

**SUPPLEMENTARY
ITEM TO
A G E N D A**

**PLANNING & DEVELOPMENT
PORTFOLIO**

17 MARCH 2026

11.

**ERF 2549 ONRUSTRIVIER: DEVIATION FROM THE
ADMINISTRATION OF IMMOVABLE PROPERTY POLICY OF
2015 – HERMANUS COUNTRY KIDS**

**PLEASE ADD THE ATTACHED PAGES 223 TO 239 TO
YOUR AGENDA FOR ABOVE-MENTIONED MEETING.**

**Administrative Support
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11.

**ERF 2549 ONRUSTRIVIER: DEVIATION FROM THE ADMINISTRATION OF
IMMOVABLE PROPERTY POLICY OF 2015 – HERMANUS COUNTRY KIDS**

**A Le Roux
19 February 2026**

Divisional Manager: Property Management

(028) 316 5623

1. Executive Summary

To obtain approval from Council for the deviation from paragraph 18 of the Administration of Immovable Property Policy (as approved by Council on 25 November 2015) allowing the Municipality to enter into a direct lease agreement with Hermanus Country Kids in respect of for the lease of a portion of Erf 2549 Onrustrivier, ±2797m² in extent, (hereinafter referred to as the “Property”) to continue their service as an Early Childhood Development Centre, Pre-Primary and Aftercare Centre, for a temporary period of 1 (ONE) year, from 1 April 2026, without following a competitive process.

See locality map attached marked Annexure “A”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Planning and Development
Property Management

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 (2015).
- Local Government: Municipal Finance Management Act, 2003 Municipal Asset Transfer Regulations, 2008 (No R. 878 of 2008).

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Hermanus Country Kids is a registered and well-established Early Childhood Development (ECD) centre and Afterschool facility which has been serving the community for the past 18 years from a private property situated at 13 Fourie Street, Westcliff, Hermanus by means of a private lease agreement from where the ECD and Afterschool facility is currently managed.

Hermanus Country Kids, hereinafter referred to as “the Applicant”, approached the Municipality requesting urgent assistance in securing alternative premises due to the termination of their current lease agreement, effective 15 December 2025. They have initially indicated that they require a new premises by 1 September 2025 to allow adequate time for relocation and operational continuity, with a proposed lease period commencing on 1 January 2026. The premises they are currently leasing has been sold, and, despite an extensive search, they were not able to secure a new premises. If not alternative is available, this well-run and established ECD and Aftercare Facility will have to close its doors, which will also have the effect of job losses (11 staff component). As in December 2025, the Applicant had 64 preschool and 18 afterschool children attending the facility. As the Applicant was not able to secure alternative premises to continue to deliver this service to the community and as the owner of the property is waiting for the outcome of a land use planning application, the new owner of the current premises gave a final extension of time to vacate the premises. The Applicant must vacate by 31 March 2026.

After various discussions, it was recommended that the possibility of making Erf 2549 Onrustvriër available as an interim measure and to afford them more time to find alternative accommodation, be investigated. The Applicant did a site inspection and confirmed that the Property is sufficient. The initial application was to lease the whole property for a temporary period of 2 (TWO) years, but due to the urgency of the matter, they are willing to only request a portion of the property and a reduced temporary lease period. They are really desperate to keep the doors open. What must also be considered is that if the ECD must close, several people will be unemployed and households without an income. This will increase the unemployment statistics for Overstrand Municipality.

Erf 2549 Onrustvriër, hereinafter referred to as “the Property”, is zoned for community purposes, which allows for the following primary uses: clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship. It is thus suitable for the use as an ECD and has therefore been identified as a possible property to lease to the Applicant for a temporary period.

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The Property is currently registered in the name of the Provincial Government Western Cape. The Property was used as a satellite clinic and is currently vacant and unused. Following an intergovernmental dispute (as the Municipality also administrating to Property in the past), a motivation was sent to the Provincial Government to transfer the Property to the Municipality at a nominal amount or no price. As directed by the Provincial Government as per the outcome of the intergovernmental dispute, a restriction must be registered against the title deed, if the alienation is approved, that it may only be used for community purposes, under which an ECD can be accommodated. The deed of donation has been finalised and signed by the Municipality, and we are waiting Provincial Government to countersign it on approval of the alienation by Cabinet. There is currently no definite timeline available for this process to finalised, but recent communication indicates that the Municipality could obtain ownership (if approved) before the end of this financial year. Provincial Government indicated that a condition of the alienation will be that Erf 2549 Onrustrivier may only be used according to the current zoning, being Community Zone 1: Community Facilities as defined in the Overstrand Zoning Scheme Regulations applicable to the Property.

On advice from the Provincial Government, taking into consideration the urgency of the matter and the imminent closure of the Applicant, a Power of attorney to obtain earlier occupation was provided to the Municipality. It has been signed by the Municipality and returned to them but held back pending the outcome of this request.

While the long-term use of the Property for community purposes remains under consideration, the Property is currently unutilized and can accommodate a temporary lease without prejudice to future planning decisions. A temporary lease will ensure a presence on the Property, discouraging any vandalism to the Property and lessen the burden on the Provincial Government with regards to the security services currently present at the Property. In this regard it must be mentioned that there has been vandalism at the Property previously which was reported to the Provincial Government Western Cape as owner of the Property. As the Property will soon be transferred to the Municipality it will be to our advantage that the Property be occupied while the future planned use of the Property is investigated and considered, to prevent further vandalism. As it is uncertain when the process will be finalised and we have no certainty as to when a competitive bidding can be commenced with for the lease of the Property, a temporary lease will be beneficial as the Property will be occupied while the Municipality finalises it investigation and processes.

As Schedule 4 Part B of the Constitution of the Republic of South Africa determines that municipalities are responsible for the provision of childcare facilities, the temporary lease of the Property to the Applicant for the management of an ECD and Aftercare facility is in line with this specific

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responsibility. Mr Smit, Special Projects Officer of the Overstrand Municipality, indicated recently the following in a report to Council:

“According to the Overstrand’s Overall Risk Register generated on 5 September 2023, “Insufficient number of childcare / partial care facilities in Overstrand” is listed as one of the high operational risks for Overstrand, with an inherent risk rating of 70 and a residual risk rating of 63, which is above the risk appetite of 40. On 22 October 2024 Internal Audit Services (IAS) submitted a Consulting Service report in respect of “Insufficient number of childcare / partial care facilities in Overstrand”. Based on the work performed by IAS, the report concluded that: “...the insufficient number of childcare / partial care facilities in Overstrand is a reality which requires concerted efforts between the municipality and the relevant National and / or Provincial government departments to be addressed”.”

The imminent closure of this established, registered ECD will increase the above risk. Furthermore, an investigation done by the Municipality’s Internal Auditors, shows that there are no ECD’s in the Onrus/Vermont area, despite the need that exists. Most parents currently drive to Sandbaai/Hermanus where the nearest ECD’s are.

Evaluation

The following paragraphs of the Administration of Immovable Property Policy are applicable:

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, subdivision, consolidations, advertisement, relocation or provision of services and, where applicable, a deposit as per prescribed rate to cover incidental costs has been paid.”*

Should the application be supported the approval will be subject to the payment of the application fee and completion of the application form.

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:*

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***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.”***

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.”

The application is only for a temporary period of 1 (ONE) year at the tariff approved for the lease of municipal land to Social Care Institutions / Registered Organisations / NPO's / PBO's / Sport facilities / Community organisations (per month) of R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT Excl.) for the 2025/2026 financial year. It is thus a short-term lease. The Property is zoned Community Zone 1: Community Facilities. The Applicant was informed that if the lease is approved, it will only be for one year with no legitimate expectation that the period will be extended as a competitive process must be followed.

Several applications and interest have been received for the lease of the Property during the past two years, and the interested parties were informed that a competitive process must be followed once the Property is transferred to the Municipality. At that stage, the current urgent need of the Applicant did not exist. The majority of the interest received and enquiries from the public is for the use of the Property for school purposes (i.e. ECD, home-base schooling, training, etc.) and church purposes. It will be in the best interest of both the community and the Municipality if a proper public participation process is followed before the Municipality continues with any competitive bidding process to ensure that any future proposed lease is in line with the zoning of the Property and in the best interest of the community. The intention is to proceed with this public participation process once and if the alienation is approved by Provincial Government and the competitive process once the transfer of the property is registered in the Deeds Office. All interested parties will be afforded an opportunity to partake in the competitive bidding process.

The following written interests in the Property were received (others were discussions in meetings and walk-in clients, mostly indicating that the need for a school/ECD exist):

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1. Applicant: Ms M Krüger

Purpose: Community Hub of Onrus. This was motivated as follows:

“Here are some of the activities we are ready to host in the old school building for starters:

1. *Morning crèche (One can also have afternoon workshops for mothers with Aftercare right next door.)*
2. *Art workshops*
3. *Robotics*
4. *Book club*
5. *Gardening*
6. *School holiday Programmes*

We plan to collaborate with other existing institutions like the Overstrand Learning Hub and Whale Coast Conservation.”

Ms Krüger also requested that the municipality give her occupation before transfer of the Property to start the proposed activities. It was not supported as there was no urgent need at that time for the Municipality to request earlier occupation.

2. Applicant: Ms J Flint

Purpose: School. The application read as follows:

“Angelique and I would like to find out what the official process would be to reappropriate the building for use as a school. With increasing families semi-grating to the Overberg, traffic from Fisherhaven, Vermont & Onrus to Hermanus is increasing daily as parents take their children to school there.

Our solution for the community to ease the flow of traffic and provide commute relief for many families is to start a school here.”

3. Applicant: Ms C Gabb & Ms Thornton (obo a community-run Section 21 company to be identified)

Purpose: Museum/Heritage Hub. She has registered this on the IDP for Ward 13, Priority 14 (last), it was supported by the previous Executive Mayor in a letter of support. Ms Gabb has submitted the following with regards to the Property:

Initial request: She wants to start a museum in Onrus for art and culture/history.

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Subsequent request:

“We envisage a Heritage Hub for the community, by the community, bringing together a synergy of culture, community, history and environment. A place where people will gather to learn, to share, to dream, to solve problems, to be creative, to socialise and support one another. We imagine a living museum that honours the past and offers inspiration for the future.

With this in mind we hereby request the transfer of Erf 2549 to the Overstrand Municipality. We propose that members of the community would take custodianship of the property via a long term lease with the Municipality in order to drive the upkeep, preservation and development of the property.

We have the support of the broader community through the Ward Committee, as well as strong support from our Mayor Dr Annelie Rabie, business owners, artists, authors and other members of the public. We have presented our ideas to Min Anroux Marais and Min Tertius Simmers, from whom we got positive feedback.

There are two buildings on the property, one of which is a national heritage building, built in 1932 as the first school in Onrus. The school closed in 1981 and the building is currently in a state of disrepair and requires ongoing maintenance, which would be possible for us to arrange. We are concerned about the land standing empty as vagrancy, vandalism and illegal dumping are ongoing problems with this erf and we are thus eager to expedite the process before the existing infrastructure deteriorates any further and the property starts looking even more unkempt.

We believe that this property can be put to much better use in a way that will retain and conserve it's historical value while enhancing the charm of the area, and the lives of the community.”

Motivation received:

We are writing to propose an exciting and transformative project for our community of Onrus. We envision the establishment of a Heritage Hub - a Cultural Centre - that will not only preserve our rich heritage but also serve as a dynamic space for learning, creativity, and social engagement for the wider Hermanus community. We believe that this project will have a positive impact on the Onrus community, both culturally and economically.

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Location:

Our proposed Heritage Hub would be located on Erf 2549, at the corner of Roos, Douglas, and Demper Streets in Onrus. This Provincial property currently consists of two buildings - a heritage building constructed in 1932 as the first permanent school in Onrus and a prefab house previously used as a clinic. The heritage building, which holds historical value, has been left neglected and is in a state of disrepair. We aim to take custodianship, restore and revitalize this building, preserving its charm and contributing to the overall streetscape of the area.

Community Needs:

Onrus and its surrounding areas have experienced a significant influx of new residents in recent years, including individuals who have migrated from Gauteng and KZN. However, many of these newcomers are unaware of the rich cultural history that our town holds. We believe it is crucial to educate and inspire both residents and visitors about the notable authors, artists, musicians and filmmakers who have contributed to our community's heritage.

Furthermore, our community organisations lack a dedicated venue for meetings and storing equipment. The absence of a central community space limits our ability to collaborate and showcase the talents and achievements of our residents.

A possible coffee shop within this community centre could act as a convenient meeting spot for various groups, clubs and organisations. It would offer a neutral and inclusive location for community members to hold meetings, discussions, workshops and other events. This would help promote civic engagement, collaboration and the exchange of ideas.

The Heritage Hub would contribute to the town's overall sense of identity and character. It would become a recognizable symbol of community spirit and a place where locals and visitors could learn about and experience the unique atmosphere of our town. It would add vibrancy and create a sense of pride amongst the residents.

Project Objectives:

Preserving Heritage: *Our Heritage Hub will honor the immense contributions of authors, artists, musicians and filmmakers who have called Onrus their home. We will curate collections, including books, artwork, and historical artifacts, that will be accessible to the public and locals alike. The proposed Heritage Hub aims to be a centre of excellence to showcase, preserve and promote our rich cultural heritage. We imagine a living museum to safeguard our cultural assets, artifacts, historical documents and intangible heritage.*

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Community Engagement: *The Heritage Hub will serve as a gathering place for residents, tourists, researchers and enthusiasts alike, fostering a sense of unity and belonging and creating a vibrant cultural ecosystem that celebrates our past while driving the future. It will provide a venue for meetings, workshops, art classes, and other educational and cultural activities for people of all ages. We envision a vibrant community space, hosting events, performances and festivals that celebrate our cultural heritage. It will provide a platform for local artists, artisans and community organisations.*

Education and awareness: *Through interactive exhibits, educational programs and workshops, the Heritage Hub will educate visitors about the cultural significance of Onrus, fostering a deeper understanding and appreciation of our heritage. It will be a hub of knowledge, encouraging research and providing resources for students, researchers and scholars. With digital technologies, the Heritage Hub could tap into and have digital links to university research, offering the potential for enhanced accessibility to research collaboration and educational opportunities. By combining the expertise of university researchers, and the resources of the Heritage Hub, it would become possible to unlock new knowledge and make it accessible to a much larger audience.*

Tourism Promotion: *Our town has immense potential for cultural and literary tourism. The Heritage Hub will become a central information hub for tourists, showcasing the works of local artists and authors and promoting local businesses. The Heritage Hub will become a landmark and must-visit destination, contributing to the branding and positioning of Onrus as a cultural hotspot.*

Infrastructure Improvement: *By restoring the neglected heritage building and utilizing the surrounding property, we will transform the area, making it more aesthetically pleasing and secure. This will discourage vagrancy and illegal activities, improving the overall appearance and safety of our community.*

Support and Partnerships:

We are delighted to share that our project has garnered strong support from various stakeholders. The Ward Committee, Mayor Dr. Annelie Rabie, and local businesses, artists, and authors have expressed their enthusiasm and willingness to contribute to the success of the Heritage Hub. We have also received positive feedback from Ministers Anroux Marais and Tertuis Simmers, who recognize the significance and potential of our initiative.

The project has already begun to receive contributions. Donations of art from the family of Maxie Steytler and Tertia Knaap, who operated St

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Luke's Art School in Riverside Lane, demonstrates the community's willingness to contribute to the preservation of Onrus's heritage. Futhermore, we have been fortunate to receive a tape cassette containing recordings of Uys Krige reading his poetry. This valuable resource will contribute to the documentation and preservation of our literary heritage.

The early support, donations and resources receive indicate a promising start of the Heritage Hub project. With the involvement of the community we are well positioned to succeed in our mission of preserving and celebrating our cultural heritage.

Why Onrus?

Onrus has a rich literary and artistic history, making it an ideal location for a Heritage Hub. Influential writers like Sestigers Jan Rabie, Etienne Leroux, André P Brink, Ingrid Jonker, Breyten Breytenbach, Elsa Joubert, Chris Barnard, Jack Cope, as well as Uys Krige, Wilbur Smith, Doris Lessing and others who lived or had strong associations with Onrus, confirms the area's significance as a literary hub.

Similarly, the artists legacy includes notable names such as Cecil Higgs, Marjorie Wallace, Gregoire Boonzaaier, Audrey Fourie, Bill Davis, and many artists still live here, including Hennie Niemann Jnr and Angela Keys.

Why Now?

Preserving this cultural heritage becomes increasingly important as time passes. Every day that goes by, there is a risk of losing items of interest, stories and memories associated with Onrus's literary and artistic history. By establishing a Heritage Hub / Community Centre, we can put out an offical call for contributions that can be preserved for future generations.

The centre would provide a centralized space to collect, document and showcase information about the literary works, artwork, photographs, newspaper clippings and other historical materials relating to our heritage. By acting promptly, we can ensure that these stories are not lost forever, and create a platform to share and celebrate the rich legacy of Onrus residents.

Conclusion:

The Heritage Hub is an ambitious project that will celebrate our community's rich heritage, and make it accessible to the wider community. It will engage residents in cultural activities, and attract tourists to our town. With your support and permission, we can create a vibrant and inclusive space where creativity thrives, history is preserved, and the community is united.

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We kindly request the transfer of ownership of Erf 2549 to the Overstrand Municipality, and we propose a long-term lease arrangement with a community-run Section 21 company to ensure the property's maintenance, preservation, and development.

As passionate residents and advocates for preserving our cultural heritage, we firmly believe that this initiative will not only enrich our community, but also contribute to the sustainable and economic growth of Onrus.

By embracing and celebrating our past, we can build a stronger future together.

Ms Gabb & Ms Thornton also requested early occupation or that the Provincial Government enters into an agreement with them. A direct lease with Provincial Government was not supported and earlier occupation was not supported as there was no urgent need at that time for the Municipality to request earlier occupation. They have also indicated that if possible, a short term direct lease also be entered into between entity to be established and the Municipality.

4. Applicant: Ms M de Klerk

Purpose: Khula skool. The application read as follows:

“Ek is deel van 'n groep ouers, spesialiste en beleggers wat 'n Khula skool in die Overstrand wil oopmaak. Die konsep agter Khula is 'n skool wat fokus om kinders wat nie 100% in die hoofstroom skole pas nie te akkomodeer. Dit is 'n plek waar ons dieselfde CAPS en CambriLearn kurrikulum volg, maar met akkomodasie vir die verskillende behoeftes van die kinders. Hierdie kinders is kinders wat op die spektrum is, maar wel in hoofstroom skole kan funksioneer, maar net daai 1 of 2 stappe agter is en met bietjie hulp en leiding hulle weer reg kan kry om terug hoofstroom toe te gaan.

Op hierdie stadium van die projek is ons opsoek na 'n gepaste venue en wil weet of ons dalk na die gebou in Roos straat in Onrus kan kom kyk vir die moontlikheid van huur om so 'n skool te begin.”

It is translated roughly as follows:

“I am part of a group of parents, specialists and investors who want to open a Khula school in the Overstrand. The concept behind Khula is a school that focuses on accommodating children who do not fit 100% into mainstream schools. It is a place where we follow the same CAPS and CambriLearn curriculum, but with accommodation for the different needs

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of the children. These children are children who are on the spectrum, but can function in mainstream schools, but are only 1 or 2 steps behind and with a little help and guidance they can manage to go back to the mainstream.

At this stage of the project we are looking for a suitable venue and would like to know if we can come and look at the building in Roos Street in Onrus for the possibility of renting to start such a school.”

5. Applicant: Overstrand Hospice

Purpose: Specialised Palliative care in patient Unit. The application reads as follows:

“Overstrand Hospice specialises in Palliative Care for patients with a life-threatening disease i.e.: Cancer, HIV/Aids (end stage), End stage organ failure, End stage emphysema, and MND

Overstrand hospice is a Non-Profit Organisation and not supported by Government funding. Our biggest source of income is generated at our hospice shop and therefore we depend on donations and the goodwill of the community to render our services free of charge. Our service area reaches from Rooi Els to Pearly Beach.

Our Palliative Care trained sisters assess the patient at home, in hospital, or at the frail care facility. They do follow up visits according to the needs of the patients. The Overstrand Hospice team is not intended to take the place of the family but rather support the primary caregiver and family with advice and assistance with pain and symptom control. Due to limited resources, we cannot offer 24-hour nursing care.

It has come to our attention that there is a huge need for a specialised Palliative care in patient Unit, for short term admission of patients, to assist with pain and symptom control, respite care, and terminal care.

All the above additional interest will be circulated to the relevant internal departments to establish if the uses can be accommodated on the Property and if possible, whether Erf 2549 Onrustrivier must be divided with two leases by means of a competitive process. Once the tender is advertised, the above interested parties will be informed accordingly in order for them to partake in the process.

Further discussion of current need and desirability

Although it was made clear to the interested parties that a competitive process will be followed, we did not foresee the possibility of a well-run,

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registered ECD being forced to close with no space for the kids in other ECD's, thus this must be dealt with as an exception. It is submitted that the following compelling reasons support a direct temporary lease to the Applicant for the temporary period of one year while the Municipality evaluates all interests in the Property, decides on the best use for the Property and finalises the process to be followed, all pending the transfer of the Property:

- a) **Established and reputable ECD provider:** The Applicant has been operating for over 18 years and is widely recognised for its high-quality, inclusive approach to early childhood development and aftercare services. Among the applications received the Applicant is the only facility that is already established and has been operational for many years. The other applicants are not established yet and/or the use of the Property by them must still be funded.
- b) **Urgency and community impact:** Their need is time-sensitive due to an imminent loss of their current premises, which could otherwise disrupt education for dozens of local children. The Applicant has already contacted the other established ECD's in Hermanus and surrounds who indicated that they do not have openings for the approximately 64 pre-school and 18 aftercare children should the Applicant close down, these children will thus have nowhere to go and many parents will have a problem of where their children can be accommodated in order for them to be able to go to work.
- c) **Strong local support:** Several comprehensive letters of recommendation from parents underscore the school's importance to the local community and the wonderful work that they do with the children attending the ECD.
- d) **Strategic location:** A significant portion of their parent community resides in Hermanus, Onrustvlei and Vermont, ensuring continuity and convenience for local families. The size of the Property will allow the Applicant to make clear distinction between the pre-school children and the aftercare children.
- e) **Ability to repair the Property:** The Applicant has viewed the Property to establish whether it meets their need. They have indicated that the state of the buildings is of such a nature that they can repair and upgrade it for the intended use as an Early Childhood Development Centre, Pre-Primary and Aftercare Centre. They have the means as well as assistance from the parents (who are amongst other builders, contractors, etc.) to attend to the necessary.
- f) **Financial viability:** The Applicant is an established ECD with parents committed to assist where possible. They are financially viable.

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There is a dire need overall for an ECD/Aftercare Facility to be formalised in Ward 13, although not specifically listed in the IDP as a priority. This was most probably not listed as the Municipality does not have community zoned properties available in Ward 13 (hence the application for Erf 2549 HON to the Provincial Government).

The Western Cape Education Department indicated informally that the needs of the ECD sector be accommodated, whether private or public. ECD now forms a part of Basic Education, and therefore they must ensure that needs of this sector are catered for within the municipality realm.

The request is thus to deviate from paragraph 18 of the Administration of Immovable Property Policy, in order to enter into a short-term lease agreement with the Applicant.

Paragraph 21.1: *“The Municipality may grant a short-term lease of municipal immovable property up to three years without the option of renewal only after the Accounting Officer has approved the lease in principle.”*

The proposed lease is only for a temporary period of 1 (ONE) year. The Municipal Manager approved the short-term lease, subject to Council approving the deviation. This will be amended to make reflect the smaller portion of the property as well as the reduced lease period.

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 approved tariff for the 2025/2026 financial year for the lease of municipal property to registered Social Care Institutions/Organisations/NPO's/PBO's/Sport facilities is R191.30 (ONE HUNDRED AND NINETY-ONE RAND AND THIRTY CENTS) (VAT Excluded) per month.

Conclusion

Taking the above into consideration, it is recommended that Council approves the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to lease the Property to the Applicant for a short-term period of 1 (ONE) year without following a competitive process.

7. Financial Implications

The Municipality stands to gain rental in the amount of R191.30 (ONE HUNDRED AND NINETY-ONE RAND THIRTY CENTS) (VAT excluded) per

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month for the 2025/2026 financial year, where after the rental amount will escalate annually in terms of the approved tariffs as stipulated in the Annual budget as 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

Socio Economic Officer (Socio Economic Projects): Mr G Smit

“There is a general and significant shortage of ECD facilities in the Overstrand. The insufficient number of childcare / partial care facilities in the Overstrand has also been registered on the municipality’s Overall Risk Register as one of the high operational risks facing the municipality. Internal Audit Services performed a consulting service in respect of this risk and confirmed in an internal memorandum dated 22 October 2024, that the insufficiency of childcare / partial care facilities is a reality. Country Kids is well established; has been providing quality registered Early Childhood Development services to children since 2007; and they also provide an after-school service. Considering that this is an essential service for young children and their parents that is in scarce supply, we fully support the proposal to enable Hermanus Country Kids to continue their service as an Early Childhood Development Centre, Pre-Primary and Aftercare Centre.”

10. Annexures

Annexure A: Locality Map

RECOMMENDATION TO THE COUNCIL:

1. that the deviation from paragraph 18 of the Administration of Immovable Property Policy in order to lease a portion of Erf 2549 Onrustrivier ($\pm 2797\text{m}^2$ in extent) to Hermanus Country Kids (Early Childhood Development Centre, Pre-Primary and Aftercare Centre) for a temporary period of 1 (ONE) year without following a competitive process in to afford them more opportunity to obtain an alternative premises, **be approved**; and
2. that the above approval is subject to the Provincial Department of Infrastructure issuing the power of attorney for occupation of Erf 2549 Onrustrivier pending the transfer of the property to Overstrand Municipality.

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

RESPONSIBLE OFFICIAL : A LE ROUX

TARGET DATE FOR IMPLEMENTATION : 31 MARCH 2026

TARGET DATE TO INFORM APPLICANT : 31 MARCH 2026

