

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 June 2017  
(Also the agenda for the Mayoral Committee Meeting : 28 June 2017)**

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**3.  
HERMANUS: RECTIFICATION OF THE PROPERTY SIZE IN COUNCIL  
RESOLUTION DATED 31 MAY 2017 FOR THE TRANSFER OF UNREGISTERED  
ERF 12199 HERMANUS FOR INDUSTRIAL PURPOSES**

7/2/3/2

A Le Roux

(028) 316 - 3724

Hermanus Administration

31 May 2017

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**1. Executive Summary**

To obtain approval for the rectification of the property size indicated in condition 1 of Council resolution dated 31 May 2017 for the transfer of unregistered Erf 12199 Hermanus for industrial purposes to Massbuild (Pty) Ltd t/a Builders Express.

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

Infrastructure & Planning  
Property Administration

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Creation and maintenance of a safe and healthy environment  
Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

- Administration of Immovable Property Policy of the Overstrand Municipality, as amended
- Local Government: Municipal Finance Management Act, No 56 of 2003
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Overstrand Municipality Supply Chain Management Policy, as amended
- Grants-in-Aid Policy

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

**Background**

Council resolved as follows on 31 May 2017:

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- “1. *that the transfer of unregistered Erf 12199, Hermanus, ±4,818 ha in extent, for industrial purposes to Massbuild (Pty) Ltd t/a Builders Express for the amount of R22,800,000.00 (TWENTY TWO MILLION EIGHT HUNDRED THOUSAND RAND ALONE) (VAT included), **be approved;***
2. *that Massbuild (Pty) Ltd t/a Builders Express at their cost register a public access servitude over the unregistered Erf 12199, Hermanus in co-operation with the Town Planning Department, which servitude will link up with the service servitude and with Mussel Road;*
3. *that Massbuild (Pty) Ltd t/a Builders Express at their cost register a service servitude east of the right-of-way servitude (the existing Mussel Road) for the 11kV cable transgressing the property and access to the Main Road;*
4. *that cognisance be taken of the fact that the subject portion of Municipal property is **not required** for the provision of the minimum level 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, No 56 of 2003;*
5. *that Massbuild (Pty) Ltd t/a Builders Express be responsible for all the costs pertaining to the advertisement of the transfer and all costs involved with the registration of the transfer in the Deeds Office, including the registering of the Certificate of Registered Title and Certificate of Consolidated title and subsequent transfer and other costs as may be stipulated;*
6. *that a grant-in-aid to the amount of R7 613 660 (SEVEN MILLION SIX HUNDRED AND THIRTEEN THOUSAND AND SIXTY SIX HUNDRED RAND) be made available to the Hermanus Sport Club, to be included on a subsequent budget or mid-year review adjustments budget, subject to the receipt of the proceeds of the sale of unregistered erf 12199 into the Municipality’s bank account, be paid to the Hermanus Sport Committee;*
7. *That, in the instance of payment in respect of the amount in resolution 6 above be made beyond 2017, the amount be escalated with yearly CPI for another year;*
8. *that payment to the Hermanus Sport Committee be further subject to all conditions previously set by Council at its meeting held on 29 February 2012; and*

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- 9 *that the payment be made in tranches as agreed to between the Municipality and the Hermanus Sport Committee.”*

**Discussion / Evaluation**

After Council approved the transfer of the property it was noted that condition 1 to the recommendation to Council refers to an incorrect property size. This was merely a typing error. The size of the property to be transferred is 2,4818 ha an NOT 4,818 ha. The correct size of the property is correct through-out the report, except for the mistake in the recommendation and subsequent resolution.

**Conclusion**

It is recommended that condition 1 to the Council resolution dated 31 May 2017 be rectified to reflect the correct property size of 2,4818 ha. The recommendation should thus read as follows:

*“that the transfer of unregistered Erf 12199, Hermanus, ±2,4818 ha in extent, for industrial purposes to Massbuild (Pty) Ltd t/a Builders Express for the amount of R22,800,000.00 (TWENTY TWO MILLION EIGHT HUNDRED THOUSAND RAND ALONE) (VAT included), be approved;”*

**7. Financial Implications**

None

**8. Staff Implications**

None

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

None

**10. Annexures**

Annexure A: Surveyor General Diagram

**RECOMMENDATION TO THE COUNCIL:**

that condition 1 of Council resolution dated 31 May 2017 be rectified to reflect the correct size of the unregistered Erf 12199 Hermanus to be 2,4818 ha in extent.

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**RESPONSIBLE OFFICIAL :** A LE ROUX

**TARGET DATE FOR IMPLEMENTATION :** 31 JULY 2017

**TARGET DATE TO INFORM APPLICANT :** N/A

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**A Le Roux**

**(028) 316 - 3724**

**Hermanus Administration**

**31 May 2017**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
20 JUNE 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that condition 1 of Council resolution dated 31 May 2017 be rectified to reflect the correct size of the unregistered Erf 12199 Hermanus to be 2,4818 ha in extent.

**RESPONSIBLE OFFICIAL :**

**A LE ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**31 JULY 2017**

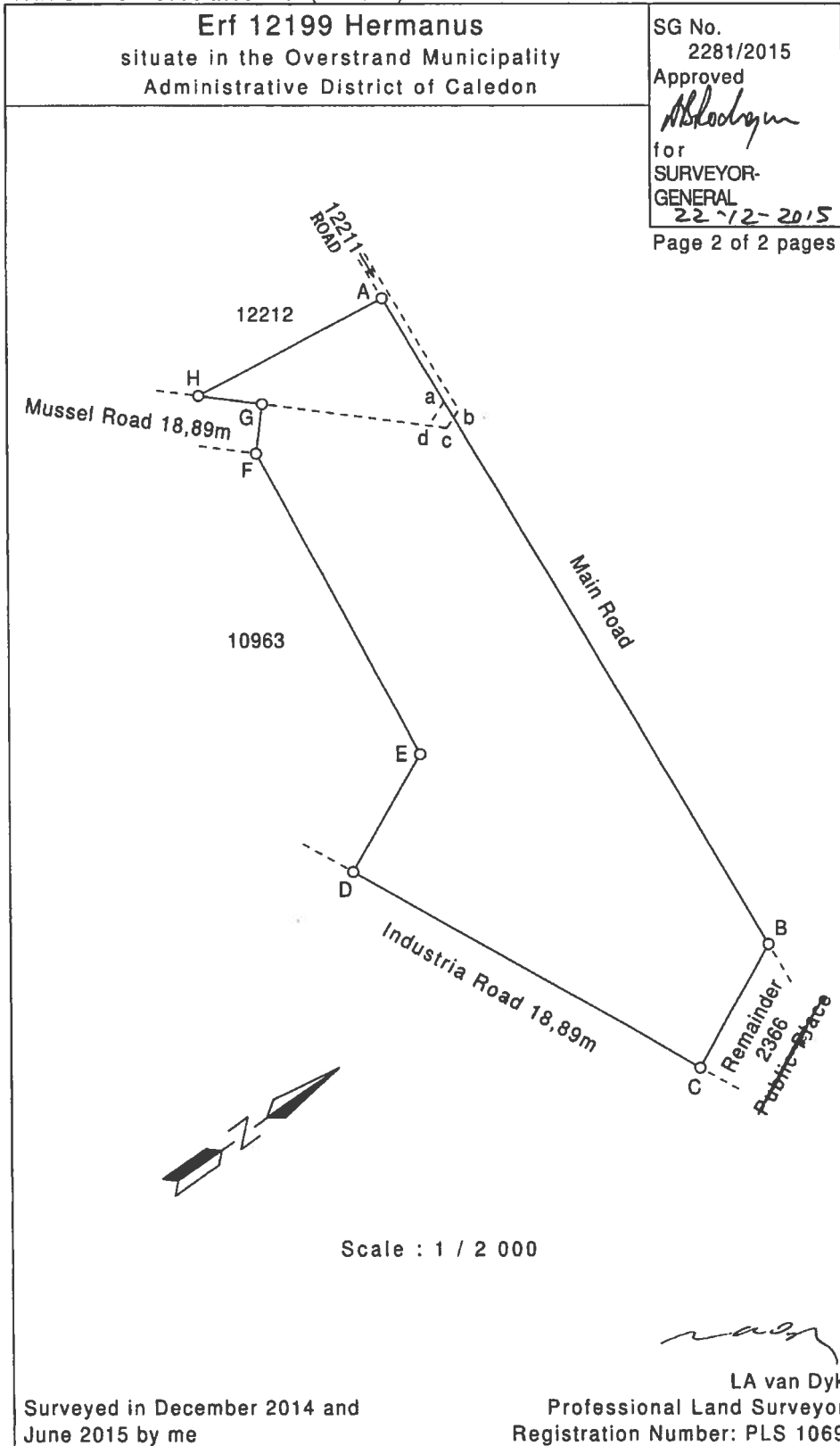
**TARGET DATE TO INFORM APPLICANT :**

**N/A**

VAN DYK &amp; Associates Inc. (V14889)

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X		SG No. 2281/2015		
		Constants	0,00		+3 800 000,00	
A B	288,22	274.28.10	A	-20 821,99	+10 141,37	Approved <i>Abdoolayem</i> for SURVEYOR- GENERAL 22-12-2015
B C	54,39	334.12.00	B	-21 109,34	+10 163,83	
C D	152,17	64.38.50	C	-21 133,01	+10 212,80	
D E	52,16	154.38.50	D	-20 995,49	+10 277,96	
E F	130,97	96.56.30	E	-20 973,16	+10 230,82	
F G	18,89	132.28.10	F	-20 843,15	+10 215,00	
G H	24,60	42.28.10	G	-20 829,22	+10 202,23	
H A	79,56	186.46.10	H	-20 812,61	+10 220,38	
		59G2	⊕	-21 134,76	+10 153,29	
		60G2	⊕	-20 915,27	+10 135,73	
BEACON DESCRIPTIONS						
A,B,C,D,G ... 12mm Iron peg						
E,H ..... 12mm Drill hole in concrete						
F ..... 12mm Iron peg in tar						
COMPONENTS :						
1. The figure AadH represent Erf 5568 Hermanus Vide Dgm. No. 4264/1975 annexed to D/T No. 1976. .40528						
2. The figure abcd represent Erf 12197 Hermanus Vide Dgm. No. 2279/2015; annexed to D/T No.						
3. The figure bCDEFGc represent Erf 12198 Hermanus Vide Dgm. No. 2280/2015; annexed to D/T No.						
The figure ABCDEFGH represents 2,4818 Hectare of land ,being <b>Erf 12199 Hermanus</b> <b>(Comprising 1 to 3 above)</b> situate in Hermanus Township Extension 6 in the Overstrand Municipality Administrative District of Caledon Western Cape Province Surveyed in December 2014 and June 2015 by me						
<i>LA van Dyk</i> LA van Dyk Professional Land Surveyor Registration Number: PLS 1069						
This Diagram is annexed to No.		The original diagram are as indicated above.		File: S/2479/86 (V1) S.R. No. 1146/2015 Comp AINW 1182 (M3868) LPI No. C0130013		
Registrar of Deeds					Erf 12199 Hermanus	

VAN DYK & Associates Inc. (V14889)



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Surveyed in December 2014 and  
June 2015 by me

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

Erf 12199 Hermanus