



**AGENDA of the  
Portfolio Committee: Planning and Development  
1 October 2024  
(Also the agenda for the Mayoral Committee Meeting: 16 October 2024)**

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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 ( $\pm 250 \text{ m}^2$  in extent), to the owner of the adjoining Erf 559 Pearly Beach, Ms Melanie Swanepoel, at an amount of R150.00m<sup>2</sup> (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 cost 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).”*

In condition 4 of the above resolution, it was indicated that no structures of any kind (excluding a boundary wall or fence) may be erected on said portion of Remainder Erf 1916 Pearly Beach.

The client appointed a consultant to attend to the Town Planning processes. The consultant subsequently informed the Property Management Division that a “braai” area that was built on the Property by the previous owners of Erf 559 Pearly Beach which the Applicant wishes to retain. When the original

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application was submitted by the Applicant's attorney of record, the said attorney did not mention the "braai" area and the "braai" area was also not visible 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 Applicant's side but was erroneously not specifically stipulated in the application submitted by the attorney. Please see photo of existing braai area attached hereto marked "Annexure B".

It is therefore requested that Condition 4 be amended to stipulate that the Applicant can retain the existing established "braai" area, but that no new structures may be erected (excluding boundary wall/fence). The partial amendment of condition 4 of the Council resolution will have no effect on the valuation of the Property, the fact that the Property is classified as non-viable 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 R150.00/m<sup>2</sup> (ONE HUNDRED AND FIFTY RAND PER SQUARE METRE) (VAT excluded) and the partial amendment of Condition 4 of the resolution will not have any financial effect.

#### **8. Staff Implications**

None

#### **9. Annexures**

Annexure A:	Locality Map
Annexure B:	Photo of the "braai" area

#### **RECOMMENDATION TO THE COUNCIL:**

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.

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<b>RESPONSIBLE OFFICIAL:</b>	<b>M BEKKER</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>30 OCTOBER 2024</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>30 OCTOBER 2024</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>





**ANNEXURE B**

