

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

3.

A PORTION OF REMAINDER ERF 249 HERMANUS, ADJACENT TO ERF 12716 HERMANUS, AN UNUSED PASSAGE SITUATED BETWEEN WESTCLIFF AND ROCKLANDS ROAD: ASSIGNMENT OF LEASE AGREEMENT FROM JC DAVIS TO ODJ AND E ELLIS

**A Le Roux
23 June 2026**

Divisional Manager: Property Management

(028) 316 5623

1. Executive Summary

To obtain approval to assign the lease agreement between the Overstrand Municipality and JC Davis, (hereinafter referred to as “the Lessee”) to ODJ and E Ellis (hereinafter referred to as “the Assignee”) for the remainder of the lease period of 9 (NINE) years and 11 (ELEVEN) months in respect of a portion of Remainder Erf 249 Hermanus, ±180m² (APPROXIMATELY ONE HUNDRED AND EIGHTY SQUARE METRES) in extent, adjacent to Erf 12716 Hermanus, an unused passage situated between Westcliff and Rocklands Road, hereinafter referred to as “the Property”, for gardening purposes and to retain a boundary wall.

The locality maps are attached hereto as Annexures “A1” & “A2”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Planning and Development
Property Management

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

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

6. Background/Discussion/Evaluation/Conclusion

Background/ Discussion

The Lessee has a lease agreement with the Municipality for gardening purposes and to retain a boundary wall on the Property.

The lease agreement entered into is for a period of 9 (NINE) years and 11 (ELEVEN) months which commenced on 1 May 2022 and expires on 31 March 2032. The Executive Mayor at a Mayoral Committee meeting held on 21 February 2022 resolved as follows:

- “1. *that the lease of municipal property, being a portion of Remainder Erf 249 Hermanus ($\pm 180\text{m}^2$ in extent), to JC Davis for gardening and boundary wall purposes at the rental amount of R2.19/m² (TWO RAND AND NINETEEN CENTS PER SQUARE METRE) (VAT Excluded) per month for a period of 9 (NINE) years and 11 (ELEVEN) months 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 consumer price index (all items), the next escalation to be on 1 July 2022.”*

The Lessee is in the process of transferring ownership of his adjoining property to the Assignee. As the Property is directly adjacent to and functionally integrated with the adjoining property, the Lessee has requested that the existing lease agreement be assigned to the Assignee upon transfer of ownership. The assignment will ensure continuity of the existing arrangements and will enable the Assignee, as the new adjoining owner, to continue utilising the Property in the same manner and for the same purpose as presently authorised under the lease agreement.

The proposed transaction does not constitute the granting of a new lease or the disposal of additional rights in municipal property, but merely the substitution of the existing Lessee with the Assignee in terms of the existing lease agreement. All material terms and conditions of the lease, including the leased area, rental, permitted use, duration of the lease, and the Municipality's rights and obligations, will remain unchanged.

Prior to the conclusion of the lease agreement, a public participation process was undertaken in respect of the lease of the Property for a period of 9 (NINE) years and 11 (ELEVEN) months to the adjoining owner. The purpose of that process was to afford interested and affected parties an opportunity to comment on the proposed lease and use of the Property. As the assignment will not alter the nature, extent, duration or use of the lease, and as the Property will continue to be utilised by the adjoining owner, there is no

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

substantive change that would warrant the undertaking of a further public participation process.

The Property has been used by the Lessee for approximately 4 (FOUR) years in accordance with the lease agreement. During this period, the Municipality has not received any complaints, objections or concerns from members of the public regarding the Lessee's occupation or use of the Property.

Conclusion

With reference to the above discussion, it is recommended that the application for the assignment of the lease agreement for the Property to the Assignee be approved for the remainder of the lease period.

7. Financial Implications

The Municipality will continue to receive the monthly rental income from the Assignee as it did from the Lessee. There are no financial implications for the Municipality should the assignment be approved. The cost of the assignment, if any, will be borne by the Assignee.

8. Staff Implications

None

9. Annexures

Annexures A1 & A2: Locality maps

RECOMMENDATION:

that the assignment of the lease agreement for municipal property, being a portion of Remainder Erf 249 Hermanus, ±180m² in extent, from the JC Davis to ODJ and E Ellis for gardening purposes and to retain a boundary wall, **be approved.**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

10 SEPTEMBER 2026

TARGET DATE TO INFORM APPLICANT:

10 SEPTEMBER 2026

**AGENDA of the
Portfolio Committee : Planning & Development
18 August 2026
(Also the Agenda for the Mayoral Committee Meeting : 25 August 2026)**

3.

**A PORTION OF REMAINDER ERF 249 HERMANUS, ADJACENT TO
ERF 12716 HERMANUS, AN UNUSED PASSAGE SITUATED BETWEEN
WESTCLIFF AND ROCKLANDS ROAD: ASSIGNMENT OF LEASE AGREEMENT
FROM JC DAVIS TO ODJ AND E ELLIS**

**A Le Roux
23 June 2026**

Divisional Manager: Property Management

(028) 316 5623

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 AUGUST 2026, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

10 SEPTEMBER 2026

TARGET DATE TO INFORM APPLICANT:

10 SEPTEMBER 2026



