



REPORT To SUBCOUNCIL 19 19SUB10/07/24

1 ITEM NUMBER

2 SUBJECT:

CANCELLATION OF A RESERVATION OF PORTIONS OF ERVEN 87177, 87189-RE, 87190 AND 87191-RE CAPE TOWN SITUATED AT SIDMOUTH ROAD, MUIZENBERG: SAFETY AND SECURITY DIRECTORATE (OPERATIONAL CO-ORDINATION DEPARTMENT)

RESERVATION OF PORTIONS OF ERVEN 87177, 87189-RE, 87190 AND 87191-RE CAPE TOWN SITUATED AT SIDMOUTH ROAD, MUIZENBERG: COMMUNITY SERVICES AND HEALTH DIRECTORATE (COMMUNITY, ARTS, AND CULTURE DEVELOPMENT DEPARTMENT)

2 ONDERWERP

KANSELLASIE VAN 'N RESERVERING VAN GEDEELTES VAN ERF 87177, 87189-RE, 87190 EN 87191-RE KAAPSTAD GELEË TE SIDMOUTHWEG, MUIZENBERG: DIREKTORAAT VEILIGHEID EN SEKURITEIT (DEPARTEMENT OPERASIONELE SAMEWERKING)

RESERVERING VAN GEDEELTES VAN ERF 87177, 87189-RE, 87190 EN 87191-RE KAAPSTAD GELEË TE SIDMOUTHWEG, MUISZENBERG: DIREKTORAAT GEMEENSKAPSDIENSTE EN GESONDHEID (DEPARTEMENT GEMEENSKAPS-, KUNS- EN KULTUURONTWIKKELING)

2 ISIHLOKO

UKURHOXISWA KOKUBEKELWA BUCALA KWEZIQEPHU ZEZIZA 87177, 87189-RE, 87190 NO 87191- EZISEKAPA EZIKWI SIDMOUTH ROAD, E MUIZENBERG: EBEKULUNGISELELWE ICANDELO LOLAWULO LEZOKHUSELO NOKHUSELEKO, ISEBE LOQUQUZELELO LOKUSEBENZA)

UKUBEKELWA BUCALA KWEZIQEPHU ZEZIZA 87177, 87189-RE, 87190 NO 87191- EZISEKAPA EZIKWI SIDMOUTH ROAD, E MUIZENBERG: KULUNGISELELWA ISEBE LOPHUHLIZO LOLUNTU, EZOBUGCISA NENKCUBEKO ELIPHANTSI KWECANDELO LOLAWULO LEENKONZO ZOLUNTU NEZEMPILO

LSU: R0094
PTMS NO: 130010759
FILE REF NO: S14/3/12/2/288/00/87191 (1)
(Category 1)

3 DELEGATED AUTHORITY

The report is for comment by Subcouncil to the competent authority in terms of Part 25, Delegation 10(3).

In terms of Part 32B Paragraph 1(6) of Council's System of Delegations authorises the Director: Property Transactions:

“To approve, refuse, and cancel the reservation of immovable city owned property for municipal purposes.”

Final delegation lies with Director: Property Transactions.

4 EXECUTIVE SUMMARY

This report is submitted in terms of Clause 17 of the Policy on the Management of Certain of the City of Cape Town's Immovable Property to the Director: Property Transactions to consider the following application for the reservation of municipal land:

Reservation Category

		Mark X
1	New Reservation (New project/ Operational requirements)	X
2	Amendment to an existing Reservation	
3	Reservation Benefit Transfer (Consensual handover between Departments)	

Application Summary:

Applicant	Directorate:	Community Services and Health
	Department:	Community, Arts and Culture Development
	Branch:	Research and Programme Development
Responsible Official	Megan Pangeni	
Director	Alfonso Sauls	
Land applied for	Erven 87177, 87189-RE, 87190 & 87191-RE Cape Town	
LP Key	61257, 210962, and 210963	
Location	At Sidmouth Road, Muizenberg	
Extent reserved:	1 141 m ²	
Current Zoning	Transport 2 & General Residential 5	
Current Usage	Parking Lot	

Proposed Project/ Usage	A significant City project to create a safe space facility in Muizenberg. The Muizenberg Safe Space will be designed to provide dignified transitional shelter and extensive social interventions aimed at helping homeless individuals move away from life on the streets.			
Recommendation:	Approve	X	Decline	

5 GENERAL INFORMATION REGARDING THE RESERVATION OF CITY LAND

In terms of Clause 17 of the Policy on the Management of Certain of the City of Cape Town’s Immovable Property, land required by line departments for municipal purposes needs to be officially applied for by, and reserved for the subject department, after which process they will become accountable for the property. “Accountability” means the responsibility for use, management and control of an immovable property asset including but not limited to operations, relationship management, security, maintenance, budgeting, income and expenditure management and performance reporting.

Immovable Property Asset User Directorates and Departments must:

- 1) Use immovable property assets for purposes reserved;
- 2) Inform the Property Transactions Department of any changes in use and attributes of immovable property assets that might impact on the data in IPAR and the integrity thereof;
- 3) Embrace accountability for immovable property assets and performance;
- 4) Use, manage and control immovable property assets in an economic, efficient, and effective (and compliant) manner;
- 5) Engage Property Transactions Department as Custodian in the execution of activities and responsibilities pertinent to the management of immovable property assets;
- 6) Participate actively in the implementation and operation of the IPAMF by accurately recording performance data, collaborating with Custodian on development and execution of portfolio strategies and business plans;
- 7) Ensure establishment and capacitation of the roles of Department Representative and Departmental Assessors in support of the Immovable Property Asset Management Framework implementation;
- 8) Accept full responsibility for the management and maintenance of the reserved land and building/s erected thereon, including maintenance, utility consumption, security and insurance;
- 9) Obtaining and complying with the Land-use, Fire & Safety, Occupational Health or any other related legislative or regulatory requirements that might be applicable to the utilization of the property; and
- 10) Is authorized to initiate Agreements, if required, subject to compliance with the Municipal Asset Transfer Regulations, Supply Chain legislation as well as the Council's System of Delegations.

6 RECOMMENDATIONS FOR CONSIDERATION AND COMMENT BY THE RELEVANT SUBCOUNCIL

It is recommended that Erven 87177, 87189-RE, 87190 and 87191-RE Cape Town situated at Sidmouth Road, Muizenberg, in extent of 1 141m² and as indicated as ABCDE on the Plan LIS2483 V2 attached as Annexure "A", that the current Reservation over the properties for Safety and Security (Operational Co-ordination Department) be cancelled and the properties be reserved for the Community Services and Health Directorate (Community, Arts, and Culture Development Department), subject to the following conditions:

- a) The subject properties shall be reserved for the development of the Muizenberg safe space facility;
- b) The Community Services and Health Directorate (Community, Arts, and Culture Development Department) takes responsibility for the required land use processes, as well as compliance with any related legislation;
- c) The said Community Services and Health Directorate (Community, Arts, and Culture Development Department) accepts full responsibility for the management and maintenance of the land, any current structures on the land and any structure to be erected thereon, including maintenance, utility consumption, security and content insurance, as is applicable;
- d) That all costs related to the above be provided for by the Community Services and Health Directorate (Community, Arts, and Culture Development Department).

AANBEVELINGS VIR OORWEGING EN KOMMENTAAR DEUR DIE BETROKKE SUBRAAD

Daar word aanbeveel dat erf 87177, 87189-RE, 87190 en 87191-RE Kaapstad, geleë te Sidmouthweg, Muizenberg, 1 141 m² groot en soos aangetoon as ABCDE op plan LIS2483 V2 aangeheg as bylae "A", dat die huidige reservering van die eiendomme vir veiligheid en sekuriteit (departement operasionele samewerking) gekanselleer word en die eiendomme vir die direktoraat gemeenskapsdienste en gesondheid (departement gemeenskaps-, kuns- en kultuurontwikkeling) gereserveer word, onderworpe aan die volgende voorwaardes:

- a) Die betrokke eiendomme moet vir die ontwikkeling van 'n Veilige Ruimte-skooling gereserveer word;
- b) Die direktoraat gemeenskapsdienste en gesondheid (departement gemeenskaps-, kuns- en kultuurontwikkeling) aanvaar verantwoordelikheid vir die vereiste grondgebruikprosesse, asook die nakoming van enige verwante wetgewing;
- c) Die direktoraat gemeenskapsdienste en gesondheid (departement gemeenskaps-, kuns- en kultuurontwikkeling) aanvaar volle verantwoordelikheid vir die bestuur en instandhouding van die grond en

enige struktuur wat daarop opgerig word, wat insluit instandhouding, nutsverbruik, sekuriteit en inhoudsversekering, soos van toepassing;

- d) Die direktoraat gemeenskapsdienste en gesondheid (departement gemeenskaps-, kuns- en kultuurontwikkeling) moet vir alle koste verbonde aan die bogenoemde voorsiening maak.

IZINDULULO ZOKUBA ZIQWALASELWE KWAYE KUHLONYULWE KUZO LIBHUNGANA ELIFANELEKILEYO

Kundululwe ukuba iziza 87177, 87189-RE, 87190 no 87191- eziseKapa ezikwiSidmouth Road, eMuizenberg, ezibukhulu obumalunga ne1 141 m² nezibonakaliswe ngoonobumba abakhulu uABCDE kwiplani enguLIS2483 V2 eqhotyoshelwe njengesihlomeloA, ukuba kurhoxiswe ukubekelwa bucala kweepropati, olulungiselelwe iSebe loQuquzelelo lokuSebenza eliphantsi kweCandelo loLawulo lezoKhuselo noKhuseleko, malurhoxiswe kwaye iipropati ezi zibekelwe bucala kulungiselelwa iSebe loPhuculo loLuntu, ezoBugcisa neNkqubeko eliphantsi kweCandelo loLawulo loLuntu nezeMpilo, ngokuxhomekeke kule miqathango ilandelayo:

- a) Iipropati ezichaphazelekayo ziyakuthi zibekelwe bucala kulungiselelwa uohuhliso lwesheltha eyiNdawo eKhuselekileyo;
- b) ISebe loPhuculo loLuntu, elezoBugcisa neNkqubeko eliphantsi kweCandelo loLawulo leeNkonzo zoLuntu nezeMpilo malithabathe uxanduva ngokujoliswe kwiinkqubo ezifunekayo zosetyenziso lomhlaba kunye nokuthotyelwa kwawo nawuphina umthetho onxulumene noko;
- c) ISebe elisele likhankanyiwe loPhuculo loLuntu, elezoBugcisa neNkqubeko eliphantsi kweCandelo loLawulo leeNkonzo zoLuntu nezeMpilo malamkele uxanduva ngokupheleleyo lolawulo nononotshelo lomhlaba nezakheko zakalokunje ezingezomhlaba naso nasiphina isakheko esiyakuthi sakhawe, kuquka unonotshelo, usetyenziselo uncedo, ukhuseleko neinshorensi njengoko kufanelekile;
- d) Ukuba zonke iindleko ezimalunga noku kungentla apha, mazibonelelwe liSebe loPhuculo loLuntu, ezoBugcisa neNkqubeko eliphantsi kweCandelo loLawulo leeNkonzo zoLuntu nezeMpilo.

7 BACKGROUND/MOTIVATION:

An application was received from the Director: Community, Arts and Culture Development Department for the reservation of Erven 87177, 87189-RE, 87190 and 87191-RE Cape Town situated at Sidmouth Road, Muizenberg, in extent of 1 141m² and as indicated as ABCDE on the Plan LIS2483 V2 attached as **Annexure "A"**, where the current Reservation over the properties for Safety and Security (Operational Co-ordination Department) will be cancelled and the properties be reserved for the Community Services and Health Directorate (Community, Arts, and Culture Development Department) and be used for the purpose of a safe space facility.

The subject Reservation in favour of the Community Services and Health Directorate (Community, Arts, and Culture Development Department) and simultaneous cancellation of the existing Reservation for parking purposes in favour of the Operational Co-ordination Department's Law Enforcement branch has received the support of the Executive Director of Safety and Security and the consent of the Operational Co-ordination Department and Law Enforcement Branch.

The proposed Reservation is for the Development of a 'Safe Space' facility for the rough sleepers in the area. Muizenberg has been identified as high priority area for the development of homeless accommodation, as per the Safe Space model. An assessment of the land available has concluded that these portions (Erven 87191-RE, 87190, 87177, and 87189-RE Cape Town) of land are the best suited location for the facility in question.

Per a recent media release the Mayor has pledged funds from the Mayoral Fund for this initiative and the development of this safe space facility. The facility will be operated by the U-turn organization- a non-profit organization- and the Muizenberg Safe Space will be designed to provide dignified transitional shelter and extensive social interventions aimed at helping homeless individuals move away from life on the streets.

Erf 87177 Cape Town is registered to the City of Cape Town in terms of Grant G153/1954. Erf 87189-RE vests in the City of Cape Town as a Public Road. Erf 87191-RE is registered to the City of Cape Town in terms of Title Deed T32185/1989. Erf 87190 vests in the City of Cape Town as a Public Road.

8 DISCUSSION

The Community Services and Health Directorate (Community, Arts, and Culture Development Department) requires the subject property to be reserved for the purpose of developing a safe space facility.

All costs, funding source and model to be derived and determined by the Community Services and Health Directorate (Community, Arts, and Culture Development Department).

There is thus no objection to the reservation being approved.

9 COMMENTS FROM THE SERVICE BRANCHES

The application was circulated to the service branches, and no objections were received, subject thereto the following conditions complied with:

DIRECTORATE/DEPARMENT	
Urban Mobility	
Transport Planning and Network Management A Sakildien	SUPPORTED
Departmental Comment	
The Department supports this reservation application.	
Urban Mobility	
Roads and Infrastructure Management A Petersen	SUPPORTED
Departmental Comment	
The Department supports this Reservation application.	
Safety and Security	
V Botto	SUPPORTED
Departmental Comment	
The Directorate supports this Reservation application and the Directorate and the Law Enforcement branch has agreed to cancel their temporary Reservation over the property.	
Spatial Planning and Environment	
Environment and Heritage Management P Smith	SUPPORTED
Departmental Comment	
<p>The Heritage Resources Section (HRS) has no objection to the proposed reservation of portions of the subject properties, subject to the following conditions:</p> <ul style="list-style-type: none"> • Any proposal that includes activities listed in section 162 of the City’s Development Management Scheme (DMS) will require land use authorisation from the City in accordance with the Municipal Planning Bylaw. • Any proposed development of the site must take cognisance of the urban design guidelines that were developed for the site as part of the 2015 land use application for rezoning and subdivision. <p>These erven are all situated within the Atlantic/Beach Road Heritage Protection Overlay (HPO) zone. As a result, any proposal that involves any of the activities listed below will require land use approval from the City in terms of the Municipal Planning Bylaw.</p> <p>In addition, it is important to note that this site formed part of a land use application for rezoning and subdivision in 2015, which included the development of urban design guidelines to guide future development on this site. Any proposed development will need to take cognisance of these guidelines and would need to provide sufficient motivation for any proposed deviations or areas of non-compliance.</p>	

Economic Growth	
Transversal Real Estate Services T Jackson	SUPPORTED
Departmental Comment	
The branch support this Reservation	
Energy	
Electricity Generation and Distribution Department X Rosenberg	SUPPORTED
Departmental Comment	
An extension has been granted to the Department to provide the conditions of support however due to the urgency of this matter, those conditions will be added in the Final Memorandum to the Director: Property Transactions.	
Economic Growth	
Immovable Property Planning	SUPPORTED
Departmental Comment	
No response was received and no request for an extension was received - in terms of the Operational Procedure for commenting on Property Management transactions, duly signed by the City Manager on 27 May 2014, Departments are required to furnish their comments within the required circulation period, If they do not request an extension to the required response time or provide us with a comment by the stipulated date, they will be deemed to have supported the matter.	

10 VALUATION

Not applicable.

11 CONSTITUTIONAL AND POLICY IMPLICATIONS

Council's policy relating to the Management of Certain of the City of Cape Town's Immovable Property permits the reservation of immovable property for other departments.

12 FINANCIAL IMPLICATIONS

Funding for the required land-use process and maintaining the facility will be provided for by the Community Services and Health Directorate (Community, Arts, and Culture Development Department).

13 LEGAL IMPLICATIONS

None

14 ANNEXURES

ANNEXURE A: PLAN LIS 2483V2

FOR FURTHER DETAILS CONTACT:

NAME YUSUF EBRAHIM MOHAMED CONTACT NUMBER 021 444 2595
E-MAIL ADDRESS YUSUF.MOHAMED2@CAPETOWN.GOV.ZA
DIRECTORATE ECONOMIC GROWTH
FILE REF NO S14/3/12/2/288/00/87191 (1) PTMS NO 130010759

REGIONAL HEAD: RAAFIQ KOLIA

MANAGER: PROPERTY HOLDING
RACHEL SCHNACKENBERG

DIRECTOR: PROPERTY TRANSACTIONS

X

NAME DAWID JOUBERT

APPROVED

REFUSED

REFERRED BACK

COMMENT:

SIGNATURE

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