

**AGENDA of the
Portfolio Committee: Infrastructure, Planning and Economic Development
21 October 2008
(Also the agenda for the Mayoral Committee Meeting: 29 October 2008)**

**40.
MOUNT PLEASANT : DEVELOPMENT AND ALIENATION OF MUNICIPAL
PROPERTY, 22 AFFORDABLE PRIVATE ERVEN**

**MOUNT PLEASANT : ONTWIKKELING EN VERVREEMDING VAN MUNISIPALE
EIENDOM, 22 BEKOSTIGBARE PRIVAAT ERWE**

7/2/3/2

A Marais

(028) 313 8145

Hermanus Administration

29 September 2008

1. Executive Summary/Bestuursopsomming

To obtain approval for the alienation of municipal property, being 22 affordable private erven situated in upper Mount Pleasant, Hermanus for residential purposes.

Om goedkeuring te verkry vir die vervreemding van munisipale eiendom, synde 22 bekostigbare privaat erwe geleë in bo Mount Pleasant, Hermanus vir residensiële doeleindes.

2. Service Delivery and Budget Implementation Plan Reference

Finance; Plan no 17; Page no 130

Income

Community Services; Plan no 26; Page no 206

Housing and Social Upliftment

Infrastructure & Planning; Plan no 31; Page no 254

Town Planning / Spatial Development

3. Compliance with Strategic Priorities

Promotion of tourism, economic and rural development

Provision of democratic and accountable governance

Provision and maintenance of municipal services

4. Delegated Authority

None – Full Council

5. Legal Requirements

- Constitution of SA, Act 106 of 1996

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- Municipal Systems Act, Act 32 of 2000
- Municipal Finance Management Act, Act 56 of 2003
- Municipal Finance Management Act, 2003 Supply Chain Regulations
- Council's Asset Management Policy (1 November 2004)

6. Background

Mount Pleasant, a previously disadvantaged community, situated 5km from the Central Business District of the town of Hermanus, faces various desperate housing needs in both lower as well as middle income categories. The Municipality has availed 22 serviced erven in Upper Mount Pleasant to address the housing needs within the middle income beneficiary group. This project will provide affordable housing opportunities to the residents of the identified community including several municipal and other employees of the state.

The location of the 22 erven identified for affordable housing purposes is indicated on the site plan attached per Annexure A.

Definition of Affordable Housing:

Affordable housing is often also referred to as GAP housing and describes the sector of the housing market that falls outside the income bracket qualifying for housing subsidies in terms of the Housing Act, 1997 (Act 107 of 1997) being up to R3,500 per household income per month and below incomes generally required to afford a housing product offered by the general residential property market.

The upper limit of the income band for affordable housing may be amended to allow for price escalation and to further project specific objectives.

The subject segment of the housing market is characterised by households:

- where at least one member of the household has permanent employment or has established a viable semi-formal or formal business;
- that is financially upwardly mobile, and
- that has not accumulated sufficient savings or assets as deposits to reduce loan repayments on a housing product.

Public Participation:

There is no established Social Compact for the current project therefore it was imperative to utilise the ward committee of the area. Regular liaison with

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this committee ensured that the broader community of Mount Pleasant were constantly well informed.

The progress of the project was regularly advertised in the local newspaper and notices were affixed on notice boards at the offices of the Municipality as well as at libraries, clinics and similar relevant community facilities. Informational leaflets were distributed in the community and meetings with the public were regularly held within the subject community.

Scrutiny of Beneficiaries:

The Department of Housing of the Overstrand Municipality keeps a detailed waiting list of all individuals who applies for housing in each area which are being updated on an annual basis. Several applicants on the relevant list for Mount Pleasant not qualifying for housing subsidies in terms of the Housing Act, 1997 (Act 107 of 1997) have indicated on their applications that they are interested in affordable private erven. **These applications include a number of municipal employees and other employees of the state, i.e. professional nurses and police officers (see Attachment B).**

The Municipality wishes to accommodate these individuals since problems are constantly being experienced with appointing and/or retaining employees of the state falling within the medium income level because of the fact that they simply are unable to afford the extreme cost of housing in Hermanus.

Subsequent to scrutinizing well over 300 applications received a list of 42 qualifying applicants were identified 15 of which are employees of the state.

It should be noted that the current development consists of 22 erven only which does not satisfy the demand for affordable housing in view of the amount of applications received.

It is proposed that 14 erven be allocated to beneficiaries from the general community of Mount Pleasant and that 8 erven made available to municipal and other employees of the state residing within the area.

The applicants were screened based on the following criteria (preference point system) approved by Council for a similar project in another area approximately 12 months ago:

- the applicant must be a South African citizen;
- the applicant must be a resident of the Overstrand area for at least the past three years;

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- applicants residing in Mount Pleasant received preference to residents of the broader Overstrand, i.e. applicants from outside of the proposed beneficiary area;
- applicants must have submitted the applicable application form for affordable housing in the prescribed manner within the prescribed period;
- only first time home owners will be considered to benefit from this project;
- current and former home owners who can prove that they have lost their property (house/erf) due to unforeseen circumstances, i.e. divorce or insolvency will be considered to benefit from this project;
- the applicant should not be a beneficiary of any current housing project development of the state.

During the evaluation applications qualifying in terms of the abovementioned criteria, other factors such as income, capacity to borrow, financial track record, existing bonds on property, etc. were also considered.

Potential beneficiaries will furthermore be subjected to a public scrutiny process and deed searches will be conducted on both the applicant and his/her spouse to ensure that neither previously or currently own properties.

Only one erf will be sold per household of qualifying beneficiaries.

Disposal of affordable private erven:

To ensure that beneficiaries do not speculate with the erven of this project, a suspensive condition will be applicable and likewise included in the Deed of Sale to the effect that should the beneficiary decide to sell the property hereby obtained within a period of 5 years from the date of sale, the beneficiary will be obliged to pay to Council, before transfer of the property in the name of the new purchaser an amount based on the following formula:

$$\left\{ \left(\frac{\text{Original Purchase Price}}{5} \right) \times \left(\begin{array}{l} \text{Number of years between the} \\ \text{date of transfer to beneficiary} \\ \text{and date of resale} \end{array} \right) \right\} = \begin{array}{l} \text{Amount payable} \\ \text{to Council} \end{array}$$

Selling Price of Erven:

The 22 erven were developed by the Overstrand Municipality, utilising internal resources and funding ensuring that development costs were limited to a minimum and that the respective selling prices were kept affordable. A 50% mark-up was calculated on the development costs of the erven. The mark-up will create revenue which could be utilised to fund infrastructure development in a future low cost housing development in Mount Pleasant.

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The selling price was calculated on the size of the erf and includes land cost, service cost and professional fees. The total cost per erf was calculated by the Manager: Project Management & Development Control, Mr Dennis Hendriks.

Kindly see the calculation attached per Annexure C indicating the total cost per erf as well as the proposed selling price per erf.

Beneficiaries would be able to make use of two options when purchasing the property, namely to apply for a home loan at a registered financial institution or to purchase the property cash.

The properties have already been rezoned for Single Residential Zone purposes following the prescribed procedures in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and all are fully serviced with water borne sewerage, water and electricity.

6.1 Application process:

6.1.1 Compliance

Municipal Supply Chain Management Regulations	Yes
Asset Management Policy	Yes
Spatial Development Framework	Yes

The following provisions of the Local Government: Municipal Finance Management Act, 2003 Municipal Supply Chain Management Regulations are applicable:

Section 44: A municipality or municipal entity may not make any award to a person in the service of the state.

An application in terms of Section 170 of the Municipal Finance Management Act, Act 56 of 2003 for the Overstrand Municipality to deviate from Section 44 of the Supply Chain Management Regulations and to obtain approval for the sale of 8 of the subject erven to municipal and other employees of the state residing within Mount Pleasant was first submitted on the 3rd of July 2008.

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Certain requirements were provided to National Treasury on the 10th of September. Their response is however still anticipated.

The following provisions of the Asset Management Policy of the Overstrand Municipality are applicable:

Paragraph 1.4: The Municipality may transfer ownership or otherwise dispose of immovable property but only after the Council, in accordance with Section 14 of the MFMA has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services and has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset in accordance with Section 14(2) of the MFMA.

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

The main reason for disposal of these properties at lower than the fair market value is to provide affordable housing to a sector of society falling within the middle income band who does not qualify for low cost housing but are also unable to afford the extreme cost of housing in Hermanus.

Paragraph 1.8: The Municipality, as a rule, bearing in mind the provisions of paragraph 1.9 (determining the market value) and save for those cases mentioned in paragraphs 1.6 and 4.2 (sale and lease to registered social care organisations), shall not sell, alienate or dispose of immovable property, grant a servitude or alienate a right at a lower amount than the amount at which it has been valued except in cases when the public interest or the plight of the poor demands otherwise.

Since the main aim of this project is to provide desperately needed affordable housing to individuals within the medium income category within the Mount Pleasant area it is recommended that the properties be sold at the proposed selling price per erf as depicted on the list attached per Annexure C.

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.

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The erven were developed by the Overstrand Municipality, utilising internal resources and funding ensuring that development costs were limited to a minimum and that the respective selling prices were kept affordable. Transfer cost will however be borne by the purchaser.

6.1.2 Advertisement/Notification

Council's intention to alienate the 22 and the proposed list of beneficiaries were advertised in the Hermanus Times on 08 August 2008 and notices were affixed to public notice boards in the Mount Pleasant community in accordance with paragraph 1.2.(a) of Council's Asset Management Policy and Section 21A of the Systems Act providing a period of 30 days for objections after Council has approved the alienation of the properties and the list of proposed beneficiaries.

6.1.3 Objections

OBJECTIONS		ATTACHMENTS
Number of objections	5	N/A

Four objections received were received from applicants who do not qualify. Each objection was investigated again and the objector was provided with proof and reason why he/she does not qualify.

One objection was received from someone objecting to one of the beneficiaries. The subject beneficiary was removed from the list following an intensive investigation into the matter which revealed that the person was recently dismissed.

7. Financial Implications

Council will receive an amount of approximately R1,904,900.00 (VAT excluded) being the total selling price for the 22 erven. To date total cumulative cost including land cost, service cost and professional fees amounts to R1,269,216.00 (VAT excluded).

Council therefore stands to gain R635,684.00 (VAT excluded) from this project which could be appropriated for future low cost developments in Mount Pleasant.

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8. Staff Implications

A total of 8 of Council's employees stand to benefit from this project.

9. Comments from other Departments, Divisions and Administrations

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

No objection. Property not required for the provision of municipal services.

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

There are no services on the portions except for the service connection of the respective residential properties.

Municipal Manager : Mr W Zybrands – (028) 313 8004

The response of National Treasury regarding the sale of erven to persons in service of the state is attached as Annexure D.

10. Annexures

Addendum A: Locality map and site plan indicating the 22 private erven.

Addendum B: List of the proposed beneficiaries.

Addendum C: Calculation of Costs and Purchase Prices depicting the profit Council stands to gain.

Addendum D: Letter – National Treasury

RECOMMENDATION TO THE COUNCIL/AANBEVELING AAN DIE RAAD:

1. that the sale of 22 single residential private erven for the purpose of affordable housing in upper Mount Pleasant in terms of Council's Asset Management Policy, **be approved**;
2. that the criterion applied to screen applications, including the upper limit of the income band at R15,000.00 per month and the list of proposed beneficiaries as attached per Annexure B, **be approved**;

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3. that the allocation of 14 erven to the general community of Mount Pleasant and 8 erven to employees of the state, **be approved** subject to the written approval of the National Treasury in terms of Section 170 of the Municipal Finance Management Act, Act 56 of 2003 to deviate from Section 44 of the Supply Chain Management Regulations, expected in due course;
 4. that should the response expected from National Treasury not approve awarding 8 of the erven to employees of the state, the sale of the subject erven to the next applicants on the list of beneficiaries excluding employees of the state, **be approved**;
 5. that the respective selling prices proposed in the calculation attached per Annexure C, **be approved**;
 6. that the **transfer costs** pertaining to each transaction be borne by the purchaser; and
 7. that cognisance be taken of the fact that the municipal property herewith sold is **not required** for municipal purposes in terms of the provisions of Paragraph 1.4 of the Asset Management Policy of the Overstrand Municipality and Section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
1. *dat die verkoop van 22 enkel residensiële privaat erwe vir die doel van bekostigbare behuising in bo Mount Pleasant in terme van die Raad se Batebestuursbeleid, **goedgekeur word**;*
 2. *dat die kriteria wat toegepas is, insluitend die boonste perk van die inkomste-band, teen R15,000.00 per maand en die lys van voorgestelde begunstigdes, soos aangeheg per Aanhangsel B, **goedgekeur word**;*
 3. *dat die toewysing van 14 erwe aan die algemene gemeenskap van Mount Pleasant en 8 erwe aan werknemers van die staat, **goedgekeur word** onderhewig aan die skriftelike goedkeuring van Nasionale Tesourie in terme van Artikel 170 van die Wet op Plaaslike Regering : Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003) om af te wyk van Artikel 44 van die Voorsieningsbestuursregulasies;*
 4. *dat sou die antwoord van Nasionale Tesourie nie die toekenning van 8 van die erwe aan werknemers van die staat goedkeur nie, die verkoop van die betrokke erwe aan die volgende aansoekers op die lys van begunstigdes uitgesluit werknemers van die staat, **goedgekeur word**;*

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5. *dat die onderskeie verkoopspryse soos voorgestel in die berekening aangeheg per Aanhangsel C, **goedgekeur word**;*
6. *dat die **oordragskoste** verbonde aan elke transaksies deur die koper gedra word; en*
7. *dat kennis geneem word van die feit dat die betrokke gedeelte munisipale eiendom wat verkoop word, **nie benodig** word vir munisipale doeleindes nie, in terme van Paragraaf 1.4 van die Raad se Batebestuursbeleid en Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003).*

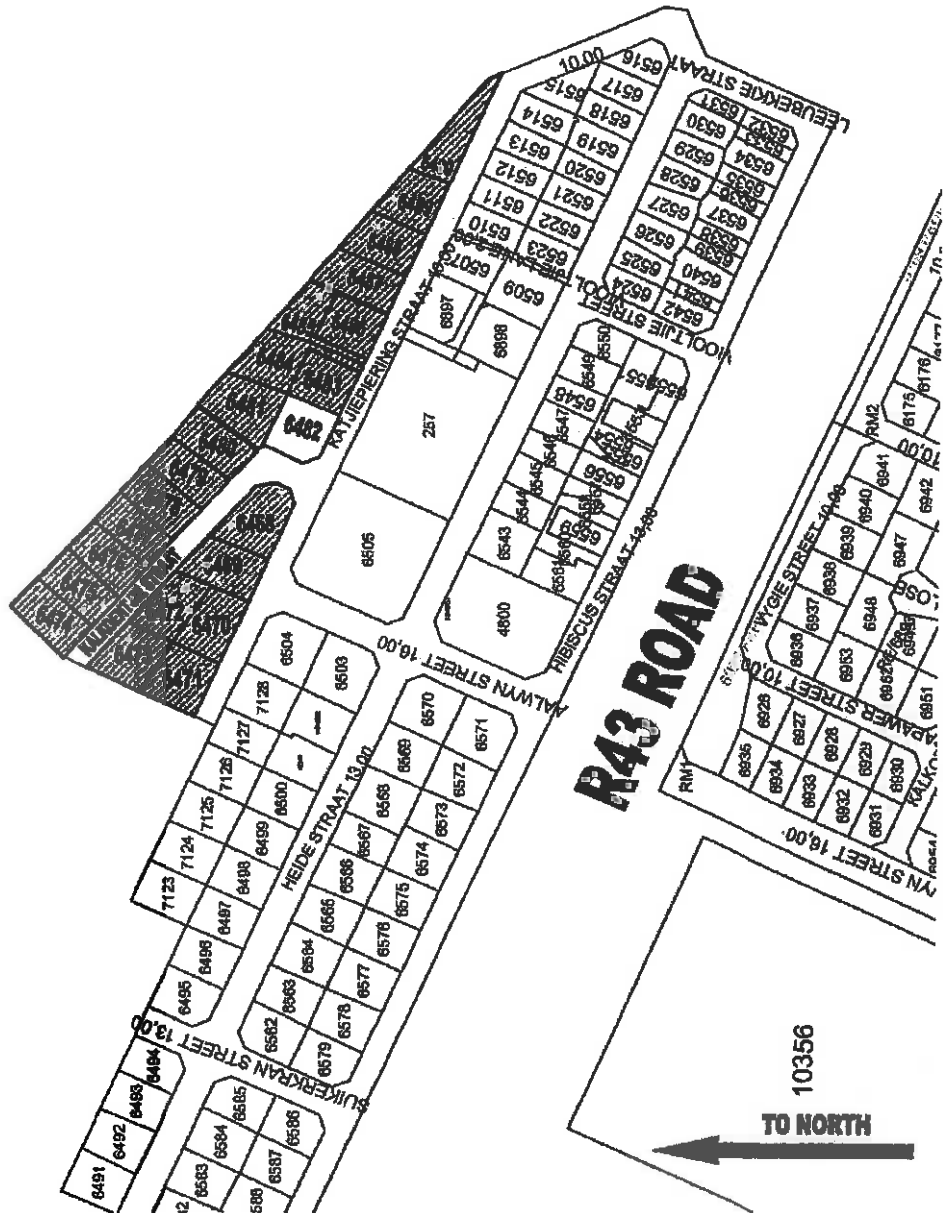
RESPONSIBLE OFFICIAL :

A Marais

TARGET DATE TO INFORM APPLICANT :

TARGET DATE TO INFORM OBJECTOR :

ANNEXURE A



ANNEXURE B 1/2

Applicants qualifying for 22 Private Even, Mt Pleasant (Page 1 of 2)

Municipal Employees

No.	Name	SSN	DOB	Address	City	State	Zip	Phone	Education	Experience	Remarks
1	Andrica	760433187083	N/A	N/A	N/A	N/A	N/A	N/A	N/A	17/06/2000	Mt Pleasant
2	Adams	760206622088	N/A	N/A	N/A	N/A	N/A	N/A	N/A	17/05/2000	Mt Pleasant
3	Prins	8008315204087	N/A	N/A	N/A	N/A	N/A	N/A	N/A	04/03/2004	Mt Pleasant
4	Juanarte	8109055183085	Desha	Wetly	N/A	N/A	8008270137087	N/A	N/A	04/09/2008	Haweson
5	Lamour	7411045131085	L'ricia	Lamour	N/A	N/A	7606068078089	N/A	N/A	04/09/2008	Mt Pleasant
6	Moss	7910185107082	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10/09/2008	Zweffle
7	Hendricks	7711282250086	Adelaide	Hendricks	N/A	N/A	N/A	N/A	N/A	15/01/2007	Mt Pleasant
8	Du Preez	7905060054082	Andre	Combs:sten	N/A	N/A	6200959200084	N/A	N/A	19/04/2007	North Cliff
9	May	7712185184082	N/A	N/A	N/A	N/A	N/A	N/A	N/A	11/09/2007	Mt Pleasant
10	Smith	7710130038083	Reginald	Smith	N/A	N/A	7609135174081	N/A	N/A	11/08/2007	Mt Pleasant
11	Milindzwe	8201065900086	N/A	N/A	N/A	N/A	N/A	N/A	N/A	21/08/2007	Sandton
12	Corneilus	8301170113082	N/A	N/A	N/A	N/A	N/A	N/A	N/A	03/10/2007	Stanhord

Other Employees of the State

No.	Name	SSN	DOB	Address	City	State	Zip	Phone	Education	Experience	Remarks
1	Gardiner	7702265078088	Frauciene	Gardiner	N/A	N/A	7610170071087	651174001	N/A	15/11/2001	Police Officer
2	Langley	7211100105085	N/A	N/A	N/A	N/A	N/A	1509/2004	N/A	15/09/2004	Admin Clerk
3	Solomons	8511210013083	N/A	N/A	N/A	N/A	N/A	05/09/2007	N/A	05/09/2007	Telecom Operator

ANNEXURE B 2/2

Applicants qualifying for 22 Private Erven, Mt Pleasant (Page 2 of 2)

No.	Name	Plot No.	Principal Applicant	Erven No.	Acquired	Remarks
1	April	708950900081	Chusima	7707130187086	30/08/1998	Mt Pleasant
2	Richard	7408185188088	Danille	8209260086088	15/03/1988	Mt Pleasant
3	Hansen	6804235040085	Magdalena	7106130075086	13/05/1998	Mt Pleasant
4	Jules	7703200046086	N/A	N/A	19/11/1998	Mt Pleasant
5	Fortuin	7509216216081	Rochelle	790520975024	04/12/1999	Mt Pleasant
6	Victor	7019165819085	Thembeke	7711100684088	05/12/1999	Mt Pleasant
7	Hillmar	7808055085081	N/A	N/A	20/10/2004	Mt Pleasant
8	Alexander	5511276026087	Zelda C	5804080171084	10/08/2005	Mt Pleasant
9	Linda	7602190218081	Denck	7803165206085	10/08/2005	Mt Pleasant
10	Claasjan	7205135246088	Juline	7003070088084	10/08/2005	Mt Pleasant
11	Hendricks	8009018048088	Sumaria	7907210931083	10/08/2005	Mt Pleasant
12	Bazier	6006040001088	N/A	N/A	10/08/2005	Mt Pleasant
13	Vosloo	6907205075	Vosloo	N/A	10/08/2005	Mt Pleasant
14	Gardiner	7908105215088	Anna	7307060110089	01/02/2006	Mt Pleasant
15	October	7702240215085	David	8004080236081	09/02/2008	Mt Pleasant
16	Andries	7110145080084	Gaynor	8206066121085	05/04/2008	Mt Pleasant
17	Andries	7709068198082	Melanie	8010200086081	05/11/2006	Mt Pleasant
18	Marco	7804105144081	N/A	7502270144060	10/01/2007	Mt Pleasant
19	Davis	8006180180087	Wayne	N/A	29/03/2007	Mt Pleasant
20	Frederic	8816188155088	N/A	7905035174088	16/06/2007	Mt Pleasant
21	Jansen	8206085114083	N/A	N/A	09/07/2007	Mt Pleasant
22	Abrahams	8407075103084	Carntise-Lee	8407194219086	29/07/2007	Mt Pleasant
23	Christoffels	8209020195080	N/A	N/A	30/07/2007	Mt Pleasant
24	Butler	8208130143083	N/A	N/A	07/09/2007	Mt Pleasant
25	Hofstet	6301105142083	Janet M	7002060195088	27/09/2007	Mt Pleasant
26	Segals	4810055198089	N/A	N/A	09/11/2007	Mt Pleasant
27	Eraimus	7904265115085	Rene	7308110087084	23/11/2007	Mt Pleasant

(Recently bought a property)

ANNEXURE C

Project: Mount Pleasant Upper 22 Erven										
Description: Total Cost & Profit										
Erft No	Erft size in m ²	R5/m ² (VAT excl.)	Land Cost	Services Cost per erf (VAT excl.)	Total Cost per erf (VAT excl.)	50% markup on erf	Total selling price (rounded)	VAT 14%	Total Selling Price (VAT incl.)	
6468	630	R 5.00	R 3,151.87	R 55,070.40	R 58,222.27	50%	R 87,400.00	1.14	R 99,636.00	
6469	568	R 5.00	R 2,848.91	R 55,070.40	R 57,919.31	50%	R 86,900.00	1.14	R 99,066.00	
6470	529	R 5.00	R 2,642.60	R 55,070.40	R 57,713.00	50%	R 86,600.00	1.14	R 98,724.00	
6471	552	R 5.00	R 2,759.32	R 55,070.40	R 57,829.72	50%	R 86,800.00	1.14	R 98,952.00	
6472	499	R 5.00	R 2,494.96	R 55,070.40	R 57,565.36	50%	R 86,400.00	1.14	R 98,496.00	
6473	558	R 5.00	R 2,791.92	R 55,070.40	R 57,862.32	50%	R 86,800.00	1.14	R 98,952.00	
6474	511	R 5.00	R 2,552.58	R 55,070.40	R 57,622.98	50%	R 86,500.00	1.14	R 98,610.00	
6475	508	R 5.00	R 2,541.94	R 55,070.40	R 57,612.34	50%	R 86,500.00	1.14	R 98,610.00	
6476	500	R 5.00	R 2,497.65	R 55,070.40	R 57,568.05	50%	R 86,400.00	1.14	R 98,496.00	
6477	472	R 5.00	R 2,360.76	R 55,070.40	R 57,431.16	50%	R 86,200.00	1.14	R 98,268.00	
6478	493	R 5.00	R 2,465.71	R 55,070.40	R 57,534.11	50%	R 86,400.00	1.14	R 98,496.00	
6479	483	R 5.00	R 2,412.61	R 55,070.40	R 57,483.01	50%	R 86,300.00	1.14	R 98,382.00	
6480	495	R 5.00	R 2,474.61	R 55,070.40	R 57,545.01	50%	R 86,400.00	1.14	R 98,496.00	
6481	618	R 5.00	R 3,239.74	R 55,070.40	R 58,310.14	50%	R 87,500.00	1.14	R 99,750.00	
6482	467	R 5.00	R 2,336.38	R 55,070.40	R 57,406.78	50%	R 86,200.00	1.14	R 98,268.00	
6484	597	R 5.00	R 2,985.27	R 55,070.40	R 58,055.67	50%	R 87,100.00	1.14	R 99,240.00	
6485	498	R 5.00	R 2,188.26	R 55,070.40	R 57,258.66	50%	R 85,900.00	1.14	R 97,926.00	
6486	458	R 5.00	R 2,287.59	R 55,070.40	R 57,357.99	50%	R 86,100.00	1.14	R 98,154.00	
6487	571	R 5.00	R 2,853.97	R 55,070.40	R 57,924.37	50%	R 86,900.00	1.14	R 99,066.00	
6488	532	R 5.00	R 2,658.52	R 55,070.40	R 57,728.92	50%	R 86,600.00	1.14	R 98,724.00	
6489	492	R 5.00	R 2,481.97	R 55,070.40	R 57,552.37	50%	R 86,300.00	1.14	R 98,382.00	
6490	534	R 5.00	R 2,670.20	R 55,070.40	R 57,740.60	50%	R 86,700.00	1.14	R 98,838.00	
Net Total			R 87,667.31	R 1,211,549.80	R 1,299,216.13		R 1,904,909.00	1.14	R 2,171,586.00	
1	Cumulative Total Land Cost			Excl Vat						
2	Cumulative Total Services Cost			Excl Vat			R 57,662.31	1.14	R 65,740.73	
3	Cumulative Total Cost of Erven			Excl Vat			R 1,211,549.80	1.14	R 1,381,165.63	
4	Total selling price of Erven			Excl Vat			R 1,269,216.00	1.14	R 1,446,906.24	
5	Total profit on 22 erven			Excl Vat			R 1,904,909.00	1.14	R 2,171,586.00	
				Excl Vat			R 635,684.00	1.14	R 746,679.76	

ANNEXURE G1
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National Treasury

#1229 P.0017002

Annexure D 1/2

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B Von Büding



national treasury

Department
National Treasury
REPUBLIC OF SOUTH AFRICA

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The Municipal Manager
Overstrand Municipality
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Hermanus
7200

Fax: (028) 312-1884

Dear Sir/ Madam

RE: MOUNT PLEASANT: DEVELOPMENT AND ALIENATION OF MUNICIPAL PROPERTY, 22 AFFORDABLE PRIVATE ERVEN

I refer to your letter dated 10 September 2008, received 18 September 2008, requesting approval to (a) sell land below market value and to (b) depart from Municipal Supply Chain Management Regulation 44 and to make awards for the disposal of land to persons in the service of the state.

The MFMA in section 14 requires the actual disposal of capital assets, including land, to be fair, equitable, transparent, competitive and consistent with the supply chain management policy of the municipality.

We have reviewed the information provided and advise that it is not clear whether the actual disposal process to date complies with the Municipal Supply Chain Management Regulations and Municipal Asset Transfer Regulations. We confirm that if the decision to alienate the properties in question was a valid decision consistent and compliant with all procedural and legislative requirements prevailing at the time the decisions were taken, that these transactions will not be subject to the Asset Transfer Regulations. This statement is based on the assumption that the decisions were taken prior to 1 September 2008.

The Municipal Supply Regulations provides that immovable property may be sold only at market related prices except when the public interest or the plight of the poor demands otherwise. Although we do not encourage the sale of municipal land at a lower than market related price, we advise that the municipality apply the principles mentioned in Asset Transfer Regulation 7 to advise council appropriately when it considers what is best in terms of the "public interest" factor.

With regards to your request for condonation to sell land to persons in the service of the state, we thank you for advising us of the circumstances relating to this project, however, the specific circumstances of the prospective bidders is not clear, from the information provided. Hence, we suggest that, prior to making any award to a person in the service of the state, the municipality make a formal application to the Minister of Finance, for an exemption, providing the following information as a minimum:

17/5/5/2/7

27598

5.9**MOUNT PLEASANT : DEVELOPMENT AND ALIENATION OF MUNICIPAL PROPERTY, 22 AFFORDABLE PRIVATE ERVEN****(ITEM 40, PAGE 946 : INFRASTRUCTURE PORTFOLIO – MAYORAL COMMITTEE MEETING : 29 OCTOBER 2008)****RESOLVED (UNANIMOUSLY)**

1. that the sale of 22 single residential private erven for the purpose of affordable housing in upper Mount Pleasant in terms of Council's Asset Management Policy, **be approved**;
2. that the criterion applied to screen applications, including the upper limit of the income band at R15,000.00 per month and the list of proposed beneficiaries **be approved**;
3. that the allocation of 14 erven to the general community of Mount Pleasant and 8 erven to employees of the state, **be approved** subject to the written approval of the National Treasury in terms of Section 170 of the Municipal Finance Management Act, Act 56 of 2003 to deviate from Section 44 of the Supply Chain Management Regulations, expected in due course;
4. that should the response expected from National Treasury not approve awarding 8 of the erven to employees of the state, the sale of the subject erven to the next applicants on the list of beneficiaries excluding employees of the state, **be approved**;
5. that the respective selling prices proposed in the calculation **be approved**;
6. that the **transfer costs** pertaining to each transaction be borne by the purchaser; and
7. that cognisance be taken of the fact that the municipal property herewith sold is **not required** for municipal purposes in terms of the provisions of Paragraph 1.4 of the Asset Management Policy of the Overstrand Municipality and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003).

RESPONSIBLE OFFICIAL :**A Marais****TARGET DATE TO INFORM APPLICANT :****7 November 2008****TARGET DATE TO INFORM OBJECTOR :****7 November 2008**

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
18 September 2012
(Also the agenda for the Mayoral Committee Meeting : 26 September 2012)**

**18.
MOUNT PLEASANT : 22 ERVEN FOR AFFORDABLE HOUSING, RELAXATION OF
CRITERIA FOR ALIENATION**

7/2/3/2

A Marais

(028) 313 8102

Hermanus Administration

28 May 2012

1. Executive Summary

To obtain approval for the relaxation of the criteria applied in the sale of several municipal properties, being 22 Erven for Affordable Housing situated in Upper-Mount Pleasant, Hermanus.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning & Property Administration

3. Compliance with Strategic Priorities

Provision of democratic and accountable governance
Promotion of tourism, rural and economic development

4. Delegated Authority

None

5. Legal Requirements

Constitution of SA, Act 106 of 1996
Municipal Systems Act, Act 32 of 2000
Municipal Finance Management Act, Act 56 of 2003
Municipal Finance Management Act, 2003 Supply Chain Regulations
Administration of Immovable Property Policy of the Overstrand Municipality

6. Background/Discussion/Evaluation/Conclusion

Background

The sale of the 22 Erven for Affordable Housing in Upper-Mount Pleasant was processed in terms of a resolution by Council dated 29 October 2009 which reads as follows:

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"RESOLVED (UNANIMOUSLY)

1. *that the sale of 22 single residential private erven for the purpose of affordable housing in upper Mount Pleasant in terms of Council's Asset Management Policy, be approved;*
2. *that the criterion applied to screen applications, including the upper limit of the income band at R15,000.00 per month and the list of proposed beneficiaries be approved;*
3. *that the allocation of 14 erven to the general community of Mount Pleasant and 8 erven to employees of the state, be approved subject to the written approval of the National Treasury in terms of Section 170 of the Municipal Finance Management Act, Act 56 of 2003 to deviate from Section 44 of the Supply Chain Management Regulations, expected in due course;*
4. *that should the response expected from National Treasury not approve awarding 8 of the erven to employees of the state, the sale of the subject erven to the next applicants on the list of beneficiaries excluding employees of the state, be approved;*
5. *that the respective selling prices proposed in the calculation be approved;*
6. *that the transfer costs pertaining to each transaction be borne by the purchaser; and*
7. *that cognisance be taken of the fact that the municipal property herewith sold is not required for municipal purposes in terms of the provisions of Paragraph 1.4 of the Asset Management Policy of the Overstrand Municipality and Section 14 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003)."*

The criteria as approved by Council on 29 October 2008 and applied in the screening of the applicants in terms of the abovementioned report were as follows:

- the applicant must be a South African citizen;
- the applicant must be a resident of the Overstrand area for at least the past three years;
- applicants residing in Mount Pleasant received preference over residents of the broader Overstrand, i.e. applicants from outside the proposed beneficiary area;
- applicants must have submitted the applicable application form for affordable housing in the prescribed manner within the prescribed period;

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- only first time home owners were considered to benefit from the project;
- current and former home owners who can prove that they have lost their property (house/erf) due to unforeseen circumstances, i.e. divorce or insolvency were considered to benefit from the project;
- the applicant must not be a beneficiary of any current housing project development of the state;
- applicants must earn a monthly household income of between R3,500.00 and R15,000.00.

Affordable housing, often also referred to as GAP housing, describes the sector of the housing market that falls outside the income bracket that qualify for housing subsidies in terms of the Housing Act, 1997 (Act 107 of 1997), the latter being the income bracket up to R3,500.00 per household income per month and below incomes generally required to afford a housing product offered by the general residential property market. The upper limit of the income band for affordable housing may be amended to allow for price escalation and to further project specific objectives.

The subject segment of the housing market is characterised by households:

- where at least one member of the household has permanent employment or has established a viable semi-formal or formal business;
- that is financially upwardly mobile, and
- that has not accumulated sufficient savings or assets as deposits to reduce loan repayments on a housing product.

During the first round of applications, after scrutinizing well over 300 applications received, a list of 42 qualifying applicants were identified. In order to determine the ranking, the following points were awarded:

Length of stay in Mount Pleasant (years)	Points
0 - 3	0
3.01 - 5	4
5.01 - 15	6
15.01 - 25	8
25.01 – 100	10

No of Dependents	Points
0	0
1	2
2	4
3	6
4	8
5	9
6 – 100	10

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Monthly Household Income per Application (R)	Points
0 - 3500	0
3501 - 6000	2
6001 - 10500	6
10501 - 15000	8
15001 - 1000000	0

Present living conditions	Points
RENTAL HOUSE	2
FAIR	2
RENTAL FLAT	4
RENTAL OUTSIDE ROOM	6
POOR	6
TEMP. STRUCTURE BACKYARD	8
TEMPORARILY	8
TEMP. STRUCTURE SQUATTER AREA	10

Age (years)	Points
0 - 21	0
22 - 25	2
26 - 31	4
32 - 38	6
39 - 46	8
46 - 200	10

Marital Status	Points
SINGLE / UNMARRIED / DIVORCED	2
COHABITING	4
WIDOW / WIDOWER	6
CUSTOMARY UNION	8
MARRIED BY LAW	10

During the evaluation of the applications qualifying in terms of the abovementioned criteria, other factors such as the capacity to borrow funds and their financial track record were also considered. A public scrutiny process and deed searches were conducted on both the applicant and his/her spouse to ensure that neither previously nor currently owned properties. Only one erf was awarded per qualifying household.

Beneficiaries were able to make use of two options when purchasing the property, namely to apply for a home loan at a registered financial institution or to purchase the property in cash.

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The selling prices approved by Council for the subject properties ranges between R97,926.00 and R99,750.00 (VAT Included) and involves a fully serviced, but undeveloped property.

Discussion

The first round of awarding erven to beneficiaries was done during October 2010. After just a few weeks it was clear that most of the transactions would not be proceeded with. Only 6 of the contracts issued were signed and returned at that stage. Although the deposits for all 6 transactions were received, 4 were cancelled and only 2 actually went through for transfer and these transfers have already been registered. The main reasons for transactions being cancelled were that beneficiaries did not qualify for bonds and beneficiaries not having enough money to purchase the properties in cash.

The second round of applicants from the same list of beneficiaries identified were awarded the erven that did not go through during the first round, but still most of the transactions were cancelled for the same reason. Again only 2 contracts received eventually went through and are in the process of being transferred. By this time the list of identified beneficiaries were exhausted.

With reference to the criteria approved by Council on 29 October 2009 the following seemed to be disqualifying applicants the most:

- 3 applicants not residing in the Overstrand Municipal area;
- 2 applicants previously owned a home which they sold, and
- 7 applicants earning a total monthly household income above R15,000.00.

In November 2011 the rest of the erven for which no beneficiaries were left were advertised again, inviting qualifying persons to apply. When the application were evaluated it became clear again that most of the applicants will not qualify in respect of the given criteria.

With reference to the criteria approved by Council on 29 October 2009 the following criteria seemed to be disqualifying applicants:

- 1 applicant not residing in the Overstrand Municipal area;
- 1 applicant previously owned a home which he sold, and
- 5 applicants earning a total monthly household income above R15,000.00.

Evaluation

After 3 attempts to award and successfully transfer the properties only 4 have been transferred in total. Although the 3rd round has not been finalised yet it

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is clear that the criteria are too stringent and that the market being targeted to benefit from the project is not able to afford the purchase prices and do not qualify for home loans.

Council should consider relaxing certain criteria, especially the criteria in respect of the R15,000.00 upper limit of total monthly household income, in order to allow more applicants to qualify. Furthermore that submission of the prescribed application forms not be limited to a certain date and that should a qualifying applicant approach the Municipality at any stage, the application be accepted and processed until the last property is sold.

Conclusion

Considering the above it is suggested that the criteria approved on 29 October 2009 be relaxed and that the following criteria be applied:

- the applicant must be a South African citizen;
- the applicant must be a resident of the Western Cape for at least the past three years;
- applicants residing in the Overstrand Municipal Area will receive preference, over applicants from outside the Overstrand Municipal Area;
- applicants must submit the applicable application form for affordable housing in the prescribed manner;
- submission of application forms will not be limited to a certain date and that should a qualifying applicant approach the Municipality at any stage to complete a form, the application be accepted and processed until the last remaining property is sold and transferred;
- that current home owners not be considered to benefit from the project;
- that former home owners be considered to benefit from the project if they can proof that they do not currently own any residential property/ies;
- the applicant should not be a beneficiary of any current housing project development of the state;
- applicants with a monthly household income of up to R30,000 and who can proof that they can afford the purchase price will be considered to benefit from the project.

7. Financial Implications

There are 17 properties remaining to be sold and transferred. The selling prices approved by Council for the subject properties ranges between R97,926.00 and R99,750.00 (VAT Included)

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

Area Manager : Hermanus, Mr D Kearney - (028) 313 8112

The revised criteria as proposed in the report are supported.

10. Annexures

None

RECOMMENDATION TO THE COUNCIL :

1. that Council's resolution dated 29 October 2009 in respect of the upper limit of the monthly household income being R15,000.00 per month **be rescinded.**
2. that the criteria applied to screen applications for the sale of the remaining 17 erven for Affordable Housing in Upper Mount Pleasant **be amended** to contain the following:
 - (a) that the applicant must be a South African citizen;
 - (b) that the applicant must be a resident of the Western Cape for at least the past three years;
 - (c) that the applicant residing in the Overstrand Municipal area receive preference;
 - (d) that the applicant must submit the applicable application form for affordable housing in the prescribed manner;
 - (e) that submission of application forms will not be limited to a certain date providing for, that should a qualifying applicant approach the Municipality at any stage to complete a form, the application be **accepted** and processed until the last remaining property is sold and transferred;
 - (f) that current home owners not be considered to benefit from the project;
 - (g) that former home owners be considered to benefit from the project;
 - (h) that the applicant must not be a beneficiary of any current housing project development of the state, and

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- (i) that the applicant with a monthly household income of up to R30,000.00 and who can proof that they can afford the purchase price, be considered to benefit from the project.

RESPONSIBLE OFFICIAL :	L MINNAAR
TARGET DATE FOR IMPLEMENTATION :	8 OCTOBER 2012
TARGET DATE TO INFORM APPLICANT :	N/A
TARGET DATE TO INFORM OBJECTOR :	N/A

5.4**MOUNT PLEASANT : 22 ERVEN FOR AFFORDABLE HOUSING, RELAXATION OF CRITERIA FOR ALIENATION****(ITEM 18, PAGE 536 : INFRASTRUCTURE & PLANNING PORTFOLIO – MAYORAL COMMITTEE MEETING : 26 SEPTEMBER 2012)****RESOLVED (UNANIMOUSLY)**

1. that Council's resolution dated 29 October 2009 in respect of the upper limit of the monthly household income being R15,000.00 per month **be rescinded**.
2. that the criteria applied to screen applications for the sale of the remaining 17 erven for Affordable Housing in Upper Mount Pleasant **be amended** to contain the following:
 - (a) that the applicant must be a South African citizen;
 - (b) that the applicant must be a resident of the Western Cape for at least the past three years;
 - (c) that the applicant residing in the Overstrand Municipal area receive preference;
 - (d) that the applicant must submit the applicable application form for affordable housing in the prescribed manner;
 - (e) that submission of application forms will not be limited to a certain date providing for, that should a qualifying applicant approach the Municipality at any stage to complete a form, the application be accepted and processed until the last remaining property is sold and transferred;
 - (f) that current home owners not be considered to benefit from the project;
 - (g) that former home owners be considered to benefit from the project;
 - (h) that the applicant must not be a beneficiary of any current housing project development of the state, and
 - (i) that the applicant with a monthly household income of up to R30,000.00 and who can proof that they can afford the purchase price, be considered to benefit from the project.

MINUTES : ORDINARY MEETING OF THE COUNCIL**26 SEPTEMBER 2012**

RESPONSIBLE OFFICIAL : L MINNAAR
TARGET DATE FOR IMPLEMENTATION : 8 OCTOBER 2012
TARGET DATE TO INFORM APPLICANT : N/A
TARGET DATE TO INFORM OBJECTOR : N/A

ANNEXURE 1
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SWARTDAMWEG SITE C1			
	Erf no.	Area	Town
1	11672	Swartdam	Hermanus
2	11673	Swartdam	Hermanus
3	11674	Swartdam	Hermanus
4	11675	Swartdam	Hermanus
5	11676	Swartdam	Hermanus
6	11677	Swartdam	Hermanus
7	11678	Swartdam	Hermanus
8	11679	Swartdam	Hermanus
9	11680	Swartdam	Hermanus
10	11681	Swartdam	Hermanus
11	11682	Swartdam	Hermanus
12	11683	Swartdam	Hermanus
13	11684	Swartdam	Hermanus
14	11685	Swartdam	Hermanus
15	11686	Swartdam	Hermanus
16	11687	Swartdam	Hermanus
17	11688	Swartdam	Hermanus
18	11689	Swartdam	Hermanus
19	11690	Swartdam	Hermanus
20	11691	Swartdam	Hermanus
21	11692	Swartdam	Hermanus
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24	11695	Swartdam	Hermanus
25	11696	Swartdam	Hermanus
26	11697	Swartdam	Hermanus
27	11698	Swartdam	Hermanus
28	11699	Swartdam	Hermanus
29	11700	Swartdam	Hermanus
30	11701	Swartdam	Hermanus
31	11702	Swartdam	Hermanus
32	11703	Swartdam	Hermanus
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34	11705	Swartdam	Hermanus
35	11706	Swartdam	Hermanus
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47	11719	Swartdam	Hermanus
48	11720	Swartdam	Hermanus
49	11721	Swartdam	Hermanus
50	11722	Swartdam	Hermanus

ANNEXURE I
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51	11723	Swartdam	Hermanus
52	11724	Swartdam	Hermanus
53	11725	Swartdam	Hermanus
54	11726	Swartdam	Hermanus
55	11727	Swartdam	Hermanus
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99	11777	Swartdam	Hermanus
100	11778	Swartdam	Hermanus
101	11780	Swartdam	Hermanus
102	11781	Swartdam	Hermanus

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103	11782	Swartdam	Hermanus
104	11783	Swartdam	Hermanus
105	11784	Swartdam	Hermanus
106	11785	Swartdam	Hermanus
107	11786	Swartdam	Hermanus
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111	11791	Swartdam	Hermanus
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113	11793	Swartdam	Hermanus
114	11794	Swartdam	Hermanus
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120	11800	Swartdam	Hermanus
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122	11804	Swartdam	Hermanus
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130	11812	Swartdam	Hermanus
131	11814	Swartdam	Hermanus
132	11815	Swartdam	Hermanus
133	11816	Swartdam	Hermanus
134	11817	Swartdam	Hermanus
135	11818	Swartdam	Hermanus
136	11819	Swartdam	Hermanus
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138	11821	Swartdam	Hermanus
139	11822	Swartdam	Hermanus
140	11823	Swartdam	Hermanus
141	11825	Swartdam	Hermanus
142	11826	Swartdam	Hermanus
143	11827	Swartdam	Hermanus
144	11828	Swartdam	Hermanus
145	11829	Swartdam	Hermanus
146	11830	Swartdam	Hermanus
147	11831	Swartdam	Hermanus
148	11832	Swartdam	Hermanus
149	11833	Swartdam	Hermanus
150	11834	Swartdam	Hermanus
MOUNT PLEASANT VILLAGE			
	Erf no.	Area	Town
1	11844	Mount Pleasant	Hermanus
2	11845	Mount Pleasant	Hermanus

ANNEXURE I
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3	11846	Mount Pleasant	Hermanus
4	11847	Mount Pleasant	Hermanus
5	11848	Mount Pleasant	Hermanus
6	11849	Mount Pleasant	Hermanus
7	11850	Mount Pleasant	Hermanus
8	11851	Mount Pleasant	Hermanus
9	11852	Mount Pleasant	Hermanus
10	11853	Mount Pleasant	Hermanus
11	11854	Mount Pleasant	Hermanus
12	11855	Mount Pleasant	Hermanus
13	11856	Mount Pleasant	Hermanus
14	11857	Mount Pleasant	Hermanus
15	11858	Mount Pleasant	Hermanus
16	11859	Mount Pleasant	Hermanus
17	11860	Mount Pleasant	Hermanus
18	11861	Mount Pleasant	Hermanus
19	11862	Mount Pleasant	Hermanus
20	11863	Mount Pleasant	Hermanus
21	11864	Mount Pleasant	Hermanus
22	11865	Mount Pleasant	Hermanus
MOUNT PLEASANT HEIGHTS			
	Erf no.	Area	Town
1	6468	Mount Pleasant	Hermanus
2	6469	Mount Pleasant	Hermanus
3	6471	Mount Pleasant	Hermanus
4	6473	Mount Pleasant	Hermanus
5	6474	Mount Pleasant	Hermanus
6	6476	Mount Pleasant	Hermanus
7	6477	Mount Pleasant	Hermanus
8	6479	Mount Pleasant	Hermanus
9	6480	Mount Pleasant	Hermanus
10	6483	Mount Pleasant	Hermanus
11	6484	Mount Pleasant	Hermanus
12	6485	Mount Pleasant	Hermanus
13	6486	Mount Pleasant	Hermanus
14	6487	Mount Pleasant	Hermanus
15	6488	Mount Pleasant	Hermanus
16	6489	Mount Pleasant	Hermanus
17	6490	Mount Pleasant	Hermanus

Total erven

189