

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

4.

TRANSFER OF UNREGISTERED ERF 3040 PEARLY BEACH (BEING A PORTION OF REMAINDER ERF 1916) ADJACENT TO ERF 559 PEARLY BEACH, SITUATED ON THE CORNER OF SHORT- AND RIDGE STREET, (ROAD RESERVE), PEARLY BEACH, TO MS MELANIE SWANEPOEL

**A Le Roux
25 March 2025**

Divisional Manager: Property Management

(028) 316 - 5623

1. Executive Summary

To obtain final approval for the transfer of Unregistered Erf 3040 Pearly Beach (being a portion of Remainder Erf 1916) (257m² in extent) adjacent to Erf 559 Pearly Beach, situated on the corner of Short and Ridge Street, Pearly Beach (hereinafter referred to as “the Property”), to the owner of Erf 559 Pearly Beach, being Ms Melanie Swanepoel (hereinafter referred to as “the Applicant”) to retain the existing partial enclosure and “braai” area. 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

- 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 (2015)

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Council approved the following on 29 November 2023:

- “1. *that the direct alienation of a portion of Remainder Erf 1916 Pearly Beach (adjacent to Erf 559 Pearly Beach) situated on the corner of Short and Ridge Street, Pearly Beach (±250m² in extent), to the owner of the adjoining Erf 559 Pearly Beach, Ms Melanie Swanepoel, at an amount of R150.00/m² (ONE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded), to retain the existing partial enclosure, be **approved in principle**;*
2. *that it be noted that the direct alienation is possible as the said portion of Remainder Erf 1916 Pearly Beach 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 1916 Pearly Beach must be consolidated with the adjoining property of Ms Melanie Swanepoel, being Erf 559 Pearly Beach;*
4. *that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 1916 Pearly Beach, which condition must be registered against the title deed of the consolidated property;*
5. *that the alienation of said portion of Remainder Erf 1916 Pearly Beach 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 (road), rezoning, subdivision and consolidation;*
6. *that all the costs pertaining to the transaction, e.g. application costs, valuation costs, closure of public open space, rezoning, subdivision and consolidation, advertisement and the related costs, etc. be paid by the Applicant/purchaser, Ms Melanie Swanepoel; and*
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).”*

The client appointed a Town Planner for her Town Planning processes. The Town Planner subsequently informed this office of a braai area that was built

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on the Property by the previous owners of Erf 559 Pearly Beach and which the Applicant wishes to retain. When the original application was submitted, the client's lawyer did not mention the braai area and the braai area could also not be noted on the locality map as it is situated under and surrounding a tree. The braai area consists of an elevated permanent structure built around the tree on the Property as well as a braai.

This was not a mistake on the client's side but was erroneously not specifically stipulated in the application submitted by the attorney. A report served before Council requesting an amendment of the previous Council resolution and Council approved the following on 30 October 2024:

"1. that amendment of Condition 4 of the Council Resolution dated 29 November 2023 to read as follows, be approved; and;

that, save for the existing "braai" area, no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 1916 Pearly Beach, which condition must be registered against the title deed of the consolidated property;

2. that, save for the amendment above, the remainder of the conditions imposed in the Council Resolution dated 29 November 2023 remain."

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 1916 Pearly Beach the portion being alienated was allocated its own erf number, namely, Erf 3040 Pearly Beach, and the final size confirmed as 257m² 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."

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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 as it is a portion of road reserve and due to the locality, shape, size and proposed use thereof it cannot be developed independently. Council has already accepted, when the in-principle approval was given for the alienation, that the Property classifies as non-viable property.

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.

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 September 2023 at an amount of R150.00/m² (ONE 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 R38,550.00 (THIRTY-EIGHT THOUSAND FIVE HUNDRED 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.”

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The direct sale of the Property to the adjoining property owner of Erf 559 Pearly Beach was approved in principle by Council on 29 November 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, 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 September 2023 at an amount of R150.00/m² (ONE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded). The valuation was done taking into consideration the size, shape, locality, zoning and proposed use (restrictions) of the Property. The purchase amount will thus be an amount of R38,550.00 (THIRTY-EIGHT THOUSAND FIVE HUNDRED 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 29 November 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

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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 place (road), 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.

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 Village News 17 January 2025 for a 30 (THIRTY) day objection/comment period. No objection/comments were received.

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Conclusion

It is recommended that the transfer of Unregistered Erf 3040 Pearly Beach (257m² in extent), to Ms Melanie Swanepoel at a market related amount of R38,550.00 (THIRTY-EIGHT THOUSAND FIVE HUNDRED AND FIFTY RAND) (VAT excluded) to retain the existing partial enclosure and “braai” area, be approved.

7. Financial Implications

The Municipality stands to gain an income of R38,550.00 (THIRTY-EIGHT THOUSAND FIVE HUNDRED 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 full extent of Erf 1916 Pearly Beach is currently reflected as Road in the fixed asset register for PPE: Land at a carrying value of R1910 000.00 as at 30 June 2025. Once the proposed alienation of the 257m² portion 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 a portion of an asset.

There is no objection against the alienation.”

10. Annexures

Annexures A1 & 2: Locality maps
Annexure B: SG Diagram

RECOMMENDATION TO THE COUNCIL:

1. that the transfer of Unregistered Erf 3040 Pearly Beach, situated on the corner of Short and Ridge Street, Pearly Beach (257m² in extent), to the owner of the adjoining Erf 559 Pearly Beach, Ms Melanie Swanepoel, at an amount of R38,550.00 (THIRTY EIGHT THOUSAND FIVE HUNDRED AND FIFTY RAND) (VAT excluded) to retain the existing partial enclosure and “braai” area, **be approved**;

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2. that Council take cognisance of the fact that the direct alienation and subsequent transfer is only approved as Unregistered Erf 3040 Pearly Beach is classified as a non-viable property;
3. that it be noted that a condition of the alienation will be that Unregistered Erf 3040 Pearly Beach must be consolidated with the adjoining property of Ms Melanie Swanepoel, being Erf 559 Pearly Beach;
4. that a condition be registered against the title deed of the to be consolidated property that no structures of any kind, (excluding the existing “braai” area and 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 Ms Melanie Swanepoel; 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).

RESPONSIBLE OFFICIAL:	V OCTOBER
TARGET DATE FOR IMPLEMENTATION :	17 APRIL 2026
TARGET DATE TO INFORM APPLICANT:	11 APRIL 2026

ANNEXURE A1








ANNEXURE B

VAN DYK & Associates Inc. (V25369) GENERAL PLAN...T.P. 841... Revision 1

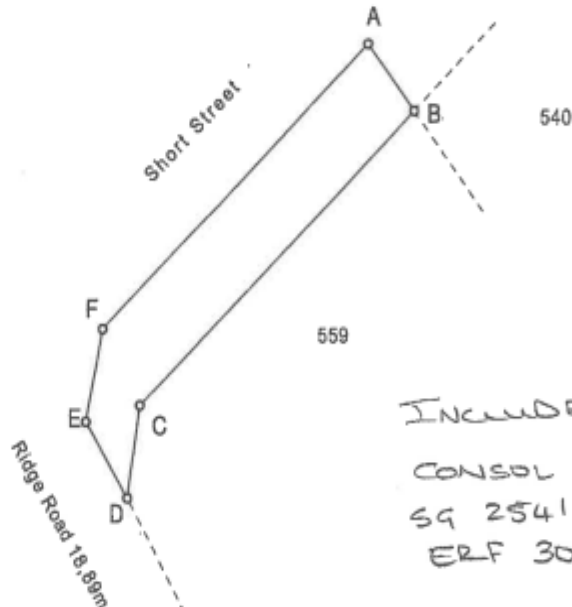
DIGITAL REGISTRATION DOCUMENT
 for SURVEYOR GENERAL
 DATE 11.12.2025

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X		SG No. 2540/2025 approved
		Constants 0,00	+3 800 000,00	
A B	6,78 322.47.10	A	-45 903,40 +37 361,19	 for SURVEYOR-GENERAL 10-12-2025
B C	33,82 45.22.30	B	-45 907,50 +37 366,60	
C D	7,56 8.29.40	C	-45 883,42 +37 390,36	
D E	7,18 149.08.20	D	-45 882,31 +37 397,83	
E F	7,60 191.25.00	E	-45 878,63 +37 391,67	
F A	32,74 225.17.40	F	-45 880,13 +37 384,23	
DUINEFONTEIN	130		-41 556,55 +34 651,39	
HAGELKRAAL	17		-49 547,47 +35 242,27	

I, L.A. van Dyk, PLS No. 1069 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.
 Date 10/12/25
 Professional Land Surveyor

BEACON DESCRIPTIONS

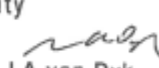
- A : 12mm Iron Peg
- B,C : Calculated
- D : Drill Hole in Concrete
- E,F : Fence Post



Scale: 1/ 500

The figure ABCDEF represents 257 square metres of land, being **Erf 3040 Pearly Beach**

Situate in Pearly Beach Township in Overstrand Municipality
 Administrative District of Bredasdorp
 Western Cape Province
 Surveyed in August 2025 by me


 LA van Dyk
 Professional Land Surveyor
 Registration Number: PLS 1069

APPROVED SUBJECT TO SIMULTANEOUS REGISTRATION OF DIAGRAM 2541/2025 BEING Erf. 3041

This Diagram is annexed to No.	Registrar of Deeds	File: S/38/2 v.3 S.R. No. 1566/2025 G.P. No. TP 841 LD Comp. AI-6CA/Y1(517) LPI No. C0110006
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Erf 3040 Pearly Beach