

**AGENDA of the
Portfolio Committee : Planning and Development
17 June 2026
(Also the agenda for the Mayoral Committee Meeting : 23 June 2026)**

3.

A PORTION OF ERF 7349 KLEINMOND: RENEWAL OF LEASE OF MUNICIPAL PROPERTY TO CHILD WELFARE SOUTH AFRICA (KLEINMOND)

**A Le Roux
30 April 2026**

Divisional Manager: Property Management

(028) 316 5623

1. Executive Summary

To obtain approval to enter into a further lease agreement with Child Welfare South Africa (Kleinmond), hereafter referred to as “the Applicant”, in respect of a portion of Erf 7349 Kleinmond ($\pm 1,251\text{m}^2$ in extent) situated at 22 GM Siyoni Street in Overhills, Kleinmond, hereafter referred to as “the Property” for a period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of managing the Bambanani Early Childhood Development Centre.

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)

6. Background/Discussion/Evaluation/Conclusion

Background/ Discussion

The Applicant, a registered social care facility, has been leasing the subject portion of Erf 7349 Overhills in Kleinmond from the Municipality since 2006 for the purpose of managing the Bambanani Early Childhood Development Centre (“ECD”). The latest agreement expired on 30 April 2026.

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The Applicant applied to lease the Property for a further period of 9 (NINE) years and 11 (ELEVEN) months for the purpose of managing the Bambanani ECD.

The Applicant through the Bambanani ECD delivers an essential service to the community of Overhills. The children receive good care and education during the day, and the parents are able to work and earn an income for the family while their children are well looked after in a safe environment.

No complaints were received from the community during the previous lease periods. The municipal account is paid up to date.

Although the application for renewal was commenced with timeously there was unfortunately a delay in the renewal process due to a staff shortage and hand over of applications when two clerks in our Division accepted better positions last year. As the Municipality is required to have written agreements for all municipal immovable properties occupied and as the lease agreement expired on 30 April 2026 a lease agreement is in the meantime being drafted to be sent for signature. This agreement has been made subject to the Executive Mayor's approval of the long-term lease in terms of the said Policy. In the instance where such an approval is not granted, the agreement allows for the cancellation thereof.

Evaluation

A. Administration of Immoveable Property Policy of the Overstrand Municipality

The following conditions of said policy apply:

Paragraph 4: "No application for the purchase, lease of or encroachment on immovable property (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) shall be processed unless the prescribed application fee as per tariff approved in the annual budget for that financial year has been paid, nor shall any proposed lease or encroachment (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) be advertised unless the applicant has confirmed, in writing, that he/she will bear all costs involved in such transaction including – but not limited to – legal, survey, re-zoning, sub-division, consolidations, advertisement, relocation or provision of services and, where applicable, a deposit as per prescribed rate to cover incidental costs has been paid."

As the application for renewal was received before the expiry of the last agreement there is no need for a formal application form to be completed, and no application fee is payable.

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Paragraph 17: “Taking into consideration the nature and duration of the lease to be entered into, the leasing of immovable property may be affected by means of either:

- 17.1 a competitive process, which may include a closed or public tender or proposal call, specifically in circumstances listed in paragraph 18 below; or**
17.2 a direct lease”.

The Property Management Division will be recommending a direct lease on the reasons provided in the report.

Paragraph 18: “A competitive process must at all times be followed in circumstances where:

- 18.1 the lease is for a long term with an income value in excess of R10 million;**
18.2 the lease is for a formal business premises with a market related rental;
18.3 more than one party, in discretion of the municipality, is interested in the lease of the subject property; and/or
18.4 by discretion of the municipality, a competitive process will best serve the interests of the community”.

18.1 Although the proposed lease is for a long-term period, the rental that will be received will not be in excess of R10,000,000.00 (TEN MILLION RAND) as the monthly rental will be equal to the tariff for NPO’s in the annual budget, which tariff will escalate annually as approved in the Annual Budget.

18.2 The management and use of the Property will not be to gain profit as it will be managed by an NPO as an ECD (community-based facility). The Property is zoned for community purposes and not business.

18.4 The Applicant is already well established and provides an important service to the community of Overhills, it can be argued that a competitive process will not be in the best interest of the community as the service of educating the children of the community is very important and as the financial implication to make the Property available via the competitive bidding process will be more than that of the rental amount received.

Paragraph 20.1: “The Municipality may grant a long term lease of municipal immovable property with an income value of less than R10 million only after:

- a) The Accounting Officer has approved the lease in principle;**

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- b) *In the case of a direct lease, the proposed lease was advertised in terms of paragraph 10.1 and 10.2 above to invite the local community and other interested parties to submit comments or representations; and***
 - c) *The Executive Mayor, as delegated authority, has approved that the right may be granted.***
- a) The Applicant applied for the renewal of the lease agreement which was approved in principle by the Municipal Manager on 9 March 2026 for a period of 9 (NINE) years and 11 (ELEVEN) months, subject to a public participation process being followed and further subject to the approval by the Executive Mayor, as delegated authority, of the long-term lease.
 - b) The proposed lease was advertised in the Overstrand Herald on 26 March 2026 for a 30 (THIRTY) day comment/objection period and no objections have been received.
 - c) The Executive Mayor's approval is hereby sought.

Paragraph 26: *"In cases where a rental amount has been approved in the annual budget of the Municipality for certain types of leases and encroachments, the approved amount will be used for purposes of determining the rental amount."*

The tariff for the lease of municipal property to registered Social Care Institutions/ Organisations/ NPO's/ PBO's/ Sport facilities/ Community organisations will be levied. The monthly rental for the 2025/2026 financial year is an amount of R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT excluded) per month. The agreement will stipulate that the rental amount will escalate annually in accordance with the tariff as approved in the Annual Budget.

Paragraph 36: *"All costs pertaining to a transaction, e.g. survey, advertisements, valuation, relocation or provision of services where necessary, shall be borne by the Lessee. The Municipality may, however, waive its right to claim all or any portion of the costs. Where necessary a deposit to cover the costs may be required."*

The Applicant will be liable for the payment of all costs relating to the renewal of the lease agreement which in this case so far is only the advertisement costs.

Paragraph 47: *"Subject to paragraph 46 above, immovable property let by the Municipality shall be inspected at least once a year by the Municipality to ensure compliance with the terms and conditions of the agreement of sale or lease."*

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The Property will be inspected by the Property Management Division at least once a year.

It is further confirmed that the other Conditions of Lease as stipulated in paragraph 36 – 50 of the said policy was included in the lease agreement.

B. Advertisement/Notification

An advertisement for the lease of the Property was published in the Overstrand Herald on 26 March 2026 for a 30 (THIRTY) day objection/comment period. No objection/comment was received.

Conclusion

With reference to the above discussion, it is recommended that the lease of the Property to the Applicant be approved for a further period of 9 (NINE) years and 11 (ELEVEN) months from 1 May 2026 at a rental amount of R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT excluded) per month, which amount will escalate annually on the 1st of July in accordance with the tariffs as approved by Council.

7. Financial Implications

The Municipality stands to gain rental in the amount of R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT excluded) per month, where after the rental amount will escalate annually in terms of the tariffs as stipulated in the Annual budget approved by Council. All expenses pertaining to the proposed lease will be borne by the Applicant.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Principal Town Planner: Ms Hanneen van der Merwe

“No objection. Consent was approved in 2018.”

Building Control Officer: Mr. Gerrit Coetzee

“No objection from Building Control.”

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Socio Economic Officer: Mr. Gerhard Smit

“No Objection to the renewal of the lease. Child Welfare has been managing Bambanani for many years and have a very good track record.”

Divisional Manager: Expenditure, Fleet & Assets Management: Mr Johannes Vorster

“As this is a revenue generating project, with no intention to dispose of the asset, there is no objection to the report.”

10. Annexures

Annexures A1 & A2: Locality maps

RECOMMENDATION:

1. that the lease of municipal property, being a portion of Erf 7349 Kleinmond ($\pm 1,251\text{m}^2$ in extent), situated in Overhills, to Child Welfare South Africa (Kleinmond) for the purposes of managing the Bambanani Early Childhood Development Centre at the rental amount of R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT excluded) per month for a further period of 9 (NINE) years and 11 (ELEVEN) months from 1 May 2026 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 annually on 1 July in terms of the approved tariffs as stipulated in the Annual budget as approved by Council.

RESPONSIBLE OFFICIAL :	M ERASMUS
TARGET DATE FOR IMPLEMENTATION :	30 JULY 2026
TARGET DATE TO INFORM APPLICANT :	30 JULY 2026

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**A Le Roux
30 April 2026**

Divisional Manager: Property Management

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 JUNE 2026, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

M ERASMUS

TARGET DATE FOR IMPLEMENTATION :

30 JULY 2026

TARGET DATE TO INFORM APPLICANT :

30 JULY 2026

ANNEXURE A2

