

**AGENDA of the
Portfolio Committee: Investment, Infrastructure and Tourism
3 April 2024
(Also the agenda for the Mayoral Committee Meeting: 10 April 2024)**

2.

PARTIAL AMENDMENT OF COUNCIL RESOLUTION DATED 28 FEBRUARY 2024 FOR THE DIRECT ALIENATION OF A PORTION OF REMAINDER ERF 243 HERMANUS, ADJACENT TO ERF 283 HERMANUS AND PORTION 338 (A PORTION OF PORTION 4) OF THE FARM NO 581 ONRUSTRIVIER, CALEDON REGIONAL DISTRICT, TO REDBUILD TRUST

**A Le Roux
8 March 2024**

Manager: Property Administration

(028) 316 - 5623

1. Executive Summary

To obtain approval for the partial amendment of Council Resolution dated 28 February 2024 insofar condition 3 to stipulate that a portion of Remainder Erf 243 Hermanus ($\pm 1,52$ ha in extent) must be consolidated with Erf 283 Hermanus. See the locality plan attached hereto marked Annexure "A".

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
Creation and maintenance of a safe and healthy environment

4. Delegated Authority

None

5. Legal Requirements

- Local Government: Municipal Financial 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/Evaluation

Council, at a meeting held on 28 February 2024, resolved as follows:

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1. *“that the direct alienation of a portion of Remainder Erf 243 Hermanus ($\pm 1,52$ ha in extent), to the owner of the adjoining properties, being Erf 283 Hermanus and Portion 338 (a portion of Portion 4) of the Farm No 581 Onrustrivier, Caledon Regional District, Redbuild Trust, at an amount of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded), to clear and destump the area and for the erection of a fence / boundary wall, be approved in principle;*
2. *that it be noted that the direct alienation is possible as the said portion of Remainder Erf 243 Hermanus, can be classified as a non-viable property;*
3. *that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 243 Hermanus must be consolidated with the adjoining properties of Redbuild Trust, being Erf 283 Hermanus and Portion 338 (a portion of Portion 4) of the Farm No 581 Onrustrivier, Caledon Regional District;*
4. *that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 243 Hermanus, which condition must be registered against the title deed of the consolidated property;*
5. *that the alienation of said portion of Remainder Erf 243 Hermanus be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which include, the closure of public place, rezoning, subdivision, and consolidation;*
6. *that all the costs pertaining to the transaction, e.g., application costs, valuation cost, closure of public open space, rezoning, subdivision and consolidation, advertisement, and the related costs, etc. be paid by Redbuild Trust; and 14 MINUTES: ORDINARY MEETING OF THE COUNCIL 28 FEBRUARY 2024*
7. *that it be noted that the municipal property herewith envisaged to be 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).”*

In condition 3 of the above resolution, it was indicated that the Property must be consolidated with Erf 283 Hermanus and Portion 338 (a Portion of Portion 4) of the Farm No 581, Onrustrivier, Caledon Regional District. The Applicant however indicated that it must be consolidated with Erf 283 Hermanus.

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It is therefore requested that Condition 3 be amended to stipulate that the Property must be consolidated with Erf 283 Hermanus. The partial amendment of Condition 3 of the Council resolution will have no effect on the valuation of the Property nor on the fact that the Property is not needed for basic municipal services.

7. Financial Implications

The Municipality still stands to gain a market related purchase price of R15.00/m² (FIFTEEN RAND PER SQUARE METRE) (VAT excluded) and the partial amendment of Condition 3 of the resolution will not have any financial effect.

8. Staff Implications

None

9. Annexures

Annexure A: Locality Map

RECOMMENDATION TO THE COUNCIL:

that Condition 3 of Council Resolution dated 28 February 2024 be amended to read as follows:

that it be noted that a condition for the alienation will be that the said portion of Remainder Erf 243 Hermanus must be consolidated with the adjoining property of Redbuild Trust, being Erf 283 Hermanus;

RESPONSIBLE OFFICIAL:	M BEKKER
TARGET DATE FOR IMPLEMENTATION:	15 MAY 2024
TARGET DATE TO INFORM APPLICANT:	15 MAY 2024
TARGET DATE TO INFORM OBJECTOR:	N/A

