELINGS VIR OORWEGING EN KOMMENTAAR DEUR DIE BETROKKE SUBRAAD

Daar word aanbeveel dat die verhuring van erf 78723 Dieprivier, geleë te Hoofweg 120, Kaapstad, aangetoon deur arsering op die aangehegte lugfoto gemerk bylae "A", ongeveer 499 m<sup>2</sup> groot, aan Mr en Mev Douman, goedgekeur word, onderworpe aan onder andere die volgende voorwaardes:

- a) 'n Markhuurgeld van R8 800 per maand, eiendomsbelasting ingesluit en BTW uitgesluit waar van toepassing;
- b) Die huurbedrag met 8% per jaar sal styg;
- c) Die huurtermyn drie jaar sal wees;
- d) Die eiendom slegs vir residensiële doeleindes gebruik mag word;
- e) Die huurgeld alle munisipale dienste, d.w.s water en elektrisiteit, uitsluit;
- f) Onderworpe aan enige verdere voorwaardes opgelê deur die direkteur: eiendomsbestuur ingevolge haar gedelegeerde bevoegdheid;
- g) Onderworpe aan die nakoming van enige ander statutêre vereistes;
- h) Geen vergoeding betaal sal word vir enige verbetering wat aan die eiendom aangebring word nie.
- i) Die huurder moet seker maak dat die nodige grondgebruiktoestemmings, indien van toepassing, vir die duur van die huurtermyn in plek is.

## IZINDULULO UKUBA ZIQWALASELWE KWAYE KUVAKALISWE ULUVO LIBHUNGANA ELIFANELEKILEYO

Kundululwe ukuba makuphunyezwe ukuqeshiswa kwesiqephu, sesiza 78723 esise-Diep River, esimi kwa-120 kwi-Main Road, eKapa, esibonakaliswe siyiliwe kumfanekiso othatyathwe esibhakabhakeni oqhotyoshelweyo ophawulwe "iSihlomelo A", esibukhulu bumalunga nama-499 m<sup>2</sup>, Mnumzana kunye Nonkosikazi, ngokuxhomekeke kule miqathango ilandelayo:

- a) Makuhlawulwe ixabiso lokurenta elihambelana nelemarike elingama-R8 800.00 ngenyanga, ekuqa iintlawulo zobuhlali ngaphandle kweRhafu-ntengo;apho kufanelekileyo
- b) Ixabiso lokurenta liyakuthi linyuke nge-8% rhoqo ngonyaka;
- c) Le ngqeshiso iyakuhlala isithuba seminyaka emithathu;
- d) Le propati iyakusetyenziselwa imibandela yokuhlala kwabantu kuphela;

- e) Kweli xabiso lokurenta azibalwanga iinkonzo zikamasipala ezinje ngamanzi nombane;
- f) Le ngqeshiso ikwaxhomekeke kwimiqathango engeminye eyakuthi inyanzeliswe nguMlawuli wezoLawulo lwePropati ngokwamagunya akhe agunyazisiweyo;
- g) Ikwaxhomekeke ekuthotyelweni kwayo nayiphi na imimiselo engeminye emiselweyo;
- h) Akukho mbuyekezo iyakuthi yenziwe ngalo naluphi na uphuculo oluyakuthi lwenziwe kule propati.
- i) Umqeshi makaqinisekise ukuba zonke iimvume zosetyenziso lomhlaba eziyimfuneko ziyafumaneka xa oko kuyimfuneko ngalo lonke ixesha lesithuba sale ngqeshiso.

## 6 DISCUSSION/CONTENTS

### 6.1 BACKGROUND:

The subject property is a single-storey residential dwelling and is located close to the City Centre, where Constantia Village and Blue Route mall are the major shopping centres in the area.

The City of Cape Town terminated the lease with the previous tenant due to a financial breach, and commenced the process to regularise the current occupants. The occupants, Cheryl Lee Douman and her husband Luke Douman expressed their interests to lease the subject property from the City. They completed the standard application form, and were subjected to Property Management's evaluation process. They are financially stable, and accepted the new proposed fair market related rental of R8800,00 per month.

They meet the minimum requirements and they are regarded as suitable candidates for the subject property.

Mr and Mrs Douman are not employed by the City of Cape Town.

### 6.2 CONSULTATION WITH INTERNAL BRANCHES:

The City's Transport and Urban Development Authority Department was consulted and have no objection to the lease, with no further conditions to be imposed attached to report as **annexure B**

### 6.3 VALUATION

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The City's Professional Valuers on 31 March 2019 assessed the rental value of the Subject Property at R 8800.00 per month, escalating at 8% per annum. The valuation synopsis is attached to the report as **annexure C**.

#### **6.4 CONSTITUTIONAL AND POLICY IMPLICATIONS**

6.4.1 The proposal complies with Section 14 of the Municipal Finance Management Act No.56 of 2003 in that the relevant branches of Council have confirmed that the land is not required for the provision of the minimum level of a basic municipal service.

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

#### **6.5 FINANCIAL IMPLICATIONS**

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

#### **6.6 TAX COMPLIANCE**

In terms of the City's Supply Chain Management Policy, approved by Council on 30 May 2019 (C18/05/19), paragraph 98.3 stipulates the City may not consider a bid or quote unless the bidder who submitted the bid or quote has submitted a valid tax clearance certificate certifying that the provider's tax matters are in order.

In terms of the City's Supply Chain Management Policy, approved by Council on 30 May 2019 (C18/05/19), paragraph 99 stipulates "Irrespective of the procurement process, the City may not make any award above R15 000,00 to a person who's tax matters have not been declared by the SARS to be in order."

Paragraphs 372 – 375 of the afore-mentioned policy deal with the sale and letting of City owned immovable property and are silent on the SARS requirement. Property Management adopted the principle as per paragraph 99 above and applicants need to submit a SARS clearance certificate or exemption certificate for the sale of all City Owned immovable property. Except for tariff based rentals, which do not exceed R15 000,00 all applicants need to submit a SARS clearance or exemption certificate for the leasing of City owned immovable property.

Applicants have complied. See Tax Clearance Certificates attached hereto as **annexure D**.

#### **6.7 FINANCIAL DUE DILIGENCE**

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

#### **6.8 SUSTAINABILITY IMPLICATIONS**

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

No

Yes ☐

## 6.9 LEGAL IMPLICATIONS

### Regulation 36 of the MATR

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

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

Council's service branches confirmed that the asset is not required for own purposes.

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

Council will receive a financial benefit in the form of a market related rental, being R8800.00 per month, escalating at 8% per annum.

### Management of Risk

No operational or control risk to the City.

### Stakeholder comments and recommendations

The Director: Property Management, in terms of her delegated powers, has approved the public participation process as required, resulting in the proposed lease being advertised in the Cape Argus and Die Burger on 7 June 2019. Closing dates for objections were 7 July 2019. Copies of the advertisement were sent to the Ward Councillor, Manager and Chairperson of the relevant subcouncil and registered local community organisations. No comments or objections were received.

### Views from National and Provincial Treasury

In terms of Regulation 34 of the MATR the subject property falls within the category of a capital asset in respect of which the proposed right to be granted has a value less than R10 million and a period not exceeding 3 years (Non-Significant Property Right). National and Provincial Treasury have been notified. No comments or objections were received.

### Strategic, Legal and Economic Interests

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

### Compliance with Legislative Regime that is Applicable to Proposed Granting of the right

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

#### 6.10 STAFF IMPLICATION

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

No ☒

Yes ☐

#### ANNEXURES

- Annexure A: Aerial photograph
- Annexure B: TDA comment
- Annexure C: Valuation synopsis
- Annexure D: Tax Clearance certificates



FOR FURTHER DETAILS CONTACT:

NAME	MARNE NOVEMBER
CONTACT NUMBERS	021 400 4168
E-MAIL ADDRESS	MARNE.NOVEMBER@CAPETOWN.GOV.ZA
DIRECTORATE	ECONOMIC OPPORTUNITIES AND ASSET MANAGEMENT
FILE REF NO	14/2/2/1/2/457/A00
MANAGER: PROPERTY HOLDING RACHEL SCHNACKENBERG	<i>R. Schnackenberg</i> 05-11-2019

*Gelderbloem*  
DIRECTOR : PROPERTY MANAGEMENT IN HER  
CAPACITY AS EXECUTIVE DIRECTOR : ECONOMIC  
OPPORTUNITIES AND ASSET MANAGEMENT  
NOMINEE

NAME RUBY GELDERBLOEM

DATE 2019.11.07

Comment:

*S. Sanders*

LEGAL COMPLIANCE

NAME Sarah Sanders

TEL 021 400 5446

DATE 12.11.2019

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

☐ NON-COMPLIANT

Comment:

Certified as legally compliant:  
Based on the contents of the report.

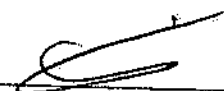
Note: only one of the  
attached Tax Clearance  
Certificates reflects the  
surname "Douman".  
*SS*

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COMMENT

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RICHARD WHITE  
SUBCOUNCIL MANAGER

Tel No. 021 444 8112

DATE: 15 November 2019



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## ANNEXURE A: AERIAL PHOTOGRAPH



 <p>             OFFICE OF THE              CITY CLERK              1000 GRASSLAND BLVD              SUITE 1000              DALLAS, TEXAS 75202              PHONE: (214) 671-2200              FAX: (214) 671-2201              WWW.CITYOFDALLAS.ORG           </p>	<p>THIS MAP WAS COMPILED BY</p> <p><b>CityMap Viewer</b></p> <p><b>Development Information &amp; Data</b></p> <p>             CityMap Viewer              Copyright © 2000 City of Dallas              All Rights Reserved              Version 1.0.0           </p>	<p><b>Site Location - Erf 78723 Deep River</b></p>	 <p><b>Legend</b></p> <p>             1. City of Dallas              2. City of Dallas              3. City of Dallas              4. City of Dallas              5. City of Dallas              6. City of Dallas              7. City of Dallas              8. City of Dallas              9. City of Dallas              10. City of Dallas              11. City of Dallas              12. City of Dallas              13. 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## ANNEXURE B: TDA COMMENT

### Marne November

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**From:** Glenwin Sampson  
**Sent:** 26 April 2019 02:58 PM  
**To:** Marne November  
**Subject:** RE: Proposed Lease: Erf 78723, 120 Main Road, Diep River - Residential  
**Attachments:** Erf 78723 Main Road Diep River (Google Earth).JPG

*To Property Management:*

*With reference to the CTP 2017-22 and the approved Public Right of Way / Road Network Plan (2017), The Conceptual Design & Planning Branch has no objection to the lease of Erf 78723, Main Rd, Diep River on condition that a 3 month cancellation clause is included in the lease agreement as the properties are affected by the Main Road, Diep River Scheme.*

*Regards,*

*Glenwin Sampson*

a.b.o. Johan G Meyer Pr Eng.

Principal Engineer, Planning & Conceptual Design  
 18<sup>th</sup> Floor, Civic Centre  
 12 Hertzog Boulevard

Tel : 021 400 3851

Email : JohanG.Meyer@Capetown.gov.za



CITY OF CAPE TOWN  
 ISIXEKO SASEKAPA  
 STAD KAAPSTAD

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## ANNEXURE C: VALUATION SYNOPSIS

Annexure

VALUATION SYNOPSIS: MARKET VALUATION OF ERF 78723 AT 120 MAIN ROAD, DIEP RIVER: CHARLES MAARMAN

BACKGROUND

The City's Professional Valuer on 2019-03-31 assessed a market rental of the subject property, being the residential improvement on Erf 78723 at 120 Main Road, Diep River, at R8 800 per month excluding VAT and including rates (if applicable).

DETAILS OF SUBJECT PROPERTY

Description	Erf 78723 Cape Town		
Address	120 Main Road, Diep River		
Site extent	499m <sup>2</sup>		
Improvement extents	Dwelling: 90m <sup>2</sup> Garage: 16m <sup>2</sup> Porch: 13m <sup>2</sup>		
Status	Occupied		
Current rental	R5 613.20 per month. Lease commenced 2008-08-01 and is currently on a month-to-month basis.		
GV (2018) and rates	R2 244 000 with rates amounting to R900 per month		
Condition & renovations	Property in a fair condition, requiring general maintenance and repair.		
Primary use	Residential-single storey dwelling		
Accommodation	Main Building		
	Bedroom	4	Lounge converted to a bedroom. All bedrooms with wooden floors and windows. No bics. Fair condition.
	Entrance hall	1	Large entrance hall that leads off to the bedrooms. Wooden flooring and a fireplace that is not in use.
	Kitchen	1	Small kitchen with wooden flooring and old, broken cupboards. Back door leads to yard. Requires some maintenance and repair.
	Bathroom	1	Large neatly tiled bathroom with bath, basin and toilet. The toilet cistern is faulty.
	Garage	1	Single garage with old wooden door.
Comments	A single storey dwelling of rendered brick construction with wood framed windows under a tiled pitched roof with asbestos gutters and down pipes.		

CIVIC CENTRE    LIKHO LOLONI    BURGERSENTRUM  
12 HERTZOG-BOULEVARD CAPE TOWN 8001 P.O. BOX 358 CAPE TOWN 8000  
www.cape.gov.za

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Proposed lease of City Land, being portion of Erf 78723, Diep River. Mr and Mrs Douman

GENERAL NEIGHBOURHOOD

Diep River is a predominantly Single Residential suburb and in the general location of the applicant's property houses mostly trade in the R1 700 000 and up price range.

METHODOLOGY

The most widely and accepted method of valuation used to determine the rental quantum of the subject property is the Direct Comparison Method of valuation. With this method, rentals of comparable properties in the precinct of the subject property are researched and compared to the subject property with adjustments made for differences in value forming attributes if deemed necessary.

MARKET RESEARCH

#	Locality	Extent	Rental incl. of rates	Accommodation	
1	117 Gabriel Road, Plumstead	Site: 389m <sup>2</sup> Dwg: 79m <sup>2</sup>	R8 100	2 bedrooms, 1 bathroom, 1 kitchen, no garage or onsite parking.	City-owned dwelling in a fair state of repair, situated off the busy Gabriel Road, inferior located as it is behind a large open space currently used for parking for the surrounding business and place where vagrants often congregate. Wooden flooring and windows. No built-in cupboards. Only access to bedroom 2 and toilet is through bedroom 1. No garage, only a gated driveway. Considered inferior in terms of accommodation and condition.
2	16 Piers Road, Wynberg	Site: 317m <sup>2</sup> Dwg: 90m <sup>2</sup>	R9 000	3 bedrooms, 1 bathroom, 1 kitchen, Single garage	City-owned dwelling valued in December 2018 and is in a good state of repair as it was refurbished at time of valuation. Wooden flooring throughout. Bedroom 2 inter-leads into bedroom 3 with no bics, detached garage with roll-up door and gated driveway accommodating 3 vehicles. Superior in terms of condition but slightly inferior location.
	6 Mocke Road, Punt's Estate, Diep River	Site: 557m <sup>2</sup> Dwg: 220m <sup>2</sup>	R15 000	5 bedrooms, 1 bathroom, 2 kitchens, Double garage	Home currently on the market and consists of entrance hall, lounge with fireplace and built in units, separate dining, fitted kitchen with hob and oven, main bedroom with en-suite, modern family bathroom, guest toilet, scullery, drive through garage and pool. Sliding doors from lounge, dining and main bedroom lead to outdoor entertainment area and pool. Far superior in terms of condition, finishes and accommodation.

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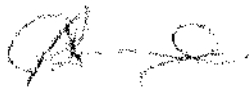
**CONCLUSION**

Taking cognizance of the abovementioned market research, the condition and finishes of the subject property and location, it is the writers' opinion that a rental of R8 800 per month inclusive of rates is considered fair and reasonable to apply.

**RECOMMENDATION**

That a rental of R8 800 per month, inclusive of rates is recommended, escalating at 8% per annum for a period of three years. The rental is exclusive of all municipal services i.e. water and electricity.

The rental to escalate at 8% per annum and is effective and payable from 2019-06-01.



**Aneesah Abrahams**  
Professional Valuer (Reg. no. 7367/1)



**Rosanna Potgieter**  
Principal Professional Valuer: Rentals

Date: 2019-10-24

## ANNEXURE D: TAX CLEARANCE



**Tax Clearance Certificate Number:**  
0700/2/2019/A003249861

**Tax Clearance Certificate - Good Standing**

Enquiries  
0800 80 SARS (7277)  
Approved Date  
2019-08-01  
Expiry Date  
2020-08-01

Identity number      9809255038081  
Income Tax      2633431156  
                         LR DOUMAN

Trading Name

It is hereby confirmed that, on the basis of the information at the disposal of the South African Revenue Service (SARS), the above-mentioned taxpayer has complied with the requirements as set out in the Tax Administration Act.

This certificate is valid until the expiry date reflected above, subject to the taxpayer's continued tax compliance. To verify the validity of this certificate, contact SARS through any of the following channels:

- via eFiling
- by calling the SARS Contact Centre
- at your nearest SARS branch

This certificate is issued in respect of the taxpayer's tax compliance status only, and does not address any other aspect of the taxpayer's affairs.

*This certificate is issued free of charge by SARS*

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Proposed lease of City Land, being portion of Erf 78723, Diep River: Mr and Mrs Douman





## TAX COMPLIANCE STATUS

PIN Issued

CL MAARMAN  
120 MAIN ROAD  
DIEP RIVER  
CAPE TOWN  
7800

Enquiries should be addressed to SARS:

## Contact Detail

SARS  
Alberton  
1620

Contact Centre Tel: 0800 00 SARS (7277)  
SARS online: [www.sars.gov.za](http://www.sars.gov.za)

## Details

Taxpayer Reference Number: 1699562151

Always print this document  
when you receive it from SARS

Issue Date:

2019/08/29

Dear Taxpayer

## TAX COMPLIANCE STATUS PIN ISSUED

The South African Revenue Service (SARS) has issued your tax compliance status (TCS) PIN as indicated below:

TCS Details:	
Taxpayer Name	Cheryl Lee Maarmen
Trading Name	Not applicable
Tax Reference Number	IT - 1699562151
Purpose of Request	Good Standing
Request Reference Number	0013755141687008191045125
PIN	5615302910
PIN Expiry Date	23/06/2020

You may authorise a third party to view your TCS by providing them the PIN. The PIN only allows the third party access to your TCS. All other tax information remains secure.

Your TCS displayed is based on your compliance as at the date and time the PIN is used.

You may cancel this PIN at any time before the expiry date reflected above. Once cancelled, a third party will not be able to verify your TCS.

SARS reserves the right to cancel this PIN in the event that it was fraudulently issued or obtained.

Should you have any other queries please call the SARS Contact Centre on 0800 00 SARS (7277). Remember to have your taxpayer reference number at hand when you call to enable us to assist you promptly.

Sincerely

ISSUED ON BEHALF OF THE SOUTH AFRICAN REVENUE SERVICE

Making progress possible. Together.