

**MINUTES**

**OF THE ORDINARY MEETING OF THE COUNCIL OF THE CITY OF CAPE TOWN  
HELD VIA THE CITY'S DIGITAL PLATFORM ON THURSDAY, 29 APRIL 2021 AT  
10H00.**

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**MEMBERS PRESENT:**

Ald A Abrahams (DA)	Cllr D G Cottee (ANC)	Ald C Jordaan (DA)
Cllr F L Abrahams (ANC)	Cllr S A Cottle (DA)	Cllr N Jowell (DA)
Cllr M R Abrahams (DA)	Cllr A C Crous (DA)	Ald C Justus (DA)
Cllr M F Achmat (AJ)	Cllr M Dambuza (EFF)	Ald M L Kempthorne (DA)
Cllr A Adams (DA)	Cllr T Dasa (DA)	Cllr D Khatshwa (ANC)
Cllr A Adams (DI)	Cllr W B Dlulane (ANC)	Cllr M E Kleinsmith (DA)
Cllr R Adams (DA)	Cllr W P Doman (DA)	Cllr M R H Kleinschmidt (DA)
Cllr Y Adams (CMC)	Cllr D Dudley (ACDP)	Cllr C Kobeni (DA)
Cllr M Adonis (DA)	Cllr S S Duka (ANC)	Cllr A L Komeni (ANC)
Cllr Z C Adonis (DA)	Cllr M R Dwane (EFF)	Cllr N Kopman (ANC)
Cllr F K Ah-Sing (DA)	Cllr P A East (DA)	Cllr G P G Kriel (DA)
Cllr W J Akim (DA)	Cllr C J Esau (DA)	Cllr A E Kuhl (DA)
Ald E P Andrews (DA)	Cllr J P Fitz (DA)	Cllr M D Kumeke (ANC)
Cllr E Anstey (DA)	Ald G D Fourie (DA)	Ald N J Landingwe (ANC)
Ald R Arendse (DA)	Cllr P Francke (DA)	Cllr S P Liell-Cock (DA)
Cllr D E Badela (ANC)	Cllr C Fry (DA)	Cllr A Lightburn (DA)
Cllr Z A Badroodien (DA)	Cllr A Gabuza (ANC)	Ald X T Limberg (DA)
Cllr M K Bafo (PAC)	Cllr B C Golding (DA)	Cllr B C Madikane (DA)
Cllr U M Barends (DA)	Cllr G E Gordon (DA)	Cllr N Mahangu (DA)
Ald A J G Basson (DA)	Cllr A J Griesel (DA)	Cllr N Mahlathi (DA)
Cllr S Batala (DA)	Cllr C De Wet Groenewoud (DA)	Cllr B Majingo (ANC)
Cllr T M Batembu (ANC)	Cllr N E Grose (DA)	Cllr N Makasi (ANC)
Ald R Bazier (ANC)	Cllr L A Gungxe (ANC)	Cllr L C Makeleni (ANC)
Cllr M Bele (EFF)	Cllr B Hansen (DA)	Cllr S Manata (ANC)
Cllr A M Benadie (DA)	Cllr W Harris (DA)	Cllr M Manuel (DA)
Cllr R Beneke (DA)	Cllr G C R Haskin (ACDP)	Cllr K Maré (DA)
Cllr N Bolitye (ANC)	Cllr P Helfrich (DA)	Ald G W March (DA)
Cllr M Booi (DA)	Cllr A Hendricks (AJ)	Cllr J Martlow (DA)
Cllr R Bresler (DA)	Cllr P C Heynes (ANC)	Cllr D Z Masiu (DA)
Cllr E N Brunette (DA)	Cllr N D Hlangisa (UDM)	Cllr V Matanzima (DA)
Cllr K R Carls (DA)	Cllr M W Hlazo (ANC)	Cllr J J Maxheke (ANC)
Cllr H Carstens (DA)	Cllr T T Honono (ANC)	Cllr P Maxiti (DA)
Cllr M A Cassiem (DA)	Cllr V R Isaacs (DA)	Cllr L Mazwi (EFF)
Cllr M F Cassim (COPE)	Cllr I R Iversen (DA)	Cllr S Mbandezi (DA)
Cllr C S Cerfontein (DA)	Ald B M Jacobs (DA)	Cllr J S Mbolompo (DA)
Ald P H Chapple (DA)	Cllr H W Jacobs (DA)	Cllr N V Mbombo (ANC)
Cllr M N Chitha (ANC)	Ald W D Jaffha (DA)	Cllr J McCarthy (DA)
Cllr J G Classen (ACDP)	Cllr L Jali (ANC)	Cllr A P McKenzie (DA)
Cllr B Clarke (DA)	Cllr E E Jansen (DA)	Cllr I P McMahon (DA)
Ald C C Clayton (DA)	Cllr C Janse van Rensburg (DA)	Cllr C N Mdleleni (EFF)
Cllr D J Christians (DA)	Cllr S John (ANC)	Cllr S S Mfecane (ANC)
	Cllr X Joja (DA)	Cllr V N Mfusi (ANC)

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Cllr N Mgolombane (ANC)	Cllr M J Petersen (DA)	Cllr H P Terblanche (DA)
Cllr J H Middleton (DA)	Cllr S Philander (DA)	Cllr E A J Theron (ANC)
Cllr S N Moloto (EFF)	Cllr M P Pietersen (DA)	Ald T Thompson (DA)
Ald S Moodley (DA)	Cllr T I Pimpi ((ANC)	Cllr G Timm (DA)
Cllr A C Moses (DA)	Cllr Y Plaatjie (DA)	Ald G G Twigg (DA)
Cllr N A Moshani (ANC)	Cllr C Pophaim (DA)	Ald T A Uys (DA)
Cllr T Mpengezi (ANC)	Ald S B Pringle (DA)	Cllr B van der Merwe (DA)
Cllr V Mqadi (ANC)	Cllr C B Punt (DA)	Ald J F H van der Merwe (DA)
Cllr S Mzobe(ANC)	Ald F A Purchase (DA)	Ald A A van der Rheede (DA)
Cllr P S Mzolisa (DA)	Cllr Z Qoba (ANC)	Cllr P E van der Ross (DA)
Cllr N Ndaleneni (DA)	Cllr R M Quintas (DA)	Cllr M L van der Walt (DA)
Cllr A X Ndongeni (ANC)	Cllr X Qwasha (DA)	Cllr B van Reenen (DA)
Ald I D Neilson (DA)	Cllr M H Raise (DA)	Cllr A van Zyl (DA)
Cllr K Nethi (DA)	Cllr B Rass (DA)	Cllr M Velem (ANC)
Cllr B P Ngcani (ANC)	Cllr F H L Raymond (DA)	Cllr R Viljoen (DA)
Cllr M W N Ngeyi (DA)	Ald S J Rossouw (DA)	Cllr D A Visagie (DA)
Cllr P M Ngqu (DA)	Cllr S Taliep (DA)	Cllr C L Visser (DA)
Cllr X W Ngwekazi (ANC)	Cllr T Sakathi (ANC)	Cllr J Visser (DA)
Cllr S Ngxumza (ANC)	Cllr E Sawant (DA)	Cllr P P Vokwana (DA)
Ald M J Nieuwoudt (DA)	Cllr M Sibunzi (DA)	Ald J Vos (DA)
Cllr M Nikelo (DA)	Cllr R Z Simboku (ANC)	Cllr S Vuba (DA)
Cllr F M Nkuzana (ANC)	Cllr R S Simons (ANC)	Cllr F C Walker (DA)
Cllr X Nofemele (DA)	Cllr A J Skippers (DA)	Ald B R W Watkyns (DA)
Cllr S Nonkeyizana (ANC)	Ald J D Smit (DA)	Cllr J J Witbooi (DA)
Cllr M L Nqavashe (DA)	Ald J P Smith (DA)	Cllr J Woodman (DA)
Cllr A Ntsodo (DA)	Cllr O Solomons (DA)	Cllr N Xamle (DA)
Cllr P Nyakaza-Sandla (DA)	Cllr N P Sono (ANC)	Cllr S Yalezo (DA)
Cllr L Nyingwa (ANC)	Cllr K G Southgate (DA)	Cllr S K Yozi (ANC)
Cllr S F Oerson (DA)	Cllr C S Stevens (PA)	Cllr L G Zondani (ANC)
Cllr G C Peck (DA)	Cllr Z Sulelo (DA)	
Cllr X G Peter (ANC)	Cllr P S Swart (DA)	
Cllr M Nqulwana (ANC)		

### **APOLOGIES**

Cllr C B Bew (DA)  
Cllr F Botha-Rossouw (FF+)  
Ald G V Cavanagh (DA)  
Cllr M M Davids (DA)  
Cllr P M Mngxunyeneni (ANC)  
Cllr B Ngcombolo (ANC)  
Cllr D Ngubelanga (AIC)  
Executive Mayor D Plato (DA)  
Ald R Rau (DA)  
Cllr N Rheeder (DA)  
Ald X R Sotashe (ANC)

### **ABSENT**

***The following Councillors were absent without an apology:***

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None

***The following Councillors submitted an apology for late arrival:***

None

***The following Councillors submitted an apology for leaving early:***

None

### **PRESENT**

#### ***Executive Management Team***

Mr L Mbandazayo	-	City Manager
Mr K Nassiep	-	ED: Energy and Climate Change
Mr E Sass	-	ED: Community Services and Health
Ms N Gqiba	-	ED: Human Settlements
Mrs G Kenhardt	-	Acting ED: Corporate Services
Mr B Gerber	-	Acting ED: Urban Management
Mr V Botto	-	Acting ED: Safety and Security
Mr R Melody	-	Acting ED: Transport

#### ***Executive Committee Services***

Ms G Jeffries	-	Acting Director: Executive Support and CS Operations
Mrs R Razack	-	Manager: Executive Committee Services
Ms J Cooper		
Mr M Carolus		
Ms C Franz		
Mr G Josephs		
Mrs A Kline		
Ms M Levendall		
Ms L McGregor		
Mrs C Minnaar		
Mr N Meissenheimer		
Mrs L von Molendorff		
Mrs K Smit		

#### ***Legal Services***

Ms R Sayed  
Ms J Holt  
Mr J Liebenberg

### **ACRONYMS:**

#### **LIST OF ACRONYMS FOR INFORMATION**

**ACDP - African Christian Democratic Party**

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- AIC** - **African Independent Congress**
- AJ** - **Al Jama-ah**
- ANC** - **African National Congress**
- CMC** - **Cape Muslim Congress**
- COPE** - **Congress of the People**
- DA** - **Democratic Alliance**
- DI** - **Democratic Independent**
- EFF** - **Economic Freedom Fighters**
- FF+** - **Freedom Front Plus**
- PA** - **Patriotic Alliance**
- PAC** - **Pan Africanist Congress of Azania**
- UDM** - **United Democratic Movement**

### **SECTION 1 OPENING OF MEETING**

The Speaker welcomed all Councillors, officials and the media to the virtual Council meeting.

A special word of welcome was also extended to his wife, children and grandchildren, who attended the meeting.

A moment of silence was observed.

The Speaker mentioned that the Executive Mayor extended his apology for this meeting and that the Executive Deputy Mayor, Ald I Neilson would address Council.

Councillors were called upon to register and 206 Councillors participated via the City's digital platform.

### **SECTION 2 MAYORAL ADDRESS**

The Speaker called on the Executive Deputy Mayor, Ald I Neilson to address Council, as follows:

*“Speaker, I wish to welcome all the Aldermen and Councillors to this meeting here today. We have been meeting in this online format for a year. It has been both a challenge and adaptation, but also I believe it has brought greater discipline to our meetings.*

*I give the apologies of the Executive Mayor, Alderman Dan Plato, who, together with a few of our Councillors, are attending the funeral of the late Alderman Monty Oliver this morning.*

*Speaker, I would like to start off by acknowledging that today will be your last day presiding over this Council as the Speaker of the City of Cape*

*Town. Please allow me to express, on behalf of the Mayor and my fellow Councillors, our sincerest thanks for your 15 years of dedicated service to this Council and the people of Cape Town. I well remember the dramatic time in 2006 when you were first elected, and the signal that it gave of a sea change in the future of this City. During your time in the chair, you have conducted our Council meetings with professionalism, gravitas, and flashes of humour that certainly livened up the proceedings. Presiding over a large multi-party Council is no easy task, but yours has been a steady hand over the years, and you have managed to keep this ship on course, carefully steering us through seas both rough and smooth. Let us not also forget your role outside of the chamber. You have conducted that role with dignity and fairness, even in times of turmoil, and have been a steady rock of stability to the City. I will not wish you farewell just yet, but wanted to state our appreciation for your years of service upfront.*

### **Cape Town fire**

*Speaker, during the past week, we have seen a large section of the Table Mountain National Park ablaze. The fire, which raged for a number of days, enveloped a large section of UCT's library, destroying many literary treasures. Mostert Mill and the Rhodes Memorial restaurant, two of our oldest heritage sites, were also destroyed.*

*Thankfully, there was no loss of life. I applaud our brave firefighters and the many volunteers, including all the emergency personnel involved and all the residents who stepped forward with donations for our firefighters. It once again showed that Capetonians are committed to the city and will go out of their way to serve it. We last saw it during the recent drought, when all worked together to get us through that crisis. It is a wonderful thing to see how our city pulls together in times of need.*

- Our Disaster Risk Management Centre has already coordinated joint assessments to identify where repairs are needed to damaged roads and other infrastructure, and the Solid Waste Management Department was mobilised to clear the fire debris.*
- The City's Air Quality Monitoring Unit monitored air quality at the Foreshore Monitoring Station so that we could advise residents of any adverse findings of particulate matter, which could affect those suffering from asthma and other respiratory conditions.*
- An assessment by the City's Electricity Generation and Distribution Department found that there was no major damage to electricity infrastructure, but that overhead lines to some of the affected buildings were damaged.*

*We can all be proud of the quick response to this disaster from multiple stakeholders and departments within the City.*

### **Covid-19 humanitarian relief continues**

*Speaker, as in the rest of the world, we are still dealing with the ramifications of the global coronavirus pandemic, which is still very much with us more than a year since it first started.*

*The City is continuing to provide humanitarian food relief to vulnerable communities most adversely affected by the pandemic. Since April last year, a total of R39 million has been provided towards critical food aid relief. These donations are intended to assist organisations feeding residents in need, many of whom have lost jobs and are struggling to put food on the table.*

*To date, approximately R14 million from the Mayor's Relief Fund has been spent on equipping soup kitchens, and providing other food relief where soup kitchens were not established. The grant-in-aid of R10 million that was approved by Council in January is being rolled out to 14 non-governmental organisations (NGOs), public benefit organisations (PBOs) and non-profit organisations (NPOs) that are preparing and distributing cooked meals directly to vulnerable communities. Most recently, R15 million was approved by Council in March as part of the Budget Adjustment process. Applications from registered NGOs, PBOs or NPOs are currently being assessed.*

*So much has changed over the past year, from the way in which we work, to how we spend time with families and friends. In the City, we have worked hard to continue delivering services, to find innovative ways of engaging with our residents, to build resilience and ensure that we adapt quickly to change so that we can keep moving forward.*

### ***Boosting local economy***

*As the best governed metro in South Africa, we are constantly looking at ways to ensure that progress stays possible in this city; from dealing with service delivery backlogs created during the national lockdown, to finding ways to revitalise our economy in order to encourage job creation.*

*The large number of property transactions on today's Council agenda shows how the City is supporting Cape Town's economy by releasing land into the economy for people to improve their living circumstances. Residential, social and commercial transactions are literally paving the way to our economic recovery.*

*I am also very pleased to note the large number of property development applications that the City has processed over the past few years, and that development continues, despite the negative economic impacts of the disaster regulations.*

*Two of the biggest developments that are moving ahead in the City will see more than 18 000 jobs being created during the construction phase, with another 24 000 direct and indirect job opportunities created after construction has completed. This is progress and it is what our city needs to keep moving forward.*

*With increased growth, there is an increased demand for services and I am pleased to see on today's agenda a number of applications to extend*

*the terms of City Improvement Districts (CIDs) across the City, including those in Paarden Eiland, Triangle Industrial City, Oranjekloof, Greenpoint and Sea Point, Rosebank and Little Mowbray, Blackheath and Tygervalley. This is an indication that property owners see the value of continuing to support special rating areas, and their willingness to invest in their communities.*

**Cape Town is the only metro to remain financially stable**

*The Ratings Africa report released this past month indicates that Cape Town is the only metro in South Africa that remains financially stable and able to meet its obligations. That means it can continue to deliver services, pay its staff, pay Eskom, carry out extensive repairs and maintenance and have a substantial capital investment program. That is the stability on which the future is built, and that is the future here, in Cape Town.*

*The City is currently in the process of updating its draft Integrated District Spatial Development Frameworks and Environmental Management Frameworks for the eight planning districts across Cape Town. The draft frameworks set out the planning and spatial vision for these districts, and the City's proposals for balancing ecological conservation and urban development in a manner that is sustainable, resilient, and equitable. These frameworks will be finalised following the current round of public participation, and I would like to encourage all residents to attend the various open days being held across the metro, or participate in one of the online engagements that will be held, where they will have the opportunity to put their questions to City officials. Residents have until the 6 June 2021 to submit their comments.*

**Draft Budget 2021/22**

*Public comment on the draft budget can also be submitted until 3 May. Over 100 public meetings were held over the past weeks at Subcouncil offices and other forums, with strict adherence to Covid-19 safety precautions.*

*The City has had to adjust the way it engages with residents in order to reduce risk and prevent the spread of Covid-19. In addition to these public meetings, we have also communicated on the draft budget via social media, telephone, WhatsApp, through mailers, media releases and the City's website.*

*All formally submitted public comments will be considered and responded to when the budget is tabled for adoption by Council next month. I would like to urge all Councillors here to ensure that residents in their communities are aware of the process, and assist them to participate and comment.*

*Speaker, on this note I would like to conclude, and in closing, wish you all the very best as you take your leave of the City. You will be missed, and you leave a large pair of shoes to be filled. Thank you."*

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### **SECTION 3**

#### **C 02/04/21 APOLOGIES / LEAVE OF ABSENCE**

The Chief Whip of Council, Cllr D Visagie (DA) announced the applications for leave of absence as listed below.

**RESOLVED** that the following applications for leave of absence as announced by the Chief Whip of Council, **BE NOTED:**

Cllr C B Bew (DA)  
Cllr F Botha-Rossouw (FF+)  
Ald G V Cavanagh (DA)  
Cllr M M Davids (DA)  
Cllr P M Mngxunyeni (ANC)  
Cllr B Ngcombolo (ANC)  
Cllr D Ngubelanga (AIC)  
Executive Mayor D Plato (DA)  
Ald R Rau (DA)  
Cllr N Rheeder (DA)  
Ald X R Sotashe (ANC)

**ACTION: L KELLEM**

### **SECTION 4 ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced that he would retire on 30 April 2021, after 45 years in public service. He indicated that he had been serving as Speaker since 2005 and chaired the SA Local Government Association's (SALGA) Speaker's Forum of the Western Cape since May 2011.

The Speaker mentioned that it was an honour to visit different municipalities across the country to assist them with processes and procedures during his tenure, and now plans to spend his remaining years with his wife and family.

The Speaker further announced that a Special Council meeting would be arranged on 21 May 2021 at 10H00, in order to elect a new Speaker.

### **SECTION 5 OFFICIAL NOTICES / URGENT MATTERS**

There were no official notices or urgent matters raised.

At this stage, the City Manager extended his well wishes to the Speaker with his retirement and thanked him for his expertise and commitment during his tenure.

### **SECTION 6 MINUTES OF PREVIOUS MEETING**

#### **C 03/04/20 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING: 31 MARCH 2021**



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**RESOLVED** that the minutes of the ordinary Council meeting held on 31 March 2021, be confirmed.

**The Speaker announced that the following items were agreed on by the respective parties at the Whips' meeting:**

**Volume 2A - Items 5, 6, 7 and 11**

**Volume 2B – Item 26**

**Volume 3A – Items 27, 28, 30, 31, 35, 41, 42 and 43**

**Volume 3B – Items 45, 46, 47, 48, 51, 52, 53, 54, 55, 56, 58, 59 and 60**

**Volume 4 - Items 64, 65, 66, 67, 68, 69 and 70 [Reports for information and noting.]**

**206 Councillors participated when this announcement was made.**

### **C 04/04/21 ADJUSTMENTS BUDGET: 2020/21 FINANCIAL YEAR**

**RESOLVED** that, in terms of section 28 of the MFMA, the amendments proposed for incorporation into the 2020/21 adjustments budget (April 2021), as contained in Annexure A to the report on the agenda, be adopted

*[The ANC, AJ, COPE, DI, EFF and UDM recorded their votes against the above decision.]*

**ACTION: J STEYL, K JACOBY**

### **C 05/04/21 CONSIDERATION OF THE REVIEW OF THE INFORMAL TRADING PLAN FOR ATHLONE CENTRAL BUSINESS DISTRICT (CBD), WARD 49**

**RESOLVED** that:

- (a) in terms of section 6.9 of the City of Cape Town's Informal Trading By-law and based on the process prescribed in the City of Cape Town's Informal Trading By-law, the portion of Ward 49, located along Old Klipfontein Road between Jan Smuts Drive to Birdwood Street and along Birdwood Street between Klipfontein Road to Aden Avenue, as shown in Annexure C (Maps 1 - 10) to the report on the agenda, be adopted as being an area in which the carrying of the business of informal traders is permitted;
- (b) the areas of the Athlone Central Business District (CBD) located framed along Old Klipfontein Road between Jan Smuts Drive to Birdwood Street and along Birdwood Street between Klipfontein Road to Aden Avenue, as shown in Annexure C (Maps 1 - 10) to the report on the agenda, be declared as demarcated areas in

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which the carrying on of the business of informal trading is allowed to persons in possession of a valid permit;

- (c) the previous proclamation of the trading plan for the Athlone area as published in Provincial Gazette no. 6680 dated 27 November 2009, be revoked;
- (d) the informal trading bays mentioned in Annexure C (Maps 1 - 10) to the report on the agenda, be let out by means of a permit system and that no informal trading be permitted in these demarcated informal trading bays if a person is not in possession of a valid permit issued by an employee, agent, representative and/or service provider of the City of Cape Town who are specifically authorized by the City in this regard;
- (e) the trading hours be from 07:00 to 20:00 from Monday to Sunday;
- (f) the comments received from the 30-day public participation process as per section 6 of the Informal Trading By-Law and the responses from Area Economic Development, be noted;
- (g) the approved informal trading plan for Ward 49 be published in the Provincial Gazette in terms of the Informal Trading By-law of 2009, as amended in 2013.

### **ACTION: Y GOGELA, W SOLOMONS-JOHANNES, B GERBER**

#### **C 06/04/21 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 PELICAN PARK IN WARD 67**

**RESOLVED** that:

- (a) the review of the informal trading plan for Ward 67 Pelican Park area, be adopted
- (b) the informal trading plan for Ward 67 be adopted and that the following proposed areas be declared new trading spaces as indicated in the table below:

<b>Proposed Trading Plan Locations</b>	<b>See Annexures for more details</b>	<b>Bay size (in metres x metres)</b>	<b>No of bays</b>	<b>Days of operation per week</b>	<b>Hours of operation</b>	<b>Proposed Tariffs</b>
Cnr Dollarbird & Roadrunner Str, Erf 2704	B	3 x 3	60	7	06:00 to 18:00	93,00

- (c) the areas indicated on Annexure B of the Subcouncil report, attached as Annexure A to the report on the agenda, be declared

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areas in which the carrying on of the businesses of street vendor, pedlar or hawker is prohibited, with the exception of the informal trading bays reflected on Annexure B of the Subcouncil report, attached as Annexure A to the report on the agenda;

- (d) the areas indicated on Annexure B of the Subcouncil report, attached as Annexure A to the report on the agenda, be declared an area in which the carrying on of the business of street vendor, pedlar or hawker is restricted to persons in possession of a valid permit;
- (e) the informal trading bays mentioned in Annexure B of the Subcouncil report, attached as Annexure A to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal trading bays if a person is not in possession of a valid permit for the particular trading spaces;
- (f) the approved informal trading plan be published in the Provincial Gazette in terms of the Informal Trading By-law.

**ACTION: J ADAMS, B DOUSE, M MILLER, A BOSMAN, B GERBER**

### **C 07/04/21 THE GRANTS-IN-AID ALLOCATION FOR 2020/21 AS RECOMMENDED BY SUBCOUNCIL 10 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION**

**RESOLVED** that the proposed Grants-in-Aid allocation for 2020/21 totalling R100 000, as recommended by Subcouncil 10, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

**ACTION: S MAKHULENI, L MDUNYELWA, B GERBER**

### **C 08/04/21 REVIEW OF MAYOR'S SPECIAL FUND POLICY**

**RESOLVED** that:

- (a) repeal the existing Mayor's Special Fund Policy, which was previously approved by Council on 28 September 2011 vide item C 62/09/11, attached as Annexure B to the report on the agenda;
- (b) the revised Mayor's Special Fund Policy, attached as Annexure A to the report on the agenda, be adopted, subject to the removal of clause 6.1(e) and the amendment of clause 6.1 to read as follows:

*6.1 The Fund may be used for –*

- a) causes that will promote the profile of the City both*

*nationally and internationally;*

- b) cases of hardship;*
- c) emergency or disaster situations where the City has no other provisions that can be utilised;*
- d) the specific use and conditions as may be set out by a donor to the Fund; or*
- e) travelling, accommodation or subsistence of individuals or teams participating in events such as sport or cultural activities only when the Mayor is satisfied that it is a real need as a result of being disadvantaged.*

**ACTION: C FERGUSON, L MBANDAZAYO**

**C 09/04/21 THE GRANTS-IN-AID ALLOCATION FOR 2020/21 AS RECOMMENDED BY SUBCOUNCIL 19 AND SUBMITTED TO THE GRANTS-IN-AID COMMITTEE FOR CONSIDERATION: LIVING HOPE TRUST**

**RESOLVED** that the proposed Grants-in-Aid allocation for 2020/21 totalling R200 000, as recommended by Subcouncil 19, and supported by the Grants-in-Aid Committee, as set out in Annexure A to the report on the agenda, be approved.

**ACTION: D MENTOR, A BOSMAN, B GERBER**

**C 10/04/21 GRANTS-IN-AID ALLOCATIONS FOR 2020/21 AS RECOMMENDED BY SOCIAL DEVELOPMENT AND EARLY CHILDHOOD DEVELOPMENT (INCLUDING THE ARTS AND CULTURE BRANCH) FOR COUNCIL'S CONSIDERATION AND APPROVAL**

**RESOLVED** that the Grant-in-Aid allocations for 2020/21 totalling R15 315 486, as set out in Annexures A and B to the report on the agenda, be approved.

**ACTION: B FORD, A SAULS, E SASS**

**C 11/04/21 REQUEST FOR FUNDING APPROVAL TO THE CAPE INNOVATION AND TECHNOLOGY INITIATIVE (CITI) TO EXPAND A CIVIC TECH SURVEY AIMED AT REWARDING POSITIVE BEHAVIOURS**

**RESOLVED** that:

- (a) funds to the amount of R500 000 (VAT where applicable) be viremented from cost centre 19060503 and GL 413000 to cost

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centre 19060011 - Economic Development Facilitation and GL 457200

- (b) a disbursement of R500 000 (VAT where applicable) be made to the Cape Innovation and Technology Initiative (CITI) and debited from cost centre 19060011 - Economic Development Facilitation and GL 457200
- (c) the Enterprise and Investment Department, in consultation with Legal Services Department, conclude an addendum to the 2020/21 Memorandum of Agreement (MOA) with CITI
- (d) the signing of the addendum with CITI be delegated to the Director: Enterprise and Investment.

**ACTION: F KOLALA, L GREYLING, R GELDERBLOEM**

### **C 12/04/21 REQUEST FOR FUNDING APPROVAL TO THE CAPE INNOVATION AND TECHNOLOGY INITIATIVE (CITI) TO TRAIN 30 ADDITIONAL BENEFICIARIES IN THE WOMEN IN BUSINESS PROGRAMME 2020/21**

**RESOLVED** that:

- (a) funds to the amount of R503 245 (VAT where applicable) be viremented from cost centre 19060503 and GL 413000 to cost centre 19060011 - Economic Development Facilitation and GL 457200
- (b) a disbursement of R503 245 (VAT where applicable) be made to the Cape Innovation and Technology Initiative (CITI) and debited from cost centre 19060011 - Economic Development Facilitation and GL 457200
- (c) the Enterprise and Investment Department, in consultation with the Legal Services Department, conclude an addendum to the 2020/21 Memorandum of Agreement (MOA) with CITI
- (d) the signing of the addendum with CITI be delegated to the Director: Enterprise and Investment.

***[The EFF recorded their vote against the above decision.]***

**ACTION: F KOLALA, L GREYLING, R GELDERBLOEM**

### **C 13/04/21 PROPOSED APPROVAL FOR THE TRANSFER OF VACANT ERF 5924, ZONED COMMUNITY ZONE 1 (C01), SITUATED AT 218, OYSTERCATCHER ROAD, PELIKAN PARK FOR COMMUNITY PURPOSES**

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### RESOLVED that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved and reaffirmed that Erf 5924, situated at 218 Oystercatcher Road, Pelikan Park in extent approximately 1 028m<sup>2</sup>, shown lettered ABCDEFGHJK on the attached Plan LIS 1586v0, zoned Community Zone 1: Local (CO 1) 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 have been considered.
- (b) in terms of Regulation 5(1) of the Municipal Assets Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, approval be granted for the transfer of Erf 5924, situated at 18 Oystercatcher Street, Pelikan Park in extent approximately 1 028m<sup>2</sup>, zoned Community Zone 1: Local (CO 1) to Dar Al-Tarbiyah Al-Islami Trust, in the amount of One Hundred and Seventy Thousand Rand (R170 000.00), excluding VAT
- (c) the purchase price be subject to escalation at the rate of 5% per annum compounded annually on a pro-rotta basis commencing six months after the date of auction (that is 16.04.2020) until the date of registration of transfer
- (d) the purchase price be subject to review in the event that the transfer has not been effected within 24 months (i.e. by 31.03.2023)
- (e) in terms of Regulation 17 of the MATR, the Director: Property Management in the exercise of her delegated authority finalise the terms and conditions, as set out in the sale agreement and to effect the transfer.

***[The ANC, AJ and EFF recorded their votes against the above decision.]***

**ACTION: C DELCARME, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 14/04/21 SUPPLEMENTARY REPORT TO THE REPORT ATTACHED AT ANNEXURE A1 AND REFERRED BACK BY MAYCO ON 29 OCTOBER 2020: LEASE OF PORTIONS OF PORTION 0 AND 2 OF CAPE FARM 235 (PUBLIC OPEN SPACE AND SPECIAL OPEN SPACE RESPECTIVELY), SITUATED AT CORNER OF**

**BLAAUWBERG AND POTSDAM ROADS, MILNERTON:  
CONSIDERATION OF APPLICATION FOR NEW LEASE TO  
CURRENT OCCUPANT, BEING MILNERTON RIDING CLUB  
VERSUS AN ALTERNATIVE PROPOSAL RECEIVED FROM  
MILNERTON RIDING SCHOOL**

Cllr J McCarthy (DA) proposed that the subject report be referred back for further legal opinion, which should also include the original further explanatory note from Adv de Jager, in order for Council to take an informed decision.

The proposal was duly supported.

**RESOLVED** that the supplementary report on the lease of portions of portion 0 and 2 of Cape Farm 235 (public open space and special open space respectively), situated at corner of Blaauwberg and Potsdam Roads, Milnerton, be referred back for further legal opinion.

**ACTION: G DU PLESSIS, R SCHNACKENBERG, R  
GELDERBLOEM**

**C 15/04/21 CLOSE-OUT REPORT ON PUBLIC PARTICIPATION PROCESS OF  
RECREATION AND PARKS' DRAFT CONCESSIONS POLICY**

**RESOLVED** that:

- (a) the amended Concessions Policy attached to the report on the agenda, be approved, subject to the following further amendments:

*8.6 All Councillors (Ward and PR), are subject to the following conditions which apply to the use of halls –*

*Clause 8.6.1:*

*8.6.1 100% concessionary rate for feedback meetings or community-based programmes or activities limited to **four (4) occasions** per month from Mondays to Fridays excluding Public holidays.*

***be amended to read:***

*8.6.1 100% concessionary rate for feedback meetings or community-based programmes or activities limited to **two (2) occasions** per month from Mondays to Fridays excluding Public holidays.*

*Clause 8.6.2 and Clause 8.6.3:*

8.6.2 One Saturday morning (up until 12 noon) per month for a **feedback meeting** provided the facility is not already booked.

and

8.6.3 One Saturday morning (up until 12 noon) per month for a **community-based programme** or activity provided the facility is not already booked.

**be amended to read as a single allowance**

8.6.2 One Saturday morning (up until 12 noon) per month for a **feedback meeting or a community-based programme or activity**, provided the facility is not already booked.

Clause 8.6.6:

8.6.6 Additional bookings beyond **four (4)** per month, for a feedback session, will require authorisation from the Area Head Recreation and Parks.

**be amended to read:**

8.6.6 Additional bookings beyond **three (3)** ~~two (2)~~ per month, for a feedback session, will require authorisation from the Area Head Recreation and Parks.

- (b) the Concessions Policy be reviewed three years after the implementation of the policy.

**[The EFF recorded their vote against the above decision.]**

**ACTION: V BOTTO, E SASS**

**C 16/04/21 GRANT-IN-AID FUNDING: URBAN FOOD GARDENS AND SKILLS DEVELOPMENT PILOT PROJECT (2020/2021 FINANCIAL YEAR)**

**RESOLVED** that:

- (a) the South African Institute of Entrepreneurship be the implementing agent for the Urban Food Gardens and skills development project
- (b) the amount of R255 000 to be viremented from Cost Centre 11090005 and Cost Element 452070 to Cost Centre 11090005 and Cost Element 457200 be approved by Council



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- (c) the monetary values tabled in Annexure C to the report on the agenda, not exceeding a total of R3 million be disbursed to the South African Institute of Entrepreneurship
- (d) authority be granted to the project lead, the Director: Urban Management (Area Central), to negotiate with the South African Institute of Entrepreneurship to review the business proposal including the deliverables and costing not exceeding the amount of R3 million (including VAT).

***[The EFF recorded their vote against the above decision.]***

**ACTION: G DOMINGO, N LAENDLE, W SOLOMONS-JOHANNES, B GERBER**

**At this stage, the Speaker announced that items C17 to C25 would be clustered for debate. The decisions are however recorded separately.**

**C 17/04/21 APPLICATION TO EXTEND THE TERM OF THE PAARDEN EILAND CITY IMPROVEMENT DISTRICT (PECID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Paarden Eiland City Improvement District (PECID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the PECID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the PECID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 18/04/21 APPLICATION TO EXTEND THE TERM OF THE TYGERVALLEY IMPROVEMENT DISTRICT (TVID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Tygervalley Improvement

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District (TVID) term from 1 July 2021 to 30 June 2026, be approved

- (b) the TVID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the TVID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

### **C 19/04/21 APPLICATION TO EXTEND THE TERM OF THE TRIANGLE INDUSTRIAL CITY IMPROVEMENT DISTRICT (TICID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Triangle Industrial City Improvement District (TICID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the TICID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the TICID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

### **C 20/04/21 APPLICATION TO EXTEND THE TERM OF THE ORANJEKLOOF CITY IMPROVEMENT DISTRICT (OKCID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Oranjekloof City Improvement District (OKCID) term from 1 July 2021 to 30 June 2026, be approved

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- (b) the OKCID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the OKCID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 21/04/21 APPLICATION TO EXTEND THE TERM OF THE LITTLE MOWBRAY AND ROSEBANK IMPROVEMENT DISTRICT (LMRID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Little Mowbray and Rosebank Improvement District (LMRID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the LMRID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the LMRID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 22/04/21 APPLICATION TO EXTEND THE TERM OF THE BLACKHEATH CITY IMPROVEMENT DISTRICT (BCID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Blackheath City Improvement District (BCID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the BCID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved

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- (c) the City of Cape Town imposes the levying of an additional rate on properties in the BCID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 23/04/21 APPLICATION TO EXTEND THE TERM OF THE GREEN POINT CITY IMPROVEMENT DISTRICT (GPCID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Green Point City Improvement District (GPCID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the GPCID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the GPCID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 24/04/21 APPLICATION TO EXTEND THE TERM OF THE SEA POINT CITY IMPROVEMENT DISTRICT (SPCID) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Sea Point City Improvement District (SPCID) term from 1 July 2021 to 30 June 2026, be approved
- (b) the SPCID`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the SPCID from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 25/04/21 APPLICATION TO EXTEND THE TERM OF THE ZWAANSWYK ASSOCIATION OF PROPERTY OWNERS (ZAPO) FROM 1 JULY 2021 TO 30 JUNE 2026**

**RESOLVED** that:

- (a) in terms of section 15 of the Special Rating Area By-law, 2012, as amended, the extension of the Zwaanswyk Association of Property Owners (ZAPO) term from 1 July 2021 to 30 June 2026, be approved
- (b) the ZAPO`s new 5-year Business Plan for the period 1 July 2021 to 30 June 2026, be approved
- (c) the City of Cape Town imposes the levying of an additional rate on properties in the ZAPO from 1 July 2021 in terms of section 22(1)(b) of the Local Government: Municipal Property Rates Act (MPRA), Act 6 of 2004.

***[The EFF recorded their vote against the above decision.]***

**ACTION: E SCOTT, B GERBER**

**C 26/04/21 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 CLAREMONT IN WARD 59**

**RESOLVED** that, based on the process prescribed in the City of Cape Town's Informal Trading By-Law:

- (a) the Informal Trading Plan for Claremont in Ward 59 be adopted and that the following proposed areas be declared new trading spaces as indicated in the table below:

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Proposed Trading Plan Locations	See Annexures for more details	Bay size (in metres x metres)	No of bays	Days of operation per week	Hours of operation	Annually Adjusted Tariffs (Based on 2020/21 financial Year)
Chr Dreyer & Conwen Str, erf 140106-R6	2	2 x 2	1	7	06:00 to 18:00	R197,00
Chr Vineyard Rd & Main Rd erf 07985	3	2 x 2	3	7	06:00 to 18:00	R197,00
Chr Main Rd & Stegmann Rd	4	2 x 2	4	7	06:00 to 18:00	R197,00
Chr Main Rd between Stegmann & Hawthorne rds	5	2 x 2	3	7	06:00 to 18:00	R197,00
Chr Main Rd & Roscommon Str	6	bays 1-3 (2 x 2) bays 4-5 (2 x 1.5)	7	7	06:00 to 18:00	R197,00
Chr Main Rd & Warwick Str	7	bays 1-3 (2 x 2) bays 4-5 (2 x 1.5)	8	7	06:00 to 18:00	R197,00
Chr Pieter Rd & Warwick Str	8	bay 1 (2 x 1) bay 2 (2 x 2)	2	7	06:00 to 18:00	R197,00
Chr Main Rd & Rolan Str	9	1 x 2	6	7	06:00 to 18:00	R197,00
Chr Grove Avenue & Main Rd	10	2 x 2	3	7	06:00 to 18:00	R197,00
Chr Main & Station Rd	11	1.5 x 2	2	7	06:00 to 18:00	R197,00
Chr Rolan Str & Station Rd	12	2 x 2	2	7	06:00 to 18:00	R197,00
Chr Muyen Str & Per Str	13	2 x 2	18	7	06:00 to 18:00	R197,00
Chr Main Rd & Newry Str	14	2 x 2	18	7	06:00 to 18:00	R197,00
Chr Newry & Pi Str	15	2 x 2	3	7	06:00 to 18:00	R197,00
Chr Vineyard Rd & Dreyer Str, erf 07480	16	2 x 2	1	7	06:00 to 18:00	R197,00

- (b) the areas indicated on the attached Annexures "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", and "16" as indicated in the Subcouncil report attached as Addendum A to the report on the agenda, be declared areas in which the carrying on of the businesses of street vendor, peddler or hawker is prohibited, with the exception of the informal trading bays reflected on the attached annexures "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", and "16" as indicated in the Subcouncil report attached as Addendum A to the report on the agenda
- (c) the areas indicated on the attached annexures "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", and "16" as indicated in the Subcouncil report attached as Addendum A to the report on the agenda, be declared an area in which the carrying on of the business of street vendor, peddler or hawker is restricted to persons in possession of a valid permit
- (d) the informal trading bays mentioned in annexures "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "12", "13", "14", "15", and "16" as indicated in the Subcouncil report attached as Addendum A to the report on the agenda, be let out by means of a permit system and that no street vending, peddling or hawking be permitted in these demarcated informal trading bays if a person is not in possession of a valid permit for the particular trading spaces
- (e) in terms of the provisions of the Businesses Act, Act 71 of 1991, Council revoke the proclamation as published in the Province of Western Cape: Provincial Gazette Notice 5328 dated 5 February 1999
- (f) the amended, approved Informal Trading Plan be published in the Provincial Gazette in terms of the Informal Trading By-law
- (g) the objections contained in Annexure "19" to the report on the agenda, as indicated in the Subcouncil report attached as

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Addendum A to the report on the agenda, for the reasons stated in the report, not be upheld.

**ACTION: J ADAMS, P WILLIAMSON, M MILLER, A BOSMAN, B GERBER**

**C 27/04/21 PROPOSED LEASE OF CITY LAND, PORTION OF PUBLIC STREET BEING ERF 95420 CAPE TOWN, GORDON STREET, GARDENS FOR PARKING AND GARDENING PURPOSES: DAWID W J AUGUSTYN**

**RESOLVED** that the lease of City land, being portion of Erf 95420, Cape Town, situated at Gordon Street, Gardens, shown hatched and lettered AB curve CDEF on sketch STC 3067 attached as Annexure A to the report on the agenda, in extent approximately 74 m<sup>2</sup>, to Dawid WJ Augustyn, or his successor(s)-in-title, be approved, subject to inter alia the following conditions:

- (a) a market rental of R 900.00 per month inclusive of rates and exclusive of VAT
- (b) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually commencing from 01-12-2019 until the 31-03-2020. Thereafter the rental will escalate at 6% per annum
- (c) the lease will endure for a period of ten years, subject to a review after 5 years
- (d) the property be used for parking and gardening purposes only
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority
- (f) subject to compliance with any other statutory requirements
- (g) no compensation will be payable for any improvement made to the property.

**ACTION: S TSHANOU, R SCHNACKENBERG, R GELDERBLOEM**

**C 28/04/21 PROPOSED CLOSURE AND TRANSFER OF A PORTION OF PUBLIC STREET BEING A PORTION OF ERF 29480 CAPE TOWN SITUATED OFF MARIVY STREET, CAPE TOWN ABUTTING ERF 29856 CAPE TOWN: MALCOLM SCERRI**

**RESOLVED** that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, the subject property, being a portion

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of Erf 29480, Cape Town,, situated off Marivy Street, Sybrand Park, in extent 130m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan STC 3102v1 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered

- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the transfer of a portion of Erf 29480, Cape Town situated off Marivy Street, Sybrand Park, in extent 130m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan STC 3102v1 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a portion of a Public Street, being a Portion of Erf 29480, Cape Town, in extent approximately 130m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan STC 3102v1 attached as Annexure A to the report on the agenda
- (d) approval be granted for the transfer of a portion of Erf 29480, Cape Town, in extent approximately 130m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan STC 3102v1 attached as Annexure A to the report on the agenda, to Malcolm Scerri, or his successor(s)-in-title, subject to the following conditions, that:
  - (i) a purchase price of R90 000, excluding VAT, be payable;
  - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis commencing from 1 August 2019 until 31 March 2020. The escalated sales price will thereafter escalate at 5% per annum until date of registration;
  - (iii) the valuation is to be reviewed if not approved by the delegated authority within 24 months from date of valuation, i.e. by 31 August 2022;
  - (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 her delegated authority, including *inter alia* the following, that:
    - (aa) all further statutory and land use requirements be complied with;



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- (bb) the subject portion of Erf 29840 be consolidated with the purchaser's Erf 29856 and the usage restricted to gardening purposes only;
- (cc) all costs related and incidental to the transaction be borne by the purchaser.

**ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM**

### **C 29/04/21 RELEASE OF CITY LAND FOR LAND RESTITUTION PURPOSES: ERF 2899 GRASSY PARK**

**RESOLVED** that:

- (a) authority be granted in terms of regulation 20(1)(e) of the Municipal Asset Transfer Regulations to transfer Erf 2899, Grassy Park to the Land Claims Commission at no cost because it is a direct land claim
- (b) a servitude be registered over the City land to be transferred to the effect that the land may only be used for Land Restitution purposes
- (c) a right of resumption in favour of the City of Cape Town be registered over the property to be transferred, in the event of the property not being used for Restitution Purposes within a period of 5 years, or any extended period which may be agreed to in writing between the parties, from date of transfer into the title of the Land Claims Commission
- (d) the Director: Housing Development be authorized to, on behalf of the City of Cape Town, sign the Deed of Transfer and any other documentation required to give effect to the above decision.

***[The EFF recorded their vote against the above decision.]***

**ACTION: P MOLAPO, R RUGHUBAR, N GQIBA**

### **C 30/04/21 AUTHORISATION TO COMMENCE WITH PUBLIC PARTICIPATION PROCESS IN TERMS OF THE MUNICIPAL ASSET TRANSFER REGULATIONS (MATR) FOR THE PROPOSED GRANTING OF LONGTERM RIGHTS TO USE, CONTROL AND/OR MANAGE, BY WAY OF PUBLIC COMPETITION THE CITYOWNED LAND BEING PORTIONS OF ERF 2188 FRITZ SONNENBERG ROAD, GREEN POINT**

**RESOLVED** that, in terms of Regulation 37(3)(a) of the Municipal Asset Transfer Regulations (MATR), promulgated on 22 August 2008, Council authorise the Accounting Officer of the Municipal Entity to

conduct the public participation process for the proposed granting of long-term rights to use, control and/or manage by public competition City-owned land being a portion of Erf 2188 at Fritz Sonnenberg Road, Green Point.

**ACTION: C EASTLAND, S MUKORI, M SIMS, R SCHNACKENBERG, R GELDERBLOEM**

**C 31/04/21 PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 515 TAMBOERSKLOOF SITUATED OFF ALBERT ROAD, TAMBOERSKLOOF: DR NAILL RICHARD EVANS**

**RESOLVED** that approval be granted for the transfer of a Portion of Remainder Erf 515, Tamboerskloof situated off Albert Road, Tamboerskloof, shown hatched and lettered ABCD, on sketch STC 2953v1 attached to the report on the agenda, to Dr. Naill Richard Evans, or her successor(s)-in-title, subject to the following conditions, that:

- (i) a purchase price of R380 000.00 excluding VAT be payable;
- (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis from 01 March 2019, until 2020-03-31. The escalated sale price will thereafter escalate at 5% p.a. until date of registration;
- (iii) an amount of R2 000.00 per month will be charged in lieu of rental, escalating at 8% per annum with effect from 01 March 2018, until 31 March 2020. The escalated occupational rental will thereafter escalate at 6% p.a. until date of registration;
- (iv) a 1.8 metre public right of way servitude as depicted in figure ABEF on plan STC 2953v1 is to be registered over the subject land;
- (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 her delegated authority, including *inter alia* the following, that:
  - (aa) all further statutory and land use requirements be complied with;
  - (bb) the subject property being a Portion of Remainder Erf 515, Tamboerskloof be consolidated with the purchaser's Erf 1734, Clifton;
  - (cc) all costs related and incidental to the transaction be borne by the purchaser.

**ACTION: L VAN HEERDEN, R SCHNACKENBERG, R GELDERBLOEM**

**C 32/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF VACANT ERF 33452, (UNREGISTERED PORTION OF ERF 33375 KHAYELITSHA), SITUATED AT 16 CANGCI STREET, KHAYELITSHA, ZONED GENERAL INDUSTRIAL 2**

**RESOLVED that:**

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 33452 situated at 16 Cangci Street, Khayelitsha in extent approximately 215 m<sup>2</sup>, zoned General Industrial 2, shown lettered ABCD on the Plan LIS 2550 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 Erf 33452, Khayelitsha as described in (a)(i) above
- (c) Erf 33452, Khayelitsha be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) the comments and recommendations provided by Provincial Treasury, be noted.

***[The EFF recorded their vote against the above decision.]***

**ACTION: B MENTOR, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 33/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERVEN 10845 AND 10852 BELLVILLE**

**PROPOSED CLOSURE OF PORTIONS OF REMAINDER ERVEN 10845 AND 10852 BELLVILLE**

**PROPOSED TRANSFER OF PORTIONS OF REMAINDER ERVEN 10845 AND 10852 BELLVILLE TO THE CURRENT LESSEE: FRESHWORTHS CC (BELLVILLE MARKET)**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject properties, being portions of Remainder Erven 10845 and 10852 Bellville, situated at the corner of Tienie Meyer Road and Landros Street, in extent approximately 4 368 m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan 1013v1 attached as Annexure A to the report on the agenda, is not needed to provide 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 portions of Remainder Erven 10845 and 10852 Bellville, in extent approximately 4 368 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 1013v1 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a Public Place, i.e. portions of Remainder Erven 10845 and 10852 Bellville, situated at the corner of Tienie Meyer Road and Landros Street, in extent approximately 4 368 m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan 1013v1 attached as Annexure A to the report on the agenda
- (d) the transfer of Remainder Erven 10845 and 10852 Bellville, in extent approximately 4 368 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 1013v1 attached as Annexure A to the report on the agenda, to Freshworts CC, or its successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) the purchase price of R8 750 000, excluding VAT, will 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 1 April 2020, until date of registration;

- (iii) the valuation is to be reviewed if not approved by the delegated authority within 18 months from date of valuation, i.e. by 1 April 2021;
- (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 her delegated authority, including inter alia the following, that:
  - (aa) service servitudes in favour of the City be registered over the underground services located within the subject properties;
  - (bb) all land use requirements must be complied with prior to registration of transfer, including the consolidation of the two portions of land;
  - (cc) the gross lettable area (GLA) applicable to the extent of the entire property being transferred, will be limited to 2000 m<sup>2</sup>;
  - (dd) that a first right of refusal, in favour of the City, be registered against the title of the property to be transferred;
  - (ee) that the current lease agreement be terminated on the date of registration; and
  - (ff) all costs related and incidental to the transaction shall be borne by the purchaser, including any development contributions payable.
- (e) the objection against the proposed transfer of the subject properties, as submitted by Ndifuna Ukwazi, not be upheld.

***[The EFF recorded their vote against the above decision.]***

**ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM**

**C 34/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF ERF 19789 AND PORTION OF ERF 19790 KRAAIFONTEIN**

**PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE, BEING ERF 19789 KRAAIFONTEIN**

**PROPOSED TRANSFER OF ERF 19789 AND PORTION OF ERF 19790 KRAAIFONTEIN: ST APOSTOLIC FAITH MISSION BLOEKOMBOS**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject properties, being Erf 19789 and a portion of Erf 19790, Kraaifontein, situated off Vundisa Crescent, Bloekombos, in extent approximately 1 243 m<sup>2</sup> and as shown hatched and lettered ABCD on Plan TA 1004v1 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 Erf 19789 and a portion of Erf 19790, Kraaifontein, situated off Vundisa Crescent, Bloekombos, in extent approximately 1 243 m<sup>2</sup> as shown hatched and lettered ABCD on Plan TA 1004v1 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a Public Place, being Erf 19789, Kraaifontein
- (d) the transfer of Erf 19789 and a portion of Erf 19790, Kraaifontein, in extent approximately 1 243 m<sup>2</sup> and as shown hatched and lettered ABCD on Plan TA 1004v1 attached as Annexure A to the report on the agenda, to St John's Apostolic Faith Mission, or their successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) a purchase price of R65 000, excluding VAT, be payable;
  - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 March 2019 until 31 March 2020, and at 5% per annum from 1 April 2020 until date of registration;

- (iii) the valuation is to be reviewed if not approved by the delegated authority within 24 months from date of valuation, i.e. by 30 November 2022;
- (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 her delegated authority, including *inter alia* the following:
  - (aa) all further statutory and land use requirements be complied with;
  - (bb) the sale of the consolidated property is to be subject to a suitable revisionary clause limiting its use to a Community 1 Zoning and utilization, which restriction is to be registered against the title of the subject property;
  - (cc) that all costs related and incidental to the transaction be borne by the purchaser.
- (e) it be confirmed that, when considering the alienation of the land 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 has been duly taken into consideration.

***[The EFF recorded their vote against the above decision.]***

**ACTION: N HICKS, R SCHNACKENBERG, R GELDERBLOEM**

**C 35/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY PUBLIC COMPETITION, OF AN IMPROVED PROPERTY ON ERF 2895, SITUATED AT 47 HERSCHELL STREET, STRAND FOR RESIDENTIAL PURPOSES**

**RESOLVED that:**

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 2895, Strand, situated at 47 Herschell Street, Strand, measuring approximately 495 m<sup>2</sup> and as shown on Plan LIS2323 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 Erf 2895, Strand as described in (a)(i) above;
- (c) Erf 2895, Strand be transferred by public competition, subject to conditions to be imposed by the acting Director: Property Management in the exercise of her delegated authority;
- (d) the comments and recommendations provided by Provincial Treasury, be noted.

**ACTION: K VAN DER WALT, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 36/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY PUBLIC COMPETITION, OF VACANT ERVEN 28199 AND 28200, (UNREGISTERED PORTIONS OF ERF 41962-RE, BLUE DOWNS) BLUEDOWNS, SITUATED AT 2 AND 4 PARLIAMENT AVENUE, FAIRDALE FOR BUSINESS PURPOSES**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erven 28199 and 28200, Blue Downs, situated at 2 and 4 Parliament Avenue, Fairdale, measuring approximately 435 m<sup>2</sup> and 393 m<sup>2</sup>, shown on Plans LIS2337 and LIS2339 attached as Annexures A1 and A2 to the report on the agenda, are not required for the provision of the minimum level of basic municipal services;
  - (ii) it be confirmed that the fair market value of the assets described in (a)(i) and the economic and community value to be received in exchange for the assets described in (a)(i) have been considered.
- (b) in terms of Regulation 5(1)(b) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, in-principle approval be granted for the transfer of Erven 28199 and 28200, Blue Downs as described in (a)(i) above;
- (c) Erven 28199 and 28200, Blue Downs be transferred by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;



- (d) the comments and recommendations provided by Provincial Treasury, be noted.

***[The EFF recorded their vote against the above decision.]***

**ACTION: K VAN DER WALT, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 37/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF ERF 5867 KRAAIFONTEIN TO OWNER OF ADJACENT ERF 332 KRAAIFONTEIN**

**PROPOSED TRANSFER OF A PORTION OF ERF 5867 KRAAIFONTEIN TO OWNER OF ADJACENT ERF 332 KRAAIFONTEIN: WOSPROP 274 CC**

**RESOLVED that:**

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that a portion of Erf 5867, Kraaifontein, situated at the corner of Darwin Road and Livingstone Road, Windsor Estate, in extent approximately 506 m<sup>2</sup> and as shown hatched and lettered ABCDE on Plan 933v3 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 5867, Kraaifontein, in extent approximately 506 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 933v3 attached as Annexure A to the report on the agenda;
- (c) the transfer of a portion of Erf 5867, Kraaifontein, in extent approximately 506 m<sup>2</sup> as shown hatched and lettered ABCDE on Plan 933v3 attached as Annexure A to the report on the agenda, to Wosprop 274 CC, or its successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) a purchase price of R550 000, excluding VAT, be payable;

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- (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 1 February 2021, until date of registration;
- (iii) the valuation is to be reviewed if not implemented within 24 months from date of valuation, i.e. by 31 July 2022;
- (iv) rates and municipal charges, if applicable, be levied; and
- (v) 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) all further statutory and land use requirements be complied with, including the consolidation of the subject portion with the applicant's existing property;
  - (bb) the subject property may only be utilised for the provision of on-site parking once the applicant's property has been rezoned to Business Purposes;
  - (cc) the existing lease be terminated upon registration of transfer; and
  - (dd) all costs related and incidental to the transaction be borne by the purchaser.

***[The ANC, AJ and EFF recorded their votes against the above decision.]***

**ACTION: N TANDY, R SCHNACKENBERG, R GELDERBLOEM**

**C 38/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF CITY-OWNED VACANT ERF 20758, SITUATED AT 3 BANK CLOSE, MITCHELLS PLAIN ZONED SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING (SR 1)**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 20758, situated at 3 Bank Close, Mitchells Plain, in extent approximately 315 m<sup>2</sup>, zoned Single Residential 1: Conventional Housing (SR 1), shown lettered ABCD on Plan LIS 2131 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 Erf 20758, Mitchells Plain as described in (a)(i) above
- (c) Erf 20758, Mitchells Plain be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) the comments and recommendations provided by Provincial Treasury, be noted.

**ACTION: P KHATSHOLO, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 39/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF VACANT ERF 4440, SITUATED AT 27 NOKWAZI SQUARE, KHAYELITSHA, FOR RESIDENTIAL PURPOSES**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 4440, situated at 27 Nokwazi Square, Khayelitsha in extent approximately 321 m<sup>2</sup>, zoned Single Residential 2, shown lettered ABCD on Plan LIS 2163 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 Erf 4440 situated at 27 Nokwazi Square, Khayelitsha as described in (a)(i) above

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- (c) Erf 4440, Khayelitsha be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- (d) the comments and recommendations provided by the Western Cape Provincial Treasury, be noted.

***[The EFF recorded their vote against the above decision.]***

**ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM**

**C 40/04/21 PROPOSED LEASE OF A PORTION OF CITY LAND, A PORTION OF ERF 16384 WESFLEUR, CORNER OF BLOEMBOSCH AND CHRIS HANI STREETS, WITSAND, WESFLEUR: PROVINCIAL GOVERNMENT OF THE WESTERN CAPE (DEPARTMENT OF TRANSPORT AND PUBLIC WORKS)**

**RESOLVED** that:

- (a) in terms of Regulation 41 (2)(e) of the Local Government: Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, portion of Erf 16384, Wesfleur situated at the corner of Bloembosch and Chris Hani Streets, Witsand, Wesfleur in extent approximately 12 760 m<sup>2</sup> is surplus to the requirements of the Municipality
- (b) the lease of a portion of Erf 16384, Wesfleur situated at the corner of Bloembosch and Chris Hani Streets, Witsand, Wesfleur shown lettered ABCDEFG on Plan TA 1062v2 attached as Annexure A to the report on the agenda, in extent approximately 12 760 m<sup>2</sup>, to the Provincial Government of the Western Cape (Department of Transport and Public Works), or their successors-in-title, be approved subject to *inter alia* the following conditions, that:
  - (i) a discounted market rental of R1 200 per month exclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction, be payable. The monthly rental is to escalate at 8% per annum commencing from 01/08/2019 until 31/03/2020. The monthly rental will thereafter escalate at 6% p.a.
  - (ii) the rental will escalate at 6% per annum;
  - (iii) the lease will endure for a period of ten (10) years;
  - (iv) the property be used for the purpose of a temporary school site only;

- (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (vi) subject to compliance with any other statutory requirements;
- (vii) no compensation will be payable for any improvement made to the property.

***[The EFF recorded their vote against the above decision.]***

**ACTION: P DAVIS, R SCHNACKENBERG, R GELDERBLOEM**

**C 41/04/21    AUTHORISATION TO COMMENCE WITH A PUBLIC PARTICIPATION PROCESS IN RESPECT OF THE PROPOSED GRANTING OF RIGHTS TO USE, CONTROL OR MANAGE A PORTION OF REMAINDER STELLENBOSCH FARM 794 AND PORTION OF PUBLIC STREET ERF 20036 SOMERSET WEST, SITUATED AT W.R. QUINAN BOULEVARD PAARDEVLEI SOMERSET WEST: CAPE POINT FILM STUDIOS (PTY) LTD OR ITS SUCCESSORS IN TITLE**

**RESOLVED** that in terms of Regulation 34(3)(a) of the Municipal Asset Transfer Regulations (MATR), R.878 promulgated on 22 August 2008, Council authorizes a public participation process regarding the proposed granting of rights to use, control or manage the Erven being a portion of Remainder Stellenbosch Farm 794 and a portion of public street Erf 20036, Somerset West, situated at W.R. Quinan Boulevard, Paardevlei, Somerset West in total extent approximately 4, 330 hectares zoned Risk Industrial as shown on Plan EZ 123 attached as Annexure A to the report on the agenda, for a period of thirty (30) years, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated powers.

**ACTION: R KOLIA, D GEYSMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 42/04/21    GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF PORTIONS OF ERF 1892 SOMERSET WEST TO OWNERS OF ADJACENT PROPERTIES: WIKUS VALENTE AND KARL JANSON**

**PROPOSED CLOSURE OF PORTIONS OF PUBLIC PLACE, BEING PORTIONS OF ERF 1892 SOMERSET WEST**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:

- (i) it be resolved that the subject property, being a portion of Erf 1892, Somerset West situated at Prospect Avenue, Somerset West in extent  $\pm 260 \text{ m}^2$  and  $\pm 265 \text{ m}^2$  respectively and as lettered ABCDE on Plan ET 655 and Plan ET 719 attached as Annexures A and B 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 portions of Erf 1892 Somerset West, situated at Prospect Avenue in extent  $\pm 260 \text{ m}^2$  and  $\pm 265 \text{ m}^2$  respectively and as lettered ABCDE on Plan ET 655 and Plan ET 719 attached as Annexures A and B to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of portions of a Public Place, being portions of Erf 1892, Somerset West, in extent  $\pm 260 \text{ m}^2$  and  $\pm 265 \text{ m}^2$  respectively and lettered ABCDE on Plan ET 655 and Plan ET 719 attached as Annexures A and B to the report on the agenda
- (d) the transfer of portions of Erf 1892, Somerset West, in extent  $\pm 260 \text{ m}^2$  and  $\pm 265 \text{ m}^2$  respectively and as lettered ABCDE on Plan ET 655 and Plan ET 719 attached as Annexures A and B to the report on the agenda, to Wikus Valente as owner of abutting Erf 13818 and Karl Janson as owner of abutting Erf 13817, or their successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) a purchase price of R220 000 (excluding VAT) be payable for each portion of Erf 1892, Somerset West;
  - (ii) the above transfer price shall escalate at 8% per annum for the period 01/08/2018 until 31/03/2020 thereafter it will further escalate at 5% per annum 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 24 months from the current date of valuation, i.e. it must be approved by 31/08/2022;

- (iv) an amount of R1 100 per month (excluding VAT) will be payable from 01/08/2018 by each applicant, as occupational rental, escalating at 8% per annum, until 31/03/2020. The escalated rental price will thereafter escalate at 6% per annum until date of registration;
- (v) rates and municipal charges, if applicable, be levied; and
- (vi) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following, that:
  - (aa) all further statutory and land use requirements be complied with;
  - (bb) the subject portions of Erf 1892, Somerset West be consolidated with the purchasers' Erf 13818 and Erf 13817, Somerset West;
  - (cc) the full extent of the property be registered as a service servitude in favour of the City of Cape Town to protect the municipal services that traverse the subject property;
  - (dd) service servitudes be registered over the underground municipal services traversing the subject property;
  - (ee) all costs related and incidental to the transaction be borne by the purchaser.

**ACTION: A KLUE, D GEYSMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 43/04/21 PROPOSED CLOSURE OF CITY OWNED IMMOVABLE PROPERTY BEING PORTIONS OF ERVEN 25 AND 2519 CAMPS BAY**

**PROPOSED TRANSFER OF CITY OWNED LAND BEING PORTIONS OF ERVEN 25 AND 2519 CAMPS BAY SITUATED OFF VICTORIA ROAD, TO THE OWNER OF ABUTTING ERF 3062 CAMPS BAY: PROMENADE CENTRE (PTY) LTD**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject portions of Erven 25 and 2519, situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown by the hatched figure lettered

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ABCD on Plan STC 3185 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 portions of Erven 25 and 2519, situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown hatched and lettered ABCD on Plan STC 3185 attached as Annexure A to the report on the agenda;
  - (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of portions of Erven 25 and 2519, situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown by the hatched figure lettered ABCD on Plan STC 3185 attached as Annexure A to the report on the agenda;
  - (d) the transfer of portions of Erven 25 and 2519 Camps Bay situated off Victoria Road, Camps Bay, in extent approximately 88 m<sup>2</sup>, shown hatched and lettered ABCD on Plan STC 3185 attached as Annexure A to the report on the agenda; to Promenade Centre (PTY) LTD, or its successor(s) in title, be approved, subject to the following conditions, that:
    - (i) a purchase price of R2 500 000 (excluding VAT), be payable;
    - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis commencing 6 months from date of valuation, i.e. 1 July 2019 until 31 March 2020, thereafter the purchase price will further escalate at 5% until date of registration;
    - (iii) an occupational rental of R16 700 per month (excluding VAT), escalating at 8% per annum, shall be payable as from 1 July 2019 until 31 March 2020, thereafter the occupational rental will further escalate at 6% until date of transfer;
    - (iv) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority.



**ACTION: J NIEUWOUDT, R SCHNACKENBERG, R GELDERBLOEM**

**C 44/04/21 PROPOSED DISPOSAL BY WAY OF DEMOLITION OF TWO BUILDINGS ON CITY OWNED LAND, BEING ERVEN 1098 AND 1099, NUMBERS 10 AND 12 DEVONSHIRE ROAD, OTTERY**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject property, being Erven 1098 and 1099, situated on 10 and 12 Devonshire Street, Ottery as indicated on the plan 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 disposal by way of demolition of the subject property as described in (a)(i)
- (c) the disposal by way of demolition of two buildings on City-owned land, being Erven 1098 and 1099, situated on 10 and 12 Devonshire Street, Ottery as indicated on the plan attached as Annexure A to the report on the agenda, be approved.

***[The EFF recorded their vote against the above decision. The DI indicated that he abstain from all property items]***

**ACTION: I MARTIN, R SCHNACKENBERG, R GELDERBLOEM**

**C 45/04/21 PROPOSED TRANSFER OF ERF 55053 KHAYELITSHA TO SIZISA UKHANYO PRE-SCHOOL**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject property, being Erf 55053 Khayelitsha, situated at Jeff Mqha Street, Kuyasa, Khayelitsha, in extent 1 332 m<sup>2</sup> as shown lettered ABCDEF on Plan ET 592 attached as Annexure A to the report on the

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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 Erf 55053, Khayelitsha situated at Mqha Street, Kuyasa, Khayelitsha, in extent 1 332 m<sup>2</sup> as shown lettered ABCDEF on Plan ET 592 attached as Annexure A to the report on the agenda;
- (c) the transfer of Erf 55053, Khayelitsha, in extent 1 332 m<sup>2</sup> and lettered ABCDEF on Plan ET 592 attached as Annexure A to the report on the agenda, to Sizisa Ukhanyo Pre-School, or their successor(s)-in-title, be approved, subject to the following conditions, that:
- (i) a purchase price of R70 000 (being 25% of the market value), 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. as from 1 November 2020, until date of registration;
  - (iii) this valuation is to be reviewed if not approved by the relevant decision making authority within 24 months from date of valuation, i.e. by 30 April 2022;
  - (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 her delegated authority, including *inter alia* the following, that:
    - (aa) all further statutory and land use requirements be complied with;
    - (bb) the service servitudes be registered over the underground municipal services traversing the subject property (if any);
    - (cc) all costs related and incidental to the transaction be borne by the purchaser;

- (dd) a suitable reversionary clause be registered against the title deed of the property.
- (d) it be confirmed that, when considering the alienation of the land 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 has been duly taken into consideration.

**ACTION: A KLUE, D GEYSMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 46/04/21 PROPOSED TRANSFER AND CLOSURE OF CITY-OWNED IMMOVABLE PROPERTY: A PORTION OF ERF 371 CLIFTON, SITUATED OFF VICTORIA ROAD, CLIFTON TO THE ABUTTING OWNER OF ERF 370 CLIFTON: ANGELA LEVY BECK**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that the subject property, being a portion of Erf 371, Clifton situated off Victoria Road, Clifton, approximately 161 m<sup>2</sup> in extent, as shown cross-hatched and lettered ABCDEFGHJKLM on Plan STC 2162 v1 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 371, Clifton situated off Victoria Road, Clifton, approximately 161 m<sup>2</sup> in extent, as shown cross-hatched and lettered ABCDEFGHJKLM on Plan STC 2162 v1 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a portion of Erf 371, Clifton situated off Victoria Road, Clifton, approximately 161 m<sup>2</sup> in extent, as shown cross-hatched and lettered ABCDEFGHJKLM on Plan STC 2162 v1 attached as Annexure A to the report on the agenda

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- (d) the transfer of a portion of Erf 371 Clifton situated off Victoria Road, Clifton, approximately 161 m<sup>2</sup> in extent, as shown cross-hatched and lettered ABCDEFGHJKLM on Plan STC 2162v1 attached as Annexure A to the report on the agenda, to Angela Levy Beck, or her successor(s) in title, be approved, subject to the following conditions, that:
- (i) a purchase price of R3 950 000, excluding VAT, be payable;
  - (ii) the purchase price is to be escalated by 8% per annum compounded annually on a pro-rata basis 1 July 2019 until 31 March 2020, The escalated sale's price will thereafter escalate at 5% p.a. until date of registration;
  - (iii) a title deed restriction to be registered which prevents any additional building rights to be obtained once consolidated and similarly preventing the consolidated property bring subdivided once consolidated;
  - (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 her delegated authority, including *inter alia* the following:
    - (aa) all further statutory and land use requirements be complied with;
    - (bb) after closure the subject of Erf 371 Cape Town must be consolidated with the purchaser's Erf 370 Cape Town;
    - (cc) all costs related and incidental to the transaction be borne by the purchaser;
    - (dd) the applicant will be liable for all costs in connection with this transaction i.e. survey, rezoning, transfer and Impact Assessment.

**ACTION: L VAN HEERDEN, R SCHNACKENBERG, R GELDERBLOEM**

**C 47/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF PORTIONS OF PUBLIC PLACE, BEING PORTIONS OF ERVEN 11350 AND 11268 CONSTANTIA TO THE REGISTERED OWNER OF ERF 11269 CONSTANTIA**

**PROPOSED CLOSURE OF PORTIONS OF PUBLIC PLACE, BEING PORTIONS OF ERVEN 11350 AND 11268 CONSTANTIA**

**PROPOSED TRANSFER OF PORTION OF ERVEN 11350 AND 11268 CONSTANTIA: PARISH OF ST JOHN THE EVANGELIST WYNBERG (CHURCH OF THE HOLY SPIRIT)**

**RESOLVED** that:

- (a) in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, portions of Erven 11350 and 11268, Constantia, being portions of public place, situated at Raapkraal Road, Steenberg, Constantia, in extent approximately 463 m<sup>2</sup> and 375 m<sup>2</sup> respectively, as shown lettered ABCDEFGH and JKLMNP on Plan LT 1581v0 attached as Annexure A to the report on the agenda, are not required to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered
- (b) in-principle approval be granted, in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, for the transfer of portions of Erven 11350 and 11268 Constantia, situated at Raapkraal Road, Steenberg, Constantia, in extent 463 m<sup>2</sup> and 375 m<sup>2</sup> and as shown hatched and lettered ABCDEFGH and JKLMNP on Plan LT 1581v0 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of portions of a Public Place, being portions of Erven 11350 and 11268, Constantia, in extent approximately 463 m<sup>2</sup> and 375 m<sup>2</sup> and as shown hatched and lettered ABCDEFGH and JKLMNP on Plan LT 1581v0 attached as Annexure A to the report on the agenda
- (d) the transfer of portions of Erven 11350 and 11268 Constantia, in extent approximately 463 m<sup>2</sup> and 375 m<sup>2</sup> and as shown hatched and lettered ABCDEFGH and JKLMNP on Plan LT 1581v0 attached as Annexure A to the report on the agenda, to Parish of St John the Evangelist (Church of the Holy Spirit), or their successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) the property, valued at a market rate of R1 250 000 be sold at 25% of that value (discounted for community/social purposes), being R312 500 exclusive of 15% VAT, being R46 875 (in total R359 375) plus costs;

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- (ii) the sales price shall escalate at 8% per annum compounded annually on a pro rata basis commencing 6 months from date of valuation i.e. as from 2019-08-01 until 2020-03- escalate at 5% per annum 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 24 months from date of valuation (i.e. by 2022-09-30);
- (iv) a suitable title deed condition restricting the use of the consolidated property to Community/Social use be effected (i.e. a reversionary clause and abovementioned conditions);
- (v) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority:
  - (aa) the subject properties are to be subdivided off the parent property and consolidated with the abutting property of applicant simultaneous with transfer to form one land holding, all the cost of applicant;
  - (bb) subject to compliance with any other statutory requirements;
  - (cc) a sewer servitude, 3.5 m wide is to be registered over a portion of erf 11350, Constantia in favour of the City to protect underground bulk sewer services as indicated on plan LT1581v0;
  - (dd) a sewer servitude, 6 m wide is to be registered over a portion of erf 11268, Constantia in favour of the City to protect underground bulk sewer services as indicated on plan LT1581v0;
  - (ee) all costs related to the transaction and incidental thereto be borne by the applicant.
- (e) it be confirmed that when considering the sale of the property at less than market value, as provided for in terms of section 15.3 of Council's Policy on the Management of Certain of the City of Cape Town's Immovable Property, that the provisions of Regulation 13(2) of the Municipal Assets Transfer Regulations have been duly taken into consideration

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- (f) any gain or loss incurred by the City in respect of the transfer of the assets be included in the adjustment budget, if not budgeted for in the approved annual budget.

**ACTION: P MBUKWANA, R SCHNACKENBERG, R GELDERBLOEM**

**C 48/04/21 PROPOSED IN-PRINCIPLE APPROVAL AND APPROVAL FOR THE GRANTING OF RIGHTS TO USE AND CONTROL OR MANAGE A MUNICIPAL CAPITAL ASSET BY WAY OF GRANTING A SERVICES AND ACCESS SERVITUDE IN PERPETUITY OVER A PORTION OF ERF 5276 SIMON'S TOWN IN FAVOUR OF CUBISOL INVESTMENTS 3 (PTY) LTD AS OWNER OF THE REMAINDER OF ERF 5273 SIMON'S TOWN**

**RESOLVED** that:

- (a) in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, that a portion of Erf 5276, Simon's Town, to be encumbered by the services and access servitude in perpetuity, in extent approximately 42 m<sup>2</sup>, as shown lettered EBF on diagram SG No. 2770/2017 attached as Annexure A to the report on the agenda, not be 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) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the granting of rights to use and control or manage a municipal capital asset by way of a services and access servitude right in perpetuity, over a portion of erf 5276 Simon's Town, in extent approximately 42 m<sup>2</sup>, as shown lettered EBF on diagram SG No. 2770/2017 attached as Annexure A to the report on the agenda
- (c) the granting of a services and access servitude right in perpetuity, over a portion of Erf 5276, Simon's Town, in extent approximately 42 m<sup>2</sup>, as shown lettered EBF on diagram SG No. 2770/2017 attached as Annexure A to the report on the agenda, to Cubisol Investments 3 (Pty) Ltd, or their successor(s)-in-title, be approved, subject *inter alia* to the following conditions, that:
  - (i) a servitude consideration of R100 000, exclusive of Vat at 15% being R15 000 (in total 115 000) plus costs be payable;
  - (ii) the servitude consideration shall escalate at 8% per annum compounded annually on a pro rata basis commencing from date of valuation (i.e. from 2019- 08-01) until 2020-03-31. The escalated servitude consideration from 2020-04-01 will escalate at 5% per annum 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 24 months from date of valuation (i.e. by 2023-01-31);
- (iv) occupational rental in an amount of R750 per month (excluding Vat) escalating at 8 % per annum with effect from 2019-08-01 be charged in lieu of rental until 2020-03-31. The escalated occupational rental from 2020-04-01 will escalate at 6% per annum until date of registration;
- (v) subject to such further conditions to be imposed by the Director: Property Management in the exercise of her delegated authority:
  - (aa) any alterations or deviations to existing electricity services necessary as a consequence of the proposal, or requested by the applicant will be carried out of the applicant's cost;
  - (bb) subject to compliance with any other statutory requirements;
  - (cc) all costs related to the transaction be borne by the applicant.

**ACTION: Y MOHAMED, R SCHNACKENBERG, R GELDERBLOEM**

**C 49/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER, BY PUBLIC COMPETITION, OF VACANT ERF 8975, SITUATED AT 10 TAMBO ROAD, GUGULETHU, FOR BUSINESS PURPOSES**

**RESOLVED that:**

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 8975 situated at 10 Tambo Road, Gugulethu in extent approximately 372 m<sup>2</sup>, zoned General Business 4 shown lettered ABC on Plan LIS 2023 attached 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.



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- (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 Erf 8975, Gugulethu as described in (a)(i) above
- (c) Erf 8975, Gugulethu be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) the comments provided by Subcouncil 11 on the proposed transfer of Erf 8975, Gugulethu, be noted.

**ACTION: P KHATSOLO, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 50/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF CITY-OWNED VACANT ERF 28367, (UNREGISTERED PORTION OF REMAINDER ERF 9075 GOODWOOD), SITUATED AT 265 HALT ROAD, ELSIES RIVER, GOODWOOD, ZONED LOCAL BUSINESS 2**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 28367 Goodwood, (unregistered portion of remainder Erf 9075, Goodwood), situated at 265 Halt Road, Elsie's River in extent approximately 852 m<sup>2</sup>, zoned Local Business 2, shown lettered ABCD on Plan LIS 2266 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 Erf 28367, Goodwood as described in (a)(i) above
- (c) Erf 28367, Goodwood be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) the comments and recommendations provided by Provincial Treasury, be noted.

**ACTION: P KHATSOLO, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 51/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR TRANSFER, BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF CITY-OWNED IMPROVED PROPERTY ERF 5975, SITUATED AT 25 HOPE STREET, STRAND, ZONED SINGLE RESIDENTIAL 1 (SR 1): CONVENTIONAL HOUSING FOR RESIDENTIAL PURPOSES**

**RESOLVED** that:

- (a) in terms of section 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Erf 5975 situated at 25 Hope Street, Strand, in extent approximately 534 m<sup>2</sup>, zoned Single Residential 1: Conventional Housing, shown lettered ABCDE on the Plan LIS 2249 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 Erf 5975, Strand as described in (a)(i) above
- (c) Erf 5975, Strand be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) comments and recommendations provided by the Western Cape Provincial Treasury, be noted.

**ACTION: P KHATSOLO, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 52/04/21 PROPOSED TRANSFER OF ERF 58477 KHAYELITSHA TO THE BUKHOBAKHE EDUCARE CENTRE**

**RESOLVED** that the transfer of Erf 58477, Khayelitsha, in extent approximately 1 245 m<sup>2</sup> and lettered ABCDEFGHJ on Plan ET 621 attached as Annexure A to the report on the agenda, to Ubukhobakhe Educare Centre, or their successor(s)-in-title, be approved, subject to the following conditions, that:

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- (i) a purchase price of R72 500.00 to (being 25% of the market value), excluding VAT, be payable;
- (ii) the sale 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 1 June 2021 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 24 months from date of valuation, i.e. by 30 November 2022;
- (iv) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including inter alia the following, that:
  - (aa) all further statutory and land use requirements be complied with;
  - (bb) the full extent of the property be registered as a service servitude in favour of the City of Cape Town to protect the municipal services that traverse the subject property;
  - (cc) the service servitudes be registered over the underground municipal services traversing the subject property;
  - (dd) all costs related and incidental to the transaction be borne by the purchaser;
  - (ee) a suitable reversionary clause be registered against the title deed of the property.

### **ACTION: A KLUE, R SCHNACKENBERG, R GELDERBLOEM**

#### **C 53/04/21 PROPOSED LEASE OF PORTIONS OF CITY OWNED LAND, BEING ERF 2536, PORTION OF REMAINDER OF ERF 2534 AND ERF 2556 BELLVILLE, SITUATED OFF BELLBUSK CRESCENT, VREDENBERG, BELLVILLE FOR PARKING PURPOSES: THE FATHERS HOUSE CHRISTIAN FELLOWSHIP**

**RESOLVED** that the lease of portions of City owned land, being Erf 2536, a portion or the Remainder of Erf 2534 and Erf 2556, Bellville situated off Bellbusk Crescent, Vredenberg, Bellville, shown hatched and lettered ABCDEFGHJKLMNOPQ on the Plan TA 841v0 attached as Annexure A to the report on the agenda, in extent approximately 4 340 m<sup>2</sup>, to The Fathers House Christian Fellowship, owner of adjacent Erf 40304, Bellville, or its successors-in-title, be approved, subject to *inter alia* the following conditions, that:

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- (a) a market rental of R6 000,00 per month, inclusive of rates and excluding VAT, calculated at the rate applicable as the time of the transaction, be payable;
- (b) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually on a pro rata basis commencing 2 months from date of this valuation. Accordingly, the above recommended rental is effective and payable as from 2018-08-01;
- (c) the escalation rate of 8% per annum was reduced to 6% per annum as from 01-04-2020 on account of the Coronavirus and the resultant economic fallout which has dampened growth prospects for the property market;
- (d) the lease will endure for a period of 10 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 her delegated authority;
- (g) subject to compliance with any other statutory requirements;
- (h) no compensation will be payable for any improvement made to the property.
- (i) as the property is a Public Open Space, the leased property must remain accessible to the public at all times. This will imply that, even though the property is fenced, the gate which provides  
  
access thereto must remain open at all times in such a manner that the impression may not be created that the property is privately owned and not so accessible;
- (j) should the conditions set out in paragraphs (e) and (i) above not be diligently adhered to by the applicant, then it will be necessary for the applicant to submit a rezoning application at the cost of the applicant;
- (k) the applicant must submit an Open Source wayleave application to Telkom in respect of their services situated on the property;
- (l) the conditions set out in Annexure E to the report on the agenda and as required by the Electricity Department of the City will be included as an annexure to the special conditions of the lease agreement between the City of Cape Town and the applicant, should the lease be approved by the delegated authority.

**ACTION: G DU PLESSIS, R SCHNACKENBERG, R GELDERBLOEM**

**C 54/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 109 KRAAIFONTEIN**

**PROPOSED CLOSURE OF A PUBLIC ROAD, BEING A PORTION OF REMAINDER ERF 109 KRAAIFONTEIN, SITUATED BETWEEN BRIGHTON AND SHELLEY ROADS, WINDSOR ESTATE**

**PROPOSED TRANSFER OF A PORTION OF REMAINDER ERF 109 KRAAIFONTEIN: RJJ JONAS TRUST**

**RESOLVED** that:

- (a) in terms of section 14 of the Local Government Municipal Finance Management Act 56 of 2003, that the subject property, being a portion of Remainder Erf 109, Kraaifontein situated between Brighton and Shelley Roads, Windsor Estate, in extent approximately 315 m<sup>2</sup> and shown hatched and lettered ABCD on Plan TA 756v1 attached as Annexure A to the report on the agenda, is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered
- (b) in-principle approval be granted in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations for the transfer of a portion of Remainder Erf 109, Kraaifontein, in extent approximately 315 m<sup>2</sup> and shown hatched and lettered ABCD on Plan TA 756v1 attached as Annexure A to the report on the agenda
- (c) in terms of section 4 of the City of Cape Town Immovable Property By-law, 2015, approval be granted for the closure of a portion of Public Road, being a Portion of Remainder Erf 109, Kraaifontein, in extent approximately 315 m<sup>2</sup> and shown hatched and lettered ABCD on Plan TA 756v1 attached as Annexure A to the report on the agenda
- (d) the transfer of a Portion of Remainder Erf 109, Kraaifontein, in extent approximately 315 m<sup>2</sup> and shown hatched and lettered ABCD on Plan TA 756v1 attached as Annexure A to the report on the agenda, to RJJ Jonas Trust, or its successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) a purchase price of R80 000, excluding VAT, be payable;
  - (ii) the purchase price is to be escalated by 6% per annum compounded annually on a pro-rata basis, commencing from date of valuation, i.e. from 1 December 2017, until date of registration;

- (iii) occupational rent calculated at 9% per annum of the valuation of R350 000 and which determined sales price will escalate at 6% per annum, will be charged as from 1 December 2017 compounded annually on a pro-rata basis, until date of registration;
- (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 her delegated authority, including *inter alia* the following, that:
  - (aa) all further statutory and land use requirements be complied with;
  - (bb) the subject portion of Remainder Erf 109, Kraaifontein be consolidated with the abutting properties;
  - (cc) all costs related and incidental to the transaction be borne by the purchaser.
- (e) it be confirmed that, when considering the alienation of the land at less than market value as provided for in terms of Regulation 13(2) of the MATR has been duly taken into consideration
- (f) the objection submitted by Councillor Rhyndardt Bresler against the refusal of the transfer be upheld.

**ACTION: P STRUMPHER, R SCHNACKENBERG, R GELDERBLOEM**

**C 55/04/21 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE TRANSFER BY WAY OF A PUBLIC COMPETITIVE PROCESS, OF VACANT REMAINDER ERF 143338 CAPE TOWN, SITUATED AT 1 ST PATRICK AVENUE, SEAWINDS, RETREAT, FOR COMMUNITY PURPOSES**

**RESOLVED** that:

- (a) in terms of Sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
  - (i) it be resolved that Remainder Erf 143338, Cape Town, situated at 1 St Patrick Avenue, Seawinds, Retreat shown marked ABCDE on Plan LIS 2038 attached as Annexure A to the report on the agenda, in extent approximately 1567.84m<sup>2</sup>), zoned Community (CO1), 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 143338, Cape Town situated at 1 St Patrick Avenue, Seawinds as described in (a)(i) above
- (c) Remainder Erf 143338, Cape Town, situated at 1 St Patrick Avenue, Seawinds, be transferred by way of public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) it be confirmed that, when considering the transfer of the property at less than market value as provided for in terms of clause 16.3 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.

**ACTION: A RAINHO, A HUMAN, R SCHNACKENBERG, R GELDERBLOEM**

**C 56/04/21 REVIEW AND AMENDMENT OF IMMOVABLE PROPERTY ADJUDICATION COMMITTEE RESOLUTION NO 15/05/2016 TAKEN ON 19 MAY 2016 FOR THE DISPOSAL AND CLOSURE OF A PORTION OF A PUBLIC STREET BEING ERF 24821 ABUTTING ERF 32506, STRAND: ARROWHEAD TRUST**

**RESOLVED** that, for reasons set out in the report on the agenda, IPAC's resolution 15/05/2016, dated 19 May 2016, attached as Annexure C to the report on the agenda, reading as follows:

That a portion of Erf 24818, Strand, a public road, shown lettered ABCD on the attached plan no ET 340, marked Annexure A, in extent approximately  $\pm 15 \text{ m}^2$ , be alienated to Arrowhead Trust, or its successor(s)-in-title, subject *inter alia* to the following conditions, that:

- (a) The property be sold at a sale price of R10 000, excluding VAT of 14% where applicable, being R1 400 (in total R11 400);
- (b) The sale price will escalate at 5% per annum, calculated on a pro rata basis commencing six months after the effective date of the valuation (i.e. 1 October 2014), and that the sale price will be adjusted on a pro of months after the six-month period). This valuation is to be reviewed if not implemented within 18 months from date of valuation;

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- (c) The transaction be subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority; inter alia, that:
  - (i) All costs related to the transaction be borne by the applicant;
  - (ii) The subject portion of land be subdivided and consolidated with Erf 32506, Strand.

be reviewed and amended in order for it to read:

That a portion of Erf 24821, Strand, a public road, shown lettered ABCD on the attached plan No ET 340/1, marked Annexure D, in extent approximately  $\pm 15 \text{ m}^2$  be alienated to Arrowhead Trust, or its successor(s)-in-title, subject *inter alia* to the following conditions that:

- (a) the property be sold at a sale price of R16 000, excluding VAT;
- (b) the purchase price is to be escalated by 8% per annum for the period 2018-11-01 until 2020-03-31; thereafter it will further escalate at 5% per annum until date of registration;
- (c) the transaction is subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, inter alia that:
  - (i) all costs related to the transaction be borne by the applicant;
  - (ii) the subject portion of land be subdivided and consolidated with the applicant's property to form one holding.

Further it was also **RESOLVED** that:

- (d) the market value is to be reassessed if the transaction is not approved by the relevant decision making authority of Council within 24 months from the current date of valuation, i.e. it must be approved by 2022-07-31;
- (e) occupational rental: A rental of R100 per month (excluding VAT) shall be payable as from 2018-11-01, escalating at 8% per annum, until 2020-03-31. The escalated rental price will thereafter escalate at 6% per annum until date of registration;
- (f) rates and municipal charges, if applicable, be levied.

**ACTION: J CORNELIUS, D GEYSMAN, R SCHNACKENBERG, R GELDERBLOEM**



**C 57/04/21 PROPOSED LEASE OF CITY LAND BEING A PORTION OF ERF 154 MAMRE, SITUATED AT THE CORNER OF MAIN ROAD AND LIEDEMAN STREET, MAMRE: SOUTH AFRICAN POST OFFICE**

Cllr F Abrahams (ANC) mentioned about the rental on the subject property and questioned if such is paid into the Mamre Trust Fund. She asked what the rental is used for, if the buildings should be under the management of the Mamre Community Property Association.

According to Ald J Vos, this is new information, as he is not aware of the Mamre Trust being the beneficiary.

The Speaker ruled that the subject report be referred back, in order to obtain clarity on this matter.

**RESOLVED** that the report on the proposed lease of city land being a portion of Erf 154, Mamre, situated at the corner of Main Road and Liedeman Street, Mamre, be referred back for further clarity.

**ACTION: M VAN DER WESTHUIZEN, R SCHNACKENBERG, R GELDERBLOEM**

**C 58/04/21 PROPOSED LEASE OF A PORTION OF PUBLIC STREET, PORTION OF ERF 596 DURBANVILLE ABUTTING APPLICANT'S ERF 4401 DURBANVILLE, CORNER OF VREDE AND MAIN ROADS, DURBANVILLE: ANGLO AFRICAN ESTATES**

**RESOLVED** that the lease of a portion of Public Street, being a portion of Remainder Erf 596, Durbanville situated at the corner of Vrede and Main Roads, Durbanville, shown hatched and lettered ABCDEFGHJK on Plan TA 862v0 attached as Annexure A to the report on the agenda, in extent approximately 44 m<sup>2</sup>, to Anglo African Estates (Pty) Ltd, owner of Erf 4401, Durbanville, or its successors-in-title, be approved, subject to *inter alia* the following conditions, that:

- (a) a market rental of R1 000 per month inclusive of rates and excluding VAT calculated at the rate applicable at the time of transaction be payable;
- (b) the monthly rental is to be adjusted on the basis of 8% per annum compounded annually commencing 2 months from date of this valuation, i.e. from 1 January 2019 until 2020-03-31 and thereafter at 6% per annum. Accordingly, the above recommended rental is effective and payable as from 2019-01-01;
- (c) the proposed lease term is for a period of 10 years and is to be reviewed after a period of 5 years;

- (d) the property be used for wheel chair ramp and steps purposes only;
- (e) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority;
- (f) subject to compliance with any other statutory requirements;
- (g) no compensation will be payable for any improvements made to the property.

**ACTION: P DAVIS, R SCHNACKENBERG, R GELDERBLOEM**

**C 59/04/21 AUTHORITY TO COMMENCE WITH A PUBLIC PARTICIPATION PROCESS IN TERMS OF MUNICIPAL ASSET TRANSFER REGULATIONS FOR THE PROPOSED GRANTING OF A LONG TERM RIGHT TO USE, CONTROL, OR MANAGEMENT OF ERF 14888, WOODSTOCK, CAPE TOWN FOR SOCIAL HOUSING DEVELOPMENT**

**RESOLVED** that, in terms of regulation 34(3)(a) of the Municipal Asset Transfer Regulations 2008, Council authorizes the City Manager to conduct the public participation process for the proposed granting of a long term right to use, control, or manage of Erf 14888, Woodstock, Cape Town for Social Housing development as shown on the Locality Map attached as Annexure A to the report on the agenda, for a period of 30 years.

**ACTION: P MOLAPO, R RUGHUBAR, N GQIBA**

**C 60/04/21 GRANTING OF IN-PRINCIPLE APPROVAL: PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSET: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY OWNED IMMOVABLE PROPERTY, BEING A PORTION OF UNREGISTERED STATE LAND SITUATED CORNER OF BREE AND WATERKANT STREETS, CAPE TOWN: GERA INVESTMENTS**

**PROPOSED GRANTING OF RIGHT TO USE, CONTROL OR MANAGE MUNICIPAL CAPITAL ASSET: TRANSFER OF BUILDING RIGHTS SERVITUDE (AIR RIGHTS SERVITUDE) OVER CITY OWNED IMMOVABLE PROPERTY, PUBLIC STREET, BEING A PORTION OF UNREGISTERED STATE LAND SITUATED CORNER OF BREE AND WATERKANT STREETS, CAPE TOWN: GERA INVESTMENTS IN FAVOUR OF ERF 174009 CAPE TOWN**

**RESOLVED** hat:

- (a) in terms of section 14 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, that Public Street

being a portion of Unregistered State Land Cape Town situated at corner of Bree and Waterkant Streets, Cape Town as depicted by the figure ABCD measuring approximately 38m<sup>2</sup> in extent on Plan STC 2268v1 attached as Annexure A to the report on the agenda, is not required to provide the minimum level of basic municipal services and that the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered

- (b) in-principle approval be granted, in terms of regulation 5(1)(b)(ii) of the Municipal Asset Transfer Regulations, for the granting of rights to use, control and manage a municipal capital asset by way of transferring a building rights servitude over portion of Unregistered State Land (Public Street) Cape Town situated at corner of Bree and Waterkant Streets, Cape Town, as depicted by the figures ABCD measuring approximately 38m<sup>2</sup> in extent on the Plan STC 2268v1 attached as Annexure A to the report on the agenda
- (c) the granting of rights to use, control and manage a municipal capital asset by way of transferring a building rights servitude over portion of Unregistered State Land (Public Street) Cape Town situated at corner of Bree and Waterkant Streets, Cape Town, as depicted by the figures ABCD on Plan STC 2268 attached as Annexure A to the report on the agenda, to Gera Investment Trust, or their successor(s)-in-title, be approved, subject to the following conditions, that:
  - (i) a purchase price of R105 000,00 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 after date of valuation (i.e. as from 01 April 2020) until date of registration;
  - (iii) the valuation is to be reviewed if not approved by the delegated authority within 18 months from date of valuation, i.e. by 01 April 2021;
  - (iv) the mock balcony/canopy be restricted to an extent of 38m<sup>2</sup>, i.e. no access to be permitted to the balcony whatsoever;
  - (v) subject to such further conditions to be imposed by the Director: Property Management in terms of her delegated authority, including *inter alia* the following, that:
    - (aa) all further statutory and land use requirements be complied with;

(bb) all costs related and incidental to the transaction be borne by the purchaser;

(cc) the applicant will be liable for all costs in connection with this transaction i.e. survey, rezoning, transfer and impact assessment.

**ACTION: L VAN HEERDEN, R SCHNACKENBERG, R GELDERBLOEM**

**C 61/04/21 PROPOSED CHANGES TO MEMBERSHIP OF COMMITTEES**

**RESOLVED**

(a) Cllr A Kuhl (DA) be appointed as Chairperson of the Leadership and Development Portfolio Committee

(b) Cllr F Ah-Sing (DA) be appointed as Chairperson of the Disciplinary Committee.

**ACTION: EXECUTIVE COMMITTEE OFFICERS, R RAZACK, G KENHARDT**

**C 62/04/21 SUPPLEMENTARY QUESTION RECEIVED FROM CLLR M CASSIM**

The supplementary question, as reflected on page 1 of Volume 4 of the agenda were posed by Cllr M F Cassim (COPE) and related to climate change emergency.

The Executive Mayor's response as set out on pages 2 to 5 of Volume 4 of the agenda was noted.

**ACTION: C KNOTT, R DELANGE**

**C 63/04/21 QUESTION RECEIVED FROM CLLR M CASSIM**

The questions, as reflected on page 6 of Volume 4 of the agenda were posed by Cllr M F Cassim (COPE) and related to the Mayoral Urban Regeneration Programme (MURP).

It was noted that the responses to the questions were not finalised for submission to Council, and would therefore be submitted to the next Council meeting.

**RESOLVED** that the responses to the questions on the Mayoral Urban Regeneration Programme (MURP), be submitted to the next Council meeting scheduled for 27 May 2021.

**ACTION: C KNOTT, R DE LANGE, OFFICE OF THE EXECUTIVE MAYOR**

**C 64/04/21 WITHDRAWALS FROM MUNICIPAL BANK ACCOUNTS FOR THE QUARTER ENDING MARCH 2021**

**RESOLVED** that the report on the withdrawals made from the City's bank accounts for the quarter ending March 2021, be noted.

**ACTION: D VALENTINE, K JACOBY**

**C 65/04/21 ENERGY AND CLIMATE CHANGE: 2020/21 SECOND QUARTER'S PROGRESS REPORT ON THE DIRECTORATE AND DEPARTMENTS' PERFORMANCE**

**RESOLVED** that the 2020/21 Second Quarter's progress report on the Energy and Climate Change Directorate and Departments' performance, be noted.

**ACTION: D LEEUWENDAAL, K NASSIEP**

**C 66/04/21 QUARTERLY REPORT ON THE MAYOR'S SPECIAL FUND: MFMA SECTION 12 FUND: PERIOD ENDING 31 MARCH 2021**

**RESOLVED** that:

- (a) the withdrawals in terms of the requirements. set out in the Policy relating to the Mayors Special Fund (WBS N21.00040) for the period 1 January .2021 to 31 March 2021 to the value of R2 168 040.00, be noted
- (b) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (WBS.S21.00297-OM-CM) for the. period 1 January 2021 to 31 March 2021 to the value of R2 281 776.00, be noted
- (c) the withdrawals in terms of the requirements set out in the Policy relating to the Mayors Special Fund (WBS 821.00297- OM-FD) for the period 1 January 2021 to 31 March 2021 to the value of R4 200 340.00, be noted
- (d) the grants and donations to the Mayor's Special Fund (GD7500020) for the period 1 January2020 to 31 March 2020 to the. value of R104 282.19, be noted.

**ACTION: C FERGUSON, L MBANDAZAYO**

**C 67/04/21 REPORT IN TERMS OF SUPPLY CHAIN MANAGEMENT REGULATIONS, REGULATION 36, AND THE SUPPLY CHAIN MANAGEMENT POLICY, CLAUSE 330, FOR THE PERIOD 10 MARCH 2021 TO 13 APRIL 2021: FOR INFORMATION PURPOSES**

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**RESOLVED** that the Supply Chain Management deviations as authorised by the City Manager in terms of the Supply Chain Management Regulations, regulation 36, and the Supply Chain Management Policy, clause 330, for the period 10 March 2021 to 13 April 2021, attached as annexure A to the report on the agenda, be noted and be disclosed as a note to the Council's annual financial statements

**ACTION: G POSTINGS, L MBANDAZAYO**

**C 68/04/21 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS AND DECISIONS TAKEN TOGETHER WITH THE MEMBERS OF THE MAYORAL COMMITTEE: MARCH 2021 TO APRIL 2021**

**RESOLVED** that the resolutions taken by the Executive Mayor in terms of delegated powers and decisions taken together with the members of the Mayoral Committee for the period March 2021 to April 2021, be noted.

**ACTION: L FRANSMAN, C KNOTT, R DE LANGE, OFFICE OF THE EXECUTIVE MAYOR**

**C 69/04/21 QUARTERLY FINANCIAL REPORT: MARCH 2021**

**RESOLVED** that the quarterly financial report for the quarter ended 31 March 2021, be noted.

**ACTION: J STEYL, K JACOBY**

**C 70/04/21 QUARTERLY REPORT ON THE DELEGATIONS EXERCISED BY SUBCOUNCILS: 1 JANUARY 2021 TO 31 MARCH 2021**

**RESOLVED** that the contents of the report regarding the delegations exercised by Subcouncils during the period 1 January 2021 to 31 March 2021, be noted.

**ACTION: M JANUARY, Z SISWANA, W SOLOMONS-JOHANNES, A BOSMAN, L MDUNYELWA, B GERBER**

### **ADDITIONAL ITEMS:**

The following resolutions of items CIC 04/04/21 to CIC 15/04/21 were moved to the open agenda, at conclusion of the discussion in the confidential meeting.

**C 71/04/21 IRREGULAR EXPENDITURE INCURRED IN THE APPOINTMENT OF ATTORNEYS IN A HIGH COURT MATTER (IRREGULAR EXPENDITURE: R327 194)**

**RESOLVED** that:

- (a) the irregular expenditure related to the continued services of a legal professional service provider beyond the original authority for the amount of R327 194.00 excluding VAT be certified as irrecoverable and the claim be written off as value for money was received. The irregular expenditure arose as a result of the continued services of attorneys beyond the original authority of the Director: Supply Chain Management, which is limited to R200 000.
- (b) it be **NOTED** that:
  - (a) the deviations were approved for the further appointment of the services of a legal professional service provider.
  - (b) Attorneys have been informed of the changes in the City's processes.
  - (c) Rates of Attorneys are compared with the Department of Public Services and Administration (DPSA), Auditor General of South Africa (AGSA) and City's 2017 Legal Fee Structure in terms of the Cost Containment Regulation and City Policies.
  - (d) Templates and standard reporting processes have been implemented.
  - (e) Legal services are now rates based as opposed a fixed value.
  - (f) Medium term (Request for Quotation) interventions are underway to put a process in place as an alternative to SCM deviations.
  - (g) The long term solution is that a legal professional services tender via section 33 of the MFMA be expedited.
  - (h) The contract management framework and guideline is available for City-wide application.
  - (i) Consequence management policy should be applied.
- (c) the Legal Services Department implement the following additional control measures:
  - (i) Attorney fees are to be managed as costs are extremely high, including negotiation and cost curtailment.
  - (ii) Costs, if awarded to the City, should also be sought from other respondents to ensure the City recoups as much expenditure as possible.
  - (iii) The Director: Legal Services ensure that the risk mitigation measures are applied by the Legal Services department, i.e. motivate the expenditure to be incurred to achieve desired outcome.
  - (iv) As similar cases have been experienced a consolidated approach must be applied and be tabled to MPAC in 2021.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 72/04/21 COMAF 33: TENDER 276Q/2015/16- BLOEMHOF NETWORK CONTROL CENTRE AND HIGH VOLTAGE DEPOT (IRREGULAR EXPENDITURE: R2 466 853)**

**RESOLVED** that:

- (a) the fruitless and wasteful expenditure, related to inadequate project management of the already commissioned video screen wall that had to be removed and reinstalled, be certified as recoverable and the claim be recovered, in the amount of R2 466 853.68 (excluding VAT).
- (b) the claim should be recovered from the Consulting Engineers, EBESA 372E JV as the measurements were within their ambit of design work. As per the Engineering Service Unit, the City has enough evidence to present a strong case and that legal action should be pursued with value specifics being defined accordingly.
- (c) the Legal Services department must determine if there are any grounds for recovery from the contractor and any changes in the claim value are to be advised by Legal Services
- (d) it be **NOTED** that:
  - (i) The City took advantage of the technology advancement.
  - (ii) Contract expansion/ variation was processed for the change in works and time extension.
  - (iii) Electrical Support Services (agent) provided the assistance to the operational function (Network Control).
  - (iv) Consulting Engineers (i.e. the Professional Service Providers) should have identified the design change requirements and advised the City accordingly.
  - (v) Contract variations are to be actioned accordingly in future.
- (e) Preventative measures, i.e. project risk management should be documented on the project risk register
- (f) Consulting Engineers (i.e. the Professional Service Providers) should be held accountable for their role and responsibilities during project management and construction monitoring, including joint cost liability implications.
- (g) The roles and responsibilities of role players must be clearly defined, i.e. Consulting Engineers, Project Manager, Director and Facility Manager.
- (h) Payments to Consulting Engineers, where issues exist (e.g. disputes), should not be paid or, at a minimum include a legal letter to the service provider regarding possible recovery.



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- (i) Appropriate contract management, including final payment certificate processing, must be administered.
- (j) A work procedure must be documented to appropriately address technical issues that arise.
- (k) The Bid Evaluation Committee members must be made aware of changes to specification as it impacts the validity of the transaction in terms of the award.
- (l) Communication between project role-players (City Project Manager, Professional Service Providers, Contractor, City SCM representatives and Contract and Finance Manager) must be improved, as due process is required.
- (m) The supplier cannot change the specifications via an email. Suppliers are to qualify the changes/ variations in their bid submission or in a formalised process.
- (n) Changes in project scope (completed post award) are required to follow a contract amendment process, and this must be adhered to in terms of the City's Section 116(3) Guidelines.
- (o) Consequence management regarding financial, project and contract management to be actioned by the Executive Director: Energy & Climate Change and Director: Electricity Generation & Distribution, where necessary.
- (p) Training and awareness measures must be reiterated in terms of project and contract management, i.e. authorities and due processes.

### **ACTION: A MOOLMAN, L MBANDAZAYO**

#### **C 73/04/21 DEVELOPMENT OF AFFORDABLE HOUSING: WOODSTOCK AND SALT RIVER PRECINCT (IRREGULAR EXPENDITURE: R53 748)**

#### **RESOLVED that:**

- (a) the fruitless and wasteful expenditure, related to RFP for the advertisement and due diligence processes, be certified as recoverable in the amount of R53 748.35 (excluding VAT). The transaction relates to the development of affordable housing in the Woodstock and Salt River Precinct that was subsequently cancelled (not implementable in terms of Regulation 5(1) of the MATR with the challenge of mixed use erven and the application of social housing).

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- (b) The recovery of transaction will be referred to the Financial Misconduct Board (FMB) in terms of culpability and parties involved (as appropriate property planning authorities were not obtained) or alternatively recommendations in terms of the feasibility of recovery, including necessary additional consequence management.
- (c) it be **NOTED** that:
  - (i) Legal opinions were opposed on the way forward, resulting in procurement processes being actioned that were subsequently abandoned. The due diligence service provider was involved in the process from the start of the RFP process.
  - (ii) The following corrective and improvement measures have been implemented by the Human Settlements Directorate to prevent a recurrence:
    - (aa) Senior Counsel was appointed to address legislative frameworks for the development of mixed use erven, including the application of social housing.
    - (bb) The project was held in abeyance until the legal, property and procurement processes were understood.
    - (cc) The procurement demand has been split up appropriately (separate tenders) to address the project requirements (zoning, rezoning, divisions, etc.).
    - (dd) Project development will result in these costs being recovered.
- (d) Sections 78 and 171 of the MFMA must be considered in terms of due care and financial misconduct
- (e) Appropriate planning, including scenario planning for projects where the City is embarking on new developments, procurement and property, be exercised before incurring costs
- (f) Appropriate delegated authority must be sought and obtained to avoid expenditure in terms section 32 of the MFMA
- (g) The efforts, time and indirect costs associated with procurement efforts that result in cancellations needs risk mitigation within the City
- (h) Timely reporting of unauthorised, irregular and fruitless and wasteful expenditure to MPAC is required, including adherence to City Manager instructions

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 74/04/21 COMAF 17: EXTENSION OF GIEL BASSON DRIVE (M12) FROM THE N7 TO SIENNA DRIVE (IRREGULAR EXPENDITURE: R21 997 342)**

**RESOLVED** that:

- (a) the transactions be certified as irrecoverable and the claim be written-off as value for money was received as road infrastructure was achieved to address traffic congestion in the amount of R21 997 342.
- (b) the irregular expenditure be noted as the use of the development contribution fund for the development of green fields next to the development site and this was viewed as a deviation that was not justified and the costs for securing the site until the extension was commissioned (moving of overhead lines and electrification of the intersection) was identified as fruitless and wasteful.
- (c) the investigation outcome on costs for securing the site until the extension was commissioned (fruitless and wasteful expenditure) was borne by the contractor and therefore no costs were incurred by the City.
- (d) It be **NOTED** that the following corrective actions have been implemented:
  - (i) The development was more expensive than planned, including the area for improvement, and a deviation was sought to ensure the road infrastructure was achieved.
  - (ii) The City's motivation was documented and approval obtained.
  - (iii) Comparative lessons (Jip de Jager and Broadway developments) were noted but circumstances were different in that projects were running parallel with City procurement.
  - (iv) Eskom delay was addressed and the site was commissioned (opening of the road).
- (e) The following improvements have been implemented:
  - (i) The Development Contribution Fund Policy was revised and approved in May 2020.
  - (ii) Efforts are further underway to enhance the process with a standard operating procedure, including how joint infrastructure implications are accommodated.
  - (iii) Reasonableness assessment to the City's development strategy (Transport Infrastructure Assessment and Congestion study) is considered during project development opportunities.
  - (iv) Section 137 clearance certificates are in progress.
  - (v) Eskom was threatened with legal action, and would be in future, if delays are experienced.

- (f) The finalisation of the Development Contribution Fund standard operating procedure be expedited to improve the control environment.
- (g) Change management processes be communicated to the greater City to ensure that consistency exists.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 75/04/21 LOURENS RIVER FLOOD ALLEVIATION PROJECT (IRREGULAR EXPENDITURE: R14 651 268)**

**RESOLVED** that:

- (a) the irregular expenditure of R14 651 267.70 (including VAT) for the Lourens River flood alleviation project, be certified as irrecoverable and the claim be written-off as value for money was received (i.e. services were rendered within the original contract value).
- (b) it be **NOTED** that:
  - (i) The contract was entered into before the MFMA came into effect in 2004. A legal opinion, obtained by the line department, advised that the contract is not subject to the conditions of the MFMA. However, the City Manager Directives require that the line departments comply with the requirements of the MFMA. The expenditure incurred since the effective date of the MFMA is therefore deemed to be irregular.
  - (ii) The contract with the service provider was suspended and terminated on 10 September 2020, acknowledgement of receipt from the service provider was received.
  - (iii) Legal and financial assistance was sought.
- (c) The project managers have undergone training related to:
  - (i) Implementation of section 33 and 116(3) of the MFMA.
  - (ii) Contingency SOP to manage variations.
  - (iii) Bid Committee requirements.
  - (iv) Project Management.
  - (v) SAP automated controls, such as the Corporate Project, Programme and Portfolio Management (CPPPM) system.
- (d) Consequence management included the assessment of all projects and a number of contracts are currently being addressed by SCM/MPAC, related to Directive 21 of 2018
- (e) In the SAP system a soft-lock was applied to ensure that no payments to the service provider was processed until the matter was duly processed

- (f) The project is currently on hold and outer phases are planned and is part of the SCM Demand Plan (tender 293C). Unfortunately, the tender 293C was not approved by Council due to a technical non-compliance matter and a new tender was recently advertised
- (g) Value for money was assessed by comparing similar project costs and the consultants did not claim the full price adjustment percentages
- (h) The contract was awarded for two phases, but a rider existed to protect the City and was a progressive appointment
- (i) The SCM: BAC resolutions now includes a tenure for appointments.
- (j) Water and Waste Directorate implement the following:
  - (i) Measures to ensure that the best value for money is achieved since long-term contracts run the risk of possible fruitless and wasteful expenditure as market testing is not completed.
  - (ii) Project and contract management enhancements and focus, including due care and process, is required.
  - (iii) SCM processes are to be adhered to at all times, i.e. no advantages, alerts and assistance is to be given to one service provider above another.
  - (iv) The legal risk of challenges in the courts is a reality and the City is to ensure that due processes and records management is maintained in terms of legal liability risks, including an indication in the termination correspondence of advices should the service provider wish to challenge the City.
  - (v) Recourse of a penalty claim would be fruitless and wasteful expenditure and should be reported accordingly.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 76/04/21 COMAF 23 MORKEL'S COTTAGE HOUSING DEVELOPMENT: TENDER 196Q/2008/09**

**RESOLVED that:**

- (a) No fruitless and wasteful expenditure has been incurred since no payment or works have occurred and the quotation claims submitted to the WCG for vandalism and defects to the completed units were rejected and thus the claim might go to arbitration and litigation
- (b) The Human Settlements Directorate expedite the completion of the Morkel's Cottage Housing Development project as the

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contract has been active since January 2009 (SCMB 12/01/09). Project timelines should be drafted and presented to Council to ensure the 30 June 2022 deadline is achieved or alternatively the contract should be cancelled.

- (c) It be **NOTED** that the following corrective actions have been implemented by the Human Settlements Directorate:
  - (i) Funding request from the WCG was denied due to the fruitless and wasteful expenditure finding by the AGSA.
  - (ii) Although the project is still in progress, the contractor cannot get on site due to unrest in the area.
  
- (d) The following improvements have been implemented by the Human Settlements Directorate:
  - (i) The contractor is responsible for the insurance during construction until handover and therefore the contractor is paid a subsidy.
  - (ii) The turnkey solution has been discontinued as it is no longer a workable solution for the Human Settlements directorate.
  - (iii) Arbitration will be required as the contractor will be held liable for the costs.
  - (iv) The BAC approved a new deviation, valid till 30 June 2022 for the completion of the outstanding units.
  
- (e) the following further improvements be recommended:
  - (i) The role of the City and the WCG, in respect of the safeguarding of the structures until handover, needs to be addressed through intergovernmental measures.
  - (ii) Transfer of ownership of the structures to the beneficiaries should be expedited.
  - (iii) The Human Settlements: Housing Development department must document a process for the interim safeguarding of the assets (units) from when the keys are handed over until it is occupied. The beneficiaries not immediately taking occupancy adds to the risk exposure.
  - (iv) The Human Settlements directorate must review the new development project process and should include the housing database, beneficiary list, project management, contractual obligations (professional engineers and construction), insurance cover, handover, title deed transfer, other administrative processes, (service provider performance, defects, snags, quality of the workmanship), etc.
  - (v) The Human Settlements Portfolio Committee must review the processes.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 77/04/21 TENDER 117G/2015/16: SUPPLY, DELIVERY AND INSTALLATION OF PRINTERS, MULTIFUNCTIONAL PRINTERS AND SCANNERS (IRREGULAR EXPENDITURE R365 570)**

**RESOLVED** that:

- (a) the irregular expenditure of R365 570.00, for the supply, delivery and installation of printers, multifunctional printers and scanners where a refresher process was communicated to the service providers and the IS&T department completed the process without the necessary authority, be certified as irrecoverable and the claim be written-off as value for money was received (i.e. better technology, at better pricing).
- (b) it be **NOTED** that the following corrective and improvement actions have implemented by the IS&T Department:
  - (i) The process has been corrected and occurred in one instance only.
  - (ii) Since this incident all refresher processes are approved by the BAC.
  - (iii) The contract management framework and guideline is available on the City's intranet site for City-wide application.
  - (iv) The refresh process allows the City to obtain the latest technology at the best possible price from service providers.
  - (v) Market related pricing is compared and thus the City is receiving better than market pricing.
  - (vi) SCM BAC reviews the fairness, transparency, pricing comparisons (market related), equal opportunity and fairness of the tender process.
  - (vii) SCM confirmed that the tender which provided the best value for money had been awarded and no wasteful expenditure was incurred.
  - (viii) SCM was consulted throughout the price refresher processes.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 78/04/21 TENDER 224S/2008/09: REMOVAL OF REFUSE FROM STORAGE AREAS IN INFORMAL SETTLEMENTS (IRREGULAR EXPENDITURE: R5 987 076)**

**RESOLVED** that:

- (a) The fruitless and wasteful expenditure reported by the Forensic Services branch related to the removal of refuse in informal settlements where the incorrect dwelling count was applied resulting in overpayment of the service provider, Tedcor Woman in Waste (Pty) Ltd, should be certified as recoverable and the claim be recovered, in the amount of R5 765 524.24 wasteful

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expenditure in respect of the overpayment, plus interest accrued and legal fees, totalling R6 721 049.63.

- (b) The Forensic Services report and the fruitless and wasteful transactions must be referred to the City's Financial Misconduct Board (FMB) for investigation, including an investigation outcome on the consequence taken against all officials, that were responsible for the overpayment.
- (c) The Legal Services Department should be requested to recover the fruitless and wasteful expenditure from Tedcor or the holding company.
- (d) The correction in the number of dwellings was made by the City and Tedcor was impacted to such an extent that their service performance deteriorated and resulted in their financial health being impacted.
- (e) It be **NOTED** that the following corrective and remedial actions have been implemented by the Solid Waste Management Department:
  - (aa) Contract management principles relating to the following have been improved:
    - (i) Tender quantifications related to fluctuations have been reaffirmed,
    - (ii) An independent count of the number of informal settlement dwellings are performed by the line department; and
    - (iii) Internal correspondence is not to be shared with external parties i.e. service providers.
  - (bb) The service provider was informed by the City of the error in judgement in terms of the number of dwellings.
  - (cc) The service provider was performance managed by the City in terms of the contract.
  - (dd) Payment of invoices are subject to review of the service rendered, i.e. reconciliation of the payment certificates.
  - (ee) Annual informal settlements dwelling counts are performed by the City using the GPS logger (this exercise is labour intensive and technical issues are addressed as they arise) and loaded on the City's Geographical Information System (GIS). Due to the complexity of the dwelling counts reconciliations are performed to identify anomalies.
  - (ff) Training is provided to service providers, community participants and Expanded Public Works Programme (EPWP) workers.



(gg) Disciplinary action was taken against the Contract Administrator who was found guilty and demoted.

- (f) the Solid Waste Management Department implement additional control measures by investigating alternative and efficient measures (e.g. photographs) to assess the number of informal settlement dwellings and more frequent informal settlement dwelling counts. Other compensating controls should be investigated, i.e. cleanliness of the area (informal settlement), bag dropoffs, etc.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 79/04/21 TENDER 169Q/2012/13: CONSTRUCTION AT DU NOON SPORTS FIELD: TEMPANI CONSTRUCTION (IRREGULAR EXPENDITURE: R14 164 846)**

**RESOLVED** that:

- (a) The fruitless and wasteful expenditure in respect of interest and legal cost in the amount of R14 164 846 (R8 320 646 plus R5 844 200) be recovered
- (b) The Legal Services department, in conjunction with line management, SCM, Project Portfolio Management (PPM) and Human Resource departments, should institute civil claims accordingly to recover the fruitless and wasteful expenditure. This is subject to prescription legislative requirements and feedback must be presented to Council
- (c) As a Citywide application, in future fruitless and wasteful expenditure must be submitted timeously to MPAC to ensure expedient investigation to achieve the prescription time lines and processes, i.e. self-reporting (Unauthorised, Irregular, Fruitless and Wasteful Expenditure (UIFW) notification form), interim reporting during probity investigations, etc.
- (d) It be **NOTED** that the following corrective and improvement actions have been implemented by the Community Services and Health Directorate:
- (i) The responsible officials were dismissed during their respective disciplinary hearings and are no longer in the employment of the City.
  - (ii) Project Manager profiling (recruitment and training and development) was reiterated.
  - (iii) Contract management framework and guideline have been reiterated.
  - (iv) Project management governance (timeframes, costing, penalties and interest) processes not adhered to and

- individual performance management Key Performance Indicators was documented.
- (v) Project Managers are required to attend the Financial Management Programme (FMP).
  - (vi) Corporate Project Programme Portfolio Management (CPPPM) and Contract Management processes are being applied, including the role of the Project Management Office.
  - (vii) Project scoping, objectives, deliverables, project plans and milestones, including monitoring is being applied with record management, i.e. demand plan, bid initiation form, specifications, construction monitoring (external professional service providers / agents).
  - (viii) Contract management are closely monitored for overlapping of works by service providers to ensure business continuity.
  - (ix) Management oversight and supervisory checks are being applied.
- (e) the following be applied City wide as lessons learnt:
- (i) City contract and project management processes are to be diligently managed and controlled to ensure the City is not exploited by service providers in the future.
  - (ii) Legal (court judgement and turn-around times) and financial (interest due and payable) implications are to be timeously addressed to ensure the City's reputation and public funds are safeguarded.
  - (iii) Fiduciary duties are to be applied by political structures, i.e. Portfolio Committees and the administration (all officials including Executive Directors, Directors, Finance Managers, Project Managers and Contract Managers).
  - (iv) Exception reports (anomalies in budget and spend) must be monitored and acted on timeously.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**C 80/04/21 EXPENDITURE WITHOUT A VALID CONTRACT RELATING TO THE PROCUREMENT OF THE SMALLWORLD SOFTWARE LICENSE (IRREGULAR EXPENDITURE R1 698 301)**

**RESOLVED** that:

- (a) the irregular expenditure of R1 698 301.35, for the period 1 February 2019 to 31 January 2020 for the procurement of the SmallWorld software licensing and support when no valid contract was in place, should be certified as irrecoverable and the claim be written off as the services were provided and the City was enriched.
- (b) It be **NOTED** that the following corrective and improvement actions implemented:

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- (i) The line department initiated disciplinary action against the official involved in the transaction since he allowed services to continue during a period where there was no valid contract in place. The disciplinary process was concluded and the official was found guilty and a written warning was issued.
- (ii) Guidelines for MFMA: Section 33 and 116(3) implementation throughout the City has been developed by SCM.
- (iii) A Standing Operating Procedure (SOP) with a directive (Directive 19 of 2018: Accountability and Responsibility) from the City Manager reiterates compliance requirements with section 77 and 78 of the MFMA.
- (iv) Contract Management Framework and Guideline has been published on the Cityweb and is continuously updated.
- (v) Contingency SOP (variation management) has been implemented.
- (vi) SAP system has automated controls such as the Corporate Project Portfolio Management (CPPM) system.
- (vii) Consequence management policy has been implemented.
- (viii) The Consequence Management SOP will provide guidance as to “how” to implement.

### **ACTION: A MOOLMAN, L MBANDAZAYO**

#### **C 81/04/21 SECTION 78 INVESTIGATION: EXPENDITURE INCURRED ON THE VICTORIA AND ALFRED WATERFRONT (IRREGULAR EXPENDITURE: R219 391)**

#### **RESOLVED** that:

- (a) the self-reported irregular expenditure of R219 391, for costs incurred without a valid contract during the period January 2018 to 31 October 2018 for the V&A Waterfront section 78 investigation, should be certified as irrecoverable and the claim be written-off as the service was rendered.
- (b) It be **NOTED** that the following corrective actions have been implemented by the line department:
  - (i) The expenditure for the period outside of the contract period (January 2018 to October 2018) was self-reported to MPAC.
  - (ii) SCM deviation was submitted and is valid until 31 July 2019 for the section 78 investigation report to be completed.
  - (iii) A decision has not been made by the City still on whether payment will be made to the V&A Waterfront since the legal opinions indicate that the City has no legal obligation to pay.
  - (iv) The line department is seeking an amicable solution between the City and the V&A Waterfront to prevent a declaratory order, i.e. a court decision.

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- (c) The following improvements were noted:
  - (i) The City's Corporate Guidelines for section 116 of the MFMA and contract management guidelines is available for City-wide application.
  - (ii) A Project Management Office within the Enterprise and Investment department was established and is responsible for the monitoring of the department's contracts.
  - (iii) The City has completed work with Pegasys.
  - (iv) The V&A Waterfront section 78 investigation recommendations and way forward requires political direction.
- (d) MPAC is concerned in terms of funds being paid to the V&A Waterfront for municipal services.
- (e) Business continuity measures should be applied where staff retire.
- (f) Where costs are incurred by the City due to external party delays, the line department should to explore accordingly.

### **ACTION: A MOOLMAN, L MBANDAZAYO**

#### **C 82/04/21 RESTORATION OF WOODEN PEDESTRIAN BRIDGE AT WOODBRIDGE ISLAND: CONTRACT 33C/2014/15 (IRREGULAR EXPENDITURE: R4 139 272)**

#### **RESOLVED** that:

- (a) the irregular expenditure of R4 139 272.41 (excl. VAT), incurred during the period 1 July 2017 to 30 June 2020 for professional services for the restoration of a historic wooden pedestrian bridge at Woodbridge Island after the contract had expired, should be certified as irrecoverable and the claim be written off as the services were rendered and value for money was received.
- (b) it be **NOTED** that:
  - (i) In terms of the National Heritage Resources Act the pedestrian bridge is a national heritage and should be preserved by the City.
  - (ii) Awareness in terms of the expiry of contracts is known to officials, namely:
    - (aa) Guidelines for MFMA: Section 33 and 116(3) implementation throughout the City was developed by SCM.
    - (bb) Contract management framework and guidelines are available for City-wide application.
    - (cc) Consequence management policy has been implemented.
  - (iii) Project Managers are accustomed to expectations as they have been included in the report preparation for deviations and MPAC reporting preparation.

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- (iv) Directives 18 and 21 of 2018 were issued by the City Manager and were acted on, including a project works schedule analysis.
  - (v) Based on an analysis of the Transport directorates' contracts for the period August 2018 to February 2020, 104 of the 204 contracts require a deviation or a form of regularisation.
  - (vi) The contract expired on 30 June 2017 as per legislation and City Manager directives.
  - (vii) The deviation was determined to be necessary and action were taken by the directorate.
  - (viii) Reports were held back due to amendments to the cost containment processes (7 June 2019) and thus impacted on subsequent processes.
  - (ix) Report was completed on the new template and sent for legal vetting and updated and sent to SCM.
  - (x) Practical completion was achieved in November 2019
  - (xi) Unauthorised, Irregular and Fruitless and Wasteful (UIFW) Expenditure Notification form was submitted for the City's UIFW Register record purposes
  - (xii) Informal counselling sessions were held with the Project Manager
  - (xiii) All professional and construction projects will follow the section 33 process in future
- (c) the Transport Directorate implement the following additional control measures:
- (i) Timely actions to address remedial and corrective actions when seeking regularisation measures, e.g. deviations and related authorisation must be obtained as the time lapse without a valid contract is a legal risk.
  - (ii) Professional service providers are to be appointed in manner that is complementing the construction work projects and contracts.
  - (iii) Project planning is critical and the project cost increase and scope changes experienced are unacceptable.
  - (iv) Project, contract and financial management are to be stringently applied.

**ACTION: A MOOLMAN, L MBANDAZAYO**

**THE MEETING CONCLUDED AT 13H50.**

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**ALD D SMIT  
CHAIRPERSON**

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**DATE**