

ITEM NUMBER: C 42/05/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 03 MAY 2016

MC 21/05/16 PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 109770 (UNREGISTERED PORTION OF ERF 111019), HILARY DRIVE, LAVENDER HILL AND ERF 7244, FRANK STREET, LOTUS RIVER, FOR SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING (SR1) PURPOSES

It is **RECOMMENDED** that:

- (a) in terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - (i) Council resolve that Erf 109770 (unregistered portion of Erf 111019), Hilary Drive, Lavender Hill and Erf 7244, Frank Street, Lotus River, in extent approximately 933 m² and 208 m² respectively, zoned Single Residential 1: Conventional Housing (SR1), lettered ABCDE on Plan LIS 1438v0 attached as Annexure A to the report on the agenda and ABCD on Plan LIS 1445v0 attached as Annexure B to the report on the agenda, not be required for the provision of the minimum level of basic municipal services;
 - (ii) Council confirm 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, Council approve in principle the sale of Erf 109770 (unregistered portion of Erf 111019), Hilary Drive, Lavender Hill and Erf 7244, Frank Street, Lotus River, as described in (a)(i) above
- (c) Erf 109770 (unregistered portion of Erf 111019), Hilary Drive, Lavender Hill and Erf 7244, Frank Street, Lotus River, be disposed of by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority
- (d) any gain or loss incurred by the municipality in respect of the transfer of the assets be included in the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

IPAC 51/03/2016

PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 109770 (UNREGISTERED PORTION OF ERF 111019), HILARY DRIVE, LAVENDER HILL AND ERF 7244, FRANK STREET, LOTUS RIVER, FOR SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING (SR1) PURPOSES

MC 21/05/16

VOORGESTELDE TOESTAAN VAN BEGINSELGOEDKEURING VIR DIE VERKOOP, DEUR OPENBARE MEDEDINGING, VAN ONBEOUDE ERF 109770 (ONGEREGISTREERDE GEDEELTE VAN ERF 111019), HILARYRYLAAN, LAVENDER HILL EN ERF 7244, FRANKSTRAAT, LOTUSRIVIER, VIR DIE DOELEINDES VAN ENKELRESIDENSIËLE 1: KONVENSIENELE BEHUISING (SR1)

ISIPHAKAMISO SOKUPHUNYEZWA KOKUNIKEZELWA KOKUTHENGISWA NGOKOKHUPHISWANO LOLUNTU , KWESIZA ESIVULELEKILEYO ESINGU-109770 (ISIQEPHU ESINGABHALISWANGA SESIZA-111019), HILARY DRIVE, LAVENDER HILL NESIZA-7244, FRANK STREET, E-LOTUS RIVER, KULUNGISELELWA UMMANDLA-1 ONGOKUHLALA USAPHO OLUNYE: IMIBANDELA ENGEZINDLU ZENGUQULELO (SR1)

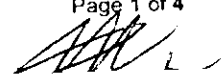
Property Management representative was present to answer any question for clarity

RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- a) In terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - i) Council resolve that erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, in extent approximately 933m² and 208m², respectively, zoned Single Residential 1 Conventional Housing (SR1), shown lettered ABCDE on Plan LIS 1438v0 (**Annexure A**) and ABCD on Plan LIS 1445v0 (**Annexure B**), not be required for the provision of the minimum level of basic municipal services;
 - ii) Council confirm 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, Council approve in principle the sale of erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, as described in (a)(i);
- c) erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, be disposed of by public competition, subject to conditions to be imposed by the Director: Property Management in the exercise of her delegated authority;
- d) Any gain or loss incurred by the municipality in respect of the transfer of



the assets be included in the adjustment budget of the municipality (sections 28 and 87 of the MFMA), if not budgeted for in the approved annual budget.

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AANBEVELINGS

Nie gedelegeer nie: vir besluitneming deur die Raad

Daar word aanbeveel dat:

- a) Ingevolge artikels 14(2)(a) en (b) van die Wet op Munisipale Finansiële Bestuur (MFMA), Wet 56 van 2003:
 - i) Die Raad besluit dat erf 109770 (ongeregistreerde gedeelte van erf 111019), Hilaryrylaan, Lavender Hill en erf 7244, Frankstraat, Lotusrivier, onderskeidelik ongeveer 933 m² en 208 m² in grootte, gesoneer as enkelresidensiële 1 konvensionele behuising (SR1), aangetoon deur die letters ABCDE op plan LIS 1438v0 (**Bylae A**) en ABCD op plan LIS 1445v0 (**Bylae B**) onderskeidelik, nie nodig is vir die voorsiening van die minimum vlak basiese munisipale dienste nie;
 - ii) Die Raad bevestig dat die billike markwaarde van die bates wat in (a)(i) beskryf word en die ekonomiese en gemeenskapswaarde wat ontvang sal word in ruil vir die bates wat in (a)(i) beskryf word, in aanmerking geneem is;
- b) die Raad, ingevolge regulasie 5(1)(b) van die regulasies oor die oordrag van munisipale bates (MATR), R.878, gepromulgeer op 22 Augustus 2008, die vervreemding van erf 109770 (ongeregistreerde gedeelte van erf 111019), Hilaryrylaan, Lavender Hill en erf 7244, Frankstraat, Lotusrivier, soos beskryf in (a)(i), in beginsel goedkeur;
- c) erf 109770 (ongeregistreerde gedeelte van erf 111019), Hilaryrylaan, Lavender Hill en erf 7244, Frankstraat, Lotusrivier, vervreem word deur openbare mededinging, onderworpe aan die voorwaardes wat deur die direkteur: eiendomsbestuur opgelê word in die uitoefening van haar gedelegeerde gesag;
- d) Enige wins of verlies vir die munisipaliteit as gevolg van oordrag van die bates ingesluit word by die munisipaliteit se aansuiweringsbegroting (artikels 28 en 87 van die MFMA), indien daar nie in die goedgekeurde jaarlikse begroting daarvoor begroot is nie.

IZINDULULO

Ayigunyaziswanga: isiqqibo seseBhunga

Kundululwe ukuba:

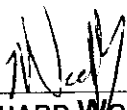
- a) Ngokwamacandelo-14(2)(a) no-(b) oMthetho woLawulo lweziMali zikaMasipala (MFMA) ongunomb.56 wango-2003:
 - i) IBhunga ligqibe ukuba isiza-109770 (isiqephu esingabhaliswanga sesiza-111019), esise-Hilary Drive, e-Lavender Hill nesiza-7244, esise-Frank Street, e-Lotus River, ezibukhulu obumalunga nama-933 m² nama-208 m², ezicandwe njengommaandla1 ongezindlu zenguqulelo (SR1),

ezibonakaliswe ngoonobumba ukhulu u-ABCDE kwiplani engu-LIS 1438v0 (**isihlomelo-A**) no-ABCD kwiplani engu-LIS 1445v0 (**isihlomelo-B**), azifuneki nganto ukubonelela ngomlinganiselo weenkonzo ezingundoqo zikamasipala; **160**

- ii) IBhunga maliqinisekise ukuba kuye kwathathelwa ingqalelo ixabiso lobulungisa lasemakethi leempahla njengoko lichazwe ku-(a)(i) nexabiso lezoqoqosho neloluntu eliyakuthi lifumaneke ngokutshintshelwana kweempahla ezicaciswe ku-(a)(i);
- b) NgokoMigaqo-5(1)(b) yeMigaqo engokuTshintshelwa kweMpahla kaMasipala (MATR), R. 878 owamiselwa ngowama-22 Agasti 2008, iBhunga maliphumeze ngokomthetho-siseko ukunikezelwa kwesiza-109770 (isiqephu esingabhaliswanga sesiza-111019), esise-Hilary Drive, e-Lavender Hill nesiza-7244, esise-Frank Street, e-Lotus River, njengoko kukhankanywe ku-(a) (i) ngentla apha;
- c) Isiza-109770 (isiqephu esingabhaliswanga sesiza-111019), esise-Hilary Drive, e-Lavender Hill nesiza-7244, esise-Frank Street, e-Lotus River, masinikezelwe ngokokhuphiswano loluntu, ngokuxhomekeke kwimiqathango eyakuthi inyanzeliswe nguMlawuli woLawulo lwePropati esebenzisa amagunya akhe awagunyaziselweyo;
- d) Nayiphina ingeniso okanye ilahleko kumasipala ngokujoliswe ekutshintshelweni kwempahla, mayiqukwe kulungelelaniso lohlahlo-lwabiwo-mali lukamasipala (amacandelo-28 nele-87 le-MFMA) ukuba ayibhajethelwanga kuhlahlo-lwabiwo-mali lonyaka oluphunyeziweyo.

ACTION: A HUMAN; R GELDERBLOEM

It is noted that this resolution is in line with Supply Chain Management Policy.



MR RICHARD WOOTTON
EMPLOYEE NO: 10207948
CHAIRPERSON : IMMOVABLE PROPERTY
ADJUDICATION COMMITTEE

DATE:

7/4/16

COMMENT:

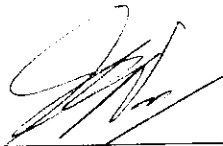


DIRECTOR : LEGAL SERVICES
LUNGELO MBANDAZAYO

DATE:

2016 -04- 11

COMMENT:



ALDERMAN IAN NEILSON
MAYORAL COMMITTEE MEMBER : FINANCE

COMMENT:

DATE:

14/4/16

**REPORT TO IMMOVABLE PROPERTY
ADJUDICATION COMMITTEE**



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Making progress possible. Together.

1. **ITEM NUMBER :** To be inserted by Executive Support
2. **SUBJECT:** PROPOSED GRANTING OF IN-PRINCIPLE APPROVAL FOR THE SALE BY PUBLIC COMPETITION OF VACANT ERF 109770 (UNREGISTERED PORTION OF ERF 111019), HILARY DRIVE, LAVENDER HILL AND ERF 7244, FRANK STREET, LOTUS RIVER, FOR SINGLE RESIDENTIAL 1: CONVENTIONAL HOUSING (SR1) PURPOSES

ONDERWERP: VOORGESTELDE TOESTAAN VAN BEGINSSELGOEDKEURING VIR DIE VERKOOP, DEUR OPENBARE MEDEDINGING, VAN ONBEBOUDE ERF 109770 (ONGEREGISTREERDE GEDEELTE VAN ERF 111019), HILARYRYLAAN, LAVENDER HILL EN ERF 7244, FRANKSTRAAT, LOTUSRIVIER, VIR DIE DOELEINDES VAN ENKELRESIDENSIËLE 1: KONVENSIONELE BEHUISING (SR1)

ISIHLOKO: ISIPHAKAMISO SOKUPHUNYEZWA KOKUNIKEZELWA KOKUTHENGISWA NGOKOKHUPHISWANO LOLUNTU , KWESIZA ESIVULELEKILEYO ESINGU-109770 (ISIQEPHU ESINGABHALISWANGA SESIZA-111019), HILARY DRIVE, LAVENDER HILL NESIZA-7244, FRANK STREET, E-LOTUS RIVER, KULUNGISELELWA UMMANDLA-1 ONGOKUHLALA USAPHO OLUNYE: IMIBANDELA ENGEZINDLU ZENGUQULELO (SR1)

LSU: G3157

3. **STRATEGIC INTENT**

SFA 1: THE 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 obtain approval from Council's in principle approval to proceed with the sale by public competition of City-owned land being erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, in extent approximately 933m² and 208m², respectively, for Single Residential 1 Conventional Housing ((SR1) purposes.

5. FOR DECISION BY

This report is for decision by Council:

The legal provision for this non-delegable authority can be found in section 14 of the Municipal Finance Management Act, Act 56 of 2003 and regulation 5 of the Municipal Asset Transfer Regulations of 2008.

6. EXECUTIVE SUMMARY

This report is submitted in order to obtain authority from Council to proceed with the sale by public competition of vacant erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, in extent approximately 933m² and 208m², respectively, zoned Single Residential 1 Conventional Housing (SR1), shown lettered ABCDE on Plan LIS 1438v0 (**Annexure A**) and ABCD on Plan LIS 1445v0 (**Annexure B**).

The subject properties have been included in the Property Disposal Programme as it is surplus to Council's requirements and available for sale by public competition.

7. RECOMMENDATIONS

Not delegated: for decision by Council:

It is recommended that:

- a) In terms of sections 14(2)(a) and (b) of the Municipal Finance Management Act (MFMA), Act 56 of 2003:
 - i) Council resolve that erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, in extent approximately 933m² and 208m², respectively, zoned Single Residential 1 Conventional Housing (SR1), shown lettered ABCDE on Plan LIS 1438v0 (**Annexure A**) and ABCD on Plan LIS 1445v0 (**Annexure B**), not be required for the provision of the minimum level of basic municipal services;

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AANBEVELINGS

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Daar word aanbeveel dat:

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- c) erf 109770 (ongeregistreerde gedeelte van erf 111019), Hilaryrylaan, Lavender Hill en erf 7244, Frankstraat, Lotusrivier, vervreem word deur openbare

mededinging, onderworpe aan die voorwaardes wat deur die direkteur: eiendomsbestuur opgelê word in die uitoefening van haar gedelegeerde gesag;

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IZINDULULO

Azigunyaziswanga: isiqqibo seseBhunga:

Kundutulwe ukuba:

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- d) Nayiphina ingeniso okanye ilahleko kumasipala ngokujoliswe ekutshintshelweni kwempahla, mayiqukwe kulungelelaniso lohlahlo-lwabiwo-mali lukamasipala

(amacandelo-28 nele-87 le-MFMA) ukuba ayibhajethelwanga kuhlahlo-lwabiwo-mali lonyaka oluphunyeziweyo.

8. DISCUSSION/CONTENTS

8.1 Background

The Property Development Division has compiled a five-year program of land Sales, the Property Release Program, to be implemented between July 2012 and June 2017, based on factors and priorities such as readiness for sale, demand for erven and Council's strategic objectives. The properties on the Program were extracted from the broad database of Council erven that have been identified for possible alienation. From the Program, erf 109770, Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, have been identified for early release.

PROJECT 1: LAVENDER HILL: ERF 109770, HILARY DRIVE

Erven 109770 (unregistered portion of erf 111019), is a vacant site located on the intersection of Hilary Drive and Stienie Road in the residential suburb of Lavender Hill. It is zoned Single Residential 1: Conventional Housing (SR1) and it is expected to be developed in line with their current zoning, for residential purposes.

The erf measures 933 m² in extent and have been valued at R350 000.00

PROJECT 2: LOTUS RIVER: ERF 7244, FRANK STREET.

Erf 7244 is located on Frank Street in the residential, low income suburb of Lotus River. The site is fenced with vibracrete and galvanised sheeting and has rubble on it.

The property is zoned Single Residential 1(SR1) Conventional Housing (SR1) and is expected to be developed in line with their current zoning, for residential purposes.

The erf measures 208 m² in extent and have been valued at R125 000.00.

8.2 Public Participation

In accordance with the authority obtained from the Director: Property Management on 5 October 2015, Council's intention to sell the subject properties was advertised as follows:

Advertising	Cape Times & Burger	16 October 2015
	Provincial & National Treasury	22 October 2015
	Ward councillor	22 October 2015
	Subcouncil Chair & Manager	22 October 2015
Outcome	No objections	

8.3 Constitutional and Policy Implications

Chapter B of Council's policy relating to the Management of certain of the City of Cape Town's Immovable Property (approved 26 August 2010), permits the sale of immovable property;

A resolution to proceed with the disposal of this property is supported by the applicable policies.

8.4 Sustainability Implications

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

8.5 Legal Implications

The proposal complies with Section 14 of the Municipal Finance Management Act No.56 of 2003.

The sale of municipal capital assets is governed by Chapter 2 of MATR.

City of Cape Town's By-Law 2015 promulgated on the 11 December 2015.

Council may in terms of **Reg 5(1)(b)(i) of the MATR** transfer or dispose of non-exempted capital assets after it has - in a meeting open to the public - made the determinations required by Sec 14(2)(a) and (b) of the MFMA:

- The erf (asset) is not needed for basic municipal services;
- Considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

In terms of **Reg 7 of the MATR**, Council must take into account a number of factors (highlighted in bold) when considering any proposal to transfer or dispose of non-exempted capital assets, and it is herewith confirmed that:

Factor A: Whether asset is required for municipality's own use at later date (also Sec 14(1), Sec 14(2)(a) and Sec 90(1) of MFMA)

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

Factor B: Loss or gain expected to result from proposed transfer

Council will not make a loss, but will gain on receipt of fair market value, future rates and taxes, and the sale will stimulate economic growth.

Factor C: Significant economic or financial cost or benefit to municipality/compensation

Council will receive a financial benefit in the form of the sales prices as well as future rates and taxes in respect of the properties. The desktop valuation reports (**Annexure C**) estimate the value of the properties to be in the region of R350 000.00 (erf 109770) and R125 000.00 (erf 7244), excluding VAT and transfer costs.

Factor D: Management of risk

No operational and control risk to the City

Factor E: Impact on credit rating, financial position, cash flow of municipality

No impact

Factor F: Limitations and conditions attached to capital assets

Conditions recommended by the service branches will be included in the sales agreement.

Factor G: Cost of transfer or disposal

The normal costs related to advertisements and land surveying if applicable, will be incurred by Council. The purchaser will be responsible for the transfer costs.

Factor H: Transfer of liabilities and reserve funds associated with the asset

None

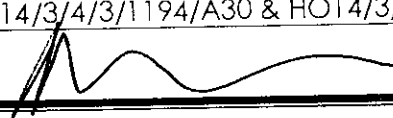
Factor I: Stakeholder comments and recommendations

The City's intention to alienate erf 109770 (unregistered portion of erf 111019), Hilary Drive, Lavender Hill and erf 7244, Frank Street, Lotus River, was duly advertised to the public in the Cape Times and Die Burger on 16 October 2015. The relevant subcouncil Chairperson, subcouncil Manager, Ward Councillors, Ratepayers Associations and Regional Offices were notified for comment. No objections were received.

Factor J: Views from National and Provincial Treasury

No comments were received.

FOR FURTHER DETAILS CONTACT:

NAME	Marsha Heldsinger
CONTACT NUMBERS	(021) 400 3903
E-MAIL ADDRESS	Marsha.Heldsinger@capetown.gov.za
DIRECTORATE	FINANCE
FILE REF NO	HO14/3/4/3/1194/A30 & HO14/3/4/3/1193/A00
SIGNATURE : MANAGER PROPERTY DEVELOPMENT	 16.03.2016

Comment:

Ruby Gelderbloem
 DIRECTOR: PROPERTY MANAGEMENT IN HER
 CAPACITY AS NOMINEE FOR THE
 EXECUTIVE DIRECTOR: FINANCE
 RUBY GELDERBLOEM

NAME _____
 DATE 2016-03-18

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

NON-COMPLIANT

LEGAL COMPLIANCE

NAME CHARLYNNE ARENDSE
 TEL 021 400 1265
 DATE 23-03-2016

Comment:

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

DA