



COUNCIL DECISION CIRCULAR : MEETING HELD ON 2023-12-11

TO ALL DEPUTY CITY MANAGERS AND HEADS:

Attached please find decisions adopted by the Council at its meeting held on 2023-12-11.

Deputy City Managers and Heads are kindly requested to facilitate implementation of the decisions impacting their Clusters and Units within the applicable timeframes.

Kindly note that the word "**ADOPTED**" marked in bold at the end of the recommendation confirms that the item has been approved by Council and is ready for implementation. Other relevant status will be reflected at the end of the recommendation to indicate the position taken by Council on a particular item.

Should further information be required on any item on the Council agenda, kindly contact:

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- 3.10.1.2 That the market value the property is currently assessed at a value of R618 000.00 (Six Hundred and Eighteen Thousand Rand) council, and Council approves that the proposed alienation for religious purposes be discounted by 90% of fair market value, having duly considered the principles as set out in Regulation 13(2) MATR, the discounted valued is determined to be R61 800.00 (Sixty-One Thousand Eight Hundred Rand, excluding VAT.
- 3.10.2 That Proposed Portion A of Lot Intaba No.: 15006, be sold to the adjoining owner at a purchase price of R61 800.00 (Sixty-One Thousand Eight Hundred Rand), excluding VAT, but this transaction will attract payment of VAT.
- 3.10.3 That the area to be disposed of must be consolidated with the adjoining property ERF 2 Greenbury, however, should that not be possible the area be notarially tied to the adjoining property all cost involved in this transaction shall be borne by the purchaser.
- 3.10.4 That the alienation be approved subject to a reversionary clause stating that, in the event that the property is not utilized for the purpose as indicated in this report, ownership of the property will revert to the Municipality, and in such event the property will be transferred to the Municipality free of any encumbrances, lien, hypothec and mortgage bonds, with the owner signing documents necessary to give effect to such transfer of the property back to the Municipality, and this provision shall be included in the agreement between the owner and the Municipality.
- 3.10.5 That subject to the adoption of paragraphs .1 to.4 above, authority be granted to the Head: Real Estate to sign all documentation necessary to give effect to this transaction in terms of the Supply Chain Management Policy of the Municipality and any other applicable legislation, and that it shall be subject to such further conditions as the Head: Real Estate considers necessary to protect Council's interest.

ADOPTED.

- 3.11 Request for Authority to Conduct Public Participation Process in terms of the Municipal Asset Transfer Regulation 2008, to Grant Right to Use, Control or Manage Proposed Lease over Portion 7 of Erf 7 52 Umlaas in Extent 6940 Square Metres, as Depicted on Hand Plan SJ No. 4780/2 (17/2/1/2/5)
(Page 380: Human Settlements and Infrastructure Committee - Agenda 2023-11-22)

Authority is sought to conduct Public Participation Process in terms of the Municipal Asset Transfer Regulation 2008 ("the MATR"), to grant right to use, control or manage the proposed lease over Proposed Portion described as Erf 752 Umlaas in extent 6940m² as depicted on Hand Plan No.: SJ 4780/2, as detailed in Annexure A of the report by the Head: Real Estate dated 2023-11-02.

Successful tenderer will be responsible for all risks and costs for any other relevant town planning. It is noted that all proposals in respect of the development of the subject property must be compliant with the current Municipal Supply Chain Management Policy, the Current eThekweni Municipal Land Disposal and Granting of Property Rights Policy adopted by the Municipal Council, and any other applicable legislation.

The property will generate approximately monthly revenue of R125 000.00 (One Hundred and Twenty-Five Thousand Rand) or R1 500 000.00 (One Million Five Hundred Thousand Rand) per annum, as income for the Municipality as well as creating job opportunities for the local communities, not only in the construction / upgrade phases, but also once the developments have been completed.

With the Committee being in support of the proposal,

COMMITTEE RECOMMENDS:

- 3.11.1 That authority be granted for the City Manager to facilitate a process of conducting Public Participation Process as envisaged in terms of Regulation 34(3)(a), read together with Regulation 34(3)(b) of the Municipal Asset Transfer Regulation 2008, for the Proposed Granting of Long-Term Right to Use, Control or Manage the property described as Portion 7 Erf 52 Umlaas, in extent 6940m² as depicted Hand Plan No. SJ 4780/2
- 3.11.2 That the public participation be conducted in accordance with the provisions of Regulation 35 of the MATR, including: -
- 3.11.2.1 Inviting the local community and other interested parties to submit comments or representations.
- 3.11.2.2 Soliciting the views and recommendations of the national treasury and the provincial treasury
- 3.11.2.3 Complying with Section 21A of the Local Government Municipal Systems Act No. 32, by publishing notification through the media, in a local newspaper published in the area of jurisdiction of the Municipality, in a newspaper circulating in its area of jurisdiction and determined by the Municipality as a newspaper of record or by means of radio broadcast covering the area of jurisdiction of the Municipality.
- 3.11.3 That authority be granted for the Head: Real Estate to sign all documents necessary to give effect to the above-mentioned recommendations.

Financial Implications

The subject property will generate an approximately monthly revenue of R125 000 (One Hundred and Twenty-Five Thousand Rand) per month or R1 5000 000 (One Million Five Hundred Thousand Rand) per annum.

ADOPTED.

- 3.12 Proposed Transfer of Eerven 728 and 729 Kwa-Mashu G: Plan No SJ 4723/7 Extent 1 190m² (17/2/1/2/3)
(Page 408: Human Settlements and Infrastructure Committee - Agenda 2023-11-22)

COMMITTEE RECOMMENDS:

- 3.12.1 That the Municipality declares in terms of Regulation 5(1)(b) read with Regulation 7 and Regulation 11 of the Local Government: Municipal Asset Transfer Regulations, 2008 (MATR) Section 14 (2) (a) and (b) of the Local Government Municipal Finance Management act, No 56 of 2003 (MFMA) that:
- 3.12.1.1 Proposed Properties described as Erven 728 and 729 Kwa-Mashu G in extent 346m² & 844m² respectively as depicted on Plan No SJ743/7 are not required to provide the minimum level of basic Municipal services and the Municipality has considered fair market value for the properties and the economic and community value to be received in exchange for the asset.