



## **CITY OF JOHANNESBURG COUNCIL**

**MINUTES OF THE 18<sup>th</sup> ORDINARY COUNCIL MEETING OF THE CITY OF JOHANNESBURG MUNICIPALITY, HELD ON THURSDAY, 29 FEBRUARY 2024, AT 10:00 AT THE CONSTANCE CONNIE BAPELA COUNCIL CHAMBER, BRAAMFONTEIN.**

**SPEAKER OF COUNCIL  
CLLR M ARNOLDS**

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**COJ LEGISLATURE**

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**MEMBERS PRESENT**

The Speaker: Councillor M S Arnolds

The Executive Mayor: Councillor K Gwamanda

Abdool, F	Kgeletsane, M O
Amad, T	Khanyile, N M
Avant-Smith, C	Khumalo, X I
Baloyi, D L	Koekemoer, M
Benjamin, R F	Komane, S A
Bittkau, R	Kreusch, S
Boer, C	Kunene, K
Bolani, M G	Kwapeng, C
Brand, D G	Lebea, M G
Buthelezi, T C	Lefutso, L
Chabalala, M D	Leitch, A N
Chame, F	Leshilo, R S
Chauke, K L	Lobi, M
Chetsanga, H	Louw, M A
Christians, A	Maake, M J
Coogan, L C	Mabaso, M P
Crichton, M	Mabuke, T A
Da Gama, V M	Mabuza, S K L
Da rocha, C M D	Machethe, S
Dammie, B H	Madiba, T J
De Lange, F C	Magwaza, B L P
Deppe, A J	Magwentshu, L C
Dewes, D S	Makamo, S S
Dladla, D	Makhafola, E
Dlamini, B	Makhuba, H N
Doyle, T	Maluleka, T
Echeozonjoku, B C	Manganyi, D B
Foley, D T	Mangena, T D
Fourie-Shawe, C	Marais, A F
Francisco, D B	Marais, S I
Fresling, R R	Marema, V A
Galeshewe, T M	Marumo, T
Goosen, J W	Masera, H
Harman, L J (DA)	Mashinini, S
Harris, R	Masuku, L
Hlatshwayo, S M	Maswazi, R
Hoén, J N	Mathe, G
Hooper, R S	Mathe, Z E
Horwitz, J	Mavhona, L S
Huggett, E A	Mazibuko, A L
Hughes, Z	Mazibuko, N
Ismail-Moosa, I	Mazibukwana, M
Jacobs, B	Meyers, T
Jacobs, K	Mgaga, B
Jonker, N	Mgcina, S E

Mhlari, T M	Niemand, G J
Mhlongo, T A	Nkokou, T P
Mkasi, G	Nkomo, B
Mkhize, T	Nkomo, P T
Mkhonza, N F	Nkosi, R A L
Mmbengwa, M N	Nkubungu, L
Mmota, L	Nkwanyana, P B
Mngadi, W B	Nofemela, N
Mnisi, N D	Nonkumbi, I M
Mnyameni, M	Ntoele, N L
Modladlaba, D S	Nyembe, M M
Modupi, D N	Nyembe, Z P
Moepi, N J D	Nzimande, C
Moeti, O T	Papo, M M
Mofokeng, J	Pelzer, R
Mofokeng, M P	Phometsi, P S
Mogapi, T A	Pietersen, J
Mokoari, Z	Pietersen, N
Mokoena, G	Radebe, T T
Mokome, J M	Rafferty, P D
Mokwena, T M	Rahn, N J
Molefe, M	Raholane, M W
Molefe, S B	Ramafikeng, D J
Molise, L D	Rambani, N S
Moloisane, D	Raphadu, A T
Morero, S E	Raseruthe, S H
Mosehla, K J	Reddy, V M
Mothopi, O Z	Reinten, I M
Mphaho, M A	Roberts, F C
Mphefo, L M P	Rohlssen, C K
Mpolobosho, M M	Santana, C G
Mpotulo, G S	Schay, D
Mulelu, M	Seema, S M
Mutavhatsindi, N T	Seerane, M K
Nair, R K	Sekhu, M V
Ncube, W M	Sekwaila, B J
Ndlela, M C	Sesedinyane, M I
Ndou, N L	Shackleford, L M
Ndou, P	Shange, P A
Ndou, P	Sherman, G J
Ndzondo, C M	Sifumba, N
Nenemba, T	Simelane, P
Nethamba, R	Simelane, S O
Ngema, S V	Sindani, F P
Ngoepe, C S	Smit, P A
Nguse, S	Steenkamp, D
Ngwenya, F N	Steer, B
Ngwenya, J A	Stewart, A J
Nhlapo, C P	Suddaby, J

Sun, Y H  
Supe, N P  
Tabane, M C  
Tambani, P S  
Tefu, P V  
Telekoa, A T  
Tshwaku, M  
Tsheddo, J G  
Tshehlo, G J  
Tsotetsi, L Y M

Twala, Y A  
Van Dyk, N J  
Wax, K P  
Williams, M C  
Wilskut, D  
Xuma, L  
Zazini, A  
Zitha, S L  
Zondo, L T  
Zungu, N G

## 1 OPENING

*The Speaker requested Council to observe a moment of silence.*

*She proceeded to open the meeting and extended a warm welcome to the Executive Mayor of the City of Johannesburg, Councillor Kabelo Gwamanda, Whip of Council, Councillor N Zungu, the Chair of Chairs, Councillor L. Phillips (in absentia), all Political Party Leaders and Whips, Members of the Mayoral Committee, Chairpersons of the Section 79 Committees, fellow Councillors, City Manager Mr. Floyd Brink, Acting Secretary to Council Mr. Andile Gobinca, officials of the City of Johannesburg, residents, members of the media, and all attendees present to the 18<sup>th</sup> Ordinary Council meeting of the City of Johannesburg Municipality.*

*She thereafter addressed Council as follows:*

*“Councillors, please join me in welcoming back the whip of council following the shooting incident where he got injured and was hospitalised. We thank the almighty for healing your wounds and ensuring you are here with us today to continue carrying out your responsibilities as a Councillor and as the Whip of Council.*

*Furthermore, please join me in wishing a speedy recovery to all Councillors who are not well health wise, and those that the office is aware of are Councillor Amod, Councillor Liebenberg, and the Chair of Chairs, Councillor Phillips, we pray that they get well soon.*

*We are all aware that the general elections day has been announced, and the big day is the 29<sup>th</sup> of May 2024. We encourage the citizens of South Africa, those who qualify as voters to exercise their Constitutional Right by going to vote. We wish all the political parties that will be contesting the general elections well in their various campaigns.*

*Councillors, please note that as indicated by the Executive at the Programming Committee held on 20<sup>th</sup> February 2024 that the Mayoral Committee would meet on 22<sup>nd</sup> February 2024 and might submit a request to include additional reports to the Council if needs be. As a result, we received three additional reports and those were received timeously and included in the agenda as items 37, 38 and 39. Councillors received the items well in advanced.*

*I have received a request from the Executive to elevate the following reports to be considered first when dealing with recommendations to Council, and the request is for the items to be considered in the following order.*

*Item 40 - 2023/24 MID-YEAR REVIEW OF THE INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP), DEPARTMENTAL AND MUNICIPAL ENTITIES BUSINESS PLANS*

*Item 41 - OPERATING ADJUSTMENT BUDGET FOR THE 2023/24 FINANCIAL YEAR.*

*Item 42 - CAPITAL ADJUSTMENT BUDGET FOR THE 2023/24 FINANCIAL YEAR.*

- Item 43 - 2023/2024 INSTITUTIONAL SDBIP MID-YEAR SERVICE LEVEL STANDARDS REVIEW, (DEVIATION AND ADJUSTMENT) FOR CONSIDERATION AND APPROVAL BY COUNCIL.*
- Item 44 - REQUEST FOR APPROVAL TO GRANT USER RIGHTS TO PUBLIC TRANSPORT OPERATORS WITHIN THE CITY OF JOHANNESBURG FOR THE USAGE OF DESIGNATED AND CATEGORISED PUBLIC TRANSPORT FACILITIES HR ITEMS*
- Item 35 - RECRUITMENT AND APPOINTMENT PROCESS OF THE CHIEF: EMERGENCY MANAGEMENT SERVICES (EMS) POSITION WITHIN THE PUBLIC SAFETY DEPARTMENT*
- Item 36 - COMMENCEMENT OF RECRUITMENT AND SELECTION PROCESS FOR THE EXECUTIVE DIRECTOR: ECONOMIC DEVELOPMENT POSITION*
- Item 37 - COMMENCEMENT OF RECRUITMENT AND SELECTION PROCESS FOR THE EXECUTIVE DIRECTOR: ENVIRONMENT AND INFRASTRUCTURE SERVICES DEPARTMENT POSITION*
- Item 38 - RECRUITMENT AND APPOINTMENT PROCESS OF THE CHIEF OF POLICE: JOHANNESBURG METROPOLITAN POLICE DEPARTMENT (JMPD) POSITION WITHIN THE PUBLIC SAFETY DEPARTMENT*
- Item 39 - ACTING ARRANGEMENTS FOR SENIOR MANAGERS (SECTION 56)''*

*And thereafter all other items follow the sequence as appearing in the agenda.*

*A special welcome was extended to all political leaders, church leaders, representatives from the taxi industry and guests who were present in the gallery.*

*The Speaker brought to the attention of the Council that Eldorado Park does not have water, which resulted in some Councillors being absent. She requested the Legal Advisors to verify the number of Councillors present so as to confirm quorum. Additionally, she urged all Councillors to be seated by 09:45 -09:50 on the day of the Council meeting so that the proceedings could resume promptly at 10:00.*

*Councillor Sifumba (DA) expressed gratitude to the Speaker for emphasizing the importance of punctuality among Councillors. She then brought forth a concern to the Speaker regarding an area outside the Chamber that required a caution sign. She highlighted an incident involving MMC Morero, who had fallen in that area due to the absence of a caution sign.*

*The Speaker indicated that the matter had not been brought to her attention. She committed to ensuring that a caution sign is promptly placed in the area to mitigate any potential safety risks.*

*She reported that there were 146 Councillors present, confirming that there was quorum and that the meeting can proceed. Additionally, she urged Councillors who were entering the Chamber to do so in silence.*

## 2 APPLICATIONS FOR LEAVE OF ABSENCE

*The following applications for leave of absence from this meeting were granted:*

<i>Councillor Amod, C J</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Finn, C E</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Knott, L R</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Landis, R</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Maila, S M</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Molefe, E W</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Mphahlele, M</i>	<i>:</i>	<i>Private Business</i>
<i>Councillor Nontenja, C T</i>	<i>:</i>	<i>Urgent Private Business</i>
<i>Councillor Phillips, L E</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Radebe, N P</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Ramaru, G</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Simonse, L C</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Truluck, T F</i>	<i>:</i>	<i>Illness</i>
<i>Councillor Van der Merwe, M</i>	<i>:</i>	<i>Private Business</i>

*Apologies for late arrival were received from the following councillors:*

*Councillor Kaldine, J*  
*Councillor Mabaso, M P*  
*Councillor Mkhonza, N F*  
*Councillor Morero, S E*  
*Councillor Ponsonby, D A*

*The following councillors were granted permission to leave the meeting early:*

<i>Executive Mayor, Councillor Gwamanda, K</i>		
<i>Councillor Raseruthe, S H</i>	<i>:</i>	<i>12:00</i>
<i>Councillor Tshwaku, M</i>	<i>:</i>	<i>12:00</i>
<i>Councillor Makhafola, E</i>	<i>:</i>	<i>13:00</i>
<i>Councillor Roberts, F C</i>	<i>:</i>	<i>15:00</i>
<i>Councillor Mkhonza, N F</i>	<i>:</i>	<i>16:30</i>

*Councillor Magwentshu, L C, has been granted leave of absence to depart by 10:00 and to return by 12:00.*

*The following applications for leave of absence from the ACTIONSA caucus were granted due to party business:*

*Councillor Atterbury, E*  
*Councillor Bini, L*  
*Councillor Chuma, A T*  
*Councillor Coutriers, M J*  
*Councillor Coverdale, D L T*  
*Councillor Davids-Green, L C*  
*Councillor Durand, G V M*  
*Councillor Edward, N*

*Councillor Gantsho, L*  
*Councillor Jainoodeen, Z*  
*Councillor Johnson, N*  
*Councillor Lebatlang, T Z*  
*Councillor Liebenberg, E*  
*Councillor Mabelebele, S S*  
*Councillor Mabunda, T E*  
*Councillor Machaba, L M U*  
*Councillor Majola, S*  
*Councillor Mashala, K*  
*Councillor Masoga, L M*  
*Councillor Matabane, O*  
*Councillor Mchunu, A*  
*Councillor Mkhonto, M S*  
*Councillor Moatshe, K*  
*Councillor Modukanene, L C*  
*Councillor Mohlala, C*  
*Councillor Mohlala, P K*  
*Councillor Mokoka, M L*  
*Councillor More, E*  
*Councillor Mposula, T*  
*Councillor Mthembu, M N*  
*Councillor Munyayi, V E*  
*Councillor Nefdt, P W*  
*Councillor Ngobeni, L M*  
*Councillor Ngwetsheni, M M*  
*Councillor Nkomo, E T*  
*Councillor Nkonyeni, S P*  
*Councillor Ntombela, M J*  
*Councillor Ntshidi, T E*  
*Councillor Rakosa, P M*  
*Councillor Shumba, K A*  
*Councillor Sobey, A*  
*Councillor Van Wyk, W M*  
*Councillor Wissler, S T J*  
*Councillor Zwane, S*

### 3 OFFICIAL NOTICES

*The Speaker wished the following Councillors well who celebrated their birthdays during the month of February.*

SURNAME	NAME
Bittkau	Ralf
Nontenja	Thandiwe
Nkubungu	Luyolo
Da Rocha	Carlos
Moeti	Olivia
Knott	Leah
Mabaso	Mlungisi
Marema	Vhonani
Zungu	Nkosephayo
Sekhu	Matsobane
Ngoepe	Charmaine
Mabuza	Kentina
Kwapeng	Cambridge
Goosen	Johannes
Zondo	Lindani
Baloyi	Dzunisani
Nyembe	Mkhuliseni

#### 3.1 Statement by the Executive Mayor

*The Executive Mayor addressed the Council with the following remarks:*

*“Thank you very much, Speaker Council, allow me to take this opportunity to acknowledge you, Councillor Margaret Arnolds. I would also like to take this opportunity to acknowledge the Chief Whip of Council and Chair of Chairs. And acknowledge the Members of the Mayoral Committee, the head of administration in absentia, acknowledge all the political parties that are both present and absent that are represented in the City of Johannesburg. Let me acknowledge our guests in the gallery and acknowledge the residents of the City of Johannesburg.*

*Madam Speaker, allow me to first extend an apology that you needed to use a cup, but I must say you look beautiful for someone who was subjected to that kind of condition. Madam Speaker, the issue of wards 17 and 18 was brought to my attention yesterday, and I deployed the Chief Operating Officer of the City of Johannesburg to deal with the*

*matter. As you know, it is an interdependency between Joburg Water and Rand Water. Equally, to register Madam Speaker, I have been, in fact having meetings with Rand Water, and Rand Water is extremely concerned about our water consumption in the City of Johannesburg.*

*So, Speaker, there is a spiking trajectory in our water consumption in the city. The City of Johannesburg consumes 18% of the 40% of the total water that Rand Water supplies to the province, which is Gauteng. And it is a concern, Madam Speaker, because out of all the municipalities the City of Johannesburg is the highest, but equally so. Madam Speaker, as you noted in the statistics, the City of Johannesburg is said to have lost 2 million people between last year and this year, and yet our consumption is ridiculously high.*

*I would like to register that there is a technical task team comprising members from Rand Water and Joburg Water. We are working on what is the opposition refers as the technical and non-technical losses to try to mitigate, firstly on that part so that we can continuously monitor the source of our water losses Madam Speaker for the preservation of our water security. As we put in place plans for our water treatment facilities as the City of Johannesburg.*

*So, our plans are underway, Madam Speaker, as the city to deal with water shortages in the City of Johannesburg. I just wanted to acknowledge that we are aware, and we ask our residents to be patient with us. We will deploy the necessary mitigating measures in the process of any disruption encountered between now, and we can put in place permanent solutions to the challenges. Madam Speaker, we are looking forward to the discussions of the day, hoping that they will be robust and very constructive and that we will, as a Council of Johannesburg, demonstrate that we always put our residents first. Thank you very much, Madam Speaker, and let me hand back over to you."*

*The Speaker pleaded with Councillors on both sides to refrain from making noises while a Councillor was speaking at the podium.*

#### **4 CONFIRMATION OF MINUTES**

(17<sup>th</sup> Ordinary Meeting held on 31 January 2024)

*Both Councillor Smit (ACDP) and Councillor Avant-Smit (DA) moved for the adoption of the minutes.*

RESOLVED

That the minutes of the 17<sup>th</sup> Ordinary meeting held on 31 September 2023 be taken as read and confirmed.

**5 (a) QUESTIONS FOR ORAL REPLY OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 105(1) OF THE STANDING RULES AND ORDERS OF COUNCIL**

*Councillor Huggett (DA) asked the following question for oral reply to the MMC of Development Planning in accordance with Rule 105(1) of the Standing Rules and Orders of Council:*

*With regards to the letter sent to the MMC for Development Planning on 8 December 2023 on the state of illegal building and land use in Orange Grove and Norwood:*

- 1. Would the MMC please indicate the progress on tackling these abuses of the City's By-Laws?*

*MMC Mgcina (ANC) addressed the Council, expressing gratitude to Councillor Huggett for raising the question.*

*She stated that in terms of the letter that Councillor Huggett referred to regarding ERF 287 in Norwood, the matter underwent investigation, and a contravention notice for a place of amusement was issued. The property was subsequently referred to rates penalty imposition. Further investigations will be conducted to determine the compliance status of that site. If it is found that the property still does not comply, the matter will then be referred to litigation.*

*She explained that on ERF 3/93 and ERF 3/94 in Norwood, inspections were conducted on December 12th, 2023. During these inspections, it was observed that a building line relaxation application had been submitted to the Council for consideration, as indicated by a site note. However, a contravention notice was issued due to encroachment on the building line. Follow-up inspections are scheduled to be carried out before the end of the month. It is possible that officials already have this information, and she expressed willingness to share it with Councillor Huggett.*

*In terms of ERF 426 in Norwood, specifically 90 Iris Road, an investigation was conducted which resulted in the issuance of a contravention notice for operating a motor vehicle workshop. Subsequently, the property was referred for rates penalty imposition. Additionally, it is recommended that the matter be referred to Group Legal and Contracts for litigation.*

*Regarding ERFs 2/289, 1/289, 2/290, 1/290, and 2/291 in Norwood, located at 95 and 100 Iris Road, inspections were conducted on December 12th. Subsequently, a contravention notice was issued to the property owner, expiring on January 31, 2024. A follow-up inspection is scheduled to be carried out before the end of February, and updated information will be reported thereafter.*

*In conclusion, she stated that she would conduct oversight visits the following week to ensure that the information provided by officials accurately reflects the situation on the ground.*

*Councillor Fourie-Shawe (DA) asked the following question for an oral reply to the MMC of Health and Social Development in accordance with Rule 105(1) of the Standing Rules and Orders of Council:*

*There is a homelessness crisis in Johannesburg with estimates by officials that, 15000 people currently live on the streets, parks, and open spaces of the city. Many come here for opportunities that they never realize or find themselves in dire circumstances needing help. The government should ensure that the most vulnerable among us are safeguarded and uplifted, yet the men, women and children who fend for themselves on the streets are left destitute by the lack of a safety net.*

*Given this crisis:*

1. *Has the Social Development department, under the constraints of the political will of its MMC, engaged with the Joburg Property Company to find a use for the many dilapidated and underutilized public properties? To provide temporary housing while engaging with the best-placed NGOs to manage the facilities efficiently?*

*MMC Makhafola, in her response confirmed that as part of the process of developing the shelters, the Social Development Department does engage with Johannesburg Property Company (JPC) to identify areas or buildings that would be utilised and developed into shelters. She indicated that the city owned shelters form part of the safety net for those who are homeless and highlighted that these services are communicated through outreach community awareness programs. She added that the department aims to have shelters in all regions and further indicated that currently the following shelters form part of the city owned shelters:*

- *Region B – Windsor West shelter in 23 Knight Street*
- *Region C – Shelter in Dan Street*
- *Region F – Shelter in 3 Kotze Street*
- *Region G – Shelter Sodiak Circle Devland, plot number 2161, is currently under construction.*

*She mentioned that Council should note that the Department is unable to reopen three (3) shelters in Region F, which have been closed since December 2023 due to maintenance being done on the shelters. She added that the shelter in Windsor West will also be closed temporarily with beneficiaries being directed to other shelters. She indicated that this is due to the repairs and maintenance challenges currently being experienced impacting the day-to-day operations, however, temporary housing provisions and the development of such houses fall within the scope of the Human Settlement.*

*Councillor Fourie-Shawe (DA) raised a concern that two (2) of the shelters would be temporary closed. The city only has three (3) shelters operating, and the fourth shelter is under construction, as per the Section 79 reports impacting thousands of destitute people. She mentioned that she hoped that the administration would at least follow up on this one commitment for the sake of these destitute people.*

*Councillor G Sherman (DA) was absent from the Council meeting. Therefore the question (OQHS012) directed to MMC for Human Settlement for an oral reply in terms of Rule 105(1) of the Standing Rules and Orders of Council was not dealt with in the meeting.*

*Councillor Ngoepe (ANC) asked the following question for oral reply to the MMC of Human Settlement in accordance with Rule 105(1) of the Standing Rules and Orders of Council:*

*Noting that:*

*One of the fundamental values of our constitution is human dignity, section 195 of the constitution includes providing services in an impartial, fair, and equitable way, without bias.*

*Meriting informal settlement Ext 22 in Ward 92 was established 21 years ago. To date the area still needs to be developed, with no infrastructure investment or development seen.*

- 1. Can the MMC outline the city's plan for development of the community in question during this financial year.*
- 2. If there is a plan, when will it be implemented?*

*MMC Leitch, in her response stated that she shares Councillor Ngoepe's concerns regarding the needs of the people in Meriting informal settlement in Region A. She indicated that she is aware that the informal settlement appears on the list of the informal settlements that are currently in the process of being upgraded through the city's upgrading of informal settlement program (UISP). She highlighted that the Meriting informal settlement is an informal settlement with 554 structures that the Department has enumerated and that the land where meriting informal settlement is located can only yield 443 units during the upgrading process. Therefore, there is an overflow of at least 114 households who will have to be relocated from meriting to an alternative location of land to be able to implement phase two of the UISP at Meriting.*

*She stated that the land that was earmarked to accommodate that overflow in Allendale is currently being invaded and is working on a solution to evict the land invaders. She added that they stand to lose that battle if they move the Meriting households to the site before resolving these evictions. She mentioned that the people helping themselves to the land of the province and the city are effectively denying the residents of meriting the chance to have a better life, which is not something the city should easily stand for. She further mentioned that the Housing Development the agency was appointed by the Department to manage the meriting upgrade, however, as it stands, the Department therefore considers the project of upgrading paused until it is resolved, or it has resolved the matter of freeing up the alternative locations. She indicated that she is currently following up on the matter and agreed with the Councillor that Meriting residents cannot be made to wait indefinitely.*

*In her follow up question, Councillor C Ngoepe (ANC) enquired about the timeliness of evicting the people that invaded the land and stated that the land was provided by province to the city, however, the MMC allowed the land to be invaded.*

*MMC Leitch, in her response, stated that currently she cannot provide an exact stipulated timeframe. However, would be following up with the Department and will revert to Councillor C Ngoepe as soon as she has a direct answer to her question.*

*Councillor T Meyers (DA) withdrew his question (OQTRN011) that was directed to MMC Transport for oral reply in terms of Rule 105(1) of the Standing Rules and Orders of Council:*

## **(b) QUESTIONS FOR WRITTEN REPLY OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 105(2) OF THE STANDING RULES AND ORDERS OF COUNCIL**

*The Executive Mayor indicated that answers to questions (question paper 020-2024) that were submitted for the Council meeting scheduled for 29 February 2024 have been signed and loaded on the link.*

## **(c) EXECUTIVE MAYOR'S QUESTION TIME OF WHICH NOTICE HAS BEEN GIVEN IN TERMS OF RULE 112(4) OF THE STANDING RULES AND ORDERS OF COUNCIL**

*The Speaker informed the Council that one question was directed to the Executive Mayor. However, it was determined that the question did not meet the requirements outlined in the Standing Rules and Orders of Council. As a result, the question was rejected.*

## **6 RECOMMENDATIONS TO COUNCIL**

Item 1 PROPOSED LEASE OF A PORTION OF  
ERF 671 COSMO CITY

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulation 2008, portion of Erf 671 Cosmo City, measuring approximately 2 618m<sup>2</sup> is not required for the municipality's own use during the period, the right to use, control or manage is granted.

- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, portion of Erf 671 Cosmo City measuring approximately 2 618m<sup>2</sup>, be leased at no less than R24 508.00 (Twenty Four Thousand Five Hundred and Eight rand) per month excluding VAT escalating at 8% per annum for a period of nine (9) years and eleven (11) months subject to the following conditions:
- (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That the Lessee will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance.
  - (6) That all building lines should be retained.
  - (7) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (8) That all existing servitudes on the property shall be protected at the cost of the Lessee.
  - (9) That the Lessee shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (10) That all administrative and incidental costs of the lease shall be for the Lessee's account.
  - (11) That consultations with the affected minibus taxi associations be a requirement and these consultations must be concluded prior to the finalisation of the lease.

- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Busisiwe Khathide)  
 (Tel. (010) 219 -9000)

Item 2 PROPOSED LONG TERM LEASE OF  
 ERF 13116 IVORY PARK EXTENSION 12  
 FOR BUSINESS PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulations, Erf 13116 Ivory Park Extension 12, measuring approximately 1 459m<sup>2</sup> in extent is not required for the Municipality's own use during the period, the right to use, control or manage is granted for 30 years.
- 2 That in terms of regulation 34(1)(b) and 36 of the Asset Transfer Regulation, the Lease of Erf 13116 Ivory Park Extension 12 be approved.
- 3 That, the lease be granted in accordance with the provisions of Section 79(18) (a) of the Local Government Ordinance, No 17 of 1939, as amended, and that notice of the Council's decision herein be published in compliance with the provision of Section 79(18)(b) of the Local Government Ordinance.
- 4 That the City of Johannesburg will receive a monthly rental of R 10 533.00 (Ten Thousand Five Hundred and Thirty-Three Rand) per month excluding VAT escalating at 8% per annum for leasing Erf 13116 Ivory Park Extension 12 subject to the following conditions:
  - (1) That, the tenant shall be liable for all costs involved in the leasing of Erf 13116 Ivory Park Extension 12 as may be required by all relevant Town Planning requirements as a condition.
  - (2) That all Emergency Management Services By-laws be complied with and adhered to.
  - (3) That, access, and stormwater management to the satisfaction of the JRA.
  - (4) That, Parking to be provided on site according to the city of Johannesburg Land Use Scheme, 2018.
  - (5) That, any amendment to the approved land use rights should follow the normal procedure through the COJ department of development planning and urban management.

- (6) That, any JRA service (Roads and stormwater) to be protected by means of a servitude.
  - (7) That, a site layout plan must be circulated to the JRA for approval prior to the site being used for the intended purpose.
  - (8) That, any cost for upgrading, relocation, removal, provision and installation of services shall be borne by the applicant.
  - (9) That, conflicts between vehicles and pedestrians are minimised at the development access through the provision of pedestrian gate.
  - (10) That, the use of the property shall ensure that 2m sidewalks are provided along the property frontages and shall be in accordance with the City of Johannesburg Complete Street Design Manual and shall comply with universal access requirement to accommodate special needs passenger.
  - (11) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
- 5 That all administrative and incidental costs of the lease be for the tenants' account.
  - 6 That no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - 7 That, the tenant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - 8 The Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nthabiseng Sishi)

Item 3 ACQUISITION OF ERVEN 87 AND 88 BERE  
FOR HOUSING DEVELOPMENT AND USE PURPOSES

RESOLVED

- 1 That in terms of Section 79 (24)(a)(i) of the Local Government Ordinance 17 of 1939 read with the Asset Transfer Regulations, 2008, and the Supply Chain Management Policy for Land (SCMPL) of the City Erven 87 and 88 Berea ("the Properties") be acquired for housing development and use purposes, on a willing buyer-willing seller basis at not more than their market value to be determined by an independent valuer before registration stage ensues.
- 2 That all costs relating to and incidental to this acquisition will be borne by the Johannesburg Housing Department which confirmed budget availability under Vote Number WBS: 49-16004.350.0010.
- 3 That the Housing Department will be responsible for the upkeep, security, and maintenance immediately upon transfer on a willing buyer / seller basis.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which to expropriate the properties in terms of the Local Government Ordinance and applicable legislation.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd be authorised to sign the land acquisition agreements and any other documents related to the acquisition of the land.
- 6 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd or her nominees be authorised to sign all documentation to give effect to this transaction in terms of applicable legislation.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Lauretta Nkolele)  
(Tel. 010 219-9000)

Item 4 PROPOSED LONG-TERM LEASE AND DEVELOPMENT OF ERF 9467 & 9468 STRETFORD EXT 6 TOWNSHIP FOR COMMUNITY PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulation 2008, Erf 9467 & Erf 9468 Stretford Ext 6, measuring approximately 796 m<sup>2</sup> & 1861 m<sup>2</sup> (2 657m<sup>2</sup>) are not required for the municipality's own use during the period, the right to use, control or manage is granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 9467 & Erf 9468 Stretford Ext 6 measuring approximately 796 m<sup>2</sup> & 1861 m<sup>2</sup> (2 657m<sup>2</sup>), be leased at no less than R6 000.00 (Six Thousand rand) per month excluding VAT escalating at 4% per annum for a period of no less than twenty (20) years and that it should be reviewed at 5 years intervals subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That the Lessee will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
  - (6) That all building lines should be retained.
  - (7) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (8) That all existing servitudes on the property shall be protected at the cost of the Lessee.
  - (9) That the Lessee shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (10) That all administrative and incidental costs of the lease shall be for the Lessee's account.

- (11) That the following condition of Environment Infrastructure and Services shall be complied with:
- (a) Access and stormwater management to be to the satisfaction of the JRA.
  - (b) No parking or encroachment is permitted on the road reserve. Parking must be provided internally, according to the relevant town planning scheme.
  - (c) Any amendment to the approved land use rights should follow the normal procedure through the COJ department of development planning and urban management.
  - (d) Any cost for upgrading relocation, removal, provision, and installation of services shall be borne by the applicant.
- (12) That Eskom conditions be complied with:
- (a) The applicant should apply to the relevant Eskom Customer Services if additional supply is required
  - (b) Please note that, under no circumstances will any relocation work proceed prior to the submission of a formal application to Eskom Customer Services and the acceptance of the relocation costs by the applicant. A formal application for the relocation of Eskom services must be submitted at least three months prior to the commencement of any construction work.
  - (c) Eskom must always have ingress to and egress from its services.
  - (d) Eskom will not allow any encroachment whatsoever e.g. buildings, dams, dumping etc. onto its servitude.
  - (e) Future building, civil electrical, water and sewerage services plans must be presented to Eskom for perusal and approval prior to any work proceeding in the vicinity of Eskom services.
  - (f) Eskom consent does not relieve the applicant from obtaining the necessary statutory, landowner or municipal approvals.
- (13) Community Development & Development Planning advises that the properties be used for “community Facility/Institutional” which permits uses for: institutions, places of instruction, social halls, and religious purposes.
- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Busisiwe Khathide)  
(Tel. (010) 219 9000)

Item 5 PROPOSED LEASE OF ERF 4825  
TSHEPISONG TOWNSHIP

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulation 2008, Erf 4825 Tshepisoong, measuring approximately 4 427m<sup>2</sup> is not required for the municipality's own use during the period, the right to use, control or manage is granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 4825 Tshepisoong measuring approximately 4 427m<sup>2</sup>, be leased at no less than R5 500.00 (Five Thousand Five Hundred rand) per month excluding VAT escalating at 8% per annum for a period of nine (9) years and eleven (11) months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
    - (2) That all building plans are to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That the Lessee will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
  - (6) That all building lines should be retained.
  - (7) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (8) That all existing servitudes on the property shall be protected at the cost of the Lessee.
  - (9) That the Lessee shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (10) That all administrative and incidental costs of the lease shall be for the Lessee's account.

- (11) That the following conditions of Emergency Management Services shall be complied with:
- (a) Building plans to be submitted to Local Authority.
  - (b) Comply with EMS By-laws.
  - (c) Access to emergency vehicles to be provided.
- (12) That the following condition of JRA shall be complied with:
- (a) Access to be located and constructed to the satisfaction of the JRA
  - (b) Stormwater management is required to the satisfaction of the JRA
  - (c) Parking to be provided on-site as per the relevant Town Planning Scheme. No parking will be allowed on the road reserve.
  - (d) It must be noted that the final approval of the parking ratio lies with CoJ Land use Management
  - (e) Prior to development, as Site Development Plan addressing parking, access, and vehicle manoeuvring space must be submitted to the Council for approval
- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Busisiwe Khathide)  
 (Tel. (010) 219 9000)

Item 6 PROPOSED LEASE OF ERF 163 ROODEPOORT  
 NORTH FOR COMMUNITY PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulations, the lease of Erf 163 Roodepoort North, measuring approximately 495m<sup>2</sup> in extent is not required for the Municipality's own use during the period, the right to use, control or manage is granted for 9 years and 11 months.
- 2 That in terms of regulation 34(1)(b) and 36 of the Asset Transfer Regulation, the Lease of Erf 163 Roodepoort North be approved.
- 3 That the City of Johannesburg will receive a monthly rental of R 3 000.00 (Three Thousand Rand) per month excluding VAT escalating at 4% per annum for leasing Erf 163 Roodepoort North subject to the following conditions:

- (1) That, the tenant shall be liable for all costs involved in the leasing of Erf 163 Roodepoort North as may be required by all relevant Town Planning requirements as a condition.
  - (2) That all Emergency Management Services By-laws be complied with and adhered to.
  - (3) That, the tenant should note that the Johannesburg Water reserves the right to special access to its existing services for repairs and maintenance within its service.
  - (4) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
- 4 That all administrative and incidental costs of the lease be for the tenants' account.
  - 5 That no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - 6 That, the tenant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - 7 That the proposed lease shall be done in compliance with Section 79(18)(a)(i) of the Local Government Ordinance 17 of 1939 (the "Ordinance").
  - 8 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nthabiseng Sishi)

Item 7 PROPOSED SALE OF A PORTION  
ADJACENT TO ERF 125 OAKDENE  
EXTENSION 1

WITHDRAWN

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Johan Jansen Van Vuuren)  
(Tel. (010) 219 -9000)

Item 8 LEASE OF ERF 3822 IVORY PARK  
EXTENSION 6 FOR COMMUNITY  
FACILITY DEVELOPMENT PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 (1)(b) and 36 of the Asset Transfer Regulations Erf 3822 Ivory Park Ext 6 is not required for the municipality's own use during the period for which the lease will be granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 3822 Ivory Park Ext measuring approximately 1 992 m<sup>2</sup> be leased for the purposes of a Community Facility Development at a market related monthly rental income of R 12 000.00, excluding VAT, rates and taxes with an escalation of 4% per annum for a period of (9) nine years and (11) eleven months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That applications for the amendment of the existing land use rights must follow a procedure through COJ: Town Planning Department.
  - (6) That no rezoning of the property will be permitted for the duration of lease period.
  - (7) That no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - (8) That all access is to be located and constructed to the satisfaction of the Joburg Roads Agency.
  - (9) That all building lines should be retained.
  - (10) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
  - (11) That all existing servitudes on the property shall be protected at the cost of the lessee.

- (12) That the applicant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (13) That a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up to date at the time of the expiry of the lease agreement or vacation of the property, subject to the property being returned in a clean and tidy condition.
  - (14) That all administrative and incidental costs of the lease shall be for the applicant's account.
  - (15) That the tenant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City i.e. Community Facility and Social related activities.
  - (16) That storm water management is required to the satisfaction of the JRA, Access to the property should be to the satisfaction of JRA, Stormwater drainage is to be to the satisfaction of JRA and EISD, Existing servitudes over the property are to be protected, Building lines are to be retained, Applications to be submitted to the JRA for comments before any land use and zoning changes.
  - (17) That Conflicts between vehicles and pedestrians are minimised at the development access, through the provision of pedestrian gate. The use of the property shall ensure that 2m sidewalks are provided along the property frontages and shall be in accordance with the City of Johannesburg Complete Street Design Manual and shall comply with the universal access requirement to accommodate special needs passenger.
  - (18) Johannesburg Water has no objection to the lease of the property for Childhood Development purposes. Water and sewer will not be affected by the application. The erf is subject to a 150mm diameter sewer main; therefore, no structures shall be permitted to be erected over the said sewer networks.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer, in consultation with Group Head, CoJ: Legal, City of Joburg Property Company (SOC) Ltd, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Johan Jansen Van Vuuren)  
(Tel. (010) 219 9000/ 9099)

Item 9 LEASE OF COMMERCIAL TRAIN SHOPS  
SITUATED ON ERF 1048 AND 1068 FORDSBURG

RESOLVED

- 1 That in terms of Regulations 34 (1)(b) and 36 of the Asset Transfer Regulations Erf 1048 & 1068 Fordsburg is not required for the municipality's own use during the period for which the lease will be granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 1048 and Erf 1068 Fordsburg measuring approximately 1834 m<sup>2</sup> & 543 m<sup>2</sup> be leased for commercial purposes at a market related monthly rental income of R 18 629.50, excluding VAT, rates and taxes with an escalation of 8% per annum for a period of (9) nine years and (11) eleven months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That applications for the amendment of the existing land use rights must follow a procedure through COJ: Town Planning Department.
  - (6) That no rezoning of the property will be permitted for the duration of lease period.
  - (7) That no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - (8) That all access is to be located and constructed to the satisfaction of the Joburg Roads Agency. Storm water management should be to the satisfaction of JRA.
  - (9) That all building lines should be retained.
  - (10) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
  - (11) That all existing servitudes on the property shall be protected at the cost of the lessee.

- (12) That the applicant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (13) That a deposit equal to one month's rental shall be paid by the lessee upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up to date at the time of the expiry of the lease agreement or vacation of the property, subject to the property being returned in a clean and tidy condition.
  - (14) That all administrative and incidental costs of the lease shall be for the applicant's account.
  - (15) That the tenant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Acting Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Johan Jansen Van Vuuren)  
 (Tel. (010) 219 9000)

Item 10 REGISTRATION OF ELECTRICAL SERVITUDE  
 OVER THE REMAINDER OF FARM REGISTER  
 388 IQ IN FAVOUR OF ESKOM

RESOLVED

- 1 That in terms of Section 14(6) of the Municipal Finance Management Act 56 of 2003, read with Regulation 20(1)(f) Municipal Asset Transfer Regulation The remaining Extent of Farm Register 388 IQ measuring 5445m<sup>2</sup> is not required to provide the minimum level of basic municipal services; and as surplus to the requirements of the CoJ.
- 2 That subject to the provisions of Section 79(18) (b) of the Local Government Ordinance, 1939, as amended and in compliance with Section (2) of the Land Survey Act, 1997 the servitude be registered in favour of Eskom SOC Ltd over the above-mentioned property subject to the following conditions:

- 2.1.1 All cost relating to and incidental to this application (i.e. survey and registration costs, relocation of services/amenities (if necessary), registration of municipal servitude/s (if necessary), claims by third parties, etc.) shall be borne by Eskom.
- 2.1.2 A market related compensation amount of not less than R14 000.00 (Fourteen thousand rand) excluding VAT as determined by an independent valuer shall be payable by Eskom upon registration of the servitude.
- 2.2 That Eskom shall be responsible for the installation, relocation and/or removal of engineering services required as a result of this application at its own cost.
- 2.3 That Eskom shall obtain the necessary approval of plans from the Planning Department, City Power, City Parks, Environmental Infrastructure, Management Services and Johannesburg Roads Agency prior to construction.
- 2.4 That all relevant environmental and environmental related legislation and by-laws as applicable shall be complied with.
- 2.5 That Eskom shall register all servitudes to protect any services that may be relocated due to this application.
- 2.6 That the Council, its staff, and vehicles be provided with 24 hours unrestricted access to their services that may be located within the property.
- 2.7 That Eskom shall be responsible for the cleaning, security and maintenance of the servitude area and surrounding portion of land that may be sterilised due to this application.
- 2.8 That Eskom shall restore all road surfaces and all other surfaces to the satisfaction of the Council
- 2.9 That the City of Joburg Municipality shall not be held responsible for any illegal occupation and litter caused within the servitude area.
- 2.10 That should the servitude area be illegally occupied; Eskom shall bear the cost for relocation of the occupants and costs for the cleaning of the litter.
- 2.11 That Eskom shall be in liaison with the Ward Councillor and Ward Committee prior and for the duration of construction of the electrical infrastructure.
- 2.12 That Eskom shall have the right to erect such gates to gain access to or egress from the property and or protect their infrastructure as ESKOM may deem necessary or convenient;
- 2.13 That ESKOM shall have the right to erect an electrical infrastructure on the servitude area, and all work necessary or ancillary thereto, which right shall include:

- 2.13.1 The right to erect such structures and works on the property or erect or lead such conductors, cables or appliances or other equipment on or over the property as may be necessary or convenient in exercising the right of servitude; and the right to erect such supporting mechanisms for structures and works with the possibility that it may reasonably extend beyond the servitude area as may be necessary or convenient to safely secure the structures or works.
  - 2.13.2 the right to enter and be upon the property at any time in order to construct, erect, operate, use, maintain, repair, re-erect, alter or inspect the structures, works, appliances, conductors or cables on the property or in order to gain access to any adjacent property in the exercise of similar rights;
  - 2.13.3 the right to use existing roads giving access to the property or roads running across the property and gates on the property and to erect in any fence such gates as may be necessary to gain access to or exit from the property and to gain access to any powerline, telecommunication conductors, cables or accessory equipment;
  - 2.13.4 the right to remove any trees, bush, material, grass, or structures within the restricted area defined in clause 2.15 hereof and the right to cut or trim any tree to comply with the restrictions referred to in clause 2.15 hereof;
  - 2.13.5 the right to utilise various conductors, installations and apparatus in the servitude are for radio-/microwave, telecommunication and other related purposes.
  - 2.13.6 every ancillary right necessary or convenient for the proper exercise of the servitude to convey electricity across the property and for telecommunication purposes.
- 2.14 Eskom shall exercise its rights subject to the following terms and conditions-
- 2.14.1 Eskom shall ensure that any gates used by it are kept closed.
  - 2.14.2 Eskom shall pay compensation where damage or injury is caused by any negligent act or omission on the part of Eskom its employees or contractors
  - 2.14.3 No compensation is payable for damage to natural vegetation within the servitude area referred to in 2.15 herein.

- 2.15 With regard to the owner the following special restrictions are placed on the use of the property namely -
- 2.15.2 No tree which will grow to a height more than the horizontal distance of that tree from the nearest conductor or any power line shall be planted within the vicinity of the power line.
  - 2.15.3 No material which may in the opinion of Eskom endanger the safety of any power line be placed within the servitude area
  - 2.15.4 No mining activities or blasting operations shall be carried out within 500 metres of the centre line of any power line without prior written permission of Eskom.
- 2.16 Eskom shall have the right to:
- 2.16.1 let any portion of the installations and apparatus thereon to any third party on such conditions and use as Eskom may deem fit.
  - 2.16.2 Cede all or any of the rights granted in terms of this servitude to any third party, be it before or after exercising of the rights or before or after registration of the servitude in the relevant deed's office.
- 2.17 That Eskom shall register the final route description on completion of construction and a balance shall be payable if additional land has been utilized.
- 3 That the Chief Executive Officer of City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to the registration of the servitudes over the various Soweto properties listed above in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, in consultation with COJ: Group Legal consider necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD  
(Juanita Kock)

Item 11 PROPOSED LEASE OF A PORTION  
OF A ROAD RESERVE ADJACENT  
TO ERF 1037 JOHANNESBURG

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulation 2008, read with Section 45 of the Municipal Planning By-laws, 2016, a portion of a road reserve adjacent to Erf 1037 Johannesburg, measuring approximately 50m<sup>2</sup> is not required for the municipality's own use during the period, the right to use, control or manage is granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, a portion of a road reserve adjacent to Erf 1037 Johannesburg measuring approximately 50m<sup>2</sup>, be leased at no less than R500.00 (Five Hundred rand) per month excluding VAT escalating at 8% per annum for a period of nine (9) years and eleven (11) months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That the Lessee will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
  - (5) That all building lines should be retained.
  - (6) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (7) That all existing servitudes on the property shall be protected at the cost of the Lessee.
  - (8) That the Lessee shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (9) That all administrative and incidental costs of the lease shall be for the Lessee's account.

- (10) That it shall be brought to the applicant's attention that there is a water main running on the said portion. The company will not permit any permanent or semi – permanent structures to be erected, deep routed trees or shrubs to be planted, excavations or alteration in levels or dumping or storage of materials over the water network.
- (11) That the following conditions of Transport Department shall be complied with:
- (a) Conflicts between vehicles and pedestrians are minimised at the development access, through the provision of pedestrian gate.
  - (b) Municipal services to be protected, and if any services are present within the servitude area, they need to be registered or relocated at owner's cost.
- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Busisiwe Khathide)  
 (Tel. (010) 219 -9000)

Item 12 PROPOSED LEASE OF A PORTION OF A ROAD  
 RESERVE ADJACENT TO ERF 1214 DISCOVERY  
 EXT 5 FOR GARDENING AND PARKING PURPOSES

#### RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulation 2008, read with Section 45 of the Municipal Planning By-laws, 2016, a portion of a road reserve adjacent Erf 1214 Discovery Ext 5, measuring approximately 487m<sup>2</sup> is not required for the municipality's own use during the period, the right to use, control or manage is granted.
- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, a portion of a road reserve adjacent Erf 1214 Discovery measuring approximately 487m<sup>2</sup>, be leased at R3 300.00 (Three Thousand Three Hundred rand) per month excluding VAT escalating at 8% per annum for a period of nine (9) years and eleven (11) months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.

- (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That the Lessee will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
  - (5) That all building lines should be retained.
  - (6) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (7) That all existing servitudes on the property shall be protected at the cost of the Lessee.
  - (8) That the Lessee shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (9) That all administrative and incidental costs of the lease shall be for the Lessee's account.
  - (10) That the following conditions of Transport Department shall be complied with:
    - (a) Conflicts between vehicles and pedestrians are minimised at the development access, through the provision of pedestrian gate.
    - (b) Municipal services to be protected, and if any services are present within the servitude area, they need to be registered or relocated at owners' cost
- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Busisiwe Khathide)  
(Tel. (010) 219 9000)

Item 13 PROPOSED PERMANENT CLOSURE AND  
ALIENATION OF A PORTION OF SURREY  
ROAD ADJACENT TO ERF 2094 FERNDALE

WITHDRAWN

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nthabiseng Sishi)

Item 14 PROPOSED LEASE OF ERF 1715  
BLAIRGOWRIE FOR PARKING PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulations, Erf 1715 Blairgowrie, measuring approximately 7 630m<sup>2</sup> in extent is not required for the Municipality's own use during the period, the right to use, control or manage is granted for 9 years and 11 months.
- 2 That in terms of regulation 34(1)(b) and 36 of the Asset Transfer Regulation leases of Portion of Erf 1367 Ferndale be approved.
- 3 That the City of Johannesburg will receive a monthly rental of R 20 000.00 (Twenty Thousand Rand) per month excluding VAT escalating at 8% per annum for the lease of Erf 1715 Blairgowrie.
- 4 That, the lease be granted in accordance with the provisions of Section 79(18) (a) of the Local Government Ordinance, No. 17 of 1939, as amended, and that notice of the Council's decision herein be published in compliance with the provision of Section 79(18)(b) of the Local Government Ordinance.
- 5 That the lease be subject to the following conditions:
  - (1) That, the tenant shall be liable for all costs involved in the leasing of Erf 1715 Blairgowrie as may be required by all relevant Town Planning requirements as a condition.
  - (2) That, the applicant improves the property including landscaping, maintenance and upgrades, safety and security of the parking area and related park that forms part of the property.
  - (3) That, Conflicts between vehicles and pedestrians are minimised at the development access, through the provision of pedestrian gate.
  - (4) That, the use of the property shall ensure that 2m sidewalks are provided along the property frontages and shall be in accordance with the City of Johannesburg Complete Street Design Manual and shall comply with universal access requirement to accommodate special needs passenger.

- (5) That, Permeable paving is encouraged where paving is proposed on site and mature vegetation on the boundaries of the site must be retained.
  - (6) That, the applicant takes responsibility on the repair of the services affected should they be damaged by this proposal and the relocation of the service affected.
  - (7) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
  - (8) That all Emergency Management Services By-laws be complied with and adhered to and access to emergency vehicles to be provided.
- 6 That no compensation will be payable by the City for any improvement that may be carried out on the property. Any improvements effected on the property will revert to the City on the expiry of the lease agreement.
  - 7 That, the tenant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - 8 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer : City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nthabiseng Sishi)

Item 15 LEASE OF ERF 3527 VLAKFONTEIN  
FOR COMMUNITY PURPOSES

RESOLVED

- 1 That, in compliance with Regulations 34(1)(b) and 36 of the Asset Transfer Regulations lease of Erf 3527 Vlakfontein measuring approximately 2002m<sup>2</sup> is not required for the Municipality's own use during the period the right to use, control or manage is granted.
- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance 17 of 1939 as amended, Erf 3527 Vlakfontein be leased at a recommended rental of R2100.00 (Two thousand one hundred rand) excluding VAT escalating at 4% per annum for a period of nine years eleven months subject to the following conditions:

- (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
- (2) That all Emergency Management Services By-laws be complied with and adhered to and that access emergency vehicles should be provided on the property.
- (3) That the use of the property stays within the parameters of the approved zoning as prescribed within the City of Johannesburg Land use Scheme, 2018.
- (4) That application for the amendment to the approved land use rights should follow the normal procedure through the COJ: Department of Development planning and urban management.
- (5) That existing and unprotected JRA service (roads and storm water) must be protected by means of a servitude in favour of Council and that any cost of upgrading, relocation, removal, provision and installation of services shall be borne by the applicant.
- (6) That the encroachment on the road reserve/splay must be removed and that parking be provided on site according to the relevant town planning scheme.
- (7) That no compensation will be payable by the City for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
- (8) That Council and its authorised representative/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property and the applicant will be responsible for costs to all the repairs of affected services should they be damaged by the applicant.
- (9) That the application shall be liable for the payment of all sewerage, refuse removal fees, electricity and water levied or payable in respect of the property.
- (10) That a deposit equal to one month's rental shall be paid by the applicant upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
- (11) That all administrative and incidental costs shall be for the tenant's account.
- (12) That the tenant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City of Johannesburg.
- (13) That access ad storm water management to be to the satisfaction of the JRA.

- (14) That access and storm water management to be to the satisfaction of the JRA and parking should be provided on site according to the relevant Town Planning Scheme.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Nomsa Ndlovu)  
 (Tel. (010) 219-9130)

Item 16 ALIENATION OF REMAINING EXTENT OF  
 PORTION 2 OF ERF 84 INANDA

RESOLVED

- 1 That, in terms of Section 14 (2) of the Municipal Finance Management Act, No. 56 of 2003 read with Regulation 5 of the Asset Transfer Regulations Remainder of Portion 2 of Erf 84 Inanda is not required to provide the minimum level of basic Municipal service and can be alienated.
- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, RE of Portion 2 of Erf 84 Inanda measuring approximately 1 487 m<sup>2</sup> be alienated at a market related value of not less than R 3 870 000 (Three million eight hundred and seventy thousand rand)) excluding VAT subject to the following conditions:
- (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with.
  - (2) That, all Emergency Management Services By-laws be complied with and adhered to.
  - (3) That, access to emergency vehicles should be provided on the property.
  - (4) That, the Council, and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (5) That, all existing servitudes on the property shall be protected and or relocated at the cost of the successful bidder and the successful bidder will be responsible for any repairs any services should they be affected by the proposal.

- (6) That, the successful applicant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (7) That, all administrative and incidental costs of the alienation shall be for the successful bidder's account.
  - (8) That, all relevant City by-laws be complied with and adhered to.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Nomsa Ndlovu)  
 (Tel. (010) 219-9122)

Item 17 PROPOSED LEASE OF A PORTION OF  
 PORTION 244 OF THE FARM BRAAMFONTEIN  
 53 IR FOR PARKING PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulations, the portion of portion 244 of the Farm Braamfontein 53 IR, measuring approximately 3 490m<sup>2</sup> in extent is not required for the Municipality's own use during the period the right to use, control or manage is granted for 9 years and 11 months.
- 2 That in terms of Section 79(18) of the local Government Ordinance and the provision of regulations 34(1)(b) and 36 of the Asset Transfer Regulation, the Lease of portion of portion 244 of the Farm Braamfontein 53 IR be approved.
- 3 That the City of Johannesburg will receive a monthly rental of R 34 200.00 (Thirty-Four Thousand Two Hundred Rand) per month excluding VAT escalating at 8% per annum for the lease of portion of portion 244 of the Farm Braamfontein 53 IR.
- 4 That, the lease be granted in accordance with the provisions of Section 79(18) (a) of the Local Government Ordinance, No. 17 of 1939, as amended, and that notice of the Council's decision herein be published in compliance with the provision of Section 79(18)(b) of the Local Government Ordinance.

- 5 That the lease be subject to the following conditions:
- (1) That, the tenant shall be liable for all costs involved in the leasing of portion of portion 244 of the Farm Braamfontein 53 IR as may be required by all relevant Town Planning requirements as a condition.
  - (2) That, a cancellation clause shall be included in the lease agreement whereby the Joburg Roads Agency can notify JPC should the portion be required for the road/stormwater purposes.
  - (3) That, access to all municipal services to be protected, no permanent structures should be erected on the property, only open parking is permitted.
  - (4) That, all environmental and related legislation, and By-laws applicable to the Property shall be complied with.
  - (5) That, all Emergency Management Services By-laws be complied with and adhered to and building plans to be submitted to Local authority.
  - (6) That, the Council, and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
  - (7) All administrative and incidental costs of the lease be for the tenants' account.
  - (8) That, a detailed stormwater management plan must be submitted to the Environmental and Infrastructure Services Department for approval prior to the finalization of the lease agreement. The plan must show how principals of Sustainable Urban Drainage Systems have been or would be implemented to the existing site to reduce surface runoff onto the street far as possible.
  - (9) That, the lease area must be restricted to the portion of land indicated on the located map and no additional parking may be construed during the lease period, without approval by Environmental and Infrastructure Services Department, as the City's Wetland Audit Layer indicates that the entire site is affected by a wetland system.
  - (10) That, the existing trees within the parking area and along the boundary of the site should be adequately maintained, and there should be no loss of any trees (i.e. no trees are to be removed) during the lease period as these provide a shade and soften the visual impact of parked cars.
- 6 That, no compensation will be payable by the City for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.

- 7 That, the tenant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
- 8 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nthabiseng Sishi)

Item 18 ACQUISITION OF ERVEN 627 AND 628  
ZANDSPRUIT EXT 15 FOR THE ZANDSPRUIT  
HOUSING DEVELOPMENT

RESOLVED

- 1 That in terms of Section 79 (24)(a)(i) of the Local Government Ordinance 17 of 1939 read with the Asset Transfer Regulations, 2008, the Supply Chain Management Policy for Land (SCMPL) of the City, the City of Joburg Property Company SOC Ltd. ("JPC") be authorised to acquire Erven 627 and 628 Zandspruit Ext 15 on a willing buyers/seller basis at not more than the market value as determined by an independent Valuer. The market value as of 28 March 2022 was determined at R3.9m
- 2 Should the willing buyer/seller approach fail, the properties be expropriated in terms of the Expropriation Act, 63 of 1975, to finalise Zandspruit Housing Project.
- 3 That all costs relating to and incidental to this acquisition will be borne by the City's Housing Department which confirmed budget availability under Vote Number WBS 49-16005.360.0020 attached as Annexure C. Immediately after transfer, Housing will be responsible for the upkeep, security and management of the properties at their own costs.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which, to expropriate the properties in terms of the Local Government Ordinance and applicable legislation.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd. be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)

- Item 19 ACQUISITION OF ERVEN 512; 513; 514; 515; 2762, RE OF PORTION 1 OF ERF 645 AND THE REMAINDER OF ERF 2825 JEPPESTOWN FOR HOUSING DEVELOPMENT AND USE PURPOSES

**RESOLVED**

- 1 That in terms of Section 79 (24)(a)(i) of the Local Government Ordinance 17 of 1939, the Supply Chain Management Policy for Land (SCMPL) of the City Erven 512; 513; 514; 515; 2762, remainder of portion 1 of Erf 645 and the remainder of Erf 2825 Jeppestown ("the Properties") be acquired for housing development and use purposes, on a willing buyer-willing seller basis at not more than their market value to be determined by an independent valuer before the negotiation stage.
- 2 That all costs relating to and incidental to this acquisition will be borne by the Johannesburg Housing Department which confirmed budget availability under Vote Number WBS: 49-16004.350.0010.
- 3 That the Housing Department will be responsible for the upkeep, security, and maintenance of the properties immediately upon registration of transfer.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which to expropriate the properties in terms of the Local Government Ordinance and applicable legislation.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd or her nominees be authorised to sign all documentation to give effect to this transaction in terms of applicable legislation.

**VF+ DISSENTING**

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Lauretta Nkolele)  
 (Tel. (010)219-9000)

- Item 20 SALE OF ERF 8300 STRETFORD EXTENSION 3 TOWNSHIP

**RESOLVED**

- 1 That in terms of Section 14(2) of the Municipal Finance Management Act read with Regulation 5 of the Municipal Asset Transfer Regulation 2008, Erf 8300 Stretford, measuring approximately 375m<sup>2</sup> is not required to provide the minimum level of basic municipal services.

- 2 That subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 8300 Stretford measuring approximately 375m<sup>2</sup>, be alienated at not less than the market value, currently R50 000.00 (Fifty Thousand rand) excluding VAT, subject to the following conditions:
- (1) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
  - (2) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
  - (3) That all Emergency Management Services By-laws be complied with and adhered to.
  - (4) That access to emergency vehicles should be provided on the property.
  - (5) That the purchaser will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
  - (6) That all building lines should be retained.
  - (7) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Servitudes situated on the property and that no structures will be allowed within these servitudes.
  - (8) That all existing servitudes on the property shall be protected at the cost of the purchaser.
  - (9) That the purchaser shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
  - (10) That all administrative and incidental costs of the sale shall be for the purchaser's account.
  - (11) That the following conditions of Emergency Management Services shall be complied with:
    - (a) That the Building plans be submitted to the Local Authority.
    - (b) That the purchaser complies with EMS By-laws.
  - (12) That the following conditions of Eskom shall be complied with:
    - (a) That the applicant should apply to the relevant Eskom Customer Services if additional supply is required.

- (b) That the applicant should note that, under no circumstances will any relocation work proceed prior to the submission of a formal application to Eskom Customer Services and acceptance of the relocation costs by the applicant. A formal application for the relocation of Eskom services must be submitted at least three months prior to the commencement of any construction work.
  - (c) Eskom must always have ingress to and egress from its services.
  - (d) Eskom will not allow any encroachment whatsoever e.g. buildings, dams, dumping etc. onto its servitude.
  - (e) Future building, civil, electrical, water and sewerage services plans must be presented to Eskom for perusal and approval prior to any work proceeding in the vicinity of Eskom services.
  - (f) Eskom consent does not relieve the applicant from obtaining the necessary statutory, landowner or municipal approvals.
- (13) That the following conditions of Johannesburg Roads Agency shall be complied with.
- (a) Access must be to the satisfaction of the JRA.
  - (b) Stormwater management must be to the satisfaction of the JRA.
  - (c) This correspondence does not guarantee and it should not be construed that additional town planning rights are supported. Any amendment to the approved land use rights should follow the normal procedure through the COJ department of development planning and urban management.
  - (d) Any existing and unprotected JRA service (Roads and Stormwater) must be protected by means of a servitude.
  - (e) Any cost for upgrading, relocation, removal, provision, and Installation of services shall be borne by the applicant.
- 3 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation, and that it shall be subject to such further conditions as the Chief Executive Officer of the City Joburg Property Company (SOC) Ltd, in consultation with CoJ Group Legal, considers necessary to protect the Council interest.

### **EFF DISSENTING**

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Debby Senatel)  
(Tel. (010) 219 9105)

Item 21 LEASE OF ERF 21804 (PREVIOUSLY KNOWN AS ERF 14484) IVORY PARK EXTENSION 13 FOR COMMUNITY PURPOSES

RESOLVED

- 1 That, in compliance with Regulations 34(1)(b) and 36 of the Asset Transfer Regulations Erf 21804 previously known as 14484 Ivory Park Extension 13 measuring approximately 1316m<sup>2</sup> is not required for the Municipality's own use during the period the right to use, control or manage is granted.
- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance 17 of 1939 as amended, Erf 21804 (previously known as Erf 14484) Ivory Park Extension 13 be leased at a market related rental of R2240.00 (Two thousand two hundred and forty rand) excluding VAT escalating at 4% per annum for a period of nine years eleven months subject to the following conditions:
  - (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
  - (2) That all Emergency Management Services By-laws be complied with and adhered to and that access to emergency vehicles should be provided on the property.
  - (3) That applications for the amendment of the existing land use rights must follow a procedure through COJ: Town Planning Department and that all building lines should be retained.
  - (4) That no compensation will be payable by the City for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - (5) That Council and its authorised representative/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property and the applicant will be responsible for costs to all the repairs of affected services should they be damaged by the applicant.
  - (6) That the application shall be liable for the payment of all sewerage, refuse removal fees, electricity and water levied or payable in respect of the property.
  - (7) That a deposit equal to one month's rental shall be paid by the applicant upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
  - (8) That all administrative and incidental costs shall be for the applicant's account.

- (9) That the tenant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City of Johannesburg.
- (10) That the lease will exclude the cell mast that is located on the property and that a separate lease agreement will be entered for the cell mast.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Nomsa Ndlovu)  
 (Tel. (010) 219-9130)

Item 22 PROPOSED LEASE OF A PORTION OF ERF 15778  
 IVORY PARK EXTENSION 13 FORMALLY KNOWN  
 AS ECO CITY VILLAGE FOR BUSINESS AND  
 COMMUNITY RELATED PURPOSES

#### RESOLVED

- 1 That, in terms of Regulation 34(1)(b) and 36 of the Municipal Asset Transfer Regulations, a portion of Erf 15778 Ivory Park Ext 13 measuring approximately 7750 m<sup>2</sup> in totality is not required for the municipality's own use during the period for which the lease will be granted.
- 2 That, in terms of the provisions of Section 79 (18) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) as amended and if no objections are received, a portion of Erf 15778 Ivory Park Ext 13 measuring approximately 7750 m<sup>2</sup>, be leased at a market related rentals, currently calculated at R 51 455.00 (Fifty One Thousand Four Hundred and Fifty Five Rand) per month exclusive of VAT; escalating at 4 % per annum for the period of not more than (20) Twenty years for the purposes of Business and community related purposes, subject to the following conditions:
- (1) That all cost relating to and incidental to this application shall be borne by the applicant.
  - (2) That all Emergency Management Services By-laws be complied with and adhered to.
  - (3) That the installation, relocation and/or removal of engineering services required be at the cost of the applicants. Building Plans for any of the aforementioned must be submitted to the local authority for evaluation and approval.

- (4) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property.
  - (5) That lessees are not absolved from complying with town planning and building control regulations that triggered as a result of the proposed development.
  - (6) That land uses operating on the property are subject to town planning applications and approvals.
  - (7) That all site development plans be submitted to the Local Authority for approval prior to any construction.
  - (8) That all existing servitudes on the property shall be protected at the cost of the applicant.
  - (9) That no compensation will be payable by the City for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - (10) That the tenants shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Lilly Lee Brown)  
 (Tel. (010) 219 9216)

Item 23 PROPOSED SALE OF ERF 34  
 CITY DEEP EXTENSION 1.

#### RESOLVED

- 1 That, in terms of Section 14 (2) of the Municipal Finance Management Act, No. 56 of 2003 read with Regulation 5 of the Asset Transfer Regulations, Erf 34 City Deep Ext 1 is not required to provide the minimum level of basic Municipal service.
- 2 That in terms of Section 79 (18) (b) of the Local Government Ordinance, 17 of 1939, as amended and should no objections be received, Erf 34 City Deep be sold by means of public tender.
- 3 That the property market value at date of agreement, is currently R740 000.00 (Seven hundred and forty thousand rand only) excluding VAT;

- 4 That the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd be authorized to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation;
- (1) Access and storm water management, including on site-attenuation must be to the satisfaction of the JRA.
  - (2) Parking shall be provided on site, in line with the relevant Town Planning Scheme.
  - (3) A 3m wide storm water servitude must be registered in favor of Council, to protect the existing council storm water pipe that traverses the site from Merino Avenue. The servitude must be registered in such a way that the existing pipe is located at the centre of the servitude.
  - (4) Any other existing storm water or road service that is found on site must also be protected. The means of protection must be confirmed with the JRA prior to any development on site.
  - (5) The correspondence does not guarantee, and it should not be construed that additional town planning rights are supported. Any amendment to the approved land use rights should follow the normal procedure through the COJ department of development planning and urban management.
  - (6) Comments from the affected railway line authority must be obtained and adhered to.
  - (7) Any cost for upgrading, relocation, removal, provision of services shall be borne by the applicant.
- 3 That the sale of the above-mentioned property shall be subject to such further conditions as the Chief Executive Officer: JPC considers necessary to protect the Council's interests.

#### **EFF DISSENT**

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Mpho Legodi)  
 (Tel. 010 219-9000)

Item 24 ACQUISITION OF VARIOUS LAND PARCELS  
 WITHIN PRESIDENT PARK AGRICULTURAL  
 HOLDINGS FOR HOUSING DEVELOPMENT  
 PURPOSES

#### **RESOLVED**

- 1 That the Executive Director: Housing be authorised to appoint the City of Joburg Property Company SOC Ltd (JPC) to purchase/acquire the following properties: - Holdings 100, 101, 102, 103, the RE of Holding 104, Portion 1 of Holding 104, Portion 2 of Holding 104, Holding 105 and Holding 106 President Park Agricultural Holdings for the President Park housing development.

- 2 That in terms of Section 79 (24)(a)(i) the acquisition of the properties namely, Holdings 100, 101, 102, 103, the RE of Holding 104, Portion 1 of Holding 104, Portion 2 of Holding 104, Holding 105 and Holding 106 President Park Agricultural Holdings for the President Park housing development as mentioned in the report be at values not exceeding the values as determined by independent professional valuer/s and accepted by the City of Johannesburg Housing Department and the acquisition of the mentioned properties be at values not in excess of the available budget in the financial year.
- 3 That all costs relating to and incidental to this acquisition will be borne by the City's Johannesburg Housing Department which confirmed budget availability under Vote Number WBS: 49-16.5.360.0020 attached as Annexure C immediately after transfer, Housing will be responsible for the upkeep, security and management of this properties at its own costs.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which to expropriate the properties in terms of the Local Government Ordinance and applicable legislation.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd be authorised to sign the land acquisition agreements and any other documents related to the land acquisition.
- 6 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd or her nominees be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for and (SCMPL) of the City and any other applicable legislation and that it shall be subject to such.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Lorraine Reygaard)  
 (Tel. (010)219 9217)

Item 25 PROPOSED LEASE OF A PORTION OF  
 ERF 1008 OLIVEDALE EXTENSION 21  
 FOR BUSINESS PURPOSES

RESOLVED

- 1 That in terms of Regulations 34 and 36 of the Municipal Asset Transfer Regulations, the lease of a portion of Erf 1008 Olivedale Extension 21 measuring approximately 409m<sup>2</sup> in extent is not required for the Municipality's own use during the period the right to use, control or manage.
- 2 That in terms of regulation 34 (1) (b) and 36 of the Asset Transfer Regulation, the lease of a portion of Erf 1008 Olivedale Extension 21, measuring approximately 409m<sup>2</sup> in extent, be approved for nine (9) years and eleven (11) months, subject to the following conditions:

- (1) That the City of Johannesburg will receive a monthly rental of not less than R6 100.00 (Six Thousand One Hundred Rand) per month, excluding Vat, escalating at 8% per annum for a portion of Erf 1008 Olivedale Extension 21 from signature of the agreement.
- (2) That the applicant shall be liable for all costs involved in the leasing of a portion of Erf 1008 Olivedale Extension 21; as may be required by all relevant Town Planning requirements as a condition.
- (3) That all environmental and related legislation and By-laws applicable to the property shall be complied with.
- (4) That all building plans to be submitted to the Local Authority for approval prior to any construction on the property.
- (5) That all Emergency Management Services By-laws be complied with and adhered to.
- (6) That access to emergency vehicles should be provided on the property.
- (7) That the applicant will be liable for municipal services including the payment of assessment rates as determined from time to time as per the Rating Ordinance;
- (8) That all building lines should be retained.
- (9) That the Council and its authorised representatives/agents shall have 24 hours unrestricted access to the electricity, water and any municipal servitudes situated on the property and that no structures will be allowed within these servitudes.
- (10) That all existing servitudes on the property shall be protected at the cost of the applicant.
- (11) That the applicant shall be liable for the payment of all sewerage refuse removal fees levied or payable in respect of the site and for all electricity and water supplied to the site.
- (12) That the following conditions of City Power Johannesburg shall be complied with:
  - (a) The repair of the services affected should they be damaged by this proposal.
  - (b) Relocation of the service affected.
  - (c) City Power Johannesburg its staff and vehicles are provided with 24 hours unrestricted access to our services.
  - (d) Annexure "A" Conditions applicable to Transmission Lines.
    - (i) 24 Hour unrestricted access to City Power's overhead power-line routes must be available.

- (ii) No trees, crops or vegetation may be grown to a height exceeding 2,5 metres above ground level in power-line routes.
  - (iii) No portion of a building or structure may be erected within 4,0 metres of any electrical conductor.
  - (iv) Uncovered parking of vehicles within the power-line route is permitted provided that no vehicle exceeds the height of 2,5 metres. The applicant or responsible person must provide height restriction and danger notices at the entrances to the parking area. Guard rails, approved by City Power, must be installed, and maintained by the applicant or responsible person to protect any tower base in the parking area from damage.
  - (v) City Power will not be responsible for the re-instatement of any gardens, roads or paving should it be necessary to excavate within the power-line route for repairs.
  - (vi) No excavation for trenches, grading, or levelling within the power-line route or within five meters of any tower leg will be permitted prior to a site inspection and approval by a representative of City Power. This is necessary to avoid damage to underground pilot cables and earth wires.
  - (vii) No mechanical excavation or handling equipment or vehicle fitted with any component that can be raised to a height exceeding 4,0 metres from the ground may be used within the power-line route.
  - (viii) No blasting will be permitted under or close to the power lines prior to a site inspection and approval by a representative of City Power.
  - (ix) No swimming pools, tennis courts or dams may be built within the powerline.
  - (x) Storage of materials, dumping or squatting will not be permitted within the power-line route.
  - (xi) No alteration to the final ground level with the power-line route which results in a decrease in the minimum clearance of 7,1metre from lowest to ground will be permitted.
  - (xii) A copy of this letter must always be available on site must be presented to any representative of City Power upon request.
  - (xiii) The applicant or responsible person will be responsible for any loss or damage to the power line caused by them or any person working under their supervision.
  - (xiv) City Power will not accept any liability for any damage arising or indirectly from the power lines or any other cause.
  - (xv) For further comments, the Manager Overhead Network (011) 490-7523 should be contacted.
- (13) That the following conditions of Transport Department shall be complied with:
- (a) Conflicts between vehicles and pedestrians are minimised at the development access, through the provision of pedestrian gate.

- (b) The use of the property shall ensure that 2m sidewalks are provided along the property frontages and shall be in accordance with the City of Johannesburg Complete Street Design Manual and shall comply with universal access requirement to accommodate special needs passenger.
  - (14) That the following condition of Environment Infrastructure and Services department shall be complied with:
    - (a) That no development of new structures will be allowed prior to input from the Department.
  - (15) That a deposit equal to one month's rental shall be paid by the applicant upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up to date at the time of the expiry of the lease agreement or vacation of the property, subject to the property being returned in a clean and tidy condition.
  - (16) That all administrative and incidental costs of the lease shall be for the applicant's account.
  - (17) That the applicant shall ensure that there is no exclusivity on the property and that the property is only utilised for the intended purposes as authorised by the City.
- 3 The Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Debby Senatel)  
 (Tel. (010) 219 -9105)

#### **DA DISSENTING**

Item 26 ALIENATION OF ERF 4020  
 BRYANSTON EXTENSION 3

#### **RESOLVED**

- 1 That, in terms of Section 14 (2) of the Municipal Finance Management Act, No. 56 of 2003 read with Regulation 5 of the Asset Transfer Regulations Erf 4020 Bryanston Extension 3 is not required to provide the minimum level of basic Municipal service and can be alienated.

- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance, 17 of 1939 as amended, Erf 4020 Bryanston extension three measuring approximately 3 725 m<sup>2</sup> be alienated at a market related value of not less than R 8 200 000.00.00 (Eight million two hundred thousand rand) excluding VAT subject to the following conditions:
- (1) That the applicant shall be liable for all costs involved in the transfer, subdivision, removal of restrictive conditions, rezoning and consolidation applications (as may be required) and all relevant Town Planning requirements as a condition to the sale of the Erf 4020 Bryanston Extension 3.
  - (2) That all administrative and incidental costs of the alienation be for the applicants' account.
  - (3) That access is to be to the satisfaction of JRA and that all municipal services (if any) be always protected by means of registration of a servitude. All costs relating to this will be for the applicant's account.
  - (4) That access to the servitudes remain unrestricted at any given time to the relevant authority.
  - (5) That all existing road servitudes (if any) be always retained.
  - (6) That all building plans are to be submitted to the Local Authority before any construction.
  - (7) That the applicant must comply with EMS by laws and that access to emergency vehicles is provided.
  - (8) That the applicant will be liable for the upgrade of bulk infrastructure required for any development on the property and that only uses that are in line the with Municipal zoning will be permitted as per the City of Johannesburg Land Use Scheme, 2018.
- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Nomsa Ndlovu)  
(Tel. (010) 219 -9130)

Item 27 LEASE OF A PORTION OF ERF 50  
CITY DEEP EXTENSION 1 FOR  
BUSINESS PURPOSES

RESOLVED

- 1 That, in terms of Regulation 34(1)(b) and 36 of the Asset Transfer Regulations Ptn of Erf 50 City Deep Ext 1 measuring approximately 5000 m<sup>2</sup> is not required for the Municipality's own use during the period the right to use, control or manage is granted.
- 2 That, subject to the provisions of Section 79 (18) of the Local Government Ordinance 17 of 1939 as amended, Ptn of Erf 50 City Deep Ext 1 be leased to the adjacent owner of Erf 51 City Deep at a market related rental of R49 900 (forty nine thousand, nine hundred rand) per month excluding VAT escalating at 8% per annum for a period of nine years and eleven months subject to the following conditions;
  - (1) That all environmental and related legislation and By-laws applicable to the Property shall be complied with and that all building plans to be submitted to the Local Authority for approval prior to any construction.
  - (2) That, all Emergency Management Services By-laws be complied with and adhered to and that access to emergency vehicles should be provided on the property and that all access is to be located constructed to the satisfaction of the Council.
  - (3) That, all Municipal services on the property should be protected and if any services are present within the servitude area, they need to be registered or relocated at the applicant's cost.
  - (4) That, no compensation will be payable by the city for any improvements that may be carried out on the property. Any improvements effected on the property will revert to the City on expiry of the lease agreement.
  - (5) That, the Council, and its authorised representative/agents shall have 24 hours unrestricted access to the electricity, water and any Municipal Services situated on the property and the applicant will be responsible for costs to all the repair of affected services should they be damaged by the applicant.
  - (6) That, the application shall be liable for the payment of all sewerage, refuse removal fees, electricity and water levied or payable in respect of the property and that a deposit equal to one month's rental shall be paid by the applicant upon signature of the lease agreement. Such deposit shall be refundable if all rental amounts are paid up date at the time of the expiry of the lease agreement or vacation of property, subject to the property being returned in a clean and tidy condition.
  - (7) That, all administrative and incidental costs shall be for the applicant's account.

- 3 That, the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to these transactions in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer (CEO): City of Joburg Property Company (SOC) Ltd, in consultation with the City's Group Legal, considers necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
 (Nomsa Ndlovu)  
 (Tel. (010) 219 9130)

Item 28 ACQUISITION/EXPROPRIATION OF AN  
 ELECTRICAL SERVITUDE OVER PORTION 40  
 RE OF THE FARM WILGESPRUIT 190 IQ

RESOLVED

- 1 That in terms of Section 79 (24) of the Local Government Ordinance, 17 of 1939, an electrical servitude over Portion 40 RE of the farm Wilgespruit 190 IQ (the "property") as depicted on Servitude Diagram S.G. No. 2877/2016 (the "servitude"), be acquired for the implementation of the Lutz/Dalkeith Project on a willing buyer-willing seller basis.
- 2 That should the willing buyer/willing seller approach fail, the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to expropriate the servitude in terms of the Local Government Ordinance read with the provisions of the Expropriation Act, No. 63 of 1975, and any other applicable legislation.
- 3 That all costs relating to and incidental to this acquisition will be borne by City Power.
- 4 That the compensation amount shall be market related as at the time of acquisition, together with solatium (if applicable).
- 5 That JPC and City Power (SOC) Ltd (City Power) or their delegated authority shall advise the registered owner of the Council's intention to expropriate the servitude prior to serving the owner with an expropriation notice, in due compliance with the provisions of PAJA and the Expropriation Act.
- 6 That City Power shall be responsible for all re-instatement procedures to be undertaken as well as all costs thereof.
- 7 That subject to the expropriation/acquisition of the above-mentioned required servitude, the CEO of JPC or his/her delegated official be authorised, to make the acquired/expropriated servitude available to City Power for the construction of the electrical services and implementation of the project.

- 8 That the Chief Executive Officer of the City of Joburg Property Company (SOC) Ltd, be authorised to sign all documentation to give effect to the acquisition through negotiation or expropriation of the subject servitude in terms of the applicable legislation and that it shall be subject to such further conditions as the Chief Executive Officer: City of Joburg Property Company (SOC) Ltd, consider necessary to protect the Council's interest.

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Louise Swartz)

Item 29 ACQUISITION OF VARIOUS PROPERTIES  
ALONG MINING BELT CORRIDOR (MAIN  
REEF STRIP-ROODEPOORT) FOR MIXED  
USE HOUSING DEVELOPMENT

**RESOLVED**

- 1 That in terms of Section 79 (24)(a)(i) the acquisition of the properties namely The Remaining Extent of Portion 175 of the farm Roodepoort No. 237, Portion 209 (a portion of Portion 208) of the farm Roodepoort No. 237, Portion 210 (a portion of Portion 208) of the farm Roodepoort No. 237, The Remaining Extent of Portion 407 (a portion of Portion 1) of the farm Roodepoort No. 237, Portion 408 of the farm Roodepoort No. 237, The Remaining extent 42 of the Farm Volgelstruisfontein, No. 233, as mentioned in the report be at values not exceeding the market values as determined by independent professional valuer/s.
- 2 That all costs relating to and incidental to this acquisition will be borne by the City of Johannesburg's Housing Department which confirmed budget availability under Vote Number WBS 49-16005.373.0020 attached as Annexure A.
- 3 That immediately after transfer, Housing will be responsible for the upkeep, security, and management of these properties at its own costs.
- 4 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd, be authorised to negotiate the acquisition of the said properties with the owners, failing which, to expropriate the properties in terms of the Local Government Ordinance and applicable legislation of just and equitable compensation.
- 5 That the Chief Executive Officer of the City of Joburg Property Company SOC Ltd or her nominees in consultation with City of Johannesburg: Group Legal be authorised to sign all documentation to give effect to this transaction in terms of the Supply Chain Management Policy for Land (SCMPL) of the City and any other applicable legislation and that it shall be subject to such.

**VF+ DISSENTING**

(CITY OF JOBURG PROPERTY COMPANY (SOC) LTD)  
(Sizeka Tshabalala and Emanuel Sotomi)

Item 30 DRAFT PROCESS PLAN FOR THE DEVELOPMENT  
OF THE 2022/23 OVERSIGHT REPORT OF THE  
CITY OF JOHANNESBURG: LEGISLATURE

RESOLVED

- 1 That the CoJ Legislature Process Plan for the 2022/23 Annual Report of the City of Johannesburg as set out in this report be adopted by the Municipal Public Accounts Committee to guide the oversight activities on the 2022/23 Annual Report.
- 2 That the approved CoJ Legislature Process Plan for the 2022/23 Annual Report be forwarded to the City Manager to be circulated to all heads of departments and heads of Municipal Owned Entities to enable them to attend and provide clarity as well as written responses to written questions by the Municipal Public Accounts Committee.

(COJ LEGISLATURE)  
(Tieniel A Samuel)  
(Tel. (011) 407-6897)

Item 31 OVERSIGHT VISIT REPORT OF THE  
ECONOMIC DEVELOPMENT SECTION 79  
COMMITTEE TO THE ORLANDO EKHAYA,  
WALTER SISULU SQUARE AND JOBURG  
MARKET ON THE 28TH OF FEBRUARY 2023

RESOLVED

- 1 That Council approves the oversight visit noting the observations cited in the body of the report.
- 2 That Johannesburg Property Company provides a feedback report to the Section 79 Economic Development Committee on the status of the development of Orlando Ekhaya by June 2023.
- 3 That the Johannesburg Property Company provides a feedback report to the Section 79 Economic Development Committee on the occupancy status of all Walter Sisulu Square tenants, to include mitigation plans for illegal occupants, by June 2023.
- 4 That the Johannesburg Property Company provides a feedback report to the Section 79 Economic Development Committee on the refurbishment and maintenance plans of Walter Sisulu Square by May 2023.
- 5 That the Johannesburg Property Company urgently request a full SHE inspection and attend to recommendations from the inspection within 2023/2024 financial year.

- 6 That the Johannesburg Metro Police (JMPD) provides a feedback report to the Section 79 Economic Development Committee on security measures for Walter Sisulu Square by June 2023.
- 7 That the Joburg Market provides a feedback report to the Section 79 Economic Development Committee on the "fair system" and related policies used to select entrepreneurs who will trade at the Pack House by June 2023.
- 8 That the Joburg Market provides a feedback report on the procedure and related policies and processes to be undertaken to select additional traders at the refurbished Mandela/Tshiamo Market by July 2023.

(COJ LEGISLATURE)

Item 32 OVERSIGHT VISIT REPORT OF THE ECONOMIC DEVELOPMENT SECTION 79 COMMITTEE TO THE PORTION 15 OF ERF 2612 JABULANI EXT 1 (PARCEL A) AND SOWETO GATEWAY ON 2<sup>ND</sup> JUNE 2023

RESOLVED

- 1 That Council approves the oversight visit report noting the observations cited in the body of the report.
- 2 That the Johannesburg Property Company provides a feedback report to the Section 79 Economic Development Committee on the number of SMMEs supported and EPWP work opportunities created through the development of portion 15, Parcel A of Jabulani extension one of Erf 2612 by October 2023.
- 3 That the Johannesburg Property Company provide a feedback report to the Section 79 Economic Development Committee on the occupancy status of all businesses operating at the Soweto Empowerment Zone, to include mitigating plans for illegal occupants by October 2023.

(COJ LEGISLATURE)

Item 33 OVERSIGHT VISIT REPORT OF THE SECTION 79 FINANCE COMMITTEE TO MODDERFONTEIN AND RABIE RIDGE REVENUE CENTRE ON 23 NOVEMBER 2023

RESOLVED

- 1 That Council approve the oversight visit report noting the observations cited in the body of the report.

- 2 That the Group Finance Department respond to all concerns raised in the report and provide a way forward. The report is to be submitted to the Section 79 Finance Committee by March 2024.
- 3 That the Group Finance Department provide a report on all disconnections for the period September to December 2023 per region, indicating the disconnections that were erroneously done. This report must also include the cost of disconnecting a customer, the subsequent cost to the City on the reconnection and the number of contractors utilized for this. The report is to be submitted to the Section 79 Finance Committee by March 2024.
- 4 That the Group Finance Department explain why there is no functioning cash system at the Modderfontein Revenue Centre for the last three months. The report is to be submitted to the Section 79 Finance Committee by March 2024.
- 5 That the Group Finance Department explain why no temporary facility was accommodated for the residents of Rabie Ridge to ensure continuous revenue collection. The report must also include where the staff employed at Rabie Ridge were for the last two years and consequence management actions implemented for the non-availability of a facility at Rabie Ridge. The report is to be submitted to the Section 79 Finance Committee by March 2024.
- 6 That the Group Finance Department provide a report on the running costs of the Modderfontein centre, and the total revenue received per month at the centre. The report is to be submitted to the Section 79 Finance Committee by March 2024.
- 7 That Group Information Communication and Technology Department provide a report on the ongoing network problem and non-functional cash payment machines at the Modderfontein Revenue Centre. The report is to be submitted to the Section 79 Finance Committee by March 2024.

(COJ LEGISLATURE)  
(A Bhaga)  
(Tel. (011) 407-7163)

Item 34 CHANGES IN MEMBERSHIP OF THE  
VARIOUS SECTION 79 COMMITTEES

RESOLVED

That Council approve the changes in membership of the various Section 79 Committees, as reflected in the body of the report.

(COJ LEGISLATURE)  
(Mokgano Leshalabe)  
(Acting Director: Office of the Whip of Council)  
(Tel. (011) 407-6218)

Item 35 RECRUITMENT AND APPOINTMENT PROCESS  
OF THE CHIEF: EMERGENCY MANAGEMENT  
SERVICES (EMS) POSITION WITHIN THE PUBLIC  
SAFETY DEPARTMENT

RESOLVED

- 1 That the content of this report and its Annexure A be noted.
- 2 That Mr. Andries Mucavele be appointed as the Chief: Emergency Management Services within the Public Safety Department in the City of Johannesburg Metropolitan Municipality on a permanent contract with effect from 01 March 2024 or as soon as possible thereafter.
- 3 That Mr. Andries Mucavele be appointed as a Chief Fire Officer within the Public Safety Department in the City of Johannesburg Metropolitan Municipality with effect from 01 March 2024 or as soon as possible thereafter.
- 4 That the City Manager or his nominee be authorized to negotiate and finalize the terms and conditions of the permanent employment contract, remuneration, performance contract and security clearance requirements with Mr. Andries Mucavele.
- 5 That the appointment of the candidate is subject to the candidate:
  - (1) Being in possession of or obtaining the prescribed security clearance.
  - (2) Entering into a contract of employment and a performance management contract with the City Manager or his nominee.

(GROUP CORPORATE AND SHARED SERVICES)  
(Ms. Anele Kwababa)  
(Group Human Capital Management)

Item 36 COMMENCEMENT OF RECRUITMENT AND  
SELECTION PROCESS FOR THE EXECUTIVE  
DIRECTOR: ECONOMIC DEVELOPMENT POSITION

RESOLVED

- 1 That the contents of this report be noted.
- 2 That the Executive Director: Economic Development position be advertised.
- 3 That the selection panels' composition be approved as reflected in the table below.

No.	Position	Composition of Selection Panel
1.	ED: Economic Development	<ul style="list-style-type: none"> <li>a. Chairperson: City Manager (CM)</li> <li>b. One Councillor designated by the Municipal Council (preferably a mayoral committee member or relevant portfolio head)</li> <li>c. An external expert as designated by the CM</li> <li>d. A representative from Group Human Capital Management</li> </ul>

**DA DISSENTING**

(GROUP CORPORATE AND SHARED SERVICES)  
(Group Head: Group Human Capital Management)  
(Ms. A Kwababa)

Item 37 COMMENCEMENT OF RECRUITMENT AND SELECTION  
PROCESS FOR THE EXECUTIVE DIRECTOR: ENVIRONMENT  
AND INFRASTRUCTURE SERVICES DEPARTMENT POSITION

**RESOLVED**

- 1 That the contents of this report be noted.
- 2 That the Executive Director: Environment and Infrastructure Services Department position be advertised.
- 3 That the selection panels' composition be approved as reflected in the table below.

No.	Position	Composition of Selection Panel
1.	ED: EISD	<ul style="list-style-type: none"> <li>a. Chairperson: City Manager (CM)</li> <li>b. One Councillor designated by the Municipal Council (preferably a mayoral committee member or relevant portfolio head)</li> <li>c. An external expert as designated by the CM</li> <li>d. A representative from Group Human Capital Management</li> </ul>

(GROUP CORPORATE AND SHARED SERVICES)  
(Ms. A Kwababa)

- Item 38 RECRUITMENT AND APPOINTMENT PROCESS OF THE CHIEF OF POLICE: JOHANNESBURG METROPOLITAN POLICE DEPARTMENT(JMPD) POSITION WITHIN THE PUBLIC SAFETY DEPARTMENT

WITHDRAWN

(GROUP CORPORATE AND SHARED SERVICES)  
(Ms. A Kwababa)

- Item 39 ACTING ARRANGEMENTS FOR SENIOR MANAGERS (SECTION 56)

RESOLVED

- 1 That the content of this report be noted.
- 2 That Council be informed of:
  - (1) the currently filled senior manager positions,
  - (2) vacant senior manager positions,
  - (3) progress on current recruitment of senior manager positions, and
  - (4) current acting arrangements.
- 3 That Council be informed of the Senior Managers' acting arrangements for the period between December 2023 to May 2024; and
- 4 That Council authorize the City Manager or his delegate, in line with the Local Government: Municipal Systems Act, 32 of 2000, to apply to the Member of the Executive Council (MEC) to note the current acting arrangements.

(GROUP CORPORATE AND SHARED SERVICES)  
(Ms. A Kwababa)

- Item 40 2023/24 MID-YEAR REVIEW OF THE INSTITUTIONAL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP), DEPARTMENTAL AND MUNICIPAL ENTITIES BUSINESS PLANS

RESOLVED

- 1 That the proposed amendments to the Institutional Service Delivery and Budget Implementation Plan for 2023/2024, as detailed in Annexure A, be approved.
- 2 That the proposed amendments to the business plans of the municipal entities (Annexure B) and SDBIPs of departments (Annexure C), be approved.

- 3 That the proposed Amendments to Circular 88 indicators (Annexure D), be approved.
- 4 That the departmental SDBIPs, municipal entities' business plans and section 57 scorecards be revised to effect the proposed changes, where required.
- 5 That the new strategic direction and the proposed changes be affected from the third quarter reporting on all the SDBIPs, business plans and section 57 scorecards.

(GROUP STRATEGY, POLICY COORDINATION AND RELATIONS)

Item 41 OPERATING ADJUSTMENT BUDGET  
FOR THE 2023/24 FINANCIAL YEAR

*At 11:00, Councillor Echeozonjoku (DA) requested a 15-minute caucus break to discuss the item at hand, and the Speaker acceded to the request.*

*MMC Masuku (ANC) expressed her respect for the Speaker's ruling but also raised concerns about the precedent being set, especially since the item was already on record, and a Councillor was actively engaging it.*

*The Speaker, in her response, she stated that was reluctant to grant the caucus break, however, indicated that Councillor Echeozonjoku had mentioned that the DA caucus intended to discuss the item under consideration.*

*On resumption, Councillor Rafferty (PA) requested for an hour caucus break.*

*The Speaker acceded to the request and asked if any political party that would request a caucus break.*

*After deliberations, the Speaker asked to the House whether the report and recommendations were supported and approved. Councillors in the House replied in affirmative and negative, thereafter the Speaker put the report to a vote and the results were as follows:*

*FOR: 125  
AGAINST: 71  
ABSTAIN: 0*

*The item was not carried as it required 136 Councillors to be in favour.*

*Following the outcome, the Speaker addressed the issue of Councillors entering the Chamber while the Council was in session. She expressed her disapproval, labelling it as ill-disciplined behaviour. She emphasized the importance of maintaining order and respect for the proceedings of the Council.*

*The Speaker referred to the Constitution and read section 160 as follows:*

*"1. A Municipal Council -*

*a. makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality;*

*2. The following functions may not be delegated by a Municipal Council:*

*a. The passing of by-laws;*

*b. the approval of budgets;*

*c. the imposition of rates and other taxes, levies, and duties; and*

*d. the raising of loans.*

*3. The following functions may not be delegated by a Municipal Council:*

*a. A majority of the members of a Municipal Council must be present before a vote may be taken on any matter."*

*b. All questions concerning matters mentioned in subsection (2) are determined by a decision taken by a Municipal Council with a supporting vote of a majority of its members.*

*c. All other questions before a Municipal Council are decided by a majority of the votes cast.*

*Councillor Christians (DA) commended the Speaker for upholding the Constitution. He referred to Rule 84 of the Standing Rules and Orders of Council which allows any Councillor to have their party's opposition recorded in the minutes when a question is put forth by the Presiding Officer and requested that the DA's opposition to the item be formally recorded in the minutes of the proceedings.*

NOT CARRIED

(GROUP FINANCE)

(Ms. N April)

(Tel. (011) 358-3290)

Item 42 CAPITAL ADJUSTMENT BUDGET  
FOR THE 2023/24 FINANCIAL YEAR

*After deliberations, the Speaker posed the question to the House, members of the Council responded with either "yes" or "no" to indicate their position on the matter. The Speaker facilitated a vote to determine whether the item would be agreed to.*

*The results of the vote were as follows:*

*FOR: 134*

*AGAINST: 69*

*ABSTAIN: 0*

*Councillor Christians (DA) commended the Speaker for upholding the Constitution. Furthermore, Councillor Christians requested that the "no" votes from the DA caucus be noted according to Rule 84 of the Standing Rules and Orders of Council.*

NOT CARRIED

(GROUP FINANCE)

(Ms. N April)

(Tel. (011) 358-3290)

Item 43     2023/2024 INSTITUTIONAL SDBIP MID-YEAR  
SERVICE LEVEL STANDARDS REVIEW, (DEVIATION  
AND ADJUSTMENT) FOR CONSIDERATION AND  
APPROVAL BY COUNCIL

RESOLVED

- 1     That the proposed amendments and deviations to the Institutional Service Level Standards Charter for 2023/2024 as outlined in the body of the report be approved.
- 2     That the proposed changes in the Institutional Service Level Standards Indicators, targets and Standard Operation Procedures provided in the body of the report be implemented as of the third quarter of the 2023/24 financial year.

(GROUP GOVERNANCE)

(Sipho Mhlambi)

Item 44     REQUEST FOR APPROVAL TO GRANT USER RIGHTS TO PUBLIC  
TRANSPORT OPERATORS WITHIN THE CITY OF JOHANNESBURG FOR  
THE USAGE OF DESIGNATED AND CATEGORISED PUBLIC TRANSPORT  
FACILITIES

WITHDRAWN

(TRANSPORT)

(Lutando Maboza)

Item 45 THE DEVELOPMENT OF THE REGISTER OF FINANCIAL INTERESTS OF COUNCILLORS FOR THE 2022 / 2023 FINANCIAL YEAR

*This Item was dealt with In-Committee.*

RESOLVED

- 1 That Council notes and accepts the Ethics and Disciplinary Committee report on the process of the finalization of the 2022/2023 Declaration of Interests window period.
- 2 That Council approves one month 10% salary deduction as a fine in line with Item 16(2) (d) of the Code of Conduct for Councillors, to those Councillors (Cllr Leitch AN, Cllr Mathe ZE, Cllr Mngadi WB, Cllr Ndzondo CM, Cllr Zondo LT, Cllr Mutavhatsindi N and Cllr Galeshewe TM who failed to declare their financial interests as required by law.
- 3 That the Speaker of Council reports the outcomes of investigation, the findings, sanction, and decision of Council to the MEC responsible for Cooperative Governance, Gauteng Province, in accordance with Item 16 (3) of the Code after this matter has been referred to and noted by the full sitting of Council.

(COJ LEGISLATURE)  
(Mpho Komane)

## 7 MOTIONS

*At 18:03, the Democratic Alliance (DA) excused themselves from the meeting and the motions were not considered due to the lack of quorum.*

## 8 ANNOUNCEMENTS

*None.*

## 9 CLOSURE

THE MEETING ADJOURNED AT 18:15.



.....  
SPEAKER OF COUNCIL

10 JUNE 2024  
.....  
DATE