

**AGENDA of the  
Portfolio Committee: Planning and Development  
17 February 2026  
(Also the agenda for the Mayoral Committee Meeting: 25 February 2026)**

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**5.**

**TRANSFER OF UNREGISTERED ERF 5643 (A PORTION OF REMAINDER ERF 3048) BETTY'S BAY (PORTION OF PUBLIC OPEN SPACE), ADJACENT TO ERF 3196 BETTY'S BAY, SITUATED ON THE CORNER OF ROCKWAY DRIVE AND PEARL DRIVE, TO LR MCCANN**

**A Le Roux  
13 January 2026**

**Divisional Manager: Property Management**

**(028) 316 - 5623**

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**1. Executive Summary**

To obtain final approval for the transfer of unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay (163m<sup>2</sup> in extent) adjacent to Erf 3196 Betty's Bay, situated at the corner of Rockway Drive and Pearl Drive (hereinafter referred to as "the Property"), to the owner of Erf 3196 Betty's Bay, being LR McCann (hereinafter referred to as "the Applicant") for gardening purposes and the erection of a fence / boundary wall. See the locality maps attached hereto marked "Annexures A1 & A2".

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Planning and Development  
Property Management

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Creation and maintenance of safe and healthy environment

**4. Delegated Authority**

None

**5. Legal Requirements**

- J Local Government: Municipal Finance Management Act (Act 56 of 2003) ("MFMA")
- J Municipal Asset Transfer Regulations (R. 878 of 2008)
- J Administration of Immovable Property Policy of the Overstrand Municipality (2015)

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

### **Background/Discussion**

Council approved the following on 28 June 2023:

- “1. that the direct alienation of a portion of Erf 3048 Betty’s Bay ( $\pm 155\text{m}^2$  in extent) adjacent to Erf 3196 Betty’s Bay, situated on the corner of Rockway Drive and Pearl Drive, Betty’s Bay, to the owner of the adjoining property to retain an encroachment, for gardening purposes and the erection of a fence / boundary wall, at an amount of R350.00/m<sup>2</sup> (three hundred and fifty Rand alone) per square metre (VAT excluded) be approved in principle;*
- 2. that it be noted that the direct alienation is possible as the said portion of Erf 3048 Betty’s Bay can be classified as a non-viable property;*
- 3. that, subject to the approval in 1 above, a public participation process be followed at the cost of the applicant/purchaser;*
- 4. that it be noted that a condition for the alienation will be that the said portion of Erf 3048 Betty’s Bay must be consolidated with the adjoining property of applicant/purchaser, being Erf 3196 Betty’s Bay, simultaneous with the registration of the transfer;*
- 5. that a condition be registered against the title deed of the to be consolidated property that the portion of property envisaged to be transferred may only be used for gardening purposes and no structures, excluding the existing encroachment and a boundary fence or wall, may be erected thereon;*
- 6. that the alienation of said portion of Erf 3048 Betty’s Bay be subject to a suspensive condition that the applicant/purchaser obtains approval for all the required land use rights, which may include, the partial closure of a road, rezoning, subdivision and consolidation;*
- 7. that all the costs pertaining to the transaction, e.g. application costs, valuation costs, closure, rezoning, subdivision and consolidation, advertisement and the related costs, etc. be paid by the applicant/purchaser;*
- 8. that it be noted that there no economic and community value will be received in exchange for the portion of municipal property; and*
- 9. that it be noted that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in*

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*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)."*

The public participation was followed as discussed in more detail below.

The required land use planning processes have been completed, and all necessary approvals have been obtained. With the subdivision of Remainder Erf 3048 Betty's Bay the portion being alienated was allocated its own erf number, namely, Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay, and the final size confirmed as 163m<sup>2</sup> in extent. See the approved SG Diagram attached hereto as "Annexure B".

### **Evaluation**

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

***Paragraph 7: "the transfer of ownership of immovable property must be fair, equitable, transparent, competitive (unless it is not applicable or unpractical e.g. non-viable immovable property) and consistent with the supply chain management policy of the Municipality in accordance with Section 14(5) of the MFMA."***

Non-viable immovable property is defined in the relevant Policy as "a property that, owing to urban planning, physical constraints or extent, cannot be developed on its own or function as a separate entity and can therefore only become functional if alienated or leased to an adjoining owner for usage in conjunction with the said owner's property." The subject property can be classified as a non-viable immovable property due to the location, shape, size and proposed use thereof.

***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 section 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."***

Council, when the in-principle approval was obtained, confirmed that the Property is not needed to provide the minimum level of basic municipal services.

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**Paragraph 9(1)(b):** *“The Municipality may transfer ownership or otherwise dispose of non-exempted immovable property only after the municipal council, 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 Property Valuations determined the fair market value on 1 January 2023 at an amount of R350.00/m<sup>2</sup> (THREE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded). The valuation was done taking into consideration the size, shape, locality, zoning and proposed use (restriction) of the Property. The purchase amount will thus be an amount of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded).

**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 direct sale of the Property to the adjoining property owner of Erf 3196 Betty’s Bay was approved in principle by Council on 28 June 2023.

**Paragraph 9.2:** *“The Municipality may transfer ownership or otherwise dispose of a non-viable immovable property, as nonexempted immovable property which can be of no practical use to any other person, directly to adjoining property owner(s), only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:*

- (a) decided on reasonable grounds that the non-viable immovable property is not needed to provide the minimum level of basic municipal services;*
- (b) 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, and*
- (c) has as a consequence to 9.2(a) and (b) above approved in principle that the immovable property may be transferred or disposed, provided that, when giving the in principle approval,*

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***it is recorded in the minutes the full reasons for the Municipality preferring such direct transfer.”***

- (a) The comments received from the relevant departments indicated that the Property is not needed for the provision of municipal services.
- (b) HCB Property Valuations determined the fair market value on 1 January 2023 at an amount of R350.00/m<sup>2</sup> (THREE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded). The valuation was done taking into consideration the size, shape, locality, zoning and proposed use (restriction) of the Property. The purchase amount will thus be an amount of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded).
- (c) The reasons for the preferred direct sale are discussed above and was recorded in the minutes of the in-principle approval granted by Council on 28 June 2023.

**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 Applicant will be liable for the costs of the transaction which will include, but not be limited to, the application fee, valuation costs, rezoning and consolidation, closure of public open space, the required public participation process and transfer costs.

**Paragraph 30: “Small areas of land such as closed roads or portions of public place sold to an adjacent owner must be consolidated with the existing property of the adjacent owner, unless circumstances exist which, in the opinion of the Municipality, make such consolidation undesirable.”**

A condition to this effect was included in the Deed of Sale.

**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.”**

A condition to this effect was included in the Deed of Sale.

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**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 condition to this effect was included in the Deed of Sale.

**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 condition to this effect was included in the Deed of Sale.

**B. Advertisement/Notification**

An advertisement for the transfer of the Property was published in the Overstrand Herald on 12 September 2024 for a 30 (THIRTY) day objection/comment period. No objection/comments were received.

**Conclusion**

It is recommended that the transfer of the Property to the Applicant at a market related amount of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded) for parking purposes and the erection of a boundary wall / fence, be approved.

**7. Financial Implications**

The Municipality stands to gain an income of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded) for the sale of the Property.

**8. Staff Implications**

None

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

**Divisional Manager: Expenditure, Fleet & Asset Management - Mr J Vorster**

*“The portion of Erf 3048 (±163m<sup>2</sup> in extent) Betty’s Bay, adjacent to Erf 3196 Betty’s Bay and situated on the corner of Pearl Drive and Rockway Drive, Betty’s Bay, is reflected in the fixed asset register for PPE: Land as part of the overall Erf 3048 at a value of R590’000.00 as at 30 June 2025. As soon as the proposed alienation has been concluded the portion of the erf will have to be written out of the fixed asset register at the applicable selling price in order*

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*to account for the actual gain / (loss) on the disposal of the portion of an asset. There is no objection against the proposed alienation as the application complies with the Administration of Immovable Property Policy.”*

**10. Annexures**

Annexures A1 & A2: Locality maps

Annexure B1 & B2: SG Diagrams

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay, situated on the corner of Rockway Drive and Pearl Drive (163m<sup>2</sup> in extent), to the owner of the adjoining Erf 3196 Betty's Bay, LR McCann, at an amount of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded) for parking purposes and the erection of a boundary wall / fence, **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay is classified as a non-viable property;
3. that it be noted that a condition of the alienation will be that the unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay must be consolidated with the adjoining property of LR McCann, being Erf 3195 Betty's Bay;
4. that a condition be registered against the title deed of the to be consolidated property that no structures of any kind (excluding a boundary wall or fence) may be erected on the portion of property envisaged to be transferred;
5. that all costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, transfer and related costs, advertisements, etc. be paid by LR McCann; and
6. that it be noted that the municipal property herewith envisaged to be transferred 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).

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<b>RESPONSIBLE OFFICIAL:</b>	<b>M ERASMUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 MARCH 2026</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>26 MARCH 2026</b>

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**5.  
TRANSFER OF UNREGISTERED ERF 5643 (A PORTION OF REMAINDER  
ERF 3048) BETTY'S BAY (PORTION OF PUBLIC OPEN SPACE), ADJACENT TO  
ERF 3196 BETTY'S BAY, SITUATED ON THE CORNER OF ROCKWAY DRIVE  
AND PEARL DRIVE, TO LR MCCANN**

**A Le Roux  
13 January 2026**

**Divisional Manager: Property Management**

**(028) 316 - 5623**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 FEBRUARY 2026, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

1. that the transfer of unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay, situated on the corner of Rockway Drive and Pearl Drive (163m<sup>2</sup> in extent), to the owner of the adjoining Erf 3196 Betty's Bay, LR McCann, at an amount of R57,050.00 (FIFTY-SEVEN THOUSAND AND FIFTY RAND) (VAT excluded) for parking purposes and the erection of a boundary wall / fence, **be approved**;
2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay is classified as a non-viable property;
3. that it be noted that a condition of the alienation will be that the unregistered Erf 5643 (a portion of Remainder Erf 3048) Betty's Bay must be consolidated with the adjoining property of LR McCann, being Erf 3195 Betty's Bay;
4. that a condition be registered against the title deed of the to be consolidated property that no structures of any kind (excluding a boundary wall or fence) may be erected on the portion of property envisaged to be transferred;
5. that all costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, transfer and related costs, advertisements, etc. be paid by LR McCann; and
6. that it be noted that the municipal property herewith envisaged to be transferred 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).

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<b>RESPONSIBLE OFFICIAL:</b>	<b>M ERASMUS</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 MARCH 2026</b>
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ANNEXURE A2



VAN DYK & Associates Inc. (V25304)

GENERAL PLAN TP 794 LD

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X		SG No. 2343/2025
		Constants	0,00	
A B	39,68   56.43.00	A	+4 150,05	+3 385,17
B C	11,70   192.01.20	B	+4 183,22	+3 406,95
C A	32,43   251.24.50	C	+4 180,78	+3 395,51
STONY POINT	131		+9 837,20	+5 120,43
BLOMHUIS	134		+3 106,95	+2 845,10

DIGITAL REGISTRATION DOCUMENT  
*Blilade*  
 for SURVEYOR GENERAL  
 DATE 17-11-2025

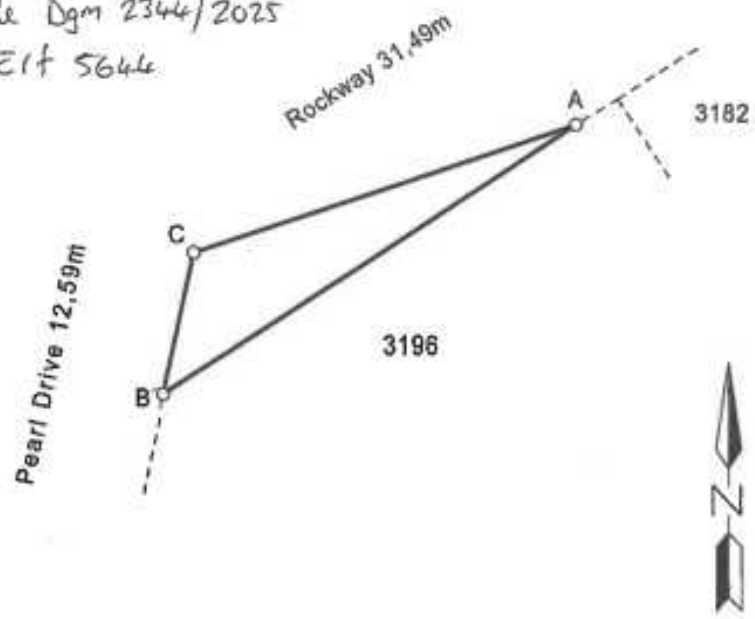
Approved  
*Wooroway*  
 for  
 SURVEYOR-GENERAL  
 2025-11-14

L.A. van Dyk PLS No. 1069  
 hereby certify that this Digitally signed and Registered Document was extracted by myself from the Digital Registration Document provided by the Surveyor General's office. Cape Town.  
*LA van Dyk*  
 Professional Land Surveyor  
 Date 17-11-2025

**BEACON DESCRIPTIONS**

A,B,C ... 12mm Iron peg

Included in Consol  
 Vide Dgm 2344/2025  
 Erf 5644



Scale : 1 / 500

The figure ABC represents 163 square metres of land, being

**Erf 5643 (~~a portion of Erf 3048~~) Betty's Bay**

situate in the Sunny Seas Township,  
 Overstrand Municipality  
 Administrative District of Caledon  
 Western Cape Province  
 Surveyed in July 2025 by me

*LA van Dyk*  
 LA van Dyk  
 Professional Land Surveyor  
 Registration Number: PLS 1069

THIS DIAGRAM REPRESENTS A  
 .....CLOSED ROAD

This Diagram is annexed to No.		File: S/13048/10 V.1
Registrar of Deeds		S.R. No. 1464/2025 Comp AH-4BD/Y43 (373) GP TP 794LD LPI No. C0130002

Erf 5643 Betty's bay

VAN DYK & Associates Inc. (V25304)

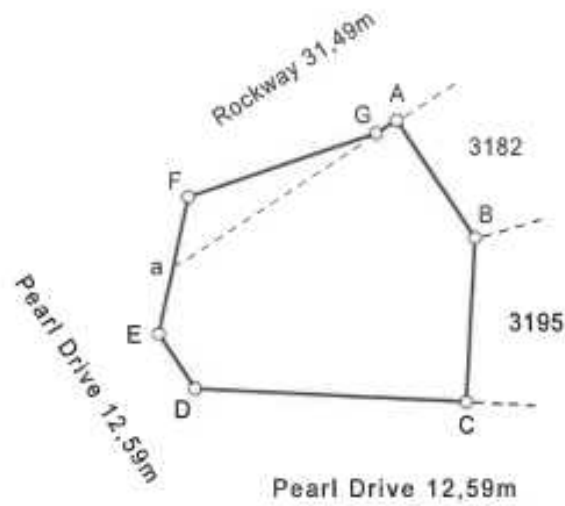
SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X		SG No. 2344/2025 Approved <i>Kooroway</i> for SURVEYOR- GENERAL 2025-11-14
		Constants	0,00 +3 800 000,00	
AB	22,89 326.37.20	A	+4 146,85 +3 383,08	
BC	26,76 2.58.50	B	+4 134,26 +3 402,19	
CD	44,08 92.48.40	C	+4 135,65 +3 428,92	
DE	10,67 146.40.50	D	+4 179,68 +3 426,75	
EF	22,83 192.01.20	E	+4 185,54 +3 417,84	
FG	32,43 251.24.50	F	+4 180,78 +3 395,51	
GA	3,82 236.43.00	G	+4 150,05 +3 385,17	

L.A. van Dyk, PLS No. 1069  
 I hereby certify that this Digitally approved Deeds Registration Document was extracted by myself from the Digital Registration Document provided by the Surveyor General's office, Cape Town.  
 17-11-2025  
 Professional Land Surveyor

STONY POINT	131		+9 837,20	+5 120,43
BLOMHUIS	134		+3 106,95	+2 845,10

**BEACON DESCRIPTIONS**  
 A,B,D,E,F,G ... 12mm Iron peg  
 C ... 12mm Iron peg next to fence post

**COMPONENTS**  
 1. The figure GaF represents Erf 5643 Betty's Bay  
 Vide Diagram No. 2343/2025 ; D/T No.  
 2. The figure ABCDEa represents Erf 3196 Betty's Bay  
 Vide Diagram No. 9893/1958 ; D/T No.



The figure ABCDEFG represents 1 786 square metres of land, being  
**Erf 5644 Betty's Bay**  
 (comprises 1 and 2 above)

situate in the Sunny Seas Township,  
 Overstrand Municipality  
 Administrative District of Caledon  
 Western Cape Province  
 Surveyed in July 2025 by me  
 LA van Dyk  
 Professional Land Surveyor  
 Registration Number: PLS 1069

Approved i.o. Section  
 of Municipal Land Use  
 Planning Bylaw  
 Ref: 3048 & 3196 KBB  
 Date: 11 August 2025

This Diagram is annexed to No.	The original diagrams are as listed above	File: S/13048/10 V.1 S.R. No. 1464/2025 Comp AH-4BD/Y43 (373) LPI No. C0130002
Registrar of Deeds		

Erf 5644 Betty's bay