

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
21 November 2017
(Also the agenda for the Mayoral Committee Meeting: 29 November 2017)**

**3.
KLEINMOND: PORTION OF ERF 4812 KLEINMOND – MR PETER REIN:
APPLICATION TO PURCHASE**

7/2/3/2

N LIEBENBERG

(028) 316-3724

Hermanus Administration

29 September 2017

1. Executive Summary

To consider the application of Mr Peter Rein to purchase municipal property, being a portion of Erf 4812 Kleinmond (±306.15m² in extent).

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning;
Property Administration

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

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 (2015)

6. Background/Discussion/Evaluation/Conclusion

Background

Mr Peter Rein applied to purchase Erf 4812 Kleinmond for security and gardening purposes.

The locality and layout of the proposed purchase area are indicated on the locality plan attached per “Annexure A”.

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
21 November 2017
(Also the agenda for the Mayoral Committee Meeting: 29 November 2017)**

Discussion

Mr Peter Rein has recently become the owner of Erf 7943 Kleinmond, adjacent to Erf 4812 Kleinmond. The Applicant's brother owns Erf 7950 Kleinmond which is situated next to his property and adjacent to Erf 4812 Kleinmond. The applicant wants to purchase the said municipal property and then divide it up between himself and his brother and have it consolidated with their respective properties. The main reason for the purchase is to close it off for safety purposes and to create a garden for his grandchildren to play in. He further indicated in his application that the additional reasons for the application to purchase are:

- (a) "Security is really of prime concern we in the short span of occupying our newly acquired property have experienced several breaches."
- (b) "The one adjoining property has been severely vandalised."
- (c) "The plot (Erf 4812) is isolated and closed off and hence is no longer been serviced and is/has been utilised as a dumping site."
- (d) "On a further note by removing/purchasing this erf from the Local Authority it will also relief the Local Authority from the cleaning/maintenance aspect."
- (e) "Finally our garden areas will be vastly improved in size and would thus create a safe and secure play area for our children."

According to the general plan for the subdivision of Erf 4812 Kleinmond (as attached marked Annexure B), the portion the applicant wishes to purchase represents road remainder. This road remainder is an extension of 12th Avenue between 8th and 9th Streets, Kleinmond. Although an undeveloped road, it was nonetheless created for any prospective development of the road in the future. For this purpose, it is not desirable to alienate the portion of road.

It must be noted that should a purchase be approved, which is not recommended, the applicant will have to attend to a subdivision, road closure, consolidation and rezoning of the subject portion of property additional to the other costs involved (i.e. application fee, valuation costs. Advertisement costs, market related purchase price and transfer costs).

Evaluation

A. Administration of Immovable Property Policy of the Overstrand Municipality

The following conditions of said policy apply:

Paragraph 5: "The Municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
21 November 2017
(Also the agenda for the Mayoral Committee Meeting: 29 November 2017)**

dispose of a municipal immovable property needed to provide the minimum level of basic services, save where the transfer is to another organ of the state, as provided for in section 14(6) of the MFMA read with Regulation 24 in Chapter 3 of the MATR”.

The said municipal property is part of the opening up of a road (12th Avenue) as and when owners requests to subdivide. The said municipal property is also needed to connect 9th and 7th Street.

If the sewerage network in Kleinmond needs to be extended, the sewer infrastructure to serve Erf 4761 Kleinmond would probably be located on the said municipal property therefore providing a basic service.

Conclusion

With reference to the above discussion and below comments from the internal departments it is recommended that the application to purchase a portion of Erf 4812 Kleinmond received from Mr Peter Rein not be approved on the following reasons:

1. The said municipal property will be needed to provide a basic service to the community.
2. The said municipal property is assigned for road purposes as per condition of the subdivision.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Senior Manager Kleinmond Administration: Mr Desmond Lakey – (028) 271 8413

I do not support the application as I am of the opinion that road reserves need to be secured for purposes of future development.

Senior Town Planner: Mrs Hanneen van der Stoep – (028) 313 8906

Please note that the portion is for road purposes as per a condition of the subdivision. It is a Council resolution, which cannot be ignored. The erf

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
21 November 2017
(Also the agenda for the Mayoral Committee Meeting: 29 November 2017)**

portion is part of the opening up of a road as and when owners requests to subdivide. The portion is required to connect 9th and 7th street. This portion still has to be transferred to the Municipality.

The portion thus cannot be sold or alienated and the Planning Division is not in favour of the request.”

**Senior Manager Operational Services: Mr Denovan van Rhodie
(028) 271 8431**

If sewerage network in Kleinmond is extended, the sewer infrastructure to service Erf 4761 would probably be located in Erf 4812. The applicant should register a service servitude alongside the northern boundary of Erf 4812.

10. Annexures

Annexure A: Locality Plan

Annexure B: General Plan of subdivision of Erf 4812 Kleinmond

RECOMMENDATION TO THE COUNCIL:

that the application of Mr Peter Rein to purchase a portion of Erf 4812 Kleinmond **not be approved** for the following reasons:

- a) the said municipal property will be needed to provide a basic service to the community; and
- b) the said municipal property is assigned for road purposes as per condition of the subdivision.

RESPONSIBLE OFFICIAL: N LIEBENBERG

TARGET DATE FOR IMPLEMENTATION: N/A

TARGET DATE TO INFORM APPLICANT: N/A

TARGET DATE TO INFORM OBJECTOR: N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
21 November 2017
(Also the agenda for the Mayoral Committee Meeting : 29 November 2017)**

**3.
KLEINMOND: PORTION OF ERF 4812 KLEINMOND – MR PETER REIN:
APPLICATION TO PURCHASE**

7/2/3/2

N LIEBENBERG

(028) 316-3724

Hermanus Administration

29 September 2017

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
21 NOVEMBER 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the application of Mr Peter Rein to purchase a portion of Erf 4812 Kleinmond **not be approved** for the following reasons:

- a) the said municipal property will be needed to provide a basic service to the community; and
- b) the said municipal property is assigned for road purposes as per condition of the subdivision.

RESPONSIBLE OFFICIAL:

N LIEBENBERG

TARGET DATE FOR IMPLEMENTATION:

N/A

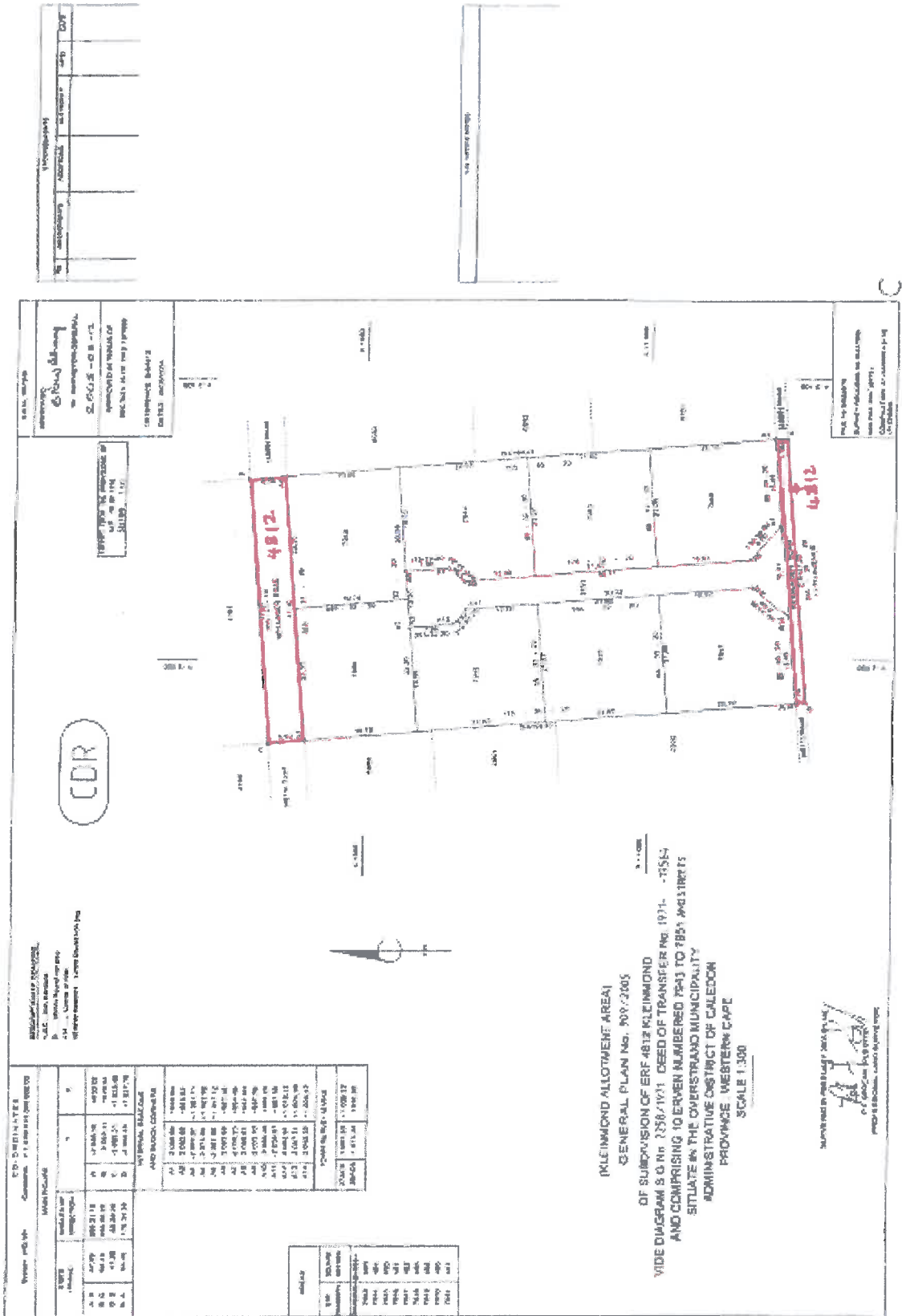
TARGET DATE TO INFORM APPLICANT:

N/A

TARGET DATE TO INFORM OBJECTOR:

N/A





APPROVED BY
 2005-08-17
 APPROVED BY
 2005-08-17

CDR

Area		Area	
Lot No.	Area (sqm)	Lot No.	Area (sqm)
1	1000.00	11	1000.00
2	1000.00	12	1000.00
3	1000.00	13	1000.00
4	1000.00	14	1000.00
5	1000.00	15	1000.00
6	1000.00	16	1000.00
7	1000.00	17	1000.00
8	1000.00	18	1000.00
9	1000.00	19	1000.00
10	1000.00	20	1000.00

ERF 4812
 GENERAL PLAN NO. 909/2005
 OF SUBDIVISION OF ERF 4812 KLEINMOND
 VIDE DIAGRAM S O No. 2256/1971 DEED OF TRANSFER No. 1971-1954
 AND COMPRISING TO ERFEN NUMBERED 7543 TO 7851 AND STREETS
 SITUATE IN THE OVERSTRAND MUNICIPALITY
 ADMINISTRATIVE DISTRICT OF CALEDON
 PROVINCE, WESTERN CAPE
 SCALE 1:300

APPROVED BY
 2005-08-17
 APPROVED BY
 2005-08-17

909/2005