

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

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**7.  
HERMANUS: RECTIFICATION OF COUNCIL RESOLUTION DATED 2 DECEMBER  
2016 FOR THE ALIENATION OF A PORTION OF ERF 243, MOUNTAIN DRIVE,  
NORTHCLIFF, HERMANUS TO GJ & E FOURIE**

**7/2/3/2/**

**A Le Roux**

**(028) 316 - 3724**

**Hermanus Administration**

**10 September 2019**

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**1. Executive Summary**

To obtain approval for the rectification of Council resolution dated 2 December 2016 for the alienation of a portion of erf 243, Mountain Drive, Northcliff, Hermanus to GJ & E Fourie as to the correct erf number for the portion of property envisaged to be alienated.

**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

**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**

Council resolved as follows on 2 December 2016:

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1. *that the direct alienation of a portion of Erf 243 Hermanus (adjacent to Erf 4453 Hermanus), ±126m<sup>2</sup> in extent, for the erection of a boundary wall to the owners of the adjoining erf, Mr GJ & Mrs E Fourie, at an amount of R698.00 (SIX HUNDRED AND NINETY EIGHT RAND PER SQUARE METRE) (VAT excluded) be **approved in principle**;*
2. *that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Erf 243 Hermanus is classified as a non-viable property;*
3. *that the abovementioned approval in principle be subject to a public participation process being followed due to the non-viability of the property;*
4. *that the subject portion of Erf 243 Hermanus must be consolidated with the adjoining property of Mr GJ & Mrs E Fourie, being Erf 4453 Hermanus;*
5. *that the alienation of the subject portion of Erf 243 Hermanus, be subject to obtaining the necessary closure, subdivision, rezoning and consolidation approvals;*
6. *that all the costs pertaining to the transaction, e.g. valuation costs, subdivision, consolidation, closure of public road, rezoning, transfer and related costs, advertisements, etc., be paid by the purchaser;*
7. *that the purchaser must contact the Electrical Department to point out the position of electrical cables before any trenching commences for the foundation of the wall to be built by the purchaser;*
8. *that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision 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); and*
9. *that the Municipal Manager be authorised to sign all documents relating to the alienation and transfer of the subject portion of Erf 243 Hermanus."*

Subsequent to the above, the Applicant proceeded with the Town Planning processes as indicated in number 5 above. After obtaining the necessary approvals, it came to the Property Administration Department's attention that the portion of property applied for is a portion of Erf 4410 Hermanus and not a portion of Erf 243 Hermanus. This could be as at time of preparing the report and obtaining the in principle approval, the GIS system indicated Erf 4410 Hermanus as an unregistered erf. Any reference to Erf 243 Hermanus must thus be replaced with Erf 4410 Hermanus. Erf 4410 Hermanus is a duly

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registered property in the Deeds Office. It must lastly be noted that the change in the erf number does not affect the locality of the relevant portion of property.

**Conclusion**

It is recommended that the Council resolution dated 2 December 2016 be rectified through substituting the reference to erf number 243 with the erf number 4410.

**7. Financial Implications**

The Municipality stands to gain the market related purchase price of R698.00 (SIX HUNDRED AND NINETY EIGHT RAND) per square metre (VAT excluded).

**8. Staff Implications**

None

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

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

The full extent of Erf 4410, Hermanus, is currently reflected in the Fixed Asset Register for Property, Plant and Equipment: Land with a carrying value of R100 000.00. The disposal of the portion adjacent to Erf 4453 will have to be accounted for at the selling price in order to adjust the carrying value of the remaining portion of Erf 4410 in the Fixed Asset Register.

There is no objection as the application complies with the Administration of Immoveable Property Policy.

**10. Annexures**

Annexure A: Locality plan  
Annexure B: Beacon certificate

**RECOMMENDATION TO THE COUNCIL:**

that the Council resolution dated 2 December 2016 be rectified through substituting the reference to erf number 243 with erf number 4410.

**RESPONSIBLE OFFICIAL :**

**A LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**13 NOVEMBER 2019**

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**Hermanus Administration**

**10 September 2019**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 22 OCTOBER 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the Council resolution dated 2 December 2016 be rectified through substituting the reference to erf number 243 with erf number 4410.

**RESPONSIBLE OFFICIAL :**

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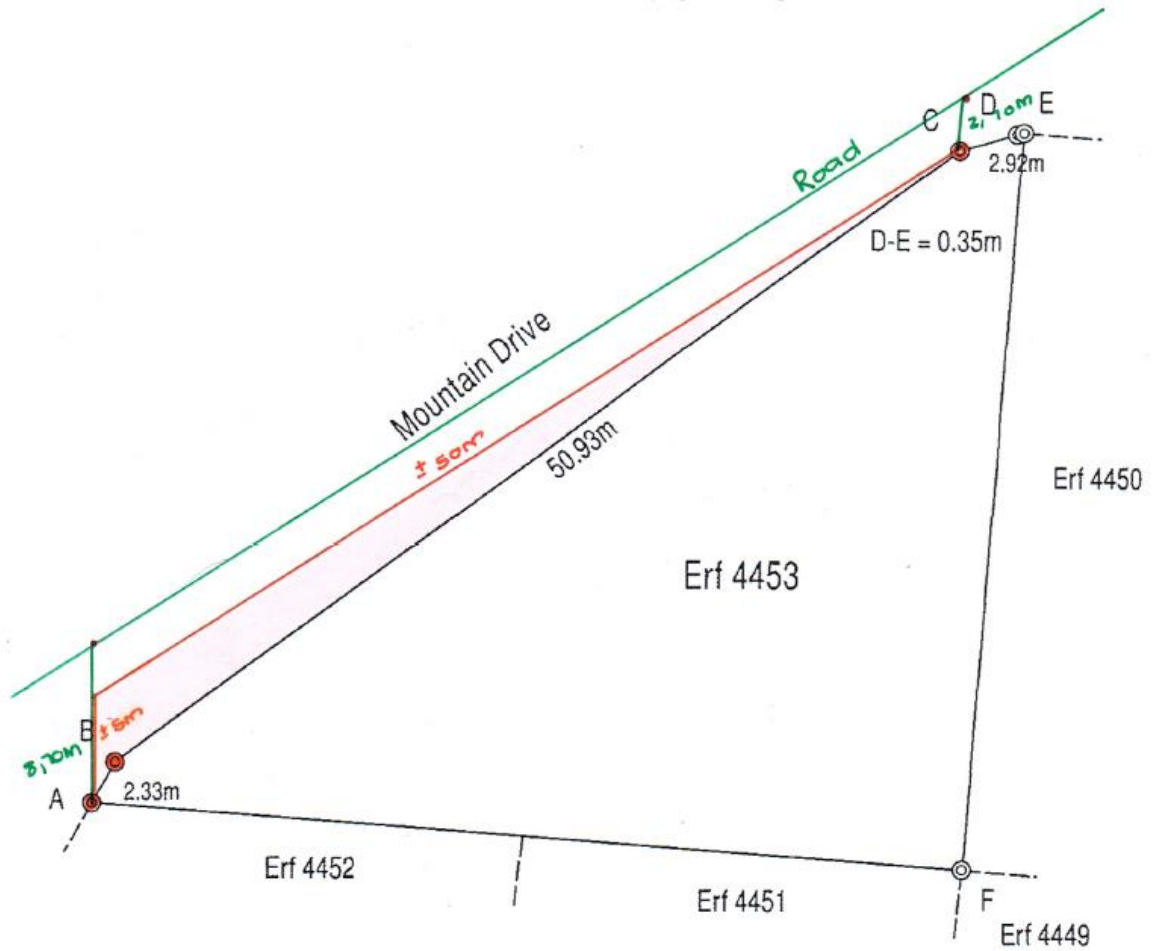
ANNEXURE A



## ANNEXURE B

BEACON CERTIFICATE  
 ERF 4453 HERMANUS  
 SCALE 1/300

Beacons A, B, C, D, E are 12mm iron pegs in the ground



HUGH WATERS Professional Land Surveyor  
 Cel : 0843661048 Ref : H/649 Date : January 2015