

ITEM NUMBER: C 22/05/16

**RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016**

**MC 52/05/16 PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE BEING A PORTION OF ERF 368457, CAPE TOWN AT ATHLONE ADJOINING ERF 107897 AND SITUATED OFF DUINE STREET BELGRAVIA: DIRECTORATE UTILITY SERVICES (ELECTRICITY SERVICES DEPARTMENT)**

It is **RECOMMENDED** that, in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, Council grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Public Place being a Portion of Erf 36845, Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street, Belgravia, measuring approximately 330 m<sup>2</sup> in extent, as depicted by the figure ABCD on Plan STC 2620 attached as Annexure A to the report on the agenda.



REPORT TO COUNCIL

DATE 2016 -05- 17

1. ITEM NUMBER : MC 52/05/16

2. SUBJECT

PROPOSED CLOSURE OF A PORTION OF PUBLIC PLACE BEING A PORTION OF ERF 36845 CAPE TOWN AT ATHLONE ADJOINING ERF 107897 AND SITUATED OFF DUINE STREET BELGRAVIA: DIRECTORATE UTILITY SERVICES (DEPARTMENT ELECTRICITY SERVICES)

2. ONDERWERP

VOORGESTELDE SLUITING VAN 'N GEDEELTE VAN 'N OPENBARE PLEK NAAMLIK 'N GEDEELTE VAN ERF 36845 KAAPSTAD TE ATHLONE AANGRENSEND AAN ERF 107897 EN GELEË UIT DUINESTRAAT BELGRAVIA: DIREKTORAAT NUTSDIENSTE (DEPARTEMENT ELEKTRISITEITSDIENSTE)

2. ISIHLOKO

ISIPHAKAMISO SOKUVALWA KWESIQEPHU SENDAWO YOLUNTU ESISIQEPHU SESIZA-36845 ESISEKAPA E-ATHLONE, ESIMELENE NESIZA-107897 NASE-DUINE STREET, E-BELGRAVIA: NGABECANDELO LOLAWULO LEENKONZO EZILUNCEDO (ISEBE LEENKONZO ZOMBANE)

(LSU: G5012)  
14/3/12/1/2/88/A00  
PH 2015/ (Category 1)

3. STRATEGIC INTENT

SFA 1: an OPPORTUNITY CITY

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

4. PURPOSE

To consider the proposed closure of a portion of Erf 36845 Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street Belgravia

## 5. FOR DECISION BY COUNCIL

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

## 6. EXECUTIVE SUMMARY

PURPOSE OF REPORT	To consider the proposed closure of a portion of Erf 36845 Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street Belgravia			
Property description	a portion of Erf 36845 Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street Belgravia			
Applicant	Directorate Utility Services (Department Electricity Services)			
Site extent	±330m <sup>2</sup>			
Current zoning	Public Place			
Current usage	Public Place			
Proposed usage	The subject property is reserved for the Department Electricity Services for purposes of Developing a new building substation			
Application description	Closure of Public Street			
Submission date	September 2014			
Circulation date	Not applicable			
Comments	None			
Public participation outcome summary	The proposed closure was advertised in the press on 29 May 2015. No objections were received.			
WARD Cllr Brian Watkyns	Yes	Date	Ward	
		01-06-2015		53

## 7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that Council in terms of Section 4(2)(f) of the City of Cape Town: Immovable Property By-Law, 2015, Council grant approval that the City may, by Notice in the *Provincial Gazette* close a portion of Public Place being a Portion of Erf 36845 Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street, Belgravia, measuring approximately 330 m<sup>2</sup> in extent as depicted by the figure ABCD on attached plan STC 2620 marked annexure A.

## 7. AANBEVELINGS

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Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat die Raad ingevolge artikel 4(2)(f) van die Stad Kaapstad: Verordening op Onroerende Eiendom, 2015, goedkeuring verleen dat die Stad, deur kennisgewing in die Provinsiale Koerant 'n gedeelte van 'n openbare plek, naamlik 'n gedeelte van erf 36845 Kaapstad te Athlone aangrensend aan erf 107897 en geleë uit Duinestraat, Belgravia, ongeveer 330 m<sup>2</sup> groot, soos uitgebeeld deur figuur ABCD op aangehegte plan STC 2620 gemerk bylae A, kan sluit.

## 7. IZINDULULO

Asigunyaziswanga: isigqibo seseBhunga:

Kundululwe ukuba, ngokwecandelo-4(2)(f) loMthetho kaMasipala weSixeko saseKapa ongePropati ezingenakususwa wango-2015, iBhunga malinikezele isiphumezo sokuba iSixeko ngokuthi sikhuphe iSaziso *kwiGazethi yePhondo* ukuba sivale isiqephu seNdawo yoLuntu esisiza-36845 esiseKapa e-Athlone esimelene nesiza-107897 nesise-Duine Street, eBelgravia, esibukhulu obumalunga nama-330 m<sup>2</sup> esibonakaliswe kumzobo ongu-ABCD esiqhotyoshelwe kwiplani engu-STC 2620 ephawulwe kwisihlomelo-A.

## 8. DISCUSSION/CONTENTS

The Director: Property Management in terms of her delegated authority on 9 December 2014 in terms of her delegated authority granted approval that a portion of Public Place being a Portion of Erf 36845 Cape Town at Athlone adjoining Erf 107897 and situated off Duine Street, Belgravia, measuring approximately 330 m<sup>2</sup> in extent as depicted by the figure ABCD on attached plan STC 2620 marked annexure A be reserved for the Department of Electricity Services (Directorate Utility Services) for purposes of constructing a new substation building.

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

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

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

**8.1. Constitutional and Policy Implications**

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

**Sustainability Implications**

Does the activity in this report have any sustainability implications for the City? No  Yes

8.1.2 The proposal will have no negative impact on the natural environment.

**8.2. Legal Implications**

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

**8.3. Staff Implications**

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

No

Yes

**8.4. Risk Implications**

None

**8.5. Other Services Consulted**

Departmental comments of significance may be summarised as follows:

DEPARTMENT		DEPARTMENTAL COMMENT
Water and Sanitation	No objection	• Subject to standard conditions
Telkom	No objection	• Subject to standard conditions
Environmental & Heritage	No objection	• The Department reserves the right to revise its comment based on new information
Roads and Stormwater	No objection	• No Comments
T.I.A and Development Control	No objection	• No Comments

City Parks	No objection	<ul style="list-style-type: none"> <li>The proposed reservation for land be accommodated in the area outlined, which is 15m wide and part of a road reserve.</li> </ul>
Spatial Planning	No objection	<ul style="list-style-type: none"> <li>No comments</li> </ul>
Urban Design	No objection	<ul style="list-style-type: none"> <li>No comments</li> </ul>

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## ANNEXURES

A – Sketch Plan SZC 2620

B – Closure Notice

FOR FURTHER DETAILS CONTACT:

*[Handwritten signature]*

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

Comment:

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

NAME MICHAEL SIMS  
~~RUBY GELDERBLOEM~~

DATE 28/4/2014

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

*[Handwritten signature]*  
 LEGAL COMPLIANCE

NON-COMPLIANT

NAME CHARLYNE ARENDSE

TEL 021 400 1265

DATE 04.05.2016

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

*[Handwritten signature]*

*N.G. Ras*

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

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR  / MAYCO  / COUNCIL

NOT SUPPORTED

REFERRED BACK

DATE

12/5/16

COMMENT:

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\_\_\_\_\_  
\_\_\_\_\_

*[Signature]*

MAYORAL COMMITTEE MEMBER

COMMENT:

NAME ALD IAN NEILSON

DATE

12/5/2016

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