

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

21.

HERMANUS: PARTIAL AMENDMENT AND RATIFICATION OF RESOLUTION DATED 22 APRIL 2008 FOR THE EXCHANGE OF A PORTION OF MUNICIPAL PROPERTY (ERF 572 HERMANUS)

7/2/3/2/

A Kotze

(028) 316 - 3724

Hermanus Administration

10 April 2017

1. Executive Summary

The purpose of this report is to:

- (a) To obtain approval for the partial amendment of a Resolution dated 22 April 2008 for the exchange of a portion of Erf 572 Hermanus (municipal owned) for a portion of Erf 569 Hermanus (previously owned by Mr L van Zyl). The amendment will entail the substitution of the name of the previous owner of Erf 569 Hermanus with the name of the new owner of the said erf, Peter Anthony Sham.
- (b) To ratify the exchange of a portion of Erf 572 Hermanus (municipal owned) for a portion of privately owned Erf 569 Hermanus and the subsequent conditions imposed in the Resolution dated 22 April 2008.

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

4. Delegated Authority

None

5. Legal Requirements

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

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Background:

Erf 572 Hermanus situated in Marine Drive is municipal property and zoned Public Open Space and Erf 569 Hermanus, also situated in Marine Drive, is a Single Residential property previously owned by Mr Lambertus van Zyl (Edward Twee Eiendomsindikasie (Pty) Ltd). A locality map is attached per Annexure A. The portion of the sidewalk of Marine Drive adjoining Erf 569 Hermanus is only 0,3m in width and totally inadequate for use by pedestrians. An application was received from the owner of Erf 569 Hermanus (Mr Lambertus van Zyl) to exchange a portion of his property, $\pm 44.2\text{m}^2$ in extent, to widen the sidewalk for a portion equal in size of Erf 572 Hermanus for the purpose of consolidating it with his property. The approved subdivision diagrams are attached marked Annexure B. Mr van Zyl has already moved his fence 1,2m back from the edge of the kerb of Marine Drive in effect widening the sidewalk to be 1,5m in width. Approval was recommended since it was in Council's interest to widen the sidewalk to be safer and more pedestrian friendly. It must be noted that the work to widen the sidewalk was already done.

Executive Mayoral approval:

The Executive Mayor at a Mayoral Committee Meeting subsequently resolved on 22 April 2008 as follows:

- “1. *that the exchange of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569, Marine Drive, Hermanus owned by Mr Lambertus van Zyl for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy, **be approved;***
2. *that since the transaction is to the advantage of both parties, **all costs** pertaining the transaction, e.g. survey, advertisement, valuation, subdivision, rezoning, etc. be equally shared and borne by the municipality and the applicant;*
3. *that cognisance be taken of the fact that the municipal property herewith exchanged is **not required** for municipal purposes in terms of the provisions of paragraph 1.3.2 of Council's Asset Management Policy and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003);*

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

4. *that the rezoning of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, from Public Open Space to Single Residential Zone in terms of Section 18 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved** subject to the following conditions:*
 - (a) *that this approval does not absolve the applicant from compliance with any other relevant legislation;*
 - (b) *that all development parameters as prescribed in the relevant Zoning Scheme be retained;*
5. *that the subdivision of a portion of Erf 572, Marine Drive, Hermanus into two portions of $\pm 44.2\text{m}^2$ in extent and the remainder in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;*
6. *that the closure of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, by means of a notice in the Provincial Gazette in terms of Section 137 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), **be approved**;*
7. *that the rezoning of a portion of Erf 569, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, from Single Residential Zone to Public Open Space in terms of Section 16 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**, and*
8. *that the subdivision of a portion of Erf 569, Marine Drive, Hermanus into two portions of $\pm 44.2\text{m}^2$ in extent and the remainder in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved.**"*

The abovementioned approval (see the report that served attached marked Annexure C) for the exchange or portion of properties was given in terms of Council's Asset Management Policy of 2004. A public participation process was followed before the abovementioned approval was obtained. However, the approval to exchange was given by the Executive Mayor and not Council as stipulated in the 2004 Policy and as required by the current Administration of Immovable Property (2015).

Subsequent to the abovementioned approval a Memorandum of Agreement to exchange the mentioned portion of properties was signed between the Municipality and Mr van Zyl in his capacity as Director of the Company. The transfer could however not be effected in the Deeds Office as the Memorandum of Agreement had several conditions that had to be fulfilled, i.e. the subdivision and rezoning of a Erf 572 Hermanus, amongst others. The

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

relevant subdivisions, removal of restrictive condition and rezoning approvals were obtained.

Since obtaining all the relevant approvals for subdivision and rezoning and before the exchange transfer could be finalised in the Deeds Office, Mr van Zyl opted to sell Erf 569 Hermanus. This means that the Municipality cannot proceed with the exchange transfer with Mr van Zyl (obo Edward Twee Eiendomsindikasie (Pty) Ltd) but will have to enter into an agreement with the new owner of Erf 569 Hermanus. It is therefore requested that:

- (a) Condition 1 of the Resolution dated 22 April 2008 be amended to reflect the name of the new owner of Erf 569 Hermanus. This will have the effect that the current Memorandum of Agreement between the Municipality and Mr van Zyl be cancelled and a new agreement (on the same terms and conditions) be entered into with the new owner of Erf 569 Hermanus, Mr Peter Anthony Sham.
- (b) The the exchange transaction be ratified by Council on the same conditions as imposed by the Resolution dated 22 April 2008, save for the change of the owner's name.

Evaluation

Save for the approval by Council of the exchange transaction, all the other conditions of the previous Assets Management Policy: Management and Administration of Immovable Property of 2004 were met. The exchange is also in line with the current Administration of Immovable Property Policy (2015).

Conclusion

It is recommended that:

- (a) condition 1 of the Resolution dated 22 April 2008 be amended to stipulated as follow:
 - 1. that the exchange of a portion of Erf 572 Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569 Hermanus owned by Mr Peter Anthony Sham for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy of 2004 and subsequent Administration of Immovable Property Policy of 2015, **be approved**;
- (c) conditions 2 – 3 of the Resolution dated 22 April 2008 and the amended condition 1 be ratified and approved by Council.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

7. Financial Implications

The Municipality is to bear half of the transfer costs for the exchange transaction. The transaction will be dealt with by local attorneys registered on the Municipality's data base.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

The comments of the internal departments were obtained when the initial approval for the exchange transaction was obtained on 22 April 2008.

10. Annexures

- Annexure A: Locality map
- Annexure B: Subdivision diagrams
- Annexure C: Report that served on 22 April 2008

RECOMMENDATION TO THE COUNCIL:

1. that the exchange of a portion of Erf 572 Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569 Hermanus owned by Peter Anthony Sham for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy of 2004 and subsequent Administration of Immovable Property Policy of 2015, **be approved**; and
2. that the following conditions 2 and 3 of the Resolution dated 22 April 2008 be ratified and **approved**:
 - (a) that, since the transaction is to the advantage of both parties, **all costs** pertaining the transaction, e.g. survey, advertisement, valuation, subdivision, rezoning, etc. be equally shared and borne by the municipality and the applicant;
 - (b) that cognisance be taken of the fact that the municipal property herewith exchanged is **not required** for municipal purposes in terms of the provisions of paragraph 1.3.2 of Council's Asset Management Policy and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003);

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

RESPONSIBLE OFFICIAL :	A KOTZE
TARGET DATE FOR IMPLEMENTATION :	PROCESS
TARGET DATE TO INFORM APPLICANT :	14 JUNE 2017
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

21.

HERMANUS: PARTIAL AMENDMENT AND RATIFICATION OF RESOLUTION DATED 22 APRIL 2008 FOR THE EXCHANGE OF A PORTION OF MUNICIPAL PROPERTY (ERF 572 HERMANUS)

7/2/3/2/

A Kotze

(028) 316 - 3724

Hermanus Administration

10 April 2017

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 22 MAY 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE COUNCIL:

1. that the exchange of a portion of Erf 572 Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569 Hermanus owned by Peter Anthony Sham for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy of 2004 and subsequent Administration of Immovable Property Policy of 2015, **be approved**; and
2. that the following conditions 2 and 3 of the Resolution dated 22 April 2008 be ratified and **approved**:
 - (a) that, since the transaction is to the advantage of both parties, **all costs** pertaining the transaction, e.g. survey, advertisement, valuation, subdivision, rezoning, etc. be equally shared and borne by the municipality and the applicant;
 - (b) that cognisance be taken of the fact that the municipal property herewith exchanged is **not required** for municipal purposes in terms of the provisions of paragraph 1.3.2 of Council's Asset Management Policy and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003);

RESPONSIBLE OFFICIAL :

A KOTZE

TARGET DATE FOR IMPLEMENTATION :

PROCESS

TARGET DATE TO INFORM APPLICANT :

14 JUNE 2017


TARGET DATE TO INFORM OBJECTOR :

N/A



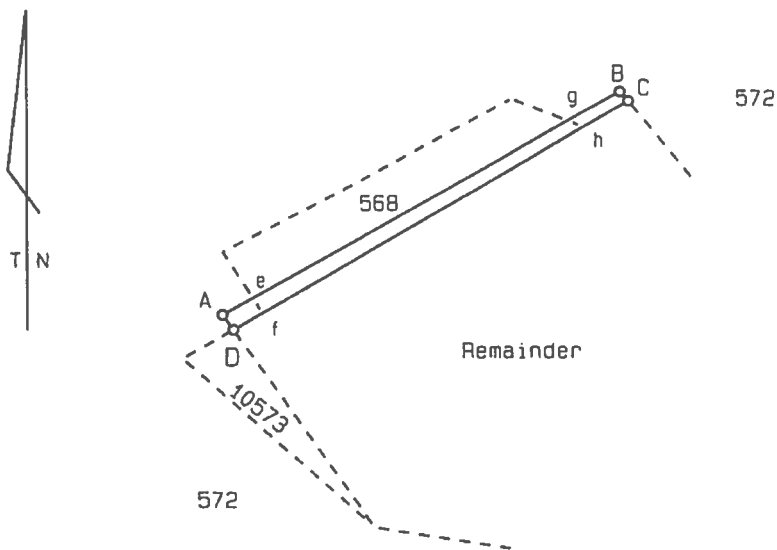
erven 569 & 572 Hermanus

PRONK LAND SURVEYORS

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System: WG 19' X		S.G. No.
		Constants:		+	0,00	+3800 000,00
AB	36,75	240 27 20	A	- 21 784,77	+ 10 431,28	Approved  for SURVEYOR- GENERAL 2008.12.03
BC	1,01	319 42 40	B	- 21 816,74	+ 10 413,16	
CD	36,81	59 42 30	C	- 21 817,40	+ 10 413,93	
DA	1,48	145 08 40	D	- 21 785,62	+ 10 432,50	
		82G2	⊕	- 21 895,92	+ 10 364,57	
		83G2	⊕	- 21 988,81	+ 10 386,48	

Description of Beacons

A, B, C, D : 12mm Iron peg




Scale 1:500

The figure A B C D
 represents 46 square metres of land being
 Erf 10574 (a portion of Erf 569), HERMANUS.
 situate in Overstrand Municipality

Administrative District of Caledon

Province of the Western Cape

Surveyed in November 2006 by me


 L A van Dyk PLS 1069
 Professional Land Surveyor

APPROVED SUBJECT TO SIMUL-
 TANEOUS REGISTRATION OF
 DIAGRAM 6289/2008
 BEING Erf 10574, HERMANUS

EXEMPT FROM PROVISIONS OF ACT
 70 OF 1970
 SECTION 1 (a)

APPROVED IN TERMS OF SECT. 25
 OF ORD. 157/1985
 REF. 7/11/11: Survey of Erf 10574
 DATE 2008-05-13

This diagram is annexed to No. d.d. i.f.o. Registrar of Deeds	The original diagram is S.G. No. 136/1942 Transfer Grant 1942. .2366	File S/10350/2 S.R. E2820/2008 G.P. Comp. AINW-1193 (M3875) LPI C0130013
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Hermanus Erf 10474

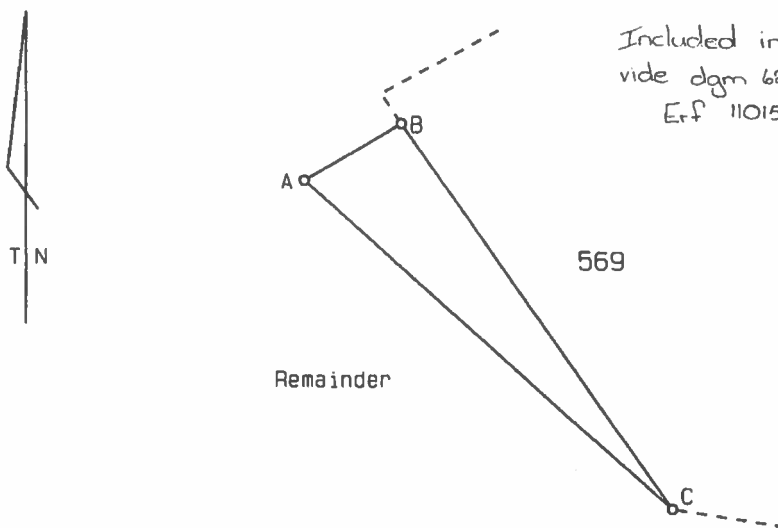
SPRONK LAND SURVEYORS

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES		S.G. No.
		Y	System: WG 19° X	
	Constants:	+	0,00	+3800 000,00
AB 4,70	239 42 30	A	- 21 781,56	+ 10 434,87
BC 19,57	325 08 40	B	- 21 785,62	+ 10 432,50
CA 20,49	131 55 40	C	- 21 796,80	+ 10 448,56
	8262	⊕	- 21 895,92	+ 10 364,57
	8362	⊕	- 21 988,81	+ 10 386,48

6288/2008
Approved
[Signature]
for
SURVEYOR-
GENERAL
2008.12.03

Description of Beacons

A, B : 12mm Iron peg
C : 12mm Iron peg in concrete



Scale 1:250

The figure A B C represents 46 square metres of land being Erf 10573 (a portion of Erf 572), HERMANUS, situate in Overstrand Municipality

Administrative District of Caledon

Province of Western Cape

Surveyed in November 2006 by me

[Signature]
L A van Dyk PLS 1069
Professional Land Surveyor

APPROVED SUBJECT TO SIMULTANEOUS REGISTRATION OF DIAGRAM 6290/2008 BEING Erf 11015, HERMANUS.

EXEMPT FROM PROVISIONS OF ACT 70 OF 1970 SECTION 1(g)

APPROVED IN TERMS OF SECT. 21 OF ORD. 157/1988
M.A. 2008-05-13

This diagram is annexed to No. d.d. i.f.o. Registrar of Deeds	The original diagram is S.G. No. 139/1941 Transfer Grant 1941. .159	File S/10350/2 S.R. E2820/2008 G.P. 3419 Comp. AINW-1193 (N3875) LPI C0130013
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Erf 10573 Hermanus

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

**6.
ERF 572, HERMANUS : REZONING, SUBDIVISION AND EXCHANGE OF A PORTION
OF MUNICIPAL PROPERTY, MARINE DRIVE**

**ERF 572, HERMANUS : HERSONERING, ONDERVERDELING EN RUILING VAN 'N
GEDEELTE VAN MUNISIPALE EIENDOM, MARINE RYLAAN**

7/2/3/2

A Marais

(028) 313 8102

Hermanus Administration

16 May 2007

1. Executive Summary/Bestuursopsomming

To obtain approval for the exchange of municipal property, being a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569 owned by Mr. Lambertus van Zyl for the purpose of widening the sidewalk which is currently only 0.30m in width.

Furthermore to obtain approval for the rezoning and subdivision of the subject portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, to enable Mr Lambertus van Zyl to consolidate it with his Single Residential property, Erf 569 in Marine Drive, Hermanus.

Om goedkeuring te verkry vir die ruiling van munisipale eiendom, synde 'n gedeelte van Erf 572, Marine Rylaan, Hermanus, $\pm 44.2\text{m}^2$ groot, vir 'n gedeelte van dieselfde grootte van Erf 569 wat behoort aan Mnr. Lambertus van Zyl met die doel om die sypaadjie wat tans slegs 0.30m breed is te verbreed.

Voorts om goedkeuring te verkry vir die hersonering en onderverdeling van die betrokke gedeelte van Erf 572, Marine Rylaan, Hermanus, $\pm 44.2\text{m}^2$ groot, ten einde Mnr. Lambertus van Zyl in staat te stel om dit te konsolideer met sy Enkel Residensiele eiendom, Erf 569 in Marine Rylaan, Hermanus.

2. Service Delivery and Budget Implementation Plan Reference

Public Services; Plan no 22; Page no 70
Town Planning / Spatial Development

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

3. Compliance with Strategic Priorities

Creation and maintenance of a safe and healthy environment
Provision of democratic and accountable governance

4. Delegated Authority

None – Full Council

5. Legal Requirements

- Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)
- Council's Asset Management Policy (1 November 2004)
- Sections 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance No.15 of 1985)
- Section 137 of the Municipal Ordinance, 1974 (Ordinance No.20 of 1974)

6. Background

Background

Erf 572, Marine Drive, Hermanus is municipal property zoned Public Open Space and Erf 569, Marine Drive, Hermanus is a Single Residential property owned by Mr Lambertus van Zyl.

A locality map is attached per Annexure A.

The portion of the sidewalk of Marine Drive adjoining Erf 569, Hermanus is only 0,3m in width and totally inadequate for use by pedestrians.

An application was received from the owner of Erf 569, Hermanus, Mr Lambertus van Zyl to exchange a portion of his property, $\pm 44.2\text{m}^2$ in extent, to widen the sidewalk for a portion equal in size of Erf 572 for the purpose of consolidating it with his property.

A plan indicating the proposed exchange of property is attached per Annexure B.

Mr van Zyl has already moved his fence 1,2m back from the edge of the kerb of Marine Drive in effect widening the sidewalk to be 1,5m in width.

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

Approval is recommended since it is in Council's interest to widen the sidewalk to be safer and more pedestrian friendly.

6.1 Application process in terms of Council's Asset Management Policy:

6.1.1 Compliance

The following conditions of Council's Asset Management Policy accepted and implemented on 1 November 2004 applies:

- (1) Council decided in a Council meeting decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services, and**

Council's Operational and Electrical Engineers have confirmed that the asset is not needed for the provision of municipal services. Kindly refer to point 9. of this report.

- (2) Paragraph 1.7.3: "The municipality shall as a rule, not exchange immovable property for other property if the amount at which the other property has been valued is lower than the amount at which the immovable property which the municipality wishes to exchange, has been valued"**

The portions of property to be exchanged are both 44.2m² in extent and are located next to each other on Marine Drive, Hermanus. The respective values of the portions are therefore exactly the same.

- (3) Paragraph 2.1: "All costs pertaining to a transaction shall be borne by the buyer, 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. Where necessary, a deposit to cover the costs may be required."**

Since this transaction is to the advantage of both the applicant and the municipality it is recommended that the cost be split and equally shared between the parties involved.

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

6.1.2 Advertisement/Notification

The application was advertised in the Hermanus Times of 23 November 2007 in terms of Council's Asset Management Policy and Sections 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and notices were sent to all the potentially affected property owners providing a period of 30 days for objections.

6.1.3 Objections

OBJECTIONS		ATTACHMENTS
Number of objections	None	N/A

No objections were received against the application.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Operational Manager: Hermanus, Mr P Burger - (028) 313 8092

No objection.

Acting Manager Electrical Services: Hermanus, Mr K du Plessis - (028) 316 2632

There are no services on the portions to be exchanged except for the service connection of the residential property.

Senior Town Planner: Hermanus, Me G van Vuuren - (028) 313 8179

"Alles in orde."

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

10. Annexures

Addendum A: Locality Plan

Addendum B: Site Plan indicating the proposed subdivision and exchange.

RECOMMENDATION/AANBEVELING:

1. that the exchange of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, for a portion equal in size of Erf 569, Marine Drive, Hermanus owned by Mr Lambertus van Zyl for the purpose of widening the sidewalk free of any compensation by any party to the other in terms of Council's Asset Management Policy, **be approved**;
2. that since the transaction is to the advantage of both parties, **all costs** pertaining the transaction, e.g. survey, advertisement, valuation, subdivision, rezoning, water- and sewer connections, etc. be equally shared and borne by the municipality and the applicant;
3. that cognisance be taken of the fact that the municipal property herewith exchanged is **not required** for municipal purposes in terms of the provisions of paragraph 1.3.2 of Council's Asset Management Policy and Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);
4. that the rezoning of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, from Public Open Space to Single Residential Zone in terms of Section 18 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved** subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all development parameters as prescribed in the relevant Zoning Scheme be retained;
5. that the subdivision of a portion of Erf 572, Marine Drive, Hermanus into two portions of $\pm 44.2\text{m}^2$ in extent and the remainder in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**;
6. that the closure of a portion of Erf 572, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, by means of a notice in the Provincial Gazette in terms of Section 137

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), **be approved**;

7. that the rezoning of a portion of Erf 569, Marine Drive, Hermanus, $\pm 44.2\text{m}^2$ in extent, from Single Residential Zone to Public Open Space in terms of Section 16 of the Land use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**, and
 8. that the subdivision of a portion of Erf 569, Marine Drive, Hermanus into two portions of $\pm 44.2\text{m}^2$ in extent and the remainder in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), **be approved**.
1. *dat die ruiling van 'n gedeelte van Erf 572, Marine Rylaan, Hermanus, $\pm 44.2\text{m}^2$ groot, vir 'n gedeelte van dieselfde grootte van Erf 569, Marine Rylaan, Hermanus vir die doel om die sypaadjie te verbreed in terme van die Raad se Batebestuursbeleid, **goedgekeur word**;*
 2. *dat aangesien die transaksie tot die voordeel van beide partye strek, **alle kostes** verbonde aan die transaksies, bv. opmeting, advertering, waardasie, onderverdeling, hersonering, water- en rioolkonneksies, ens. gelykop verdeel en deur die munisipaliteit en die aansoeker gedra word;*
 3. *dat kennis geneem word van die feit dat die betrokke gedeelte munisipale eiendom wat geruil word **nie benodig** word vir munisipale doeleindes nie, in terme van paragraaf 1.3.2 van die Raad se Batebestuursbeleid en artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur, 2003 (Wet 56 van 2003);*
 4. *dat die hersonering van 'n gedeelte van Erf 572, Marine Rylaan, Hermanus, $\pm 44.2\text{m}^2$ groot, vanaf Publiek Oopruimte na Enkel Residensiele Sone in terme van Artikel 18 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) **goedgekeur word** onderworpe aan die volgende voorwaardes:*
 - (a) *dat hierdie goedkeuring nie die aansoeker vrywaar van voldoening aan enige ander relevante wetgewing nie;*
 - (b) *dat daar aan alle ontwikkelingsparameters soos voorgeskryf in die relevante soneringskema voldoen moet word;*
 5. *dat die onderverdeling van 'n gedeelte van Erf 572, Marine Rylaan, Hermanus in twee gedeeltes van $\pm 44.2\text{m}^2$ en die restant in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15*

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
15 April 2008
(Also the agenda for the Mayoral Committee Meeting: 22 April 2008)**

van 1985) goedgekeur word;

6. *dat die sluiting van 'n gedeelte van Erf 572, Marine Rylaan, Hermanus, ±44.2m² groot, deur middel van 'n kennisgewing in die Provinsiale Koerant in terme van Artikel 137 van die Munisipale Ordonnansie, 1974 (Ordonnansie 20 van 1974) goedgekeur word;*
7. *dat die hersonering van 'n gedeelte van Erf 569, Marine Rylaan, Hermanus, ±44.20m² groot, vanaf Enkel Residensiele Sone na Publieke Oopruimte in terme van Artikel 16 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) goedgekeur word, en*
8. *dat die onderverdeling van 'n gedeelte van Erf 569, Marine Rylaan, Hermanus in twee gedeeltes van ±44.2m² en die restant in terme van Artikel 25 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) goedgekeur word.*



Annexure B

