

MINUTES

OF AN ORDINARY MEETING OF SUBCOUNCIL 16 OF THE CITY OF CAPE TOWN HELD IN
THE COUNCIL CHAMBERS, 11TH FLOOR, 44 WALE STREET ON MONDAY, 16 MAY 2022 AT
10:00

PRESENT

COUNCILLORS

Name	Ward	Party	Notes
Ald. Matthew Kempthorne	Chairperson	DA	
Nicola Jowell	54	DA	
Fabian Ah-Sing	55	DA	
Yusuf Mohamed	57	DA	
Francine Higham	77	DA	
Ian McMahon	115	DA	
Errol Anstey	PR	DA	
Abdulkader Elyas	PR	DA	Via Skype
Celeste Wannenburg	PR	Good	Via Skype

VISITING COUNCILLORS

Name	Ward	Party	Notes
None			

ABSENT WITH APOLOGIES

Name	Ward	Party	Notes
None			

ABSENT WITHOUT APOLOGIES

Name	Ward	Party	Notes
None			

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OFFICIALS

Name	Representing
Girshwin Fouldien	Manager: Subcouncil 16
Lucille Muller	Subcouncil 16
Vivienne Sasman	Subcouncil 16
Lifa Majali	Finance
Margaret Murcott	Urban Planning
Abubakr Gamaldien	Urban Planning
Dominic Stanford	Urban Planning
Themba Masemula	Urban Planning
Maryllee Carelse	Property Management
Mandy Taylor	Property Management
Ian Bowker	Transport Infrastructure

ACRONYMS FREQUENTLY USED IN MINUTES

ABSDMT	Area Based Service Delivery Management Team
Ald.	Alderman
ANC	African National Congress
Cllr(s)	Councillor(s)
COCT	City of Cape Town
DA	Democratic Alliance
NHW	Neighbourhood Watches
MAYCO	Mayoral Committee

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STANDARD BUSINESS

**16SUB
1/5/2022** **OPENING AND PRAYER/MOMENT OF SILENCE**

Alderman Matthew Kempthorne welcomed everybody present and requested that a moment of silence be observed.

**16SUB
2/5/2022** **APOLOGIES/LEAVE OF ABSENCE**

RESOLVED that it **BE NOTED** that Cllrs Celeste Wannenburgh and Abdulkader Elyas attended via Skype.

**16SUB
3/5/2022** **CONFIRMATION OF MINUTES**

RESOLVED that the minutes of meeting held on 22 April 2022 were **CONFIRMED** by Cllr Nicola Jowell and seconded by Cllr Ian McMahon.

**16SUB
4/5/2022** **CHAIRPERSON'S REPORT**

The Chairperson welcomed everyone present. Time went quick, 10% of the term has passed. Executive Directors have been appointed to the respective directorates.

Messages went out to the community to participate in the Census. The result was a great success of more than 80%.

**16SUB
5/5/2022** **MATTERS RECEIVING ATTENTION**

The Subcouncil Manager, Mr Girshwin Fouldien, briefed the meeting as to the responses received from responsible officials.

A monthly meeting, an Activity Day, will be scheduled with responsible officials to discuss / provide feedback on Matters Receiving Attention.

1. 16SUB 43/12/2019 SM: MOTION OF EXIGENCY: REQUEST FOR THE IMPLEMENTATION OF KERBSIDE COLLECTION OF SORTED RECYCLE WASTE IN WARD 77 AND THE CAPE TOWN CENTRAL BUSINESS DISTRICT

The plan is still to proceed with the project. The tender will be adjudicated before the end of the financial year, but implementation in Subcouncil 16, will only be in 2023. Remains outstanding.

2. 16SUB 16/1/2020: RESERVATION OF ERF 152670 CAPE TOWN: ECONOMIC OPPORTUNITIES AND ASSET MANAGEMENT (DEPARTMENT: FACILITIES MANAGEMENT)

Property Management is waiting for feedback from Facilities management.

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Remains outstanding.

- 3. 16 SUB 47/01/19 MOTION OF EXIGENCY: REQUEST FOR THE CONSTRUCTION AND IMPLEMENTATION OF THE “HIGH CAPE DEVELOPMENT UNDERPASS”, OR ALTERNATE APPROPRIATE TRAFFIC CALMING MEASURES IN TERMS OF, AND IN ACCORDANCE WITH THE HIGH CAPE 2 REZONING APPROVAL CONDITIONS REFERENCE NUMBER 4025 – 1991 Deon Manuel**

A meeting with relevant stakeholders has been scheduled for 17/05/22.
Remove from Matters Receiving Attention list.

- 4. 16SUB 40/5/2021: MOTION OF EXIGENCY: ROSEBANK HORSE FOUNTAIN**

A meeting to be scheduled with the MAYCO Member for Transport. Prep work will commence in the new financial year. Remains outstanding.

- 5. 16SUB 41/5/2021: MOTION OF EXIGENCY: TRAFFIC MANAGEMENT ISSUES IN WARDS 54 AND 115**

A report to be submitted at the next Subcouncil meeting.
Remains outstanding.

- 6. 16SUB 10/9/2021: PROPOSED LEASE OF CITY LAND, PUBLIC PASSAGE, A PORTION OF ERF 95 GREEN POINT, SITUATED AT OFF OCEAN VIEW DRIVE, GREEN POINT, FOR GARDENING AND SECURITY PURPOSES: CVALETTTO 99 PROP LTD**

Waiting on report from Property Management. Remains outstanding.

- 7. 16SUB 11/9/2021: PROPOSED LEASE OF CITY LAND BEING A PORTION OF PUBLIC PASSAGE, A PORTION OF ERF 95 AND 96 GREEN POINT, SITUATED AT SPRINGBOK ROAD, GREEN POINT, FOR GARDENING AND SECURITY PURPOSES: JUSTIN ROHLOFF**

Waiting on report from Property Management. Remains outstanding.

- 8. 16SUB 16/9/2021: PROPOSED TRANSFER OF PORTIONS OF PUBLIC STREET BEING A PORTION OF REMAINDER ERF 515 AND TWO PORTIONS OF REMAINDER ERF 708 TAMBOERSKLOOF: GREGOR DONN AND SAMANTHA JENKIN**

PROPOSED CLOSURE OF PUBLIC STREET, A PORTION OF REMAINDER ERF 515 TAMBOERSKLOOF AND TWO PORTIONS OF REMAINDER ERF 708 TAMBOERSKLOOF

Waiting on report from Property Management. Cllr Higham requested that timeline be given. Remains outstanding.

9. **16SUB 07/03/2022 MRA TRANSFERRED FROM SC15 - SC16 - 15SUB 25-8- APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: NIGHCLUB OR DISCOTHEQUE: NU ERA CLUB, ERF 20015, 169 KOEBERG ROAD, BROOKLYN: DANIEL GAGAKUMA**

Subcouncil Manager to arrange a meeting with Health official to discuss progress. Remains outstanding.

- 11) **16SUB 33/3/2022: LIQUOR LICENCES APPLICATION: IN RESPECT OF: ASALY MARINE Ref. No.: LLA2202000**

This application has been approved. see item 16 SUB 21/05/2022. May be removed from the MRA list.

- 12) **16SUB 54/3/2022: APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: MODULAR BAR, THE BASEMENT 34-36 RIEBEECK STREET, CAPE TOWN ON CONSUMPTION: 02:00-04:00**

This application was not supported. see item 16 SUB 13/05/2022. May be removed from the MRA list.

- 13) **16SUB 70/3/2022: MOTION FOR REVITALIZATION OF SEA POINT PAVILION**

The meeting with officials and councillors was postponed. Remains outstanding.

FINANCIAL REPORTS AND IDP

**16SUB
6/5/2022**

PROGRESSIVE CAPITAL EXPENDITURE: APRIL 2022

Mr Lifa Majali represented the Finance Department.

Comments raised:

Ward 115: Cllr McMahon

- **Project: C12.94008-F2 – Upgrade Company Gardens**

The councillor indicated that he is concerned about the budget spent thus far, as it doesn't seem it would be fully spent at the end of the financial year.

- **Project: CPX.0022492 – Heerengracht Boulevard Tree planting**

The councillor showed his frustration about the lack of progress thus far on this project, as it is already 11 months with no actual budget and work to show. How come there is an 11 months' delay on this project?

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- **Project CPX.00016484 – St James Street Housing Project**

The councillor mentioned that in one of the comments provided by the project manager, there was a mention that the public participation was completed. According to the councillor's knowledge, there was no Public Participation that took place, if there was one, can he be provided with the proof/information.

- **Project CPX.0019862 – Pine Road Housing Project, Woodstock**

- The councillor wants a real update concerning the budget spent (progress) on the project. The project manager's comments mentioned that the contractor started in March 2022. However, there is no spending.

- **Project WPX.0012926 – Canals Maintenance – Company Gardens**

- The councillor indicated that there were no tenders in place for canal maintenance, which resulted in the parks department buying the materials for the maintenance. The budget spent is R28 800 thus far and he was wondering if the initial budget can be fully spent, as it was for the section of channelling so that in future there can be more channelling that can take place?

Ward 77: Cllr Higham

- **Park and Recreation (projects)**

- The councillor express concern by indicating that same as the comments she made at the last council meeting, there is not much movement, month to month on the update concerning the outstanding ward allocations. She suggested that a separate meeting be scheduled with Parks and Recreation, to get their intentions on resolving the outstanding items before the end of the financial year.

- **Project CPX.0021714 –F1 – Training Aids & Equipment & WPX.0012924 – Roeland Street FS Programms**

- The councillor indicated that she needs a way forward regarding the budget implementation from Fire Services, as it seems impossible that the available budget will be fully spent this financial year.

Ward 57: Cllr Mohammed

- **Project CPX.0015235-F4 – Salt River Station Upgrade**

- The councillor expressed good sentiments (joy) about the Salt River Station upgrade progress as the project is well on track.

- **Project CPX.0016483 – Pickwick Housing Project, Salt River**

He raised the following question.

- Is the department waiting for rezoning before they take the next step or are they doing the feasible engineering and environmental impact assessments, or can they do it simultaneously

Ward 55: Cllr Ah-Sing

- **Project CPX.0019942-F2 - Upgrade Parks & POS - Ward 55**

- The Councillor indicated that the expenditure needs to be updated as it seems that the figures do not show the true reflection.

Ward 54: Cllr Jowell

- **Project CPX.0021826 – Electric Bikes – Ward 54**

- The councillor indicated that she has not received the feedback on the query about the tender/RFQ on the electric bikes for the law enforcement and she is worried that the budget is not going to be fully spent.

Furthermore, she enquired whether the safety equipment that would make the bikes to be operational was included in the RFQ, as the city doesn't want to run a risk of having bikes that are not operational, thus far there is no feedback. The expenditure needs to be updated.

Project CPX.0020807-F1- Upgrade Parks & POS – Ward 54

- The councillor mentioned that the project was completed between January and February 2022, the expenditure should be updated by now.

RESOLVED that:

- a) the Progressive Capital Expenditure: April 2022 report **BE NOTED.**
- b) the response to questions in the preamble be submitted via email to Subcouncil Manager.

ACTION: K FOURIE, L MAJALI, G FOULDIEN, L MULLER**PROGRESSIVE CAPITAL EXPENDITURE: APRIL 2022**

PRESENTATIONS	
16SUB 7/5/2022	ROAD UPGRADES IN SEA POINT FOR FORMULA E Mr Ian Bowker of Transport Infrastructure Implementation, Department, gave a presentation in this regard as well as the tree relocation plan. See Addendum A. Concerns raised: <ul style="list-style-type: none"> • Will the area be restored, bringing back planted landscape? • To communicate the draft programs to the community. In response, Mr Bowker said that: <p>“All the existing trees and landscaping will remain, only some trees will be relocated. The focus of the design was to maintain the look and feel of the precinct for majority of the time (364 days a year) when the Formula E event is not taking place.</p>

Any work that was not included in this current would need an additional contract and budget and we won't now be able to accommodate anything that might be needed or a "nice to have" if it wasn't in the contract scope of works".

RESOLVED that the presentation for Road Upgrades in Sea Point for Formula E **BE NOTED**.

INFORMATON: I BOWKER

PROPERTY MATTERS

**16SUB
8/5/2022**

PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSETS: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY-OWNED IMMOVABLE PROPERTY BEING UNREGISTERED STATE LAND ABUTTING ERF 1159 GREEN POINT (PUBLIC STREET), SITUATED ON BAY ROAD, GREEN POINT, IN FAVOUR OF ERF 1159 GREEN POINT

The report reflects Cllr McMahon as Councillor. With the new demarcation, the property is now in Ward 54, Cllr Jowell.

Concern raised:

- Why it took six (6) years to come before Subcouncil?
- The building to be maintained at the same level as those around them.
- Seriously concerned with the state of the building.

RESOLVED that a quarterly SAP report be submitted reflecting all property applications for Subcouncil 16.

ACTIONS: C DAVIS

RESOLVED to **RECOMMEND** that:

- a) Council resolve that, in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the subject property being a portion of Unregistered State Land abutting Erf 1159 Green point (Public Street), situated at Bay Road, Green point, in extent approximately 9 m², shown by the hatched figure lettered ABCD, on the Plan STC 2992 (**Annexure "A"**) attached to the report is not required to provide the minimum level of basic municipal services; and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset;
- b) Council approve the granting of in-principle approval for the granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion of Unregistered State Land abutting Erf 1159 Green point (Public Street), situated at Bay Road, Green point, in extent approximately 9 m², shown by the hatched figure lettered ABCD, on the Plan STC 2992 as **Annexure A**, attached to the report which represents a balcony, in terms of regulation 5(1)(b)(ii) of the

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Municipal Asset Transfer Regulations;

- c) The granting of rights to use and control or manage municipal capital assets by way of granting a building rights servitude over a portion of Unregistered State Land abutting Erf 1159 Green point (Public Street), situated at Bay Road, Green point, in extent approximately 9 m², shown by the hatched figure lettered ABCD, on the Plan STC 2992 as **Annexure A** attached to the report in favour of Erf 1159 Greenpoint to: Taurus Properties (Pty) Ltd, or their successor(s) in title, **BE APPROVED**, subject to the following conditions, that:
- i) A compensation amount of R110 000, excluding VAT be payable;
 - ii) The compensation amount is to escalate at 8% per annum compounded annually on a pro-rata basis commencing 1 November 2019 until 31 March 2020; thereafter it will further escalate at 5% per annum until date of registration;
 - iii) An occupational rental of R550 per month (Excluding VAT) shall be payable from 1 November 2019, escalating at 8% per annum until 31 March 2020; thereafter it will further escalate at 6% per annum until date of registration.
 - iv) That the market value be reassessed if the transaction is not approved within 36 months from date of valuation, i.e. 30 June 2024.
 - v) The building rights servitude is to be restricted to 9m².
 - vi) Rates and municipal charges, if applicable, be levied.
 - vii) Subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following:
 - aa) that all further statutory and land use requirements be complied with;
 - bb) that all costs related and incidental to the transaction be borne by the purchaser

ACTION: M CARELSE

**16SUB
9/5/2022**

PROPOSED LEASE OF CITY LAND, PORTIONS OF REMAINDER ERF 148343 AND 1411 CAPE TOWN, CORNER OF BUITENGRACHT STREET AND HANS STRIJDOM AVENUE, CAPE TOWN FOR PARKING AND AVERTISING PURPOSES: ARIA PROPERTY GROUP (PTY) LTD T/A ARBITRAGE PROPERTY FUND

The report reflects Ward 54, which is incorrect, it should be Ward 115.

Concerns raised:

- A R1 000 pm should be looked at for signage.
- Parking bays are high valued items and remain at premium in CBD.
- Why leasing on gardening rates?
- There should be not 55% discount.

RESOLVED that the lease of City Land, Portions of Remainder Erf 148343 and 1411 Cape Town, situated on the corner of Buitengracht Street and Hans Strijdom Avenue, Cape Town, shown hatched and lettered ABCDEF curve G curve H and JLMNFPQR on the sketch 130004062 marked annexure A, attached to the report in extent approximately $\pm 780\text{m}^2$ and 1 250 m^2 to Aria Property Group (Pty) Ltd t/a Arbitrage Property Fund or their successors in title, **BE DEFERRED** for further information regarding the valuation.

ACTION: M TAYLOR

PLANNING MATTERS

16SUB 10/5/2022 DISTRICT SIX LOCAL SPATIAL DEVELOPMENT FRAMEWORK: RECOMMENDATION FOR APPROVAL

Ms Margaret Murcott represented the Spatial Planning Department and gave an in-depth presentation.

Concerns raised:

- Holy Cross School and Trafalgar High School should be included in the consultation.
- Many issues with 'Stroompie' – which forms part of the restitution land. Trafalgar High School would like to lease the land for a short term.
- Erf 81 is a huge problem; there is an element of criminal activity.

In response, Ms Marcott said that open public participation for ground strategy will take place the 9th & 19th June 2022. The LSDF documents available. Will address the site for Trafalgar High School. Erf 81 is not City land.

RESOLVED that:

- Subcouncil 16 **NOTES** the comments received from the external public consultation that was conducted from September 2020 to 15 December 2021 and **SUPPORTS** the responses provided by District Planning and Mechanisms, as set out in this report and more fully explained in Annexure 2 attached to the report.
- the District Six Local Spatial Development Framework proposals **BE NOTED** and **SUPPORTED**;

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- c) Subcouncil 16 **SUPPORTS** that the District Six Local Spatial Development Framework be presented for recommendation for approval to Council.

ACTION: N TITUS

**16SUB
11/5/2022 BO-KAAP LOCAL SPATIAL DEVELOPMENT FRAMEWORK:
RECOMMENDATION FOR APPROVAL**

Ms Margaret Murcott represented the Spatial Planning Department and gave an in-depth presentation.

RESOLVED that:

- a) Subcouncil 16 **NOTES** the comments received from the external public consultation that was conducted from September 2020 to 15 December 2021 and supports the responses provided by District Planning and Mechanisms, as set out in this report and more fully explained in Annexure 2 attached to the report.
- b) the Bo-Kaap Local Spatial Development Framework proposals **BE NOTED** and **SUPPORTED**;
- c) Subcouncil 16 **SUPPORTS** that the Bo-Kaap Local Spatial Development Framework be presented for recommendation for approval to Council.

ACTION: N TITUS

MONTHLY/QUARTERLY REPORTS, EXCLUDING FINANCIAL REPORTS

**16SUB
12/5/2022 QUARTERLY REPORT: FIRE SERVICES; JANUARY TO MARCH 2022**

Comments:

- Venues should be visited for fire hazards
- Illegal fires are increasing in Subcouncil 16 and cause damage to private property.
- Roeland Fire Station is in dire need of an upgrade
- Fire hydrant maintenance should take place regularly.

RESOLVED that the quarter report for Fire Services for the period January to March 2022 **BE NOTED**.

ACTION: I SCHNETLER

LIQUOR LICENCE: EXTENSION OF TRADING TIMES

**16SUB
13/5/2022 APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN
RESPECT OF: MODULAR BAR, THE BASEMENT 34-36 RIEBEECK**

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STREET, CAPE TOWN ON CONSUMPTION: 02:00-04:00

NOTE: ON THE 25/03/22 THIS MATTER WAS DEFERRED FOR MORE INFORMATION.

RESOLVED that the application for extension of liquor trading hours in respect of: Modular Bar, The Basement, 34-36 Riebeeck Street, Cape Town On Consumption: 02:00-04:00 is **NOT SUPPORTED**, as it does not comply with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public, By-Law, 2013 in terms of the following:

1. During an assessment the Health Department found that they are not in compliance with the Tobacco Products Control Regulations, and
2. SAPS visited this venue after 02h30 and found that they were trading well past their allowed trading hours and had notified WCLA with a report regarding that.

ACTION: C HELDSINGER

16SUB 14/5/2022 APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: THE LAND BANK, 54 QUEEN VICTORIA STREET, CAPE TOWN, ON CONSUMPTION: 02:00-04:00

RESOLVED that:

- a) the application for extension of trading hours from 02:00 – 04:00, **ON CONSUMPTION**, submitted by **THE LAND BANK, 54 QUEEN VICTORIA STREET, CAPE TOWN, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013;
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER

16SUB 15/5/2022 APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: BOHO CHIC LOUNGE, 1ST- 2ND FLOORS, 226 LONG STREET, CAPE TOWN ON CONSUMPTION: 02:00-04:00

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RESOLVED that the application for extension of liquor trading hours in respect of: Boho Chic Lounge, 1st- 2nd floors, 226 Long Street, Cape Town On Consumption: 02:00-04:00 is **NOT SUPPORTED**, as it does not comply with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public, By-Law, 2013 in terms of the following;

1. It was noted by Assistant Chief Holding from Law Enforcement that spot fines were issued on 29th May 2021 and 4th September 2021 for trading without the necessary Business License, and yet the applicant has applied for an extended liquor license without the necessary Business License
2. On 20th April 2022, we were notified by Head Environmental Health, Area: North that this applicant is not in position of a Business License: Health and Entertainment – a requirement for a venue having a dance floor and discoteque

ACTION: C HELDSINGER

16SUB 16/5/2022 APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF: THE SHACK, 45 DE VILLIERS STREET, ZONNEBLOEM: ON CONSUMPTION: 02:00-04:00

RESOLVED that:

- a) the application for extension of trading hours from 02:00 – 04:00, **ON CONSUMPTION**, submitted by **THE SHACK, 45 DE VILLIERS STREET, ZONNEBLOEM, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013;
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER

16SUB 17/5/2022 APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF OBSERVATORY LIQUOR STORE, 70-72 LOWER MAIN ROAD, OBSERVATORY: OFF CONSUMPTION MONDAY–SATURDAY

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18:00-20:00

RESOLVED that:

- a) the application for extension of trading hours from 18:00– 20:00, Monday to Saturday, submitted by **OBSERVATORY LIQUOR STORE, 770 – 72 LOWER MAIN ROAD, OBSERVATORY, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013;
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER16SUB
18/5/2022

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF PENINSULA OFF-SALES, 394-396 ALBERT ROAD, SALT RIVER: OFF CONSUMPTION MONDAY – SATURDAY 18:00-20:00

RESOLVED that:

- a) the application for extension of trading hours from 18:00– 20:00, Monday to Saturday, submitted by **PENINSULA OFF-SALES, 394 – 396 ALBERT ROAD, SALT RIVER, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013;
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER16SUB
19/5/2022

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF KLOOFNEK GROCER, 15 KLOOFNEK ROAD, TAMBOERSKLOOF: OFF CONSUMPTION MONDAY – SATURDAY 18:00 –

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20:00

RESOLVED that:

- a) the application for extension of trading hours from 18:00– 20:00, Monday to Saturday, submitted by **KLOOFNEK GROCER, 15 KLOOFNEK ROAD, TAMBOERSKLOOF, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER16SUB
20/5/2022

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS IN RESPECT OF KLOOFNEK GROCER, 15 KLOOFNEK ROAD, TAMBOERSKLOOF: OFF CONSUMPTION SUNDAY 11:00-18:00

RESOLVED that:

- a) the application for extension of trading hours from 11:00-18:00, Sunday submitted by **KLOOFNEK GROCER, 15 KLOOFNEK ROAD, TAMBOERSKLOOF, BE APPROVED**, as it complies with the criteria included in the City of Cape Town: Control of undertakings that Sell Liquor to the Public By-Law, 2013
- b) Should complaints be received concerning noise and / or unruly behaviour of patrons, these will be investigated and may result in the extended trading hours being withdrawn
- c) Any complaints received concerning noise and / or unruly behaviour of patrons will also be referred to the Western Cape Liquor Authority and may jeopardise the renewal of the liquor licence
- d) This approval is also subject to compliance with all relevant By-laws of the City of Cape Town

ACTION: C HELDSINGER

LIQUOR LICENCE MATTERS


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- PLEASE NOTE THAT IN TERMS OF COUNCIL'S LANGUAGE POLICY, DECISIONS OF COUNCIL, SUBCOUNCILS AND COMMITTEES WILL BE MADE AVAILABLE UPON REQUEST IN XHOSA AND AFRIKAANS
- FOR INFORMATION REGARDING OUR PRIVACY PRACTICES, PLEASE SEE OUR <https://www.capetown.gov.za/General/Privacy>

**16SUB
21/5/2022 LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: ASALY
MARINE REF. NO.: LLA22020002**

RESOLVED that an application for a liquor licence received from ASALY MARINE was considered and that the recommendation to be forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended;

Subcouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22020002, for the business Asaly Marine, **BE SUPPORTED**:

ACTION: G FOULDIEN

**16SUB
22/5/2022 LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: STUD
REF. NO.: LLA22030027**

It be **NOTED** that an application for a liquor licence received from STUD was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22030027, for the business STUD **NOT BE SUPPORTED**

Subcouncil does not support the application for the following reasons:

1. No planning approval for the premises and a cease works order has been given. This is a converted refuse room and surely cannot be converted as is part of the planning for the initial building.
2. No business license and we are already having to issue compliance letters to the building due to the hygiene situation that is being created due to the removal of the refuse remove without planning approval
3. I do not believe that this is in the general public's interest and should not be supported.
4. Premises still under construction and City Health and Emergency Services unable to conduct inspections.

ACTION: G FOULDIEN

**16SUB
23/5/2022 LIQUOR LICENCES APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY SUBCOUNCIL MANAGER, WARD
COUNCILLOR AND CHAIRPERSON IN RESPECT OF: JACKPOT STAR
REF. NO.: LLA22040001**

It be **NOTED** that an application for a liquor licence received from JACKPOT

STAR was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040001, for the business Jackpot Star **CONDITIONALLY SUPPORTED**.

Subject to the following:

1. The applicant obtaining an appropriate business licence from the City of Cape Town.
2. Access being granted to City Health and Emergency Services in order to conduct their respective inspections.

ACTION: G FOULDIEN

**16SUB
24/5/2022** **LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: MICAFFE
- MILANO REF. NO.: LLA22040003**

It be **NOTED** that an application for a liquor licence received from MICAFFE - MILANO was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040003, for the business Micafe - Milano **BE SUPPORTED**

ACTION: G FOULDIEN

**16SUB
25/5/2022** **LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF:
ARTEZIAN REF. NO.: LLA22040006**

It be **NOTED** that an application for a liquor licence received from ARTEZIAN was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040006, for the business Artezian **CONDITIONALLY SUPPORTED**

Subject to:

1. The applicant obtaining an appropriate business licence from the City of Cape Town
2. Completion of construction of the premises
3. City Health and Emergency Services being granted access to the premises to conduct their inspections.

ACTION: G FOULDIEN

**16SUB
26/5/2022 LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: BAKED
REF. NO.: LLA22040009**

It be **NOTED** that an application for a liquor licence received from BAKED was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040009, for the business Baked **CONDITIONALLY SUPPORTED**

Subject to the following:

1. The applicant obtaining an appropriate business licence from the City of Cape Town.
2. Completion of construction of the premises
3. City Health and Emergency Services be granted access to the premises to conduct their inspections.

ACTION: G FOULDIEN

**16SUB
27/5/2022 LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF: DEER
PARK RESTAURANT REF. NO.: LLA22040010**

It be **NOTED** that an application for a liquor licence received from DEER PARK RESTAURANT was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040010, for the business Deer Park Restaurant **CONDITIONALLY SUPPORTED**

Subject to the applicant obtaining an appropriate business licence from the City of Cape Town.

ACTION: G FOULDIEN

**16SUB
28/5/2022** **LIQUOR LICENCE APPLICATION: DECISION TAKEN UNDER
SUBDELEGATED AUTHORITY BY THE SUBCOUNCIL MANAGER, THE
WARD COUNCILLOR AND THE CHAIRPERSON IN RESPECT OF:
PIZZERIA ON BREE PTY LTD REF. NO.: LLA22040013**

It be **NOTED** that an application for a liquor licence received from PIZZERIA ON BREE PTY LTD was considered in terms of sub-delegated authority and that the following recommendation was forwarded to the Liquor Authority in terms of the Western Cape Liquor Act, 2008, as amended:

SubCouncil 16 recommends that the application for a Consumption ON Premises Liquor Licence, reference no. LLA22040013, for the business Pizzeria On Bree PTY LTD **NOT BE SUPPORTED**

The Subcouncil does not support the application due to the following:

1. The applicant obtaining an appropriate business licence from the City of Cape Town.
2. Plans to be submitted for approval.
3. Obstruction of or rendering component escape of escape route less effective.
4. Non-approved locking device fitted to access of escape door.
5. Failure to place required SANS 1186 approved signage throughout an escape route and above exits.
6. Fire suppression equipment not visible or clearly demarcated with SANS 1186 approved signage.
7. Failure to comply with instruction to apply for temporary/permanent Population Certificate.
8. Sans 1039 alarm system required.(manual break glass unit).
9. Second exit required.

ACTION: G FOULDIEN

ROAD TRAFFIC MATTERS

16SUB 29/5/2022	REQUEST FOR TRAFFIC CALMING MEASURES: WALE, ROSE, PENTZ STREETS AND YUSUF DRIVE, BO-KAAP, BETWEEN BUITENGRACHT AND BANTAM STREET & WALE AND STRAND STREET AT THE INTERSECTION WALE & ROSE; WALE & YUSUF DRIVE
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RESOLVED that:

- a) That the request for implementing traffic calming measures, in Wale,

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Rose, Pentz Streets and Yusuf Drive, Bo-Kaap, between Buitengracht and Bantam Street & Wale and Strand Street at the intersection Wale & Rose; Wale & Yusuf Drive, as per Annexure E attached to the report be noted.

- b) That the request in (a) above be referred to the Transport Department for a technical assessment and report to Subcouncil 16.

ACTION: D MANUEL, T MAKIBI

16SUB 30/5/2022 ST THERESA AVENUE, CAMPS BAY, STREET SECTION, 1 – 48 THERESA AVENUE, AT THE INTERSECTION OF ST THERESA AVENUE AND BARBARA ROAD

Subcouncil was divided in their support to recommend the application to the Transport Department for assessment, as the class of road does not comply with the directives of the Traffic Calming Policy.

The Chairperson put this matter to the vote which reflected accordingly.

For: 3

Against: 6

RESOLVED that the request for implementing traffic calming measures, in St Theresa Avenue, Camps Bay, Street Section, 1 – 48 St Theresa Avenue, at the intersection of St Theresa Avenue and Barbara Road as per Annexure E attached to the report **NOT BE RECOMMENDED** for assessment to the Transport Department.

ACTION: G FOULDIEN, D MANUEL, T MAKIBI

GENERAL

16SUB 31/5/2022 MONTHLY REPORT ON LAND USE APPLICATIONS RECEIVED FOR SUBCOUNCIL 16: APRIL 2022

RESOLVED that the monthly report on Land Use application received for April 22 **BE NOTED**.

BUSINESS LICENSING

16SUB 32/5/2022 APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: ELECTRONIC DEVICES, TO PERMIT A MAXIMUM OF FIVE LIMITED GAMBLING MACHINES: JUMPSTART CAFE: ERF 26626, SHOP 9, MILNERTON MALL, CORNER OF LOXTON & KOEBERG ROADS, MILNERTON: PETER JOHN HEEGER

RESOLVED that:

- 1) The application received from Jumpstart Cafe, for a business licence for Health and entertainment electronic devices, to permit a maximum of five Limited gambling machines on erf 26626, Shop 9, Milnerton Mall, corner of

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Loxton & Koeberg roads, Milnerton, **BE GRANTED** subject to the following Standard endorsements for this category of licence:

- a) This business licence must be displayed prominently in a conspicuous place in or on the premises so as to be visible to patrons, the public and Council officials at all times.
 - b) This business licence is not transferable from person to person or from business to business.
 - c) The premises must comply with the requirements of the Tobacco Products Control Act, Act 83 of 1993, at all times.
 - d) The Director: City Health reserves the right to call for any other requirements that may be deemed necessary.
 - e) The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements.
 - f) The premises must comply with the requirements of the Western Cape Noise Control Regulations, P.N. 200 of 2013, at all times.
 - g) The premises must comply with the fire requirements at all times.
 - h) Noise emissions from the building to a public space or street are not allowed.
- 2) Authority be granted to the Head: Environmental Health to sign and issue the necessary licence in 1 above.

ACTION: G HEUGH

**16SUB
33/5/2022** **APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: ELECTRONIC DEVICES, TO PERMIT A MAXIMUM OF FIVE LIMITED GAMBLING MACHINES: LIGHTHOUSE BAR AND GRILL: ERF 26626, SHOP 15, MILNERTON MALL, CORNER OF LOXTON & KOEBERG ROADS, MILNERTON: PETER JOHN HEEGER**

RESOLVED that:

- 1) The application received from Lighthouse Bar and Grill, for a business licence for health and entertainment electronic devices, to permit a maximum of five limited gambling machines on erf 26626, Shop 15, Milnerton Mall, corner of Loxton & Koeberg roads, Milnerton, **BE GRANTED** subject to the following Standard endorsements for this category of licence:
 - a) This business licence must be displayed prominently in a Conspicuous place in or on the premises so as to be visible to patrons, the public and Council officials at all times.

- b) This business licence is not transferable from person to person or from business to business.
 - c) The premises must comply with the requirements of the Tobacco Products Control Act, Act 83 of 1993, at all times.
 - d) The Director: City Health reserves the right to call for any other requirements that may be deemed necessary.
 - e) The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements.
 - f) The premises must comply with the requirements of the Western Cape Noise Control Regulations, P.N. 200 of 2013, at all times.
 - g) The premises must comply with the fire requirements at all times.
 - h) Noise emissions from the building to a public space or street are not allowed.
- 2) Authority be granted to the Head: Environmental Health to sign and issue the Necessary licence in 1 above.

ACTION: G HEUGH

**16SUB
34/5/2022**

APPLICATION FOR A BUSINESS LICENCE FOR HEALTH AND ENTERTAINMENT: ELECTRONIC DEVICES, TO PERMIT A MAXIMUM OF FIVE LIMITED GAMBLING MACHINES: LOXTON CAFÉ: ERF 26626, SHOP 15A, MILNERTON MALL, CORNER OF LOXTON & KOEBERG ROADS, MILNERTON: PETER JOHN HEEGER

- 1) The application received from Loxton Cafe, for a business licence for health and entertainment electronic devices, to permit a maximum of five limited gambling machines on erf 26626, Shop 15A, Milnerton Mall, corner of Loxton & Koeberg Roads, Milnerton, **BE GRANTED** subject to the following standard Endorsements for this category of licence:
- a) This business licence must be displayed prominently in a conspicuous place in or on the premises so as to be visible to patrons, the public and Council officials at all times.
 - b) This business licence is not transferable from person to person or from business to business.
 - c) The premises must comply with the requirements of the Tobacco Products Control Act, Act 83 of 1993, at all times.
 - d) The Director: City Health reserves the right to call for any other requirements that may be deemed necessary.

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- e) The approval of this licence does not exempt the holder from compliance with any other licences, conditions or statutory requirements.
 - f) The premises must comply with the requirements of the Western Cape Noise Control Regulations, P.N. 200 of 2013, at all times.
 - g) The premises must comply with the fire requirements at all times.
 - h) Noise emissions from the building to a public space or street are not allowed.
- 2) Authority be granted to the Head: Environmental Health to sign and issue the Necessary licence in 1 above.

ACTION: G HEUGH

MOTIONS OF EXIGENCY

**16SUB
35/5/2022**

MOTION OF EXIGENCY FOR RENAMING OF VAN RIEBEECK PARK

This motion was proposed by Councillor Francine Higham and seconded by Councillor Yusuf Mohammed.

Cllr Francine Higham read the motion. See addendum B.

When the Chairperson asked for support, one (1) abstained.

RESOLVED that Van Riebeeck Park in Oranjezicht be:

- 1) renamed to Platteklip Park, which is in recognition of the Platteklip Stream that flows through it; and
- 2) be recognized as a District Park and included on the City of Cape Town's website so that more people become aware of the park and are able to enjoy its beauty.

ACTION: D GALANT, D BAART

**16SUB
36/5/2022**

MOTION OF EXIGENCY TO INCREASE THE SEATS ON THE WARD COMMITTEE FOR WARD 55.

This motion was proposed by Councillor Fabian Ah-Sing and seconded by Councillor Yusuf Mohammed. See addendum C

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Cllr Fabian Ah-Sing propose that the following sectors be added to the ward committee seats:

- i) Designated Vulnerable Groups
- ii) Safety & Security increase from 1 to 2 seats.

RESOLVED that the following seats be added:

- i) Designated Vulnerable Groups – 2 seats
- ii) Safety & Security – 2 seats

ACTION: G FOULDIEN, V SASMAN

NEXT MEETING DATE: 15 JUNE 2022

CHAIRPERSON:.....
ALD. Mathew Kempthorn

DATE:.....