

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

**4.
PARTIAL AMENDMENT OF THE RESOLUTION TAKEN BY THE EXECUTIVE MAYOR
DURING A MAYORAL COMMITTEE MEETING DATED 13 FEBRUARY 2023 FOR THE
LEASE OF A PORTION OF REMAINDER ERF 1253 HERMANUS (OPEN SPACE
SITUATED IN EASTCLIFF) TO VODACOM (PTY) LTD**

**A Le Roux
1 July 2024**

Divisional Manager: Property Management

(028) 316 - 5623

1. Executive Summary

To obtain approval for the amendment of paragraph 1 of the resolution taken by the Executive Mayor during the Mayoral Committee Meeting dated 28 February 2023 to change the property description from a portion of Remainder Erf 1253 Hermanus to a portion of Remainder Erf 4771 Hermanus and to replace the locality map which was included in the report that served at the Mayoral Committee Meeting. The new locality map is attached as "Annexure A".

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
Provision and maintenance of municipal services

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality, 2015

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion/Evaluation

The Executive Mayor at a Mayoral Committee Meeting on 28 February 2023 resolved as follows:

**AGENDA of the
Portfolio Committee : Planning & Development
7 August 2024
(Also the agenda for the Mayoral Committee Meeting : 14 August 2024)**

- “1. *that the lease of municipal property, being a portion of Remainder Erf 1253 Hermanus ($\pm 4m^2$ in extent), to Vodacom (Pty) Ltd for a temporary mast for telecommunication purposes at the rental amount of R77.39/m² (SEVENTYSEVEN RAND AND THIRTY-NINE CENTS PER SQUARE METRE) (VAT excluded) which amounts to R309.56 (THREE HUNDRED AND NINE RAND AND FIFTY-SIX CENTS) (VAT excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months from 1 November 2022 in terms of the Administration of Immovable Property Policy of the Overstrand Municipality, be approved; and*
2. *that the rental amount mentioned in 1 above escalate every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council, the next escalation to be on 1 July 2023.”*

Vodacom submitted an application for the lease of various municipal properties for the purpose of temporary masts for telecommunication purposes. Two areas were identified for the placement of this specific mast, being portions of Remainder Erven 1253 & 4771 Hermanus and the application for the lease of a portion of Remainder Erf 1253 Hermanus was received.

The Municipal Manager, being the delegated authority, approved the lease of a portion of Remainder Erf 1253 Hermanus to Vodacom, but the mast was erected on a portion of Remainder Erf 4771 Hermanus. The confusion was created when the initial lease was attended to by the then Senior Manager: Hermanus Administration where reference was only made to reservoirs where the masts was to be erected and the wrong reservoir was linked to the wrong property.

There have been no problems with the installation of the temporary mast on a portion of Remainder Erf 4771 Hermanus, and no complaints have been received from the public, it is well maintained and provides an important service to the community.

As there are no problems with the mast on the portion of Remainder Erf 4771 Hermanus there is no intention nor need to move the mast to the portion of Remainder Erf 1253 Hermanus as initially approved and the approval of the mast on a portion of Erf 4771 Hermanus, where it is currently situated, is rather proposed.

Conclusion

It is recommended that paragraph 1 of the Resolution taken by the Executive Mayor at the Mayoral Committee Meeting on 28 February 2023 be amended to change the property description to a portion of Remainder Erf 4771 Hermanus and replace the locality map which was included in the report.

**AGENDA of the
Portfolio Committee : Planning & Development
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7. Financial Implications

The amendment of the Executive Mayor's Resolution and subsequently the lease agreement will have no financial implications for the Municipality as the rental charged will be in accordance with the tariffs approved in the Annual Budget for lease of municipal land with a mast for the specific financial year. Currently the rental amount is R1,370.44 (OEN THOUSAND THREE HUNDRED AND SEVENTY RAND AND FORTY-FOUR CENTS) (VAT excluded) per month.

8. Staff Implications

N/A

9. Annexures

Annexure A: Locality map

RECOMMENDATION:

that the amendment of paragraph 1 of the Executive Mayor's Resolution taken at a Mayoral Meeting on 28 February 2023 to reflect the municipal property as a portion of Remainder Erf 4771 Hermanus ($\pm 4\text{m}^2$ in extent) with the amended locality map, **be approved.**

RESPONSIBLE OFFICIAL :	R OCTOBER
TARGET DATE FOR IMPLEMENTATION :	28 AUGUST 2024
TARGET DATE TO INFORM APPLICANT :	4 SEPTEMBER 2024
TARGET DATE TO INFORM OBJECTOR :	N/A

