

**AGENDA of the  
Portfolio Committee: Investment, Infrastructure and Tourism  
7 February 2024  
(Also the agenda for the Mayoral Committee Meeting: 13 February 2024)**

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10.

**IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 3226 BETTY'S BAY  
(31 ALBERTYN DRIVE, BETTY'S BAY) 1,456M<sup>2</sup> IN EXTENT, BY MEANS OF A  
COMPETITIVE PROCESS**

**A Le Roux  
21 November 2023**

**Manager: Property Administration**

**(028) 316-5606**

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**1. Executive Summary**

To obtain in principle approval for the alienation of Erf 3226 Betty's Bay, 1,456m<sup>2</sup> (ONE THOUSAND FOUR HUNDRED AND FIFTY-SIX SQUARE METRES) in extent (the "Property"), for residential purposes by means of a competitive process at a market related price.

The locality of the Property is indicated on locality plans attached per "Annexure A1" and "Annexure A2".

**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**

- Administration of Immovable Property Policy of the Overstrand Municipality, as amended
- Local Government: Municipal Finance Management Act, Act 56 of 2003 ("MFMA")
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Municipal Supply Chain Management Regulations (Notice 868 of 30 May 2005)
- Overstrand Municipality Supply Chain Management Policy, as amended

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## **6. Background/Discussion/Evaluation/Conclusion**

### **Background/Discussion**

An application was received to purchase the Property for residential purposes.

The Property is 1,456m<sup>2</sup> (ONE THOUSAND FOUR HUNDRED AND FIFTY-SIX SQUARE METRES) in extent, vacant and situated at 31 Albertyn Drive, Betty's Bay. The Property is zoned Residential Zone 1: Single Residential. The Property is unserviced, but service connections are available in the vicinity, the connection fees of which shall be for the purchaser's account.

As there is a need for residential erven and as the Property is suited for residential purposes, it is recommended that it be made available in the open market by means of a competitive process.

### **Evaluation**

A. Evaluation in terms of the Administration of Immovable Property Policy of the Overstrand Municipality

The following conditions of said policy apply to this report:

**Paragraph 9.1(a): “The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services.”**

The comments received from the relevant officials confirmed that the Property is not needed for the provision of the minimum level of basic municipal services.

**Paragraph 9.1(b): “The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA.”**

HCB Valuation and Services (Pty) Ltd determined the market related value of the Property on 1 September 2023 at an amount of R582,400.00 (FIVE HUNDRED AND EIGHTY-TWO THOUSAND FOUR HUNDRED

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RAND) (VAT excluded). There is no community value relating to the sale of the Property.

**Paragraph 9.1(c): “The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA has as a consequence to 9.1(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer.”**

The purpose of this report is to request in principle approval from Council for the alienation of the Property by means a competitive process.

**Paragraph 15.1: “The transfer of immovable property must, except in the case of non-viable immovable property, be affected by means of competitive process, which may include a public or closed tender, auction or proposal call.”**

It is recommended that the Property be alienated by means of a competitive process.

**Paragraph 28: “All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, 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.”**

The successful bidder will be liable for all costs pertaining to the transaction, excluding the cost for the valuation of the Property. Costs for the successful bidder will include, but is not limited to, a Section 14 advertisement, transfer costs, connection of services and any other related costs.

**Paragraph 29: “Should existing services need to be relocated or secured by means of the registration of a servitude in favour of the Municipality as a result of the alienation of the immovable property, all related costs shall be for the account of the successful bidder/purchaser.”**

No services need to be relocated and no servitude needs to be registered.

**Paragraph 32. “Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.”**

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A clause to this effect will be included in any deed of sale to be entered into between the Municipality and the successful bidder.

**Paragraph 34: “A 10% deposit of the agreed/tendered purchase price will be due and payable by the purchaser/successful bidder within 10 days of date of request in writing thereof by the Municipality.”**

A clause to this effect will be included in any deed of sale to be entered into between the Municipality and the successful bidder.

**Paragraph 35: “Interest on the purchase price, as from date of signature of the deed of sale, must be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder/ purchaser.”**

A clause to this effect will be included in the deed of sale to be entered into between the Municipality and the successful bidder.

**B. Advertisement/Notification**

The necessary advertisement in terms of Section 14 of the MFMA will be published after the tender is duly awarded. The successful bidder will be liable for the costs of the Section 14 advertisement.

**Conclusion**

It is recommended that the Property be alienated for residential purposes by means of a competitive process, at not less than the market related value.

Furthermore, it is recommended that the successful bidder be liable for all costs, excluding the costs for the valuation of the Property. Subsequent costs will entail the aforementioned Section 14 advertisement, transfer costs and connection of services.

**7. Financial Implications**

The Municipality stands to gain a market related purchase price to the minimum amount of R582,400.00 (FIVE HUNDRED AND EIGHTY-TWO THOUSAND FOUR HUNDRED RAND) (VAT excluded) for the Property. After transfer of the Property, the owner will be liable for the payment of rates, taxes, etc.

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**8. Staff Implications**

None.

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

**Senior Manager: Expenditure and Assets - Mr J Vorster**

*“Erf 3226 Betty’s Bay is currently reflected as Public Place (Open Space 2) in the fixed asset register for Investment Property: Land at a carrying value of R650’000-00 as at 30 June 2023. Once the proposed alienation of the property has been concluded, it will have to be written out of the fixed asset register at the applicable selling price in order to account for the actual gain / (loss) on the disposal of the asset.*

*There is no objection against the alienation.”*

**Senior Manager: Operational Services - Mr D van Rhodie**

*“Operational Services have no objection to the application and support the recommendations made by the Manager Engineering Services.”*

**Senior Town Planner - Ms H van der Stoep**

*“The Property is zoned Residential Zone 1. No objection.”*

**Manager: Building Control - Mr L Coetzee**

*“No objection. A building plan application must be submitted for any proposed structure/building on this site and the application must comply with all applicable law.”*

**Manager: Engineering Services - Mr R Andrew**

*“The Engineering Services Department have the following comments:  
If the application is approved:*

- *The existing bulk municipal services (water, electricity etc.) must stay intact and can’t be compromised. If any of the existing services need to be relocated, it will be done by the applicant at his cost, and to the satisfaction of the Director: Infrastructure and Planning.*
- *The applicant/developer will only utilize the existing roads/accessed and no new additional roads/accesses will be created without the written approval of the Senior Manager: Engineering Services or the relevant road authority.*
- *The applicant/developer will be responsible for the construction and provision of all municipal services to the proposed development including*

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*the cost of link services, all connection fees and investigation levies for municipal services.”*

**Assistant Chief: Fire and Rescue - Mr E Solomons**

*“The Fire Department has no objection to the compliance with the provision of SANS 10400 A:2016, 10400-T:2020 and the By Law relating fire safety.”*

**Senior Superintendent: Operations (Traffic) - Mr P de Gruchy**

*“I have no objection towards the application to purchase Erf 3226 Betty’s Bay through the tender process.”*

**Environmental Officer - Ms T Zweig**

*“The EMS has no objection to this application. Please inform the prospective buyer that the area is within a declared wetland and authorization from the water use authority (BGCMA) would be required prior to approval of building plans by the EMS.”*

**10. Annexures**

Annexures A1 & A2: Locality Maps

**RECOMMENDATION TO THE COUNCIL:**

1. that the alienation of Erf 3226 Betty’s Bay (1,456m<sup>2</sup> in extent) by means of a competitive process at a market related price for residential purposes, **be approved in principle**;
2. that it be noted that the Property is situated within a declared wetland and authorization from the water use authority (BGCMA) will be required prior to approval of any building plans by the Environmental Management Services;
3. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
4. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

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| <b>RESPONSIBLE OFFICIAL :</b>            | <b>MAGDA BEKKER</b>  |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>13 MARCH 2024</b> |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>13 MARCH 2024</b> |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>           |

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**IN PRINCIPLE APPROVAL FOR THE ALIENATION OF ERF 3226 BETTY'S BAY (31 ALBERTYN DRIVE, BETTY'S BAY) 1,456M<sup>2</sup> IN EXTENT, BY MEANS OF A COMPETITIVE PROCESS**

**A Le Roux  
21 November 2023**

**Manager: Property Administration**

**(028) 316-5606**

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**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE PORTFOLIO COMMITTEE ON 7 FEBRUARY 2024, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

1. that the alienation of Erf 3226 Betty's Bay (1,456m<sup>2</sup> in extent) by means of a competitive process at a market related price for residential purposes, **be approved in principle**;
2. that it be noted that the Property is situated within a declared wetland and authorization from the water use authority (BGCMA) will be required prior to approval of any building plans by the Environmental Management Services;
3. that all the costs pertaining to the transaction, for example the transfer costs, water, sewer and electricity connections and the section 14 advertisement, but excluding the valuation costs, be paid by the successful bidder/purchaser; and
4. that it is hereby confirmed by Council that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of paragraph 5 of the Administration of Immovable Property Policy approved by Council on 25 November 2015 and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

**RESPONSIBLE OFFICIAL :**

**M BEKKER**

**TARGET DATE FOR IMPLEMENTATION :**

**13 MARCH 2024**

**TARGET DATE TO INFORM APPLICANT :**

**13 MARCH 2024**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**



