

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

**4.
HERMANUS, STANFORD: APPROVAL FOR THE ALIENATION AND TRANSFER
OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT
AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD
28/2 BETWEEN HERMANUS AND STANFORD**

7/2/3/2/

A Le Roux

(028) 316 - 3724

Hermanus Administration

15 January 2019

1. Executive Summary

To obtain approval for the alienation and transfer of several portions of municipal owned land as well as land vesting in the Overstrand Municipality to the Western Cape Government (Department of Transport and Public Works) ("DTPW") for the upgrading of Trunk Road 28/2 between Hermanus and Stanford.

The relevant portions of properties are as follow:

	<u>Erf number</u>	<u>Size</u>	<u>Sketch</u>	<u>Annexure</u>
1.	Erf 5327 Hermanus	±555m ²	1	A1-4
2.	Erf 4831 Hermanus	±28475m ²	2	B1-5
3.	Erf 4831 Hermanus	±2892m ²	57	C1-3
4.	Erf 4833 Hermanus	±3074m ²	3	D1-3
5.	Remainder Erf 294 Stanford	±1548m ²	50	E1-3
6.	Erf 594 Stanford	±688m ²	56	F1-4
7.	Erf 1177 Stanford	±662m ²	46	G1-4

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

The encouragement of structured community participation in the matters of the municipality

Promotion of tourism, economic and social development

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

4. Delegated Authority

None

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Properties:

The Municipality has in 2018 received a request from DTPW to purchase several portions of municipal owned land, as well as land vesting in the Municipality, in order to upgrade and widen the provincial road between Hermanus and Stanford, to the benefit of the community. Similarly, the DTPW has indicated that previously expropriated land which is no longer required will be transferred back to the Municipality.

The request to purchase received was for the following municipal owned properties:

	<u>Erf number</u>	<u>Size</u>	<u>Sketch</u>	<u>Annexure</u>
1.	Erf 5327 Hermanus	±555m ²	1	A
2.	Erf 4831 Hermanus	±28475m ²	2	B
3.	Erf 4831 Hermanus	±2892m ²	57	C
4.	Erf 4833 Hermanus	±3074m ²	3	D
5.	Remainder Erf 294 Stanford	±1548m ²	50	E
6.	Erf 594 Stanford	±688m ²	56	F

A request was also received for the purchase of the following property that vests in the Municipality in terms of section 37 of the Western Cape Land Use Planning Act (No. 2 of 2014) and must still be transferred to the Municipality. As it is represent only a portion of the property and due to the status of the property (/public place), it cannot be transferred by the current owner to the DTPW directly.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

	<u>Erf number</u>	<u>Size</u>	<u>Sketch</u>	<u>Annexure</u>
1.	Erf 1177 Stanford	±662m ²	46	G

A letter will be send to the current owner (see Annexure H attached) to request transfer of the property as required by legislation. Council must however consider to attend to the transfer at own cost should the owner delay the matter or refuse to pay the costs of the transfer.

The DTPW has indicated that there are portions of land no longer needed for road purposes and they wish to return it to the Municipality. These portions are:

	<u>Erf number</u>	<u>Size</u>	<u>Sketch</u>	<u>Annexure</u>
1.	Erf 4831 Hermanus	±7748m ²	n/a	I
2.	Erf 4831 Hermanus	±223m ²	57	C3
3.	Erf 4833 Hermanus	±2839m ²	n/a	I

Only one tenant of the Municipality will be affected by the alienation, but it has been brought to their attention and their lease area was amended accordingly to accommodate the portion to be alienated.

DTPW will have to attend to the necessary Town Planning procedures (subdivision, rezoning, etc.) and transfer of the properties in question at their own cost. The transfers in the Deeds Office will be attended to by the State Attorneys.

EFG Engineers (Pty) Ltd, the agents of DTPW has requested consent to take possession and occupation of the relevant portions of municipal land to start ground works. Their contractors are currently starting the earth works as the consent was given subject to conditions.

Valuation:

DTPW appointed Messrs Adval Valuation Centre CC to obtain market related price for the portions of properties in question. Representatives of Adval Valuation Centre CC had a meeting with the Manager: Property Administration (A Le Roux) to discuss the status and use of the properties and whether there are any leases on the properties. The following market related price (VAT excluded) were received from DTPW should we wish to be compensated for the portions of property:

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

	<u>Erf number</u>	<u>Size</u>	<u>Value/m²</u>	<u>Total value (VAT excluded)</u>
1.	Erf 5327 Hermanus	±555m ²	R100.00	±R 55,500.00
2.	Erf 4831 Hermanus	±28475m ²	R20.00	±R569,500.00
3.	Erf 4831 Hermanus	±2892m ²	R20.00	±R 57,840.00
4.	Erf 4833 Hermanus	±3074m ²	R15.00	±R 46,110.00
5.	Remainder Erf 294 Stanford	±1548m ²	R5.00	±R 7,740.00
6.	Erf 594 Stanford	±688m ²	R50.00	±R 34,400.00
7.	Erf 1177 Stanford	±662m ²	R5.00	±R 3,310.00
			TOTAL	±R774,400.00

In respect of the portions of properties DTPW wishes to return to the Municipality, the values (prices payable) were set at 25% of the market related value. The compensation requested by DTPW is calculated as follows:

	<u>Erf number</u>	<u>Size</u>	<u>Value/m²</u>	<u>Total value (VAT excluded)</u>
1.	Erf 4833 Hermanus	±2839m ²	R3.75	±R 10,646.25
2.	Erf 4831 Hermanus	±7748m ²	R5.00	±R 38,740.00
3.	Erf 4831 Hermanus	±223m ²	R5.00	±R 1,115.00
			TOTAL	±R 50,501.25

The total expected income from the alienation to be received by the Municipality amounts to ±R723,898.75 (VAT EXCLUDED) (SEVEN HUNDRED AND TWENTY THREE THOUSAND EIGHT HUNDRED AND NINETY EIGHT RAND AND SEVENTY FIVE CENTS VAT EXCLUDED).

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

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

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.”

The portions of properties envisaged to be alienated runs alongside the R43. It is not foreseen that it will be needed for the provision of basic municipal services. Where current services are affected (i.e. Erf 5327 Hermanus, Erf 294 Stanford and Erf 594 Stanford), servitudes will be registered as the portions are only needed to widen the current road and no buildings will be erected on it.

Paragraph 12.1: “Paragraphs 7 and 10 above do not apply to the transfer of immovable property to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury in Regulation 20 of the MATR, provided that such transfers are in accordance with a prescribed framework contained in Chapter 3 of the MATR.”

Regulation 20 determines, amongst others that, “Section 14(1) to (5) of the Act does not apply if a municipality or municipal entity transfers a capital asset to an organ of state in any of the following circumstances:

- (f) *any other circumstance not provided in paragraph (a) to (e), provided that –*
 - (i) *the capital asset to be transferred is determined by Council to be not needed for the provision of the minimum level of basic municipal services and to be surplus to the requirements of the municipality; and....”*

The subject portions of properties are needed to widen the current R43 road between Hermanus and Stanford. This specific portion of road is very narrow and accidents occur there regularly.

Paragraph 12.2 “Where the requirements stipulated in Chapter 3 of the MATR are met, then notwithstanding fact that the transfer or disposal may be in respect of immovable property which is required to provide the minimum level of basic services, such disposals need not be at market related value and do not require a public participation process described in the MATR in respect of non-exempted disposals.”

As the portions of properties will be alienated to an organ of state and further as the purpose for which the properties will be utilised is of great value and advantage to the community, the property may be alienated and transferred without following a public participation process.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Paragraph 28: *“All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.”*

DTPW will be held liable for all costs pertaining to the transactions.

Paragraph 32: *“Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.”*

A condition to this effect will be included in the Deed of Sale.

Paragraph 31: *“Where immovable property is alienated for development, a condition, taking into consideration the nature of the development, might be included in the Deed of Sale stipulating that such development must be completed within two years from date of registration. Likewise a condition may be included in the agreement to provide for forfeiture in the event that the development has not been completed within the required time period, unless a written extension has been granted by the Municipality.”*

A clause to this effect will be inserted in the Deed of Sale.

Paragraph 32: *“Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.”*

A clause to this effect will be inserted in the Deed of Sale.

B: Advertisement/Notification

As the properties is exempted in terms of Regulation 20 of the MATR and alienated and transferred to an organ of state for the advantage of the community the alienation and transfer of the properties does not have to follow a public participation process.

Conclusion

Taking the above discussion into consideration, it is recommended that the direct alienation and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes be approved:

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

1. A portion of Erf 5327 Hermanus, $\pm 555\text{m}^2$ in extent, at an amount of R100.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
2. A portion of Erf 4831 Hermanus, $\pm 28475\text{m}^2$ in extent, at an amount of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
3. A portion of Erf 4831 Hermanus, $\pm 2892\text{m}^2$ in extent, at an amount of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
4. A portion of Erf 4833 Hermanus, $\pm 3074\text{m}^2$ in extent, at an amount of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);
5. A portion of Remainder Erf 294 Stanford, $\pm 1548\text{m}^2$ in extent, at an amount of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
6. A portion of Erf 594 Stanford, $\pm 688\text{m}^2$ in extent, at an amount of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT excluded);
7. A portion of Erf 1177 Stanford, $\pm 662\text{m}^2$ in extent, at an amount of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);

It is further recommended that the following portions of properties revert back to the Municipality at the following amounts, to be deducted from the purchase prices above:

1. A portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at an amount of R3.75/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
2. A portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at an amount of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
3. A portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at an amount of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);

Furthermore DTPW will be liable for all cost involved to affect transfer of the properties in the deeds office as well as the cancellation of the relevant expropriation endorsements on the above three properties. Subsequently the additional costs will entail the subdivision and rezoning of the properties and the registration of servitudes for services, if necessary.

7. Financial Implications

The Municipality stands to gain an income to the amount of $\pm R723,898.75$ (VAT EXCLUDED) (SEVEN HUNDRED AND TWENTY THREE THOUSAND EIGHT HUNDRED AND NINETY EIGHT RAND AND SEVENTY FIVE CENTS VAT EXCLUDED), which amount is calculated as follows:

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Market related value of portions properties to be alienated	±R774,400.00
<u>Less</u> value of portions of properties reverting back	(±R 50,501.25)
TOTAL	<u>±R723,898.75</u>

Should the Municipality not be successful to obtain ownership of Erf 1177 Stanford on the basis that the current owner do not want to bear the costs of the transfer, it is suggested that the Municipality bear these costs which can amount to approximately R3,000.00 (THREE THOUSAND RAND). There is sufficiently budgeted for this expense.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Senior Manager: Expenditure and Assets: Mr. J Vorster - (028) 313 8046

Erf 1177 Stanford is currently zoned as public open space, measuring 7300m² in extent. Although the property vests in the Municipality in terms of LUPA, the current owner has not yet transferred the title deed into the name of the Municipality and as such it is not currently recognized in the Fixed Asset Register. In the event of the disposal of the relevant portions of the properties, a simultaneous deeds transfer will have to be done, firstly to the name of the Municipality and then to the name of the recipient.

The following portions of municipal properties are currently included as part of the overall extent of the respective municipal properties in the Fixed Asset Registers for either Investment Property (IP) Land or Property Plant & Equipment (PPE) Land:

	<u>Erf number</u>	<u>Size</u>	<u>Classification</u>	<u>Proportional value (VAT included)</u>
1.	Erf 5327 Hermanus	±555m ²	IP	±R 42,279.90
2.	Erf 4831 Hermanus	±28475m ²	IP	±R188,504.50
3.	Erf 4831 Hermanus	±2892m ²	IP	±R 19,184.76
4.	Erf 4833 Hermanus	±3074m ²	IP	±R 27,020.46
5.	Remainder Erf 294 Stanford	±1548m ²	PPE	±R 1,548.00
6.	Erf 594 Stanford	±688m ²	IP	±R 45,889.60
			TOTAL	<u>±R324,427.22</u>

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

In terms of Generally Recognised Accounting Practices 17 ("GRAP 17") the properties must be registered in the Fixed Asset Register and the subsequent alienation thereof must be accounted for at the selling price in order to remove it from the Fixed Asset Register and to account for the gain / (loss).

As the application complies with the Administration of Immoveable Property Policy, there is no objection.

Town Planner: Mr P Roux – (028) 313 8900

The zoning of the following erven are as follow;

1. Erf 1177 Stanford is zoned as Open Space Zone 2 : Public Open Space.
2. Remainder Erf 294 Stanford is zoned as Open Space Zone 2 : Public Open Space and Transport Zone 2 : Road and Parking.
3. Erf 594 Stanford is zoned as Industrial Zone 1 : General Industry.

The proposed utilization of land for transport use will require a land use application which includes the rezoning and closure of public place (where required) of land.

The land will have to be subdivided and possibly consolidated however this is exempt from a land use application in terms of Section 26 (b), (d) and (f) of the Overstrand Municipality Bylaw on Land Use Planning 2015. However the rezoning and closure of public place must first be concluded prior to the registration of the erven at the SG office.

Comments from Property Administration Department: Conditions addressing the Town Planning procedures / requirements will be included in the Deed of Sale.

Senior Town Planner: Mr S van der Merwe – (028) 313 8938

The proposed utilization of land for transport use will require a land use application which includes the rezoning and closure of public place (where required) of land since only the subdivision and consolidation is exempted from a land use application. The land use application must however be finalized prior to approval of the diagrams by the Surveyor General and registration in the Deeds Office. You also need to make sure that the road widening does not impact upon the lease for De Mond.

Please bear in mind that the title deeds of the respective properties may contain restrictive conditions. As such, the land development application(s) shall be accompanied by a conveyancing certificate(s) indicating that there are no restrictive title conditions.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Please liaise with Environmental Management Services with regards to the alignment of the Fernkloof Reserve Boundary and any subsequent comment

The zoning for the respective portions read together with Plan No. H 1627 are as follows:

- (a) Erf 5327
Sketch 1 - Resort Zone
- (b) Erf 4831
 - (i) Sketch No. 2 Sheet 1 of 4 - Rezort Zone
 - (ii) Sketch No. 2 Sheet 2 of 4 - Open Space Zone 1: Nature Reserve / Conservation Use
 - (iii) Sketch No. 2 Sheet 3 of 4 (North of R43) - Open Space Zone 1: Nature Reserve / Conservation Use
 - (iv) Sketch No. 2 Sheet 3 of 4 (South of R43) - Open Space Zone 1: Nature Reserve / Conservation Use and Open Space Zone 2: Public Open Space
 - (v) Sketch No. 2 Sheet 3 of 4 Open Space Zone 1: Nature Reserve / Conservation Use
 - (vi) Sketch No. 57 - Open Space Zone 1: Nature Reserve / Conservation Use
- (c) Erf 4833
Sketch 3 - Open Space Zone 2: Public Open Space

Comments from Property Administration Department:

Conditions addressing the Town Planning procedures / requirements will be included in the Deed of Sale. The affect the road widening will have on the De Mond Lease area has been addressed.

As to any possible title deed restrictions:

- (a) Erf 5327 Hermanus: Held by Title deed (Grant) No. G267/1971. The title deed has one relevant restriction, being that the property or any portion thereof may not be alienated without the consent of the Minister of Agriculture. This will be a condition of the sale.
- (b) Erf 4831 Hermanus: Held by Crown Grant No. G110/1942. The title deed has one relevant restriction, being that the land may only be used as a place of public resort. The necessary applications will have to be done to obtain the consent to rezone a portion of the property to public road. This should not be a concern as the R43 road already runs through this property as per the proclomation of the road in 1951.
- (c) Erf 4833 Hermanus: Held by Crown Grant No. G158/1939. There are no relevant title deed restrictions in this title deed.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

- (d) Remainder Erf 294 Stanford: Held by Deed of Transfer No. T5943/1921. There are no title deed restrictions in this title deed.
- (e) Erf 594 Stanford: Held by Certificate of registered Title No. T10113/1990: There are no title deed restrictions in this title deed.
- (f) Erf 1177 Stanford: We currently do not have access to this title deed and will have to order a copy from the Deeds Office.

Senior Manager: Electrotechnical Services (Gansbaai): Mr D Maree – (028) 384 8311

Please take note that we have existing services on the two erven in Stanford (attached plans marked Annexure J1-2). We have permission from Western Cape Government for the services that run underneath the road (erf 294), so no servitude is needed for the cable, however they need to take note of the services.

The services on Erf 594 cannot be repositioned, thus we require a 20m servitude (10m each side) to be registered for these services.

The repositioning of any existing services needs to be done by Western Cape Government at a standard acceptable to the Overstrand Municipality and in accordance with our By-laws and all prescribed regulations.

The contractors need to apply for way leaves before commencing with any work and can contact Overstrand Municipality to show out services on site.

Comments from Property Administration Department:

The deed of sale will make provision for the required servitude and the relocation of services where necessary.

Senior Manager Electrical Services: Mr J H du Plessis – (028) 316 2630

Please find attached the drawing (Annexure K) indicating positions of street light poles and feeder cable as well as 11 k V feeder cables along the R43.

These cables will need to be repositioned in order to accommodate new road upgrading.

Please contact our office before commencement of construction.

Comments from Property Administration Department:

The deed of sale will make provision for the relocation of services where necessary.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Principal Technician (Operational) (Hermanus): Mr T Marx – (028) 313 8900

All existing Municipal services that are located on the relevant portion of Erf 5327 must be relocated to a suitable alternative position, but outside the road surface on the verge / sidewalk. Allowance must be made for future pedestrian / cycle traffic. Suitable services servitudes (servitudes must be registered w.r.t. Municipal services over the relevant Portion of Erf 5327). All costs will be for the applicants account. See Annexure L.

Comments from Property Administration Department:

The deed of sale will make provision for the required servitude and the relocation of services where necessary.

Senior Manager Operational Services (Gansbaai): Mr T Steenberg – (028) 384 8312

Please note the Gansbaai Operational Department has no objection to the proposed alienation of the property and that it has no effect on our services. We have been in regular contact with the consulting engineers EFG Engineers throughout the design phase and they are aware of the location of our services.

Environmental Officer: Mrs P Aplon – (028) 316 3724

The sections of the Fernkloof Nature Reserve which will be affected by this development were declared under the National Environmental Protected Areas Act (NEMPAA) in 2009. Therefore according to Part 3 of NEMPAA the following legal procedure must be followed before any works can be done in the area:

Section 24: *“Withdrawal of declaration or exclusion of part of nature reserve:*

- (1) *A declaration under section 23 (1) may only be withdrawn-*
 - (a) *in the case of a declaration by the Minister, by resolution of the National Assembly;*
 - (b) *in the case of a declaration by an MEC, by resolution of the legislature of the relevant province; or*
 - (c) *in terms of subsection (2).*

- (2) *If the Minister or MEC, or the other party to an agreement, withdraws from an agreement referred to in section 23 (3), the Minister or MEC must withdraw the notice in terms of which the land in question was declared a nature reserve or part of an existing nature reserve.”*

Due to the fact that the application to DEADP did not describe the sites in Fernkloof Nature Reserve as a NEMPAA protected area, the Environmental

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Authorization did not specifically identify the process of de-proclamation of the property. The NEMPAA process for the deproclamation should have been run in parallel with the EIA process. The environmental authorization does however state that the authorization does not indemnify the authorization holder from any other legislation applicable to the development.

EIA Reference Number: 16/3/1/1/E2/14/2036/13, Section E Conditions of authorisation, Point 12 states: *“Notwithstanding this environmental authorization, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities”*. Therefore the authorization still does not give approval for the development to take place in the Fernkloof Nature Reserve without following the de-proclamation process as stipulated in NEMPAA.

According to the National Environmental Management: Protected Areas Act (Act No. 57 of 2003) and the Regulations for the Proper Administration of Nature Reserves (2012) the following contravention of the Act has already taken place when EFG Engineers (Pty) Ltd and its contractors started works in the protected areas:

Section 22: *“Points of entry and exit*

- (2) *Where a public road or railway line passes through a nature reserve;*
- (b) *No person may be authorized;*
 - (i) *To leave such a public road; or*
 - (ii) *Enter into a nature reserve from such public road or railway line, without written authorization of the management authority.”*

Section 33: *“Restricted Activities*

- (1) *No person may without prior written authorization of the management authority;*
- (b) *convey, move or otherwise translocate any specimen in a nature reserve;*
 - (c) *intentionally disturb any species or specimen in a nature reserve;*
 - (g) *cut, damage, remove or destroy or be in possession of any plant or any part thereof, including dry wood or firewood in a nature reserve;*
 - (i) *gather, collect or pluck any specimen in a nature reserve;*
 - (j) *pick parts of, or cut, chop off, uproot, damage or destroy, any specimen in a nature reserve;*
 - (k) *possess or exercise physical control over any specimen in a nature reserve;”*

Section 36: *“Interference with soil or substrate*

- (1) *No person may, except with the prior written authorization of a management authority;*
- (b) *Dig any soil or similar material in a nature reserve.”*

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Section 48: *“Prohibitions relating to vehicles*

- (1) *No person driving a vehicle in a nature reserve may;*
- (c) *Drive or park anywhere except on a designated road or place;*
 - (e) *Damage or act in a manner that could cause damage of any nature whatsoever, including but not limited to, damage to a road, plants or animals;*
 - (g) *Drive a vehicle off-road or off designated roads or tracks, except in an area set aside by the management authority for that purpose.”*

Section 50: *“Prohibitions relating to development*

- (1) *No development contemplated in sections 50(5) of the Act may be implemented;*
- (a) *In any area other than an area designated for such development in a management plan;*
 - (b) *Before a management authority has indicated in writing the nature and extent of the environmental impact assessment required for the development.*
- (2) *No commercial activity or activity contemplated in section 50 of the Act, which requires an EIA to be undertaken, either in terms of sub-regulation (1)(b) or under any other law, may be implemented before a management authority has approved, with or without conditions, the environmental impact assessment before it is submitted to the relevant authority for approval.”*

Section 54: *“Offences*

Any person who;

- (a) *Contravenes or fails to comply with any provision of these Regulations;*
- (b) *fails to comply with any Protected Area Notice, an internal rule, or other document issued or displayed in terms of these Regulations;*
- (c) *fails to comply with any lawful instruction, prohibition, rule or order given, imposed or issued in terms of an internal rule or these Regulations; or*
- (e) *Contravenes a condition mentioned in a written authorization or agreement issued or entered into in terms of these Regulations;*

is guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding R5 million or imprisonment for a period not exceeding five years and, in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment of a period not exceeding ten years or in both instances to both a fine and such imprisonment.”

In this case the Management Authority, through the Municipal Manager, will be liable for any of the above mentioned contraventions of the Act because the Municipality is the appointed Management Authority of the Fernkloof Nature Reserve.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

Comments from Property Administration Department:

The deed of sale will make provision for the required de-proclamation. We were informed that the agents of DTPW, EFG Engineers (Pty) Ltd, will meet with Cape Nature to discuss the matter.

10. Annexures

- Annexure A: Documents relating to Erf 5327 Hermanus
- Annexure B: Documents relating to Erf 4831 Hermanus
- Annexure C: Documents relating to Erf 4831 Hermanus
- Annexure D: Documents relating to Erf 4833 Hermanus
- Annexure E: Documents relating to Erf 294 Stanford
- Annexure F: Documents relating to Erf 594 Stanford
- Annexure G: Documents relating to Erf 1177 Stanford
- Annexure H: Copy of letter to owner of Erf 1177 Stanford
- Annexure I: Sketch representing portions of Erven 4831 and 4833 Hermanus respectively reverting back to the Municipality
- Annexure J: Locality map indicating electrical services – Stanford
- Annexure K: Locality map indicating electrical services – Hermanus
- Annexure L: Locality map indicating municipal services – Hermanus

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation (sale) and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes **be approved**;
 - (a) a portion of Erf 5327 Hermanus, ±555m² in extent, at payment of a market related purchase price of R100.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, ±28475m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, ±2892m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (d) a portion of Erf 4833 Hermanus, ±3074m² in extent, at payment of a market related purchase price of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);
 - (e) a portion of Remainder Erf 294 Stanford, ±1548m² in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

- (f) a portion of Erf 594 Stanford, $\pm 688\text{m}^2$ in extent, at payment of a market related purchase price of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT excluded);
 - (g) a portion of Erf 1177 Stanford, $\pm 662\text{m}^2$ in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):
 - (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 3. that the amounts listed in 1(a) to (g) and 2(a) to (c) be paid to the Municipality in lieu of final settlement of the purchase price;
 4. that a condition be registered in the title deeds of the said portions of properties to be alienated and transferred that no structures of any kind may be erected thereon;
 5. that the alienation and transfer of the said portions of properties be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;
 6. that the costs of the valuation, subdivision and possible consolidation, rezoning, transfer of and cancellation of endorsements against the properties and the and related costs be paid by the Western Cape Government (Department of Transport and Public Works);
 7. that, where necessary, servitudes be registered in favour of and to the satisfaction of the Overstrand Municipality in relation to any existing services on the properties, at the cost of the Western Cape Government (Department of Transport and Public Works);

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting: 27 March 2019)**

8. that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested;
9. that a condition be included in the Deed of Sale that the sale of the portions situated in the Fernkloof Nature Reserve be subject to the successful de-proclamation thereof OR be subject to the Western Cape Government: Department of Environmental Affairs and Development Planning providing written confirmation that it is not necessary to attend to a de-proclamation; and
10. that it be noted that the portions of municipal properties envisaged to be alienated is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :	A LE ROUX
TARGET DATE FOR IMPLEMENTATION:	N/A
TARGET DATE TO INFORM APPLICANT:	17 APRIL 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting : 27 March 2019)**

4.

HERMANUS, STANFORD: APPROVAL FOR THE ALIENATION AND TRANSFER OF SEVERAL PORTIONS OF LAND TO THE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (WESTERN CAPE) FOR THE UPGRADE OF TRUNK ROAD 28/2 BETWEEN HERMANUS AND STANFORD

7/2/3/2/

A Le Roux

(028) 316 - 3724

Hermanus Administration

15 January 2019

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 19 MARCH 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation (sale) and transfer of the following properties to the Western Cape Government (Department of Transport and Public Works) for road widening purposes **be approved**;
 - (a) a portion of Erf 5327 Hermanus, ±555m² in extent, at payment of a market related purchase price of R100.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, ±28475m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, ±2892m² in extent, at payment of a market related purchase price of R20.00/m² (TWENTY RAND PER SQUARE METRE) (VAT excluded);
 - (d) a portion of Erf 4833 Hermanus, ±3074m² in extent, at payment of a market related purchase price of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded);
 - (e) a portion of Remainder Erf 294 Stanford, ±1548m² in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);
 - (f) a portion of Erf 594 Stanford, ±688m² in extent, at payment of a market related purchase price of R50.00/m² (FIFTY RAND PER SQUARE METRE) (VAT excluded);
 - (g) a portion of Erf 1177 Stanford, ±662m² in extent, at payment of a market related purchase price of R5.00/m² (FIVE RAND PER SQUARE METRE) (VAT excluded);

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting : 27 March 2019)**

2. that the following portions of properties revert back to the Overstrand Municipality at the cost of the Western Cape Government (Department of Transport and Public Works):
 - (a) a portion of Erf 4833 Hermanus, $\pm 2839\text{m}^2$ in extent, at a value of R3.75/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (b) a portion of Erf 4831 Hermanus, $\pm 7748\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
 - (c) a portion of Erf 4831 Hermanus, $\pm 223\text{m}^2$ in extent, at a value of R5.00.00/m² (ONE HUNDRED RAND PER SQUARE METRE) (VAT excluded);
3. that the amounts listed in 1(a) to (g) and 2(a) to (c) be paid to the Municipality in lieu of final settlement of the purchase price;
4. that a condition be registered in the title deeds of the said portions of properties to be alienated and transferred that no structures of any kind may be erected thereon;
5. that the alienation and transfer of the said portions of properties be subject to obtaining the necessary subdivision, rezoning and consolidation approvals;
6. that the costs of the valuation, subdivision and possible consolidation, rezoning, transfer of and cancellation of endorsements against the properties and the and related costs be paid by the Western Cape Government (Department of Transport and Public Works);
7. that, where necessary, servitudes be registered in favour of and to the satisfaction of the Overstrand Municipality in relation to any existing services on the properties, at the cost of the Western Cape Government (Department of Transport and Public Works);
8. that a condition be included in the Deed of Sale that the Western Cape Government (Department of Transport and Public Works), its agents and contractors must at own cost attend to the relocation of services where requested;
9. that a condition be included in the Deed of Sale that the sale of the portions situated in the Fernkloof Nature Reserve be subject to the successful de-proclamation thereof OR be subject to the Western Cape Government: Department of Environmental Affairs and Development Planning providing written confirmation that it is not necessary to attend to a de-proclamation; and

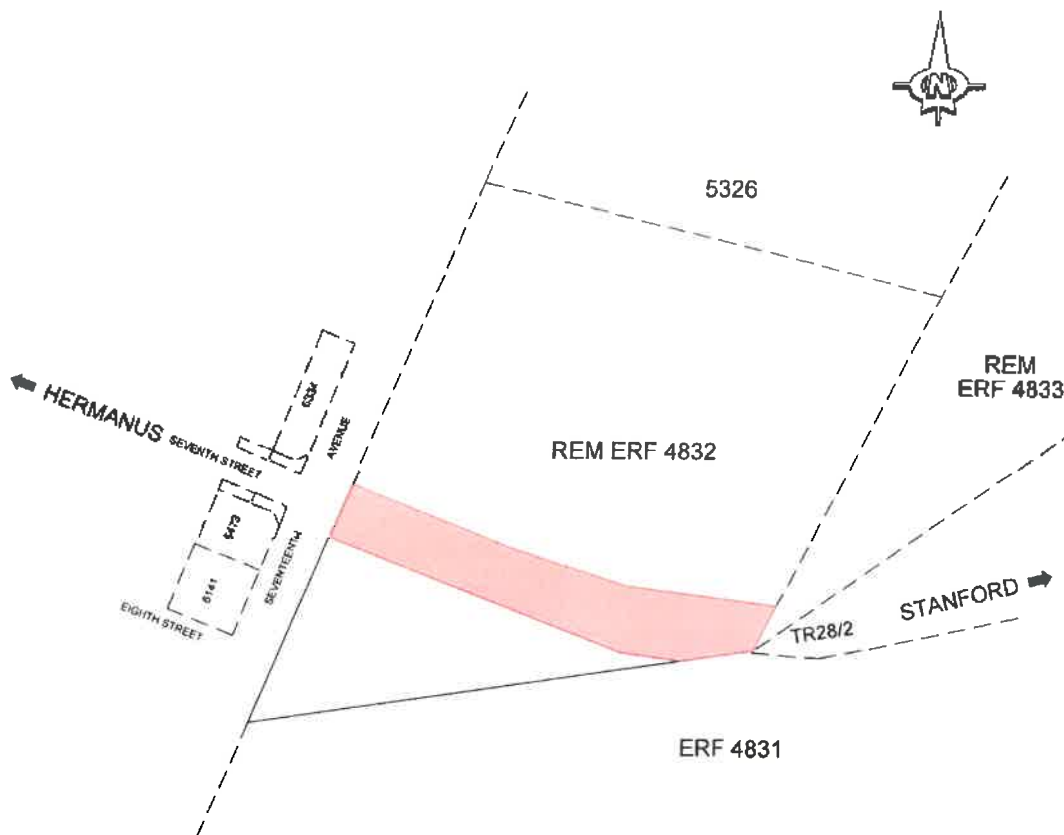
**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting : 27 March 2019)**

10. that it be noted that the portions of municipal properties envisaged to be alienated is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

RESPONSIBLE OFFICIAL :	A LE ROUX
TARGET DATE FOR IMPLEMENTATION:	N/A
TARGET DATE TO INFORM APPLICANT:	17 APRIL 2019
TARGET DATE TO INFORM OBJECTOR:	N/A

PROVINCIAL ADMINISTRATION : WESTERN CAPE PROVINSIALE ADMINISTRASIE : WES-KAAP
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS DEPARTEMENT VAN VERVOER & OPENBARE WERKE
 ROAD NETWORK MANAGEMENT BRANCH TAK PADNETWERKBESTUUR

FILE NO. IFFR	SKETCH NO. SKETS	1
PROPERTY EIENDOM	ERF 5327 (A PTN OF ERF 4832), HERMANUS	
SITUATE IN THE ADMINISTRATIVE DISTRICT OF GELEE IN DIE ADMINISTRATIEWE DISTRIK VAN	CALEDON	IN EXTENT GROOTTE
OWNED BY EIENDOM VAN	HERMANUS MUNICIPALITY	TRANSFER TRANSPORT NO.
THE EXPROPRIATED PORTION, SHOWN IN RED, IS APPROXIMATELY DIE ONTREENDE GEDELTE, ROOF GEKLEUR, IS ONGEVEER	0.5379Ha	IN EXTENT GROOT
S.G. DIAGRAM NO. L.G. KAART	1682/1968	S.G. COMPILATION L.G. SAMESTELLING NO.
		473



SCALE
SKAAL 1 : 2500

COMPILATION BY
SAMESTELLING DEUR EFG ENGINEERS
 DATE
DATUM NOVEMBER 2017 AA

PROPERTY ERF 4831, HERMANUS
 EINDOM SKETS NO 2

ROAD STATE TRUNK ROAD 28/2
 PADSIAFUS RESERVE WIDTH 30m (MIN)
 RESERWYDTE

NAME OF JOB CONTRACT NO. 1000.01. REHABILITATION OF AND/OR UPGRADING OF TR28/2
 NAAM VAN TAAK

COMPILATION PLAN H1627, H1628
 SAAMGESTELDE SURVEY PLAN Hermanus Stanford_All_2D.dwg
 ONMETINGE

NOTA BENE

IN TERMS OF SECTION 34 (4) OF ORDINARY TRANSFER NO COMPENSATION IS PAYABLE FOR THE PORTION OF EXISTING ROAD RESERVE STRIPS WITHIN THE NEWLY ESTABLISHED ROAD RESERVE.

LET WEL

INHOOF DIE ARTIKEL 34 (4) VAN ORDINÊRE OORDRAG IS GELD NIE VERGOEDING BYLAAG ENKEL VOOR DIE DEEL VAN DIE OUD PADSIAFUS WAT BINNE DIE NUWE OORDRAG PADSIAFUS GELIG IS. (SIE 2 BILDE).

1	TOTAL AREA OF NEW ROAD RESERVE TOTALE GROOTTE VAN NUWE PADSIAFUS		9.5369Ha	
2	PORTION OF EXISTING ROAD RESERVE WITHIN NEW ROAD RESERVE GEDEELTE BESTAANDE PADSIAFUS BINNE NUWE PADSIAFUS		6.6894Ha	
3	DIFFERENCE BETWEEN 1 AND 2 ABOVE IN RESPECT OF WHICH COMPENSATION CAN BE CLAIMED AS SET OUT IN 4 BELOW. VERSKIL TUSSEN 1 EN 2 HIERBO WAARVOOR VERGOEDING GEGES MAG WORD SOOS IN 4 HIERONDER UITEENGESET.		2.8475Ha	
4	LANDERACTIEVE GROND (ONBEWAAKTE GROND)	DIENREKTE GROND (GEBEELDE GROND)		BESPREKELIKE GROND IRREGULIERE GROND
	ROOS-BOERHOF	WINEBOER-BOERHOF		PLANTASE-BOERHOF

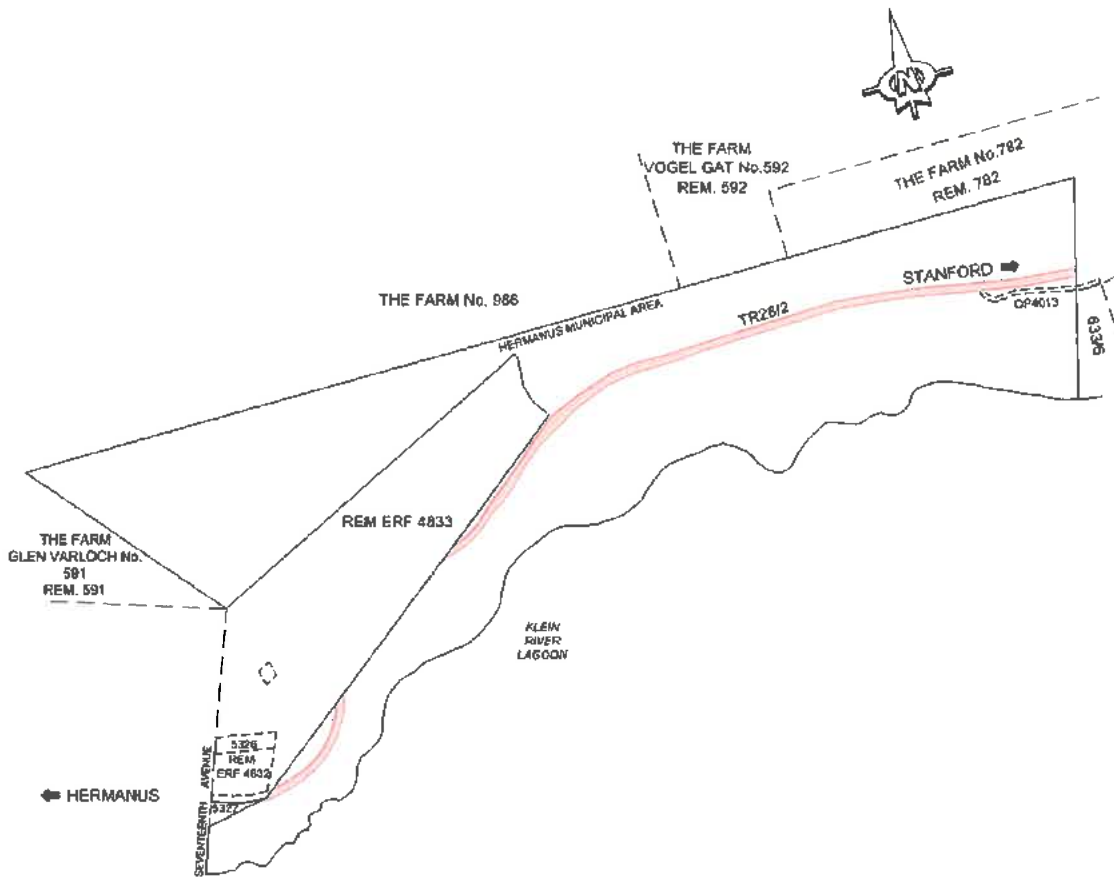
1. Dense indigenous shrubs.
2. Gravel road, Voetgat river
3. Wendy house might be affected

Old road reserve no longer required - 0.7746Ha

FIELD CHECKED BY EFG Engineers
 VELD NAGESIEN DEUR
 DATE NOVEMBER 2017
 DATUM AA2

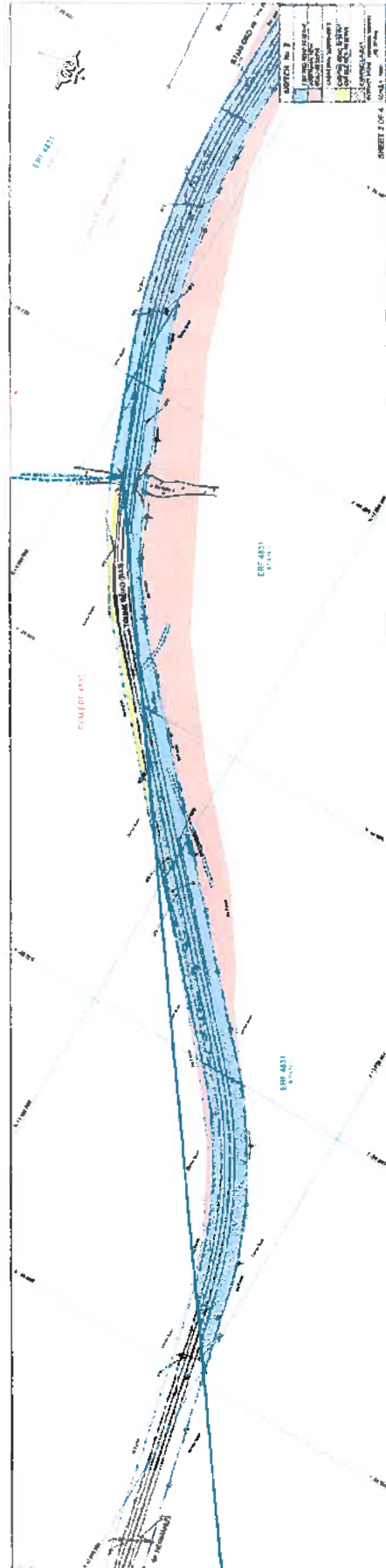
PROVINCIAL ADMINISTRATION : WESTERN CAPE PROVINSIALE ADMINISTRASIE : WES-KAAP
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS DEPARTEMENT VAN VERVOER & OPENBARE WERKE
 ROAD NETWORK MANAGEMENT BRANCH TAAK PADNETWERKBESTUUR

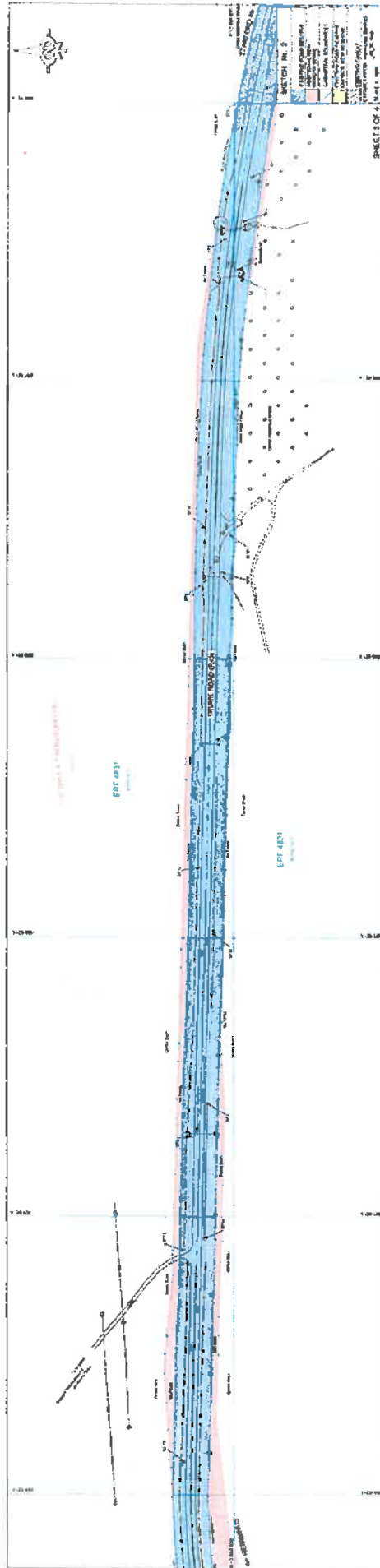
FILE NO. LEER	-----	SKETCH NO. SKETS	2
PROPERTY EIGENDOM	ERF 4831, HERMANUS		
SITUATE IN THE ADMINISTRATIVE DISTRICT OF GELEE IN DIE ADMINISTRATIEWE DISTRIK VAN	CALEDON	IN EXTENT GROOTTE	234.6447Ha
OWNED BY EIGENDOM VAN	OVERSTRAND MUNICIPALITY	TRANSFER TRANSPORT	NO. G110/1942
THE EXPROPRIATED PORTION, SHOWN IN RED, IS APPROXIMATELY DIE ONTEIENDE GEDEELTE, ROOI GEKLEUR IS ONGEVEER	9.5369Ha	IN EXTENT GROOT	
S.G DIAGRAM NO. I.G. KAART	705/1873	S.G COMPILATION I.G. SAMESTELLING	NO. 473, 467, 3374, 3375, 3377, 3376, 3378



SCALE
SKAAL 1 : 20 000

COMPILATION BY
SAMESTELLING DEUR EFG ENGINEERS
 DATE
DATUM NOVEMBER 2017 AA





PROPERTY / ERF 4831, HERMANUS SKETCH NO. 57
 ROAD STATUS / OPSITATUS OP4013 RESERVE WIDTH / RESERW WYDTE 15m(MIN)
 NAME OF JOB / NAAM VAN TAAR CONTRACT NO. 1000 01, REHABILITATION OF AND/OR UPGRADING OF TR28/2
 COMBINATION / SAMGESTELLING PLAN H 1628 SURVEY / OPMETTING PLAN Hernianus Stanford All_2D.dwg

NOTA BENE

IN REPLY TO SECTION 54 OF THE COMPENSATION ACT OF 1974 NO COMPENSATION IS PAYABLE FOR THE PORTION OF EXISTING ROAD RESERVE SITUATE WITHIN THE NEW ROAD RESERVE (LAND 2 BELOW)

LET WEL

IN REPLY TO ARTIKEL 54 VAN OORDEELSE 1974 IS GEEN VERGOEDING TE WAGT VIR DIE GEDeelTE BESTAANDE PADRESERW WAT BINNE DIE NUWE OORDEELSE PADRESERW (GEDeelTE 2 REENDE)

1	TOTAL AREA OF NEW ROAD RESERVE TOTALE GROOTTE VAN NUWE PADRESERWE		0.7900Ha	
2	PORTION OF EXISTING ROAD RESERVE WITHIN NEW ROAD RESERVE Gedeelte bls'taandi padreserwe binn nuwe padreserwe		0.5008Ha	
3	DIFFERENCE BETWEEN 1 AND 2 ABOVE IN RESPECT OF WHICH COMPENSATION CAN BE CLAIMED AS SET OUT IN 4 BELOW. VERSkil Tussen 1 en 2 hierbo waarvoor vltgoeding geëis mag word soos in 4 hier onder uiteengesit		0.2892Ha	
4	UNCULTIVATED LAND 0.2892Ha	CULTIVATED LAND	IRRIGATED LAND	
	ORCHARDS	VINEYARD	PLANTATION	

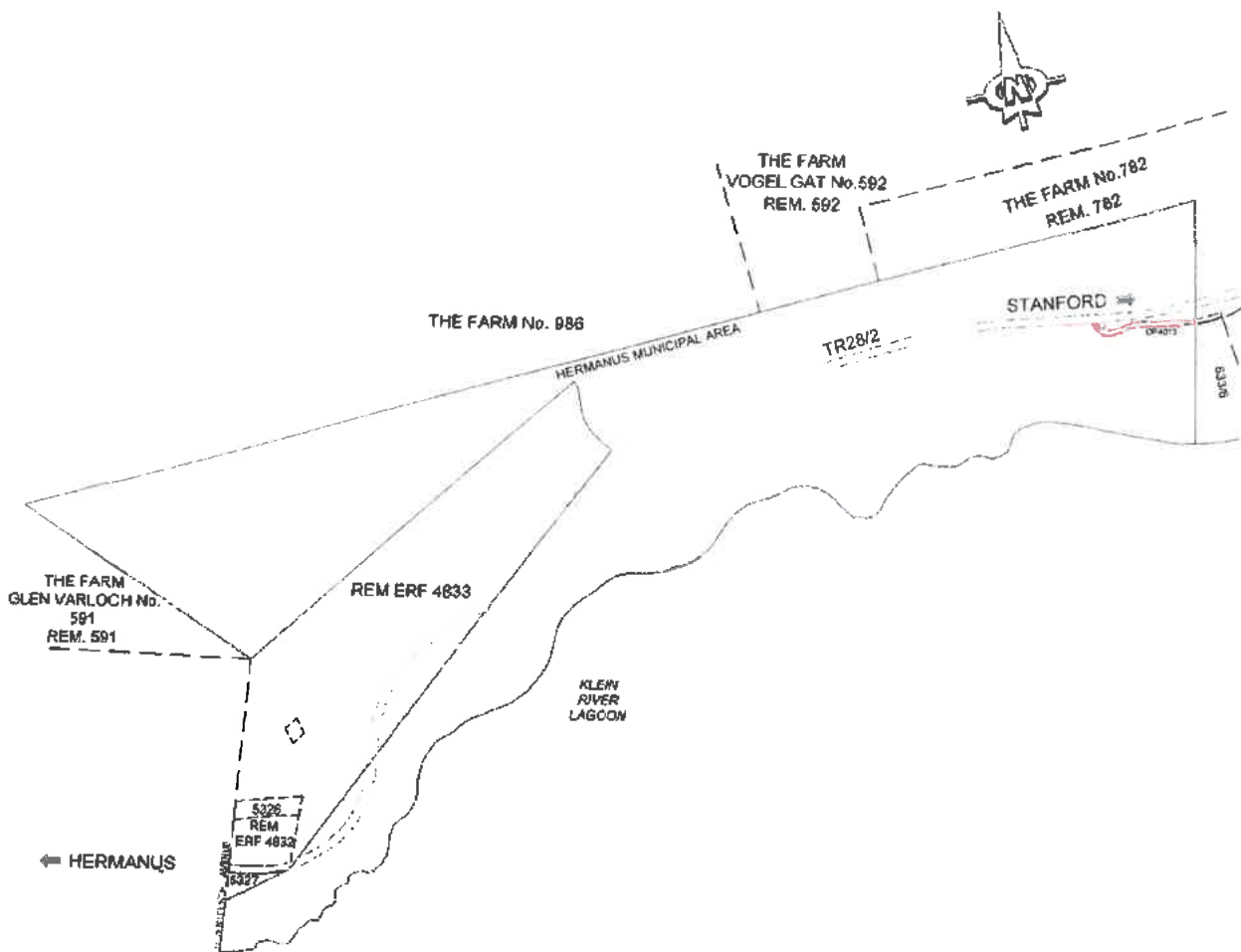
1. Dense indigenous shrubs.
2. Portion gravel road (OP4013)
3. Old road reserve no longer required - 0.0223Ha

FIELD CHECKED BY / VELD NAGESIEN DEUR EFG Engineers
 DATE / DATUM NOVEMBER 2017 AA2

PROVINCIAL ADMINISTRATION : WESTERN CAPE
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS
 ROAD NETWORK MANAGEMENT BRANCH

PROVINSIALE ADMINISTRASIE : WES-KAAP
 DEPARTEMENT VAN VERVOER & OPENBARE WERKE
 TAK PADNETWERKBESTUUR

FILE NO. TPW 161 8/10/12-20/OP 4013/1 SKETCH NO. 57
 LEER
 PROPERTY ERF 4831, HERMANUS
 EIENDOM
 SITUATE IN THE ADMINISTRATIVE DISTRICT OF CALEDON IN EXTENT 234.6447Ha
 GELEE IN DIE ADMINISTRATIEWE DISTRIK VAN
 OWNED BY OVERSTRAND MUNICIPALITY TRANSFER NO. G110/1942
 EIENDOM VAN
 THE EXPROPRIATED PORTION, SHOWN IN RED, IS APPROXIMATELY 0.7900Ha IN EXTENT
 DIE ONTEIENDE GEDEELTE, ROOI GEKLEUR, IS ONGEVEER GROOT
 S G DIAGRAM NO 705/1873 S G COMPILATION NO. 473, 467, 3374, 3375, 3377, 3376, 3378
 L.G. KAART L.G. SAMESTELLING



SCALE 1 : 20 000
 SKAAL

COMPILATION BY EFG ENGINEERS
 SAMESTELLING DEUR
 DATE NOVEMBER 2017
 DATUM AA

PROPERTY ERFNOOM REMAINDER ERF 4833, HERMANUS SKETCH NO 3
SKETS

ROAD STATUS FADSTATUS TRUNK ROAD 28/2 RESERVE WIDTH RESERIEWYDTE 30m (MIN)

NAME OF JOB NAAM VAN TAAK CONTRACT NO. 1000.01. REHABILITATION OF AND/OR UPGRADING OF TR28/2

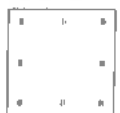

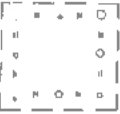
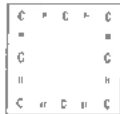
COMPIATION SAAMGESTELDE PLAN H 1627 SURVEY OPMETINGS PLAN Hermanus Stanford_All_2D.dwg

NOTA BENE

IN TERMS OF SECTION 34 (4) (b) OF ORDINANCE 1919/66 NO COMPENSATION IS PAYABLE FOR THE PORTION OF EXISTING ROAD RESERVE WHICH IS WITHIN THE NEWLY EXPROPRIATED ROAD RESERVE. (SIEN 2 HIERONDER)

LET WEL

INGEVOLG ARTIKEL 34 (4) (b) VAN ORDEBANSIE 1919/66 IS GEEËN VERGOEDING BEHALVAAR VIR DIE DEEL VAN DIE BESTAANDE PADRESERWE WAT BINNE DIE NUWE UITEENDE PADRESERWE GEEË IS. (SIEN 2 HIERONDER)

1	TOTAL AREA OF NEW ROAD RESERVE TOTALE GROOTTE VAN NUWE PADRESERWE		2.0691Ha		
2	PORTION OF EXISTING ROAD RESERVE WITHIN NEW ROAD RESERVE GEDELTE BESTAANDE PADRESERWE BINNE NUWE PADRESERWE		1.7617Ha		
3	DIFFERENCE BETWEEN 1 AND 2 ABOVE IN RESPECT OF WHICH COMPENSATION CAN BE CLAIMED AS SET OUT IN 4 BELOW VERSIL TUSSEN 1 EN 2 HIERBO WAARVOOR VERGOEDING GEEË MAG WORD SOOS IN 4 HIERONDER UITEENGESIT		0.3074Ha		
4	UNVERBETERDE GROND UNIMPROVED LAND	BEWIRKTE GROND CULTIVATED LAND		BESPROEIDE GROND IRRIGATED LAND	
	BODDE ORCHARDS	WINGERD VINEYARD		PLANTASIE PLANTATION	

1. Dense indigenous shrubs.

Old road reserve no longer required - 0.2839Ha

FIELD CHECKED BY EFG Engineers
VELD NAGESIEN DEUR
DATE NOVEMBER 2017
DATUM AA2

PROVINCIAL ADMINISTRATION : WESTERN CAPE PROVINSIALE ADMINISTRASIE : WES-KAAP
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS DEPARTEMENT VAN VERVOER & OPENBARE WERKE
 ROAD NETWORK MANAGEMENT BRANCH TAK PADNETWERKBESTUUR

FILE NO. _____ SKETCH NO. 3
 LEER _____ SKETS _____

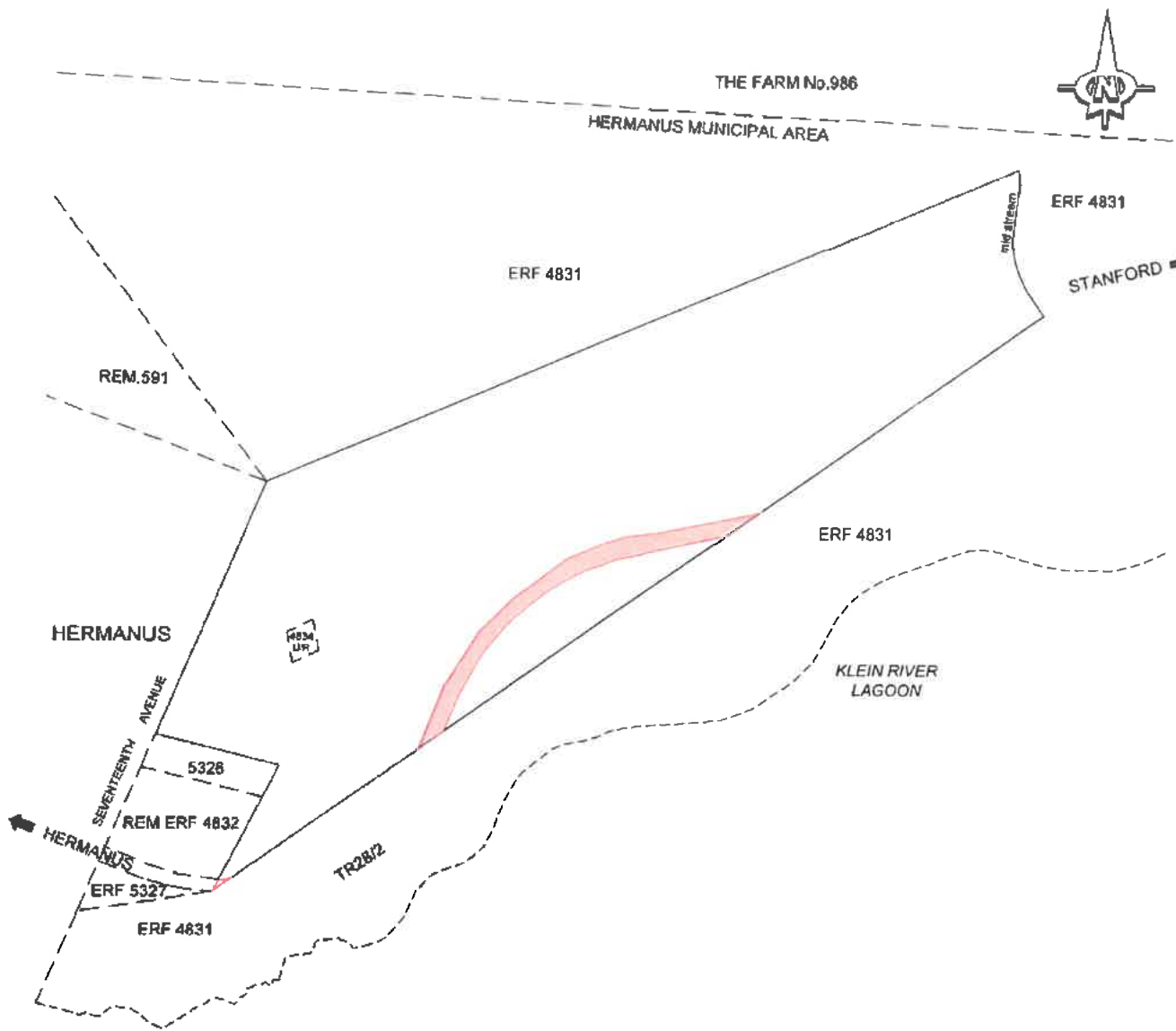
PROPERTY EINDOM REMAINDER ERF 4833, HERMANUS

SITUATE IN THE ADMINISTRATIVE DISTRICT OF CALEDON IN EXTENT GROOTTE 62.8571Ha
 GELEE IN DIE ADMINISTRATIEWE DISTRIK VAN _____

OWNED BY OVERSTRAND MUNICIPALITY TRANSFER (TRANSPO) NO. G158/1939
 EIENDOM VAN _____

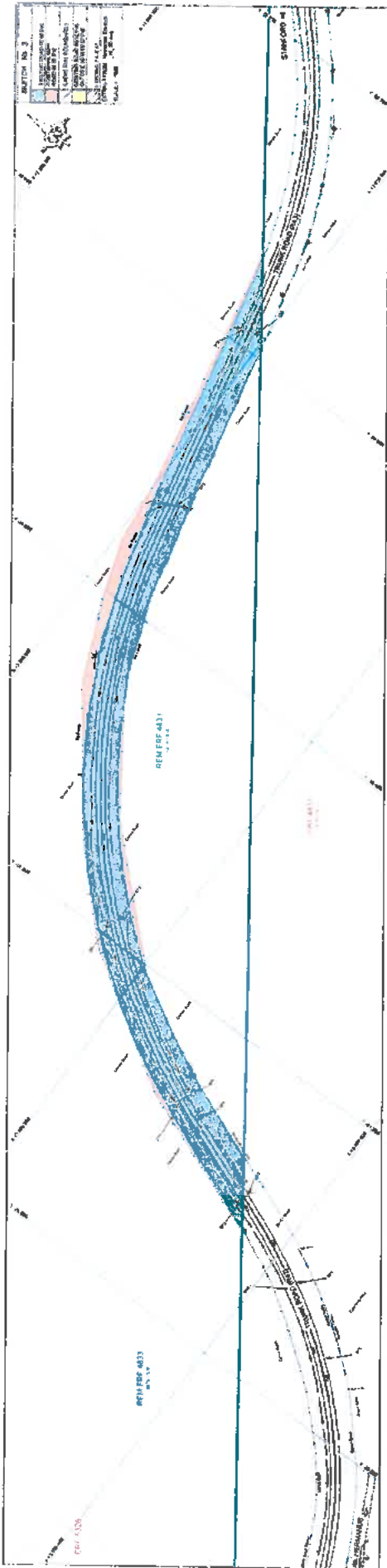
THE EXPROPRIATED PORTION, SHOWN IN RED, IS APPROXIMATELY 2.0691Ha IN EXTENT GROOT 2.0691Ha
 DIE ONTEIENDE GEDEELTE, ROOI GEKLEUR, IS ONGEVEER _____

S.G. DIAGRAM NO. 6676/1938 S.G. COMPILATION NO. 3377, 3376, 3374, 3378, 470, 473
 L.G. KAART _____ L.G. SAMESTELLING _____



SCALE 1 : 10 000
 SKAAL _____

COMPILATION BY EFG ENGINEERS
 SAMESTELLING DEUR _____
 DATE NOVEMBER 2017
 DATUM _____ AA



305

PROPERTY
EIENDOM REMAINDER ERF 294, STANFORD SKETCH
SKETS NO 50

ROAD STATUS
PADSTATUS TRUNK ROAD 28/2 RESERVE WIDTH
RESERWEWYDTE 30m (MIN)

NAME OF JOB
NAAM VAN TAAK CONTRACT NO. 1000.01, REHABILITATION OF AND/OR UPGRADING OF TR28/2

COMPLATION
SAAMGESTELDE PLAN H 1633 SURVEY
OPMETINGS PLAN Hermanus Stanford_Alt_2D.dwg

NOTA BENE

IN TERMS OF SECTIONS 14 & 15 OF ORDINANCE 19/1974 NO
COMPENSATION IS PAYABLE FOR THE PORTION OF EXISTING
ROAD RESERVE SITUATE WITHIN THE NEWLY EXPROPRIATED
ROAD RESERVE (SIF 2 BILDOV)

LET WEL

INGEVOLGE ARTIKEL 35 4B (4) VAN ORDINANSIE 19/1974 IS
GEEN VERGOEDING BETAALBAAR VIR DIE GEDEELTE BESTAANDE
PADRESERVE WAT BINNE DIE NUWE ONTEIENDE PADRESERVE
GELEE IS NIE (SIF 2 BILDOV)

1	TOTAL AREA OF NEW ROAD RESERVE TOTALE GROOTTE VAN NUWE PADRESERVE		2.1701Ha		
2	PORTION OF EXISTING ROAD RESERVE WITHIN NEW ROAD RESERVE GEDEELTE BESTAANDE PADRESERVE BINNE NUWE PADRESERVE		2.0153Ha		
3	DIFFERENCE BETWEEN 1 AND 2 ABOVE IN RESPECT OF WHICH COMPENSATION CAN BE CLAIMED AS SET OUT IN 4 BELOW VERSKIL TUSSEN 1 EN 2 HIERBO WAARVOOR VERGOEDING GEEIS MAG WORD SOOS IN 4 HIERONDER UITEENGESIT		0.1548Ha		
4	ONVERBETERDE GROND UNIMPROVED LAND	BEWERITE GROND CULTIVATED LAND		RESPOOLIGE GROND IRRIGATED LAND	
	BOORD ORCHARDS	WINDRO VINEYARD		PLANTASIE PLANTATION	

1. Natural vegetation, grass and scattered bush.
2. Existing road (R43)
3. Signboard to be relocated.

FIELD CHECKED BY
VELD NAGESIEN DEUR EFG Engineers

DATE
DATUM NOVEMBER 2017 AA2

PROVINCIAL ADMINISTRATION : WESTERN CAPE
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS
 ROAD NETWORK MANAGEMENT BRANCH

PROVINSIALE ADMINISTRASIE : WES-KAAP
 DEPARTEMENT VAN VERVOER & OPENBARE WERKE
 TAK PADNETWERKBESTUUR

FILE NO TPW16/8/2011-TRAS-2/1
 LEER

SKETCH NO 50
 SKETS

PROPERTY REM ERF 294, STANFORD
 EIENDOM

SITUATE IN THE ADMINISTRATIVE DISTRICT OF CALEDON
 GELEEF IN DIE ADMINISTRATIEWE DISTRIK VAN

IN EXTENT 146 5568Ha
 GROOITE

OWNED BY OVERSTRAND MUNICIPALITY
 EIENDOM VAN

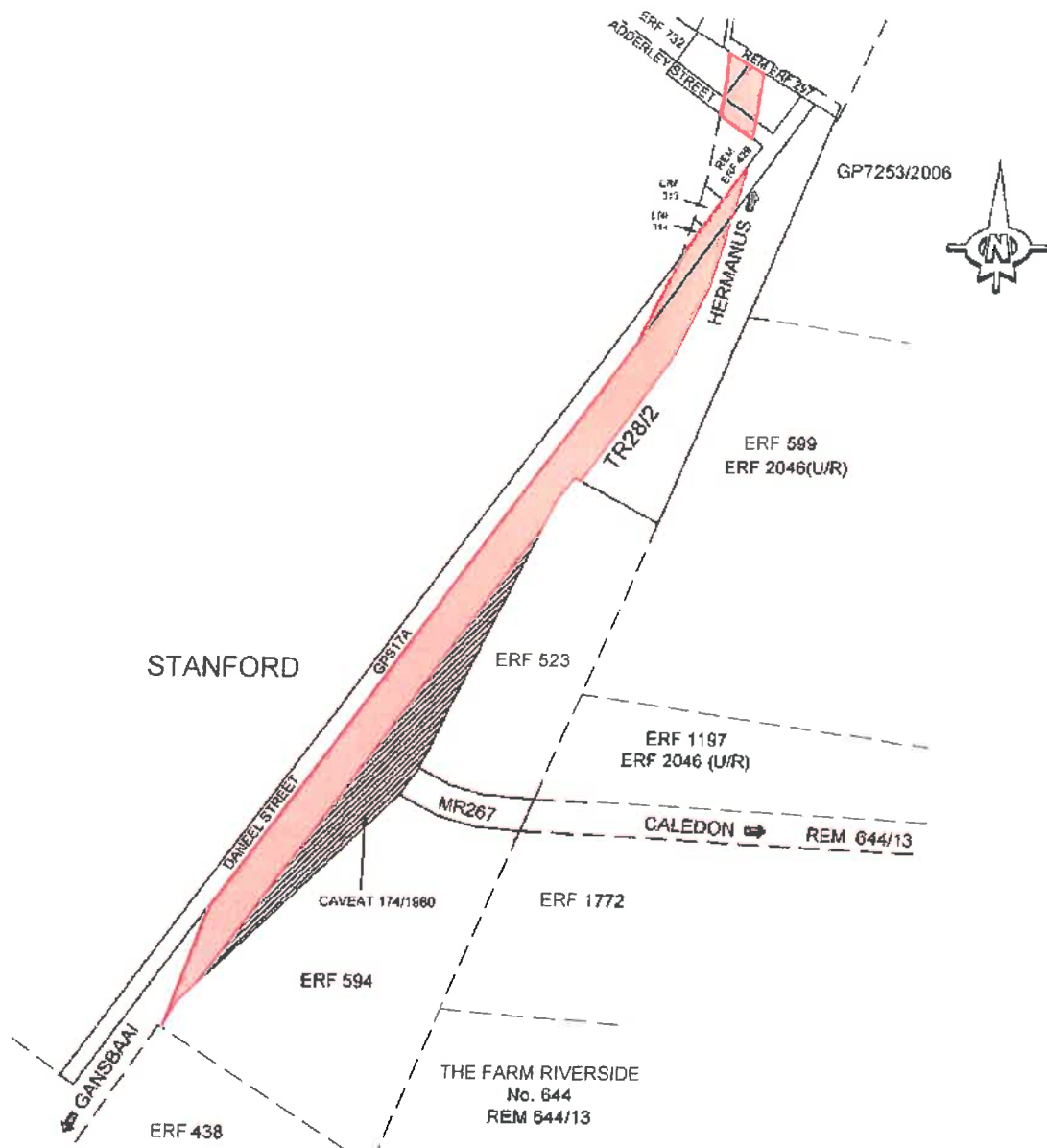
TRANSFER NO T5943/1921
 TRANSPORT

THE EXPROPRIATED PORTION SHOWN IN RED, IS APPROXIMATELY 2.1701Ha
 DIE ONTEIENDE GEDEELTE, ROOIGEKLEUR, IS ONGEVEER

IN EXTENT
 GROOT

S G DIAGRAM NO 2667/1908
 L G KAART

S G COMPILATION NO M4307, M4309, M4310, M4311
 L G SAMSTELLING



SCALE 1 : 5 000
 SKAAL

COMPILATION BY EFG ENGINEERS
 SAMESTELLING DEUR

DATE NOVEMBER 2017
 DATUM

AA

PROPERTY SECTION: HRF 504 (PTN OF ERF 294) STANFORD SHEET NO: 56

ROAD STATUS: MR267 ROAD WIDTH: 2501 (MIN)

NAME OF JOB: CONTRACT NO. 1060.01, REHABILITATION OF AND/OR UPGRADING OF TR282

DATE OF THIS DRAWING: PLAN H1633 SURVEY DATE: PLAN Henarous Stanford All 2D.dwg

UNREINFORCED CONCRETE UNIMPROVED LANE 0.0668Ha		BORAGE BRICKWORK	
REINFORCED CONCRETE CULTIVATED LANE		BRICKWORK BRICKWORK	
REINFORCED CONCRETE PROTECTED LANE		PLANTING PLANTATION	

1. Dense bush, grass, natural vegetation.
2. Signboard to be relocated.

DESIGNED BY: EFG Engineers

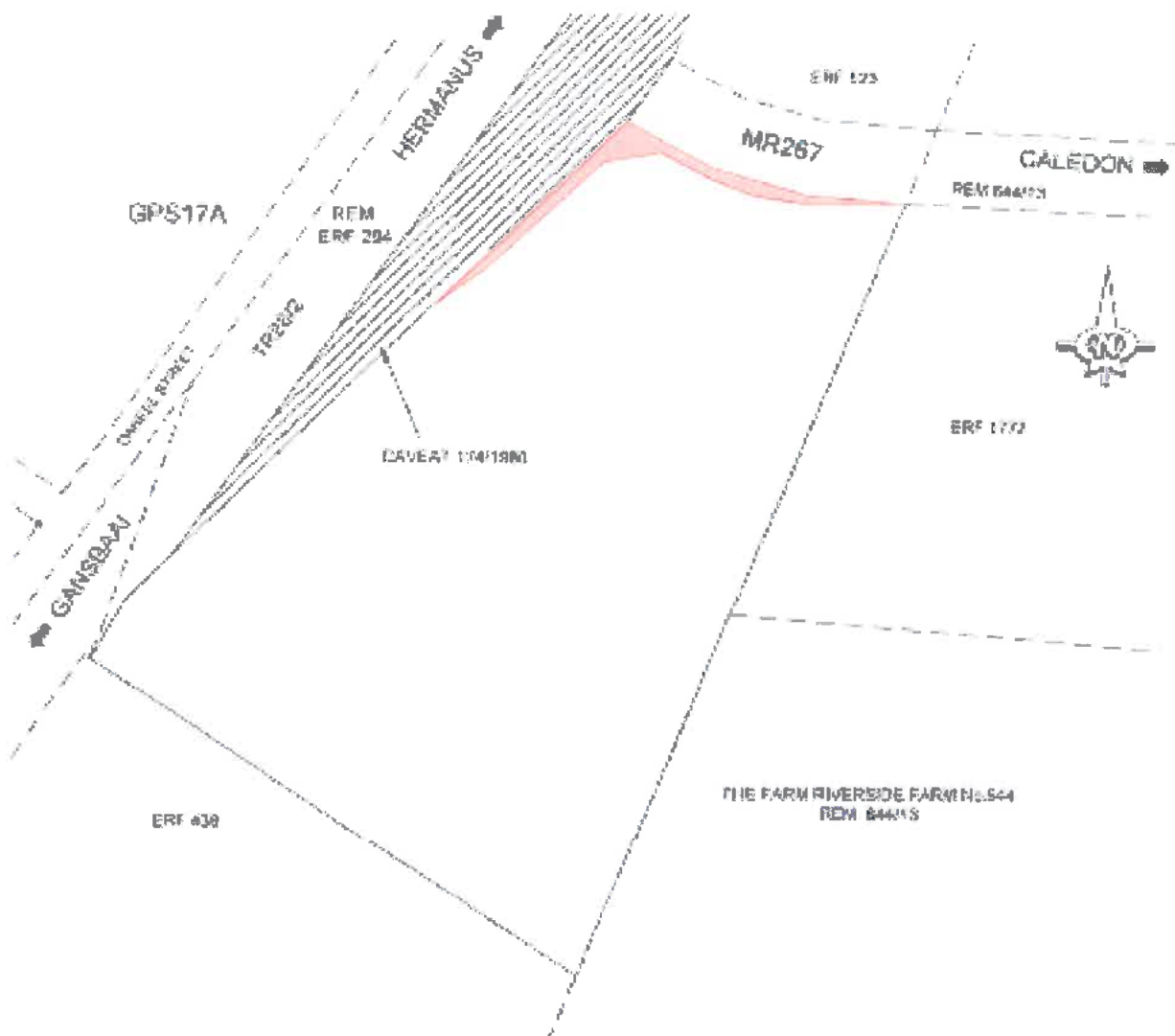
SCALE: AS SHOWN

DATE: NOVEMBER 2017 AA1

PROVINCIAL ADMINISTRATION - WESTERN CAPE
 DEPARTMENT OF TRANSPORT & PUBLIC WORKS
 ROAD NETWORK MANAGEMENT BRANCH

PROVINSIALE ADMINISTRASIE - WES-KAAP
 DEPARTMENT VAN VERVOER & OPENBARE WERKE
 TAAI-EN INFRASTRUKTUUR

FILE NO 1820	SKETCH NO 56
PROJECTS ERF 594 (PTN OF ERF 294) STANFORD	
LOCATED IN THE ADMINISTRATIVE DISTRICT OF CALLEDON	IN CATCHMENT 3.7479Ha
OWNED BY OVERSTRAND MUNICIPALITY	TRANSFER NO 110113/1990
THE EXPOSED PORTION OF THIS ROAD IS APPROXIMATELY 0.0688Ha	IN EXTENT 0.0001
S.I. PROGRAM NO 4576/1967	S.I. COMPILATION NO 47H.3365

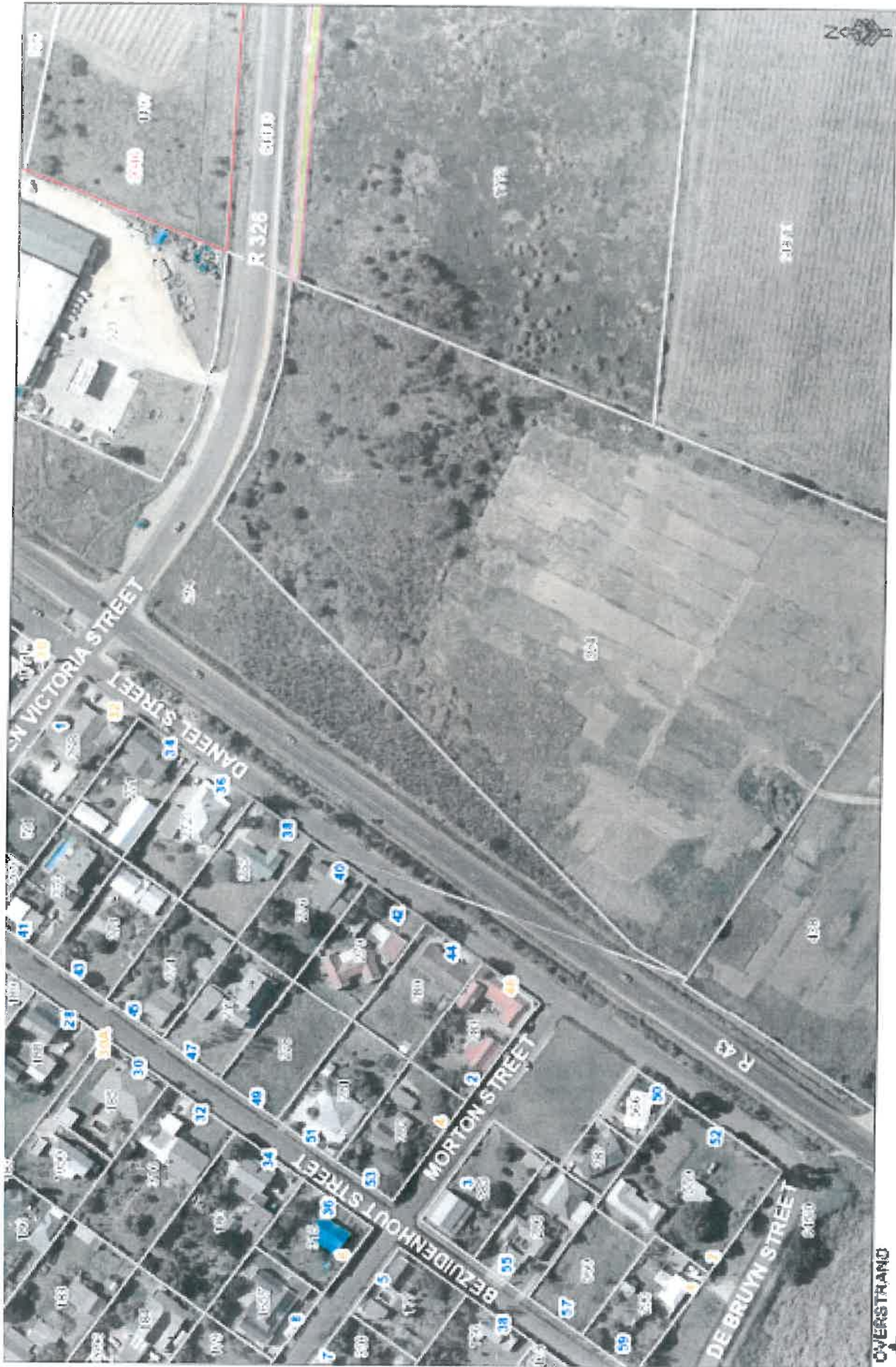


SCALE
1 : 2 000

COMPILED BY
EFG ENGINEERS

DATE
NOVEMBER 2017

AA



Erf 594 Stanford Sketch 56



PROPERTY REFERENCE: REM ERF 1177, STANFORD SKETCH NO: 40

ROAD STATUS: TRUNK ROAD 28/2 RESERVE WIDTH: 30M (MIN)

NAME OF JOB: CONTRACT NO. 1500 (M), REHABILITATION OF AND/OR UPGRADING OF TR28/2

COMPILED BY: PLAN H 1633 SURVEYOR: PLAN Hermanus Stanford, Af, 20 deg

UNIMPROVED GROUND UNIMPROVED LAND 0.0652Ha		SCOPED ORCHARD	
IMPROVED GROUND OLD TIMBERLAND		WOODED VINEYARD	
IMPROVED GROUND IRRIGATED LAND		PLANTABLE MOUNTAIN	

1. Dense roads. Klein River.

FIELD CHECKED BY: EFG Engineers
 MEASURED BY: AA1
 DATE: NOVEMBER 2017

PROVINCIAL ADMINISTRATOR - WESTERN CAPE
DEPARTMENT OF TRANSPORT & PUBLIC WORKS
ROAD NETWORK MANAGEMENT BRANCH

PROVINSIALE ADMINISTRASIE - WES-KAAP
DEPARTMENT VAN VERVOER & OPENBARE WERKE
TAAL-ROEDNETWERK BESTUUR

FILE NO: TPW 168/16/11-TRAS 2/178

PARCEL NO: 46

PROPERTY LOCATION: REMERF 177, STANFORD

STANDS IN THE ADMINISTRATIVE DISTRICT OF CALEDON

NEAREST GRIDLINE: 0 7300Ha

OWNER: ROIDROPS (P) PTY LTD (VESTING OVKRSTRAND MUNISIPALITEIT)

TRANSFER NUMBER NO: 1101136/2004

THE CONVEYATED PORTION IS OWNED BY APPROXIMATELY 0.0582Ha

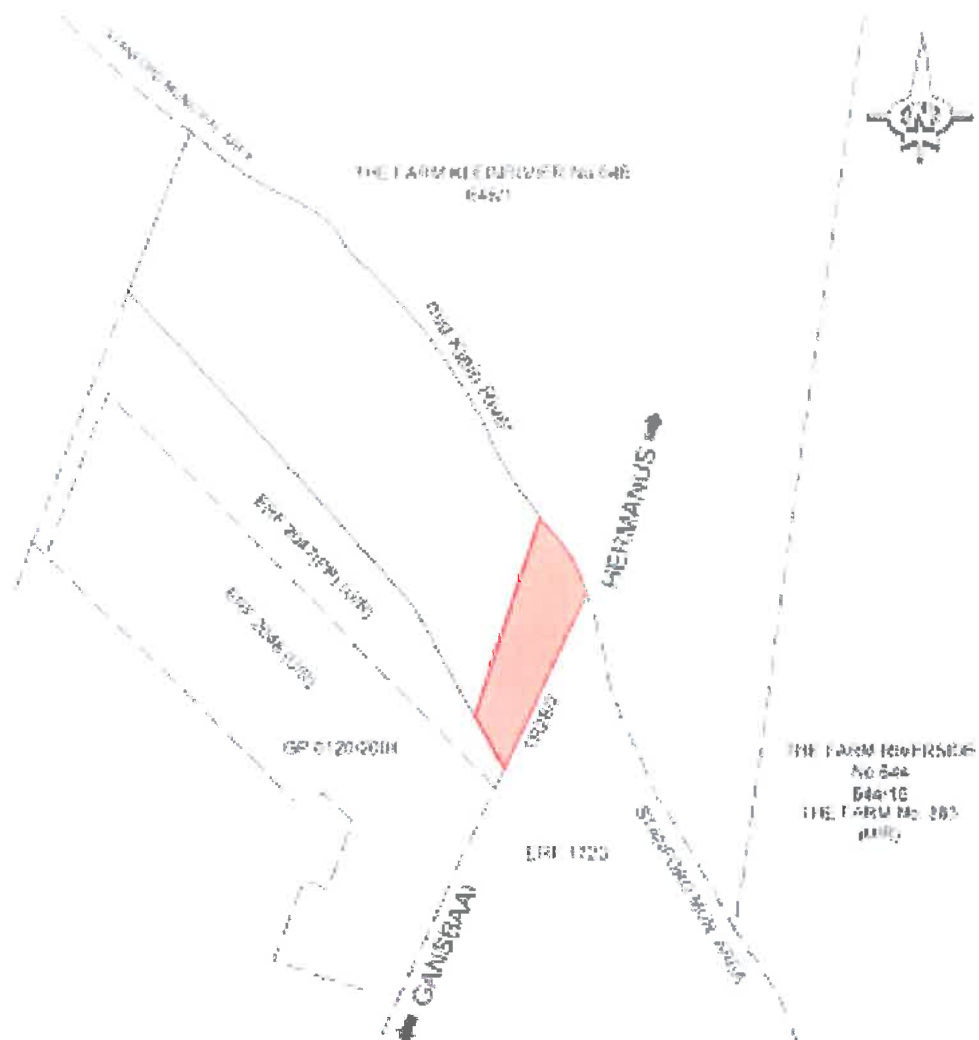
0.0582Ha

WEATHER CODE: 476

SALE CONTRACT NO: 3077/1992

SALE CONTRACT NO: 476

476 476 M4307



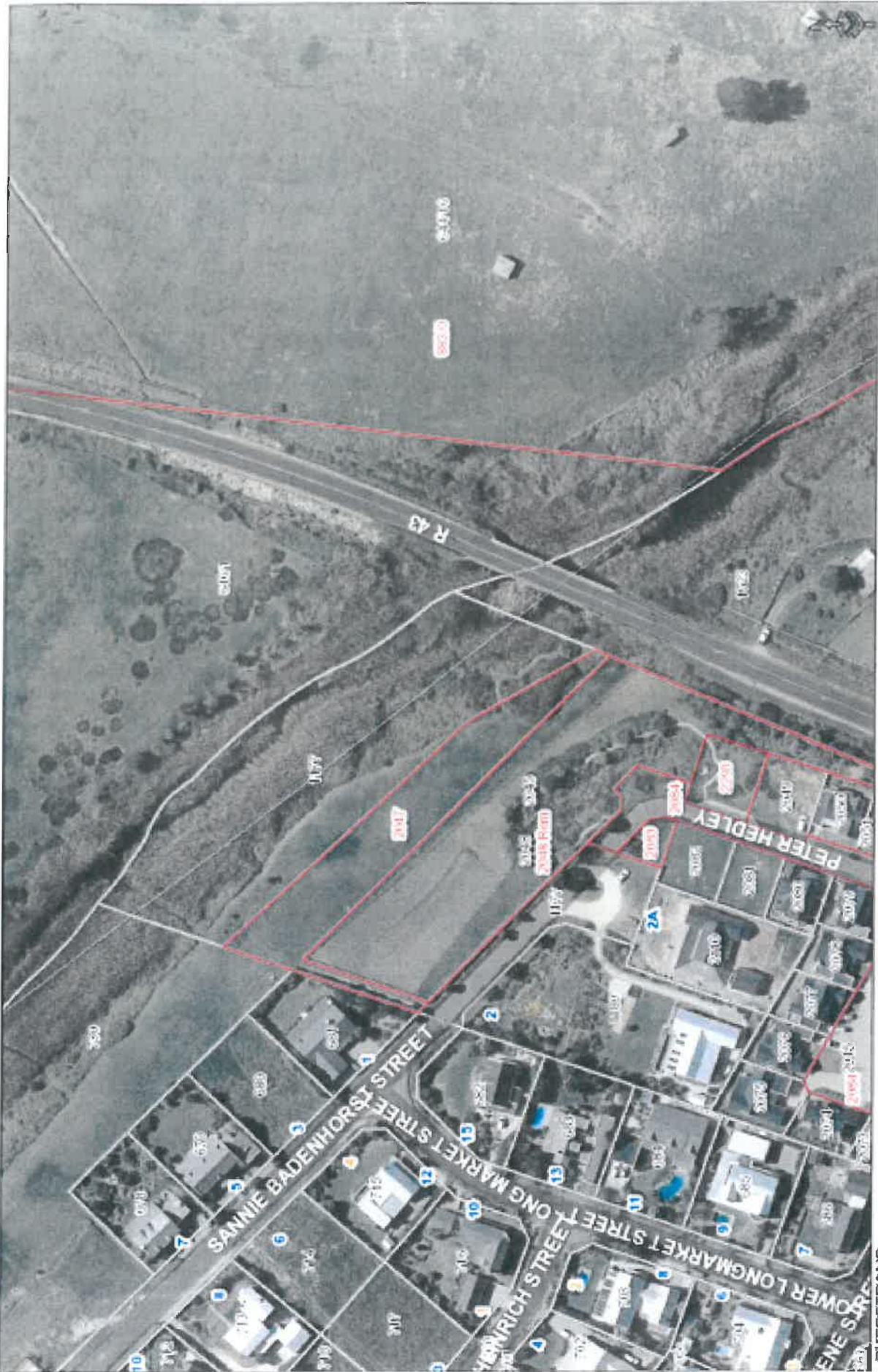
SCALE: 1:1 500

DESIGNED BY: EFG ENGINEERS

DATE: NOVEMBER 2017

AA

Erf 1177 Stanford Sketch 46



HERMANNUS
7200

Tel: 025 - 316 3724
Fax: 025 - 316 3721



Property Administration
Hermannus Administration

e-mail: 0253163724@overstrand.gov.za
website: www.overstrand.gov.za

Navne
amizuzo
Enquites: Anja Le Roux

Ons View/Our Ref: 12/2019/1177 Stanford
U/View/Our Ref:

Datum
Isuku
Date: 16 January 2019

Boldprops 108 (Pty) Ltd
C/o Morgan Creek Properties
PO Box 756
CONSTANTIA
7848

Dear Sir/Ms

RE: REMAINDER ERF 1177 STANFORD (PUBLIC PLACE) – TRANSFER TO OVERSTRAND MUNICIPALITY

The abovementioned matter refers

According to the Deeds Office Cape Town, Boldprops 108 (Pty) Ltd is registered the owner of the Remainder of Erf 1177 Stanford, 7300m² in extent, held by Title deed no. T101138/2004.

In terms of the General Plan for the subdivision of Erf 1177 Vermont, the remainder was classified by the Surveyor-General as public place and road.

It has come to our attention that Boldprops 108 (Pty) Ltd has not yet transferred the abovementioned property in the Deeds Office to the Overstrand Municipality as required by the previous Land Use Planning Ordinance (No. 15 of 1985) and the current the Western Cape Land Use Planning Act (No. 2 of 2014) which both stipulate that all public places and public road vest in the local municipality.

We therefore request you, as the representative of Boldprops 108 (Pty) Ltd to urgently instruct attorneys to attend to the abovementioned transfers at the company's cost. Please note, that until such time the transfer has been effected, you will bear all risk and responsibility in relation to the erf in question. Please ensure that the registration is finalised before the end of March 2019.

Please do not hesitate to contact writer hereof should you have any enquiries.

We trust that you find the above in order.

Kind regards

**MS A LE ROUX
MANAGER: PROPERTY ADMINISTRATION**







