

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

**5.
ERF 2506 ONRUSTRIVIER LEASED TO “DE WETSAAL BESTUURSKOMITEE” :
APPROVAL OF AMENDMENTS TO THE CONSTITUTION**

**A Le Roux
2 June 2026**

Divisional Manager: Property Management

(028) 316 5623

1. Executive Summary

To obtain approval for the proposed amendments to the constitution of the “De Wetsaal Bestuurskomitee”.

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)

6. Background/Discussion/Evaluation/Conclusion

Background/ Discussion/ Evaluation

The “De Wetsaal Bestuurskomitee”, hereinafter referred to as the “DWSBK”, has a lease agreement with the Municipality which commenced on 1 December 2019 and will expire on 31 October 2029. The Lessee wishes to amend their constitution and forwarded the draft amendments to the Municipality for consideration. The final draft is attached as Annexure A.

Paragraph 13.2 of the lease agreement stipulates as follows:

*“The **LESSEE** shall only lease the De Wet Community Hall in line with the purpose of ‘community projects’ and in accordance with the **LESSEE’s** constitution. Any amendment to the **LESSEE’s** constitution shall be submitted to the prior written approval of the **LESSOR**. Should the **LESSEE** wish to amend its constitution, a copy of the **LESSEE’s** proposed*

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*amendments shall be sent to the **LESSOR** for its consideration. The **LESSOR** shall not withhold its consent unreasonably.”*

Although mostly grammatical amendments and other corrections are proposed the following material amendments are proposed for approval.

AMENDMENT 1

Amending Clause 4.1 from:

“4. SAMESTELLING VAN DIE DWBK

- 4.1 Die De Wetsaalbestuurskomitee sal uit minstens 5 lede bestaan waarvan moontlik ‘n afgevaardigde van die Onrusbelastingbetalersvereniging(OBBV) en die Vermontbelastingbetalersvereniging (VBBV) lede sal wees. Die oorblywende lede sal verkies word uit die gemeenskap genoem in klousule 4.2 hierna.*
- 4.2 Die persoon of persone moet ‘n inwoner wees van Onrusrivier of Vermont of ‘n huurder van die De Wetsaalfasiliteite (en dan elders woon), wees.*
- 4.3 ‘n Voorsitter, tesourier en sekretaris sal jaarliks tydens die eerste vergadering van die DWBK lede verkies word deur middel van ‘n meerderheid van stemme teenwoordig.*
- 4.4 ‘n Komiteelid sal nie langer as lid mag dien as hy/sy nie meer aan die vereistes, soos in 4.2 uiteengesit is, voldoen nie of indien hy/sy twee opeenvolgende vergaderings nie bywoon sonder rede wat vir die meerderheid van die lede aanvaarbaar is.*

(Translated as follows:

“4. COMPOSITION OF THE DWBK

- 4.1 The De Wetsaal Management Committee shall consist of at least 5 members of which a delegate from the Onrus Taxpayers Association (OBBV) and the Vermont Taxpayers Association (VBBV) shall be members. The remaining members shall be elected from the community referred to in clause 4.2 below.*
- 4.2 The person or persons must be a resident of Onrusrivier or Vermont or a tenant of the De Wetsaal facilities (and then reside elsewhere).*

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- 4.3 *A chairperson, treasurer and secretary shall be elected annually at the first meeting of the DWBK members by a majority of votes present.*
- 4.4 *A committee member shall no longer serve as a member if he/she no longer meets the requirements set out in 4.2 or if he/she fails to attend two consecutive meetings without a reason acceptable to the majority of the members.”)*

To:

“4. SAMESTELLING VAN DIE DWSBK

- 4.1 *Die **DWSBK** sal uit nie minder as 6 lede bestaan nie. ‘n Komiteelid van ORHA (Onrusrivier Huiseienaars Assosiasie) sal, indien beskikbaar, maar nie vereiste nie, outomaties op die DWBK dien. Die Wyks-Raadslid vorm deel van die Betuur, slegs in ‘n oorsig rol.*
- 4.2 *Die lede sal verkiesbaar wees uit inwoners van Onrusrivier en Vermont asook Huurders van die Fasiliteit wat elders woon.*
- 4.3 *‘n Voorsitter, onder voorsitter, tesourier en sekretaris sal tydens die eerste vergadering van die nuwe jaaar verkies word op grond van ‘n gewone meerderheid van stemme van die lede teenwoordig.*
- 4.4 *Indien ‘n vakature ontstaan, sal die DWSBK ‘n nuwe lid aanwys.”*

(Translated as follows:

“4. COMPOSITION OF THE DWSBC

- 4.1 *The DWSBK shall consist of no less than 6 members. A committee member of ORHA (Onrusriver Homeowners Association) shall, if available, but not required, automatically serve on the DWSBK. The Ward Councillor shall form part of the committee, in an oversight role only.*
- 4.2 *The members shall be eligible for election from residents of Onrus River and Vermont as well as Tenants of the Facility residing elsewhere.*
- 4.3 *A Chairperson, Vice Chairperson, Treasurer and Secretary shall be elected at the first meeting of the new year by a simple majority of votes of the members present.*
- 4.4 *If a vacancy occurs, the DWSBK shall appoint a new member.”)*

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It is proposed to increase the number of members of the DWSBK to, amongst others, make provision for the inclusion of the Ward Councillor as a member with an oversight role. The inclusion of the Ward Councillor in the committee, in an oversight role, was a result of a decision taken Council at its ordinary meeting held on 28 August 2024, to include ward councillors in the committees of several community facilities leased to community-based entities.

The reference to Onrus Taxpayers Association (OBBV) and the Vermont Taxpayers Association (VBBV) as members was amended to refer to the Onrus River Homeowners Association.

Furthermore, the amended condition makes it possible for tenants, and not just homeowners, of Onrus River and Vermont to form part of the committee. The tenants of the DWSBK refers to those people/entities who make use of the community hall on a regular basis.

AMENDMENT 2

Amending Clause 5.6 from:

“Enige winste, na voorsiening vir toekomstige uitgawes ten opsigte van die onderhoud en bates, sal jaarliks aan die Overstrand Munisipaliteit oorbetaal word.”

(Translated as follows:

“Any profits, after provision for future expenses in respect of maintenance and assets, will be paid over to the Overstrand Municipality annually.”)

To:

*“Enige oorskot wat nie deur die **DWSBK** aangewend word nie, sal, nadat alle verpligtinge nagekom is, jaarliks oorbetaal word aan die Overstrand Munisipaliteit indien aangevra.”*

(Translated as follows:

“Any surplus not utilised by the DWSBK will, after all obligations have been met, be paid over annually to the Overstrand Municipality if requested.”)

The original condition placed an obligation on the DWSBK to pay over to the Municipality any profits made during the year. The purpose of the DWSBK is not to make a profit out of the management of the hall, but to ensure that a fully functioning community hall is available to the community. All funds generated during the year as set aside for maintenance and expenditure. The amendment will however make provision for the Municipality to request

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payment if any profits are made. In this regard the DWSBK provides the municipality, on an annual basis, with the audited financial statements of the committee.

AMENDMENT 3

Amending Clause 6.2 from:

“Twee-derdes van die komitee, gekoöpteerde lede ingesluit, sal ‘n kworum vorm. Indien ‘n kworum nie teenwoordig is nie, sal die vergadering vir 7 (sewe) dae uitgestel word en op dieselfde plek en tyd as die oorspronklike vergadering gehou word. By die uitgestelde vergadering sal die teenwoordige lede die kworum vorm.”

(Translated as follows:

“Two-thirds of the committee, including co-opted members, shall constitute a quorum. If a quorum is not present, the meeting shall be adjourned for 7 (seven) days and held at the same place and time as the original meeting. At the adjourned meeting, the members present shall constitute a quorum.”)

To:

“Twee-derdes van die komitee, gekoöpteerde lede ingesluit, maar die Raadslid uitgesluit, sal ‘n kworum vorm. Indien ‘n kworum nie teenwoordig is nie, sal die vergadering vir 7 (sewe) dae uitgestel word en op dieselfde plek en tyd as die oorspronklike vergadering gehou word. By die uitgestelde vergadering sal die teenwoordige lede die kworum vorm.”

(Translated as follows:

“Two-thirds of the committee, co-opted members included, but excluding the Councillor, shall constitute a quorum. If a quorum is not present, the meeting shall be adjourned for 7 (seven) days and held at the same place and time as the original meeting. At the adjourned meeting, the members present shall constitute a quorum.”)

The amendment is to implement the decision of Council that ward councillors must serve on the committees of several community facilities leased to community-based entities. These councillors will only have an oversight roll.

AMENDMENT 4

Amending Clause 6.5 from:

“Die Raadslid, voorsitter en tesourier sal as die dagbestuur optree in geval van sake wat dringende besluitneming vereis. Hierdie sake en besluite moet

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op die eersvolgende vergadering vir kennisname en notulering aan die DWBK voorgelê word.”

(Translated as follows:

“The Councillor, chairperson and treasurer will act as the executive committee in the event of matters requiring urgent decision-making. These matters and call suites must be submitted to the DWBK for information and minutes at the next meeting.”)

To:

*“Die Voorsitter, o/Voorsitter, tesourier en sekretaris sal as die dagbestuur optree in geval van sake wat dringende besluitneming vereis. Hierdie sake en belsuite moet op die eersvolgende vergadering vir kennisname en notulering aan die **DWSBK** voorgelê word.”*

(Translated as follows:

“The Chairman, Vice-Chairman, Treasurer and Secretary will act as the executive committee in the event of matters requiring urgent decision-making. These matters and call-to-action must be submitted to the DWSBC for information and minutes at the next meeting.”)

As the councillor will only serve in an oversight role, the condition is amended accordingly.

Conclusion

It is proposed that approval be given for the amendment of the attached constitution of the DWSBK.

7. Financial Implications

None.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Amended proposed constitution

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RECOMMENDATION:

that amendment of the constitution of the “De Wetsaal Bestuurskomitee” **be approved.**

RESPONSIBLE OFFICIAL :

A LE ROUX

TARGET DATE FOR IMPLEMENTATION :

17 SEPTEMBER 2026

TARGET DATE TO INFORM APPLICANT :

17 SEPTEMBER 2026

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A Le Roux **Divisional Manager: Property Management** **(028) 316 5623**
2 June 2026

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

RESPONSIBLE OFFICIAL :	A LE ROUX
TARGET DATE FOR IMPLEMENTATION :	17 SEPTEMBER 2026
TARGET DATE TO INFORM APPLICANT :	17 SEPTEMBER 2026

GRONDWET

VAN DIE

DE WETSAAL BESTUURSKOMITEE

2 JUNIE 2026

Ingedien na die Overstrand Munisipaliteit op 2 Junie 2026

GRONDWET VAN DIE

DE WETSAAL BESTUURSKOMITEE, ONRUSRIVIER

1. NAAM

- 1.1 Die amptelike naam van die Komitee is die De Wetsaal-bestuurskomitee (Hierin na verwys as die "DWSBK")

2. DOELSTELLINGS

- 2.1 Die hoofdoel van die **DWSBK** is om die De Wet-saal tot voordeel van die gemeenskap te bestuur, te koördineer en om voorsiening te maak vir die algemene instandhouding van die De Wet-saal en die omliggende terrein.

3. STATUS

- 3.1 Die **DWSBK** is 'n vrywillige, a-politiese gemeenskapsliggaam, 'n nie-regeringsorganisasie, en geld as 'n universitas met volle wetlike status, in staat om regte en verpligtinge te verkry, en met die reg om in sy eie naam te dagvaar en gedagvaar te word.
- 3.2 Die **DWSBK** sal geen sake vir wins bedryf nie, behalwe die verhuring van die De Wetsaal, maar mag fondsinsamelings aksies inisieer en/of koördineer t.o.v. sake en projekte wat binne die grense van sy doelstellings val.
- 3.3 Geen lid van die **DWSBK** sal in sy eie naam aanspreeklik wees vir enige skuld of verpligtinge van die **DWSBK** nie.

4. SAMESTELLING VAN DIE DWSBK

- 4.1 Die **DWSBK** sal uit nie minder as 6 lede bestaan nie. 'n Komiteelid van ORHA (Onrusrivier Huiseienaars Assosiasie) sal,indien beskikbaar, maar nie n vereiste nie,outomaties op die DWBK dien.Die Wyks-Raadslid vorm deel van die Bestuur,slegs in n oorsig rol.
- 4.2 Die lede sal verkiesbaar wees uit inwoners van Onrusrivier en Vermont asook Huurders van die Fasiliteit wat elders woon.
- 4.3 'n Voorsitter, onder voorsitter, tesourier en sekretaris sal tydens die eerste vergadering van die nuwe jaar verkies word op grond van 'n gewone meerderheid van stemme van die lede teenwoordig.
- 4.4 Indien 'n vakature ontstaan, sal die **DWSBK** 'n nuwe lid aanwys.

5 VERANTWOORDELIKHEDE VAN DIE DWSBK

- 5.1 Die **DWSBK** sal 'n huurkontrak met die Overstrand Munisipaliteit aangaan t.o.v. die De Wetsaal en sal verseker dat die bepalings van hierdie ooreenkoms doeltreffend bestuur word.
- 5.2 Die **DWSBK** het die bevoegdheid om, soos nodig, addisionele lede te koöpteer met die doel om uitvoering aan 5.1 te gee.
- 5.3 Die **DWSBK** sal 'n bankrekening by 'n erkende bankinstelling open en bestuur.
- 5.4 Die tesourier sal by elke vergadering 'n volledige staat van inkomste en uitgawe aan die komitee voorhou. Stawende dokumente moet vir insae beskikbaar wees.

- 5.5 Die **DWSBK** sal jaarliks 'n volledige finansiële verslag aan die Overstrand Munisipaliteit voorlê.
- 5.6 Enige oorskot van fondse wat nie deur die **DWSBK** aangewend word nie, sal, nadat alle verpligtinge nagekom is, jaarliks oorbetaal word aan die Overstrand Munisipaliteit indien aangevra.
- 5.7 Die **sekretaris** moet te alle tye alle besluite wat tydens die vergadering van die **DWSBK** geneem word noukeurig notuleer. 'n Skriftelike kopie moet te eniger tyd vir verwysing beskikbaar wees.
- 5.8 Algemene onderhoud aan die **De Wet-saal** moet tot die bevrediging van die Overstrand Munisipaliteit gedoen word.
- 5.9 Verhuringstariewe moet van so 'n aard wees dat genoegsame fondse vir die instandhouding van die eiendom gein word.
- 5.10 'n Volledige register van bates moet opgestel en bygehou word en jaarliks aan die Overstrand Munisipaliteit voorgelê word.
- 5.11 Die **De Wet-saal** is 'n erfenisgebou en alle herstelwerk moet aan die voorgeskrewe vereistes voldoen.

6. KOMITEEVERGADERINGS

- 6.1 Die **DWSBK** sal ten minste 4 (vier) keer per jaar vergader
- 6.2 Twee-derdes van die komitee, gekoöpteerde lede ingesluit, maar die Raadslid uitgesluit, sal 'n kworum vorm. Indien 'n kworum nie teenwoordig is nie, sal die vergadering vir 7 (sewe) dae uitgestel word en

op dieselfde plek en tyd as die oorspronklike vergadering gehou word. By die uitgestelde vergadering sal die teenwoordige lede die kworum vorm.

6.3 Die **DWSBK** mag prosedurereëls instel om die werking van die vergadering te vergemaklik.

6.4 Spesiale vergaderings van die **DWSBK** mag deur die voorsitter/ondervoorsitter belê word op versoek van ten minste drie lede.

6.5 Die Voorsitter,o/Voorsitter, tesourier en sekretaris sal as dagbestuur optree in geval van sake wat dringend besluitneming vereis. Hierdie sake en besluite moet op die eersvolgende vergadering vir kennisname en notulering aan die **DWSBK** voorgelê word.

7. **MAGTE VAN DIE VOORSITTER:**

7.1 Die voorsitter sal alle vergaderings lei. In 'n geval waar die voorsitter afwesig is, sal 'n voorsitter vir die vergadering deur die teenwoordige lede aangewys word.

7.2 Die voorsitter van die vergadering sal, in die geval van 'n staking van stemme, 'n beslissende stem uitbring.

7.3 Die voorsitter, of 'n persoon deur hom/haar aangewys, sal as woordvoerder van die **DWSBK** optree.

8. **WYSIGING VAN DIE GRONDWET**

8.1 Geen wysiging mag aan die grondwet aangebring word sonder 'n meerderheid van twee-derdes van die lede van die **DWSBK** nie. Kennis

van sodanige wysiging(s) moet ten minste twee weke voor die betrokke vergadering skriftelik aan all lede voorsien word.

9. ONTBINDING VAN DIE DWSBK

- 9.1 Die DWSBK mag slegs na verstryking van die huurkontrak met die Overstrand Munisipaliteit ontbind word en slegs indien die **DWSBK**, na 'n tweederde meerderheids-besluit, nie die huurkontrak kan hernieu op voorwaardes wat vir albei partye aanvaarbaar is nie.
- 9.2 In geval van die ontbinding of likwidasië van die DWSBK sal sy netto bates aan die Overstrand Munisipaliteit oorgedra word.

GEDATTEER TE ONRUSRIVIER OP HEDE DIE DAG VAN

..... 2025

VOORSITTER:

GETUIES:

1.....

2.....