

**AGENDA of the  
Portfolio Committee: Investment & Infrastructure  
6 February 2023  
(Also the agenda for the Mayoral Committee Meeting: 14 February 2023)**

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13.

**APPLICATION TO PURCHASE: A PORTION OF REMAINDER ERF 243  
HERMANUS (A SERVICES AREA BETWEEN PRILLEWITZ STREET AND  
SWARTDAM ROAD, HERMANUS)**

**A Le Roux**

**Senior Manager: Property Administration**

**22 November 2022**

**(028) 316 - 5623**

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**1. Executive Summary**

To consider the request to purchase a portion of Remainder Erf 243 Hermanus ( $\pm 5000\text{m}^2$  in extent), a services area situated between Prillewitz Street and Swartdam Road, Hermanus. See the locality plans attached hereto marked "Annexure A".

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Property Administration

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Creation and maintenance of a safe and healthy environment  
Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

- Local Government: Municipal Financial Management Act (Act 56 of 2003) ("MFMA")
- Municipal Asset Transfer Regulations (R. 878 of 2008) ("MATR")
- Administration of Immovable Property Policy of the Overstrand Municipality, as amended

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

An application was received for the purchase a portion of Remainder Erf 243 Hermanus ( $\pm 5000\text{m}^2$  in extent), hereafter referred to as "the Property", for the development of storage units.

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## **Evaluation**

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

***Paragraph 5: “The Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a municipal immovable property needed to provide the minimum level of basic services, save where the transfer is to another organ of state, as provided for in section 14(6) of the MFMA read with Regulation 24 in Chapter 3 of the MATR.”***

From the comments received from internal departments it is clear that the Property is used for current bulk services and earmarked for the installation of future bulk services. This strip of land was specifically created and retained for the installation and retention of basic municipal services.

## **Conclusion**

Taking the comments of the internal departments, as well as the above discussion, into consideration, it is recommended that the alienation of the Property not be approved.

## **7. Financial Implications**

None

## **8. Staff Implications**

None

## **9. Comments from other Departments, Divisions and Administrations**

**Senior Manager: Town & Spatial Planning: Mr R Kuchar**

*“The property is zoned for Transport zone 2 which is road and parking. There are also services over the land. Planning cannot support application.”*

**Senior Superintendent Projects Electrical Services Hermanus: J Klem**

*“There are 2 x 11000Volt feeder cables running in that corridor. If I am not mistaken it is earmarked as a service servitude.”* The locality map for the electrical services is attached as Annexure B.

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**Senior Manager: Operational Services: Mr T Marx**

*“The Department: Operational Services, Hermanus do not support this application due to a bulk sewer main line running in that specific servitude. We fully support the comments from Ricardo Andrew of the Engineering Services Department”*

**Manager: Engineering Services: Mr R Andrews**

*“The Engineering Services strongly objects to any sale or potential lease of the area:*

- a) Various essential bulk services are housed in the area*
- b) The area will be required for the future link and bulk services.”*

**10. Annexures**

Annexure A:                      Locality Map  
Annexures B1 & B2:        Locality Maps indicating the services

**RECOMMENDATION TO THE COUNCIL:**

that the sale of a portion of Remainder Erf 243 Hermanus ( $\pm 5,000\text{m}^2$  in extent), a services area between Prillewitz Street and Swartdam Road, **not be approved** as the Property is used and needed for municipal services and earmarked for future municipal services.

<b>RESPONSIBLE OFFICIAL:</b>	<b>W MURTZ</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>31 MARCH 2023</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>17 MARCH 2023</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

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**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE  
PORTFOLIO COMMITTEE ON 6 FEBRUARY 2023, WHICH COMMITTEE  
RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the sale of a portion of Remainder Erf 243 Hermanus ( $\pm 5,000\text{m}^2$  in extent), a services area between Prillewitz Street and Swartdam Road, **not be approved** as the Property is used and needed for municipal services and earmarked for future municipal services.

**RESPONSIBLE OFFICIAL:**

**W MURTZ**

**TARGET DATE FOR IMPLEMENTATION:**

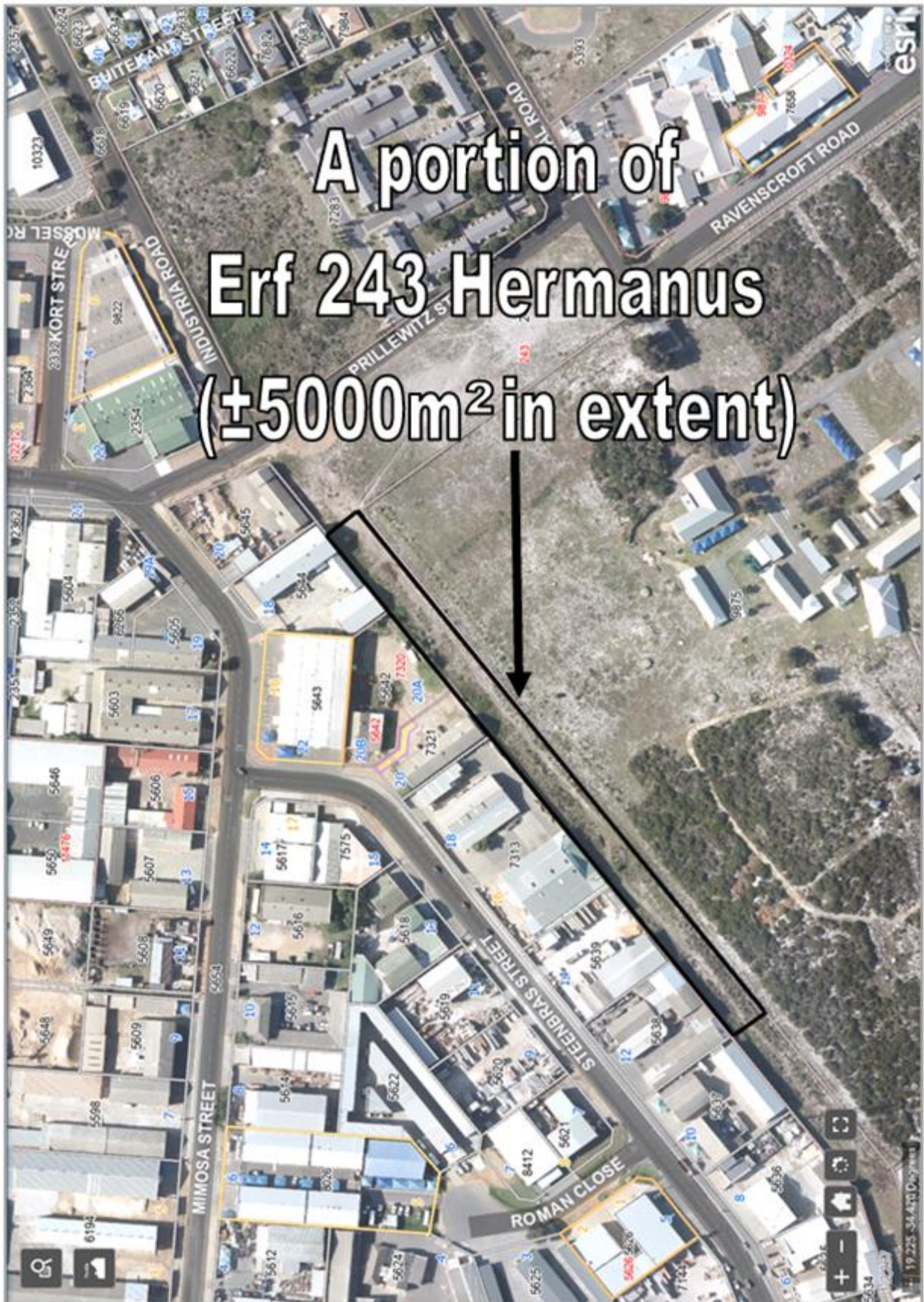
**31 MARCH 2023**

**TARGET DATE TO INFORM APPLICANT:**

**17 MARCH 2023**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**





ANNEXURE B2

