

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
7 September 2022
(Also the agenda for the Mayoral Committee Meeting : 26 September 2022)**

**6.
PARTIAL AMENDMENT OF MAYORAL COMMITTEE RESOLUTION DATED
28 OCTOBER 2021 FOR THE LEASE OF A PORTION OF ERF 1969 PEARLY BEACH
(SITUATED AT 1969 CHURCH STREET, ELOXULWENI, PEARLY BEACH) TO
FLOWER VALLEY CONSERVATION TRUST**

7/2/3/12

A Le Roux

Manager: Property Administration

31 May 2022

(028) 316 5623

1. Executive Summary

To obtain approval for the amendment of the name of the Lessee who is the managing agent of Dolfyntjies Educare Centre, hereinafter referred to as “Dolfyntjies”, stipulated in the Mayoral Committee’s Resolution dated 28 October 2021 from Flower Valley Conservation Trust, hereinafter referred to as “FVCT”, to Pearly Beach Health and Welfare Organisation. The locality map is attached as “Annexure A”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Investment and Infrastructure
Property Administration

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 of 28 October 2021 resolved as follows:

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- “1. *that the lease of municipal property, being a portion of Erf 1969 Pearly Beach (±385m² in extent), to the Flower Valley Conservation Trust, for operating the Dolfyntjies Early Childhood Development Centre at a rental amount R154.78 (ONE HUNDRED AND FIFTY-FOUR RAND AND SEVENTY-EIGHT CENTS) (VAT excluded) per month from 1 April 2021 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 accordance with the tariffs stipulated in the Annual Budget as approved by Council.”*

FVCT has been successfully using a portion of Erf 1969 Pearly Beach for the past 6 (SIX) years for the purpose of managing the Dolfyntjies Early Childhood Development Centre. The last lease agreement commenced on 1 April 2018 and expired on 31 March 2021.

In November 2021, FVCT indicated that the Trust will be closing down from 1 January 2022 and that they had to withdraw from all the creches they managed due to a financial crisis. Pearly Beach Health and Welfare Organisation, a non-profit organisation, registered at the Department of Social Development with registration number NPO 096-989, confirmed that they are willing to take over the management of Dolfyntjies ECD and requested that the lease agreement be entered into with them.

Conclusion

It is recommended that paragraph 1 of the Mayoral Resolution dated 28 October 2021 be amended to substitute the Lessee who is the managing agent of the Dolfyntjies Early Childhood Development Centre, being Flower Valley Conservation Trust with Pearly Beach Health and Welfare Organisation.

7. Financial Implications

The amendment of the Mayoral Committee decision and 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 to NPO's for the specific financial year. Currently the rental amount is R160.87 (ONE HUNDRED AND SIXTY RAND AND EIGHTY-SEVEN CENTS) (VAT excluded) per month.

8. Staff Implications

N/A

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9. Comments from other Departments, Divisions and Administrations

Manager: Social Development: Mr G Smit – (028) 313 8035

“Please note that the social development department does not have any objections to the renewal of the lease agreement for Dolfyntjies.”

Senior Town Planner: Mr S van der Merwe – (028) 313 8938

“The subject property is zoned Community Zone and developed with a community hall and a crèche under the applicable primary rights. The renewal of the lease agreement is supported subject to compliance with the scheme regulations.”

Senior Manager: Gansbaai/Stanford Administration: Mr F Myburgh – (028) 384 8365

“Approval was given for a project to upgrade the existing facilities situated on this project. The project which is currently in the planning phase will be funded by the Department of Rural Development. The existing tenant and infrastructure will however remain on the premises and I am therefore in favour of the favourable consideration of the extension of the lease arrangement.”

10. Annexures

Annexure A: Locality plan

RECOMMENDATION:

that the amendment of paragraph 1 of the Executive Mayor’s Resolution dated 28 October 2021 to reflect the Lessee, as the managing agent for Dolfyntjies Early Childhood Development Centre, as Pearly Beach Health and Welfare Organisation, **be approved.**

RESPONSIBLE OFFICIAL :	R OCTOBER
TARGET DATE FOR IMPLEMENTATION :	15 OCTOBER 2022
TARGET DATE TO INFORM APPLICANT :	25 OCTOBER 2022
TARGET DATE TO INFORM OBJECTOR :	N/A

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A Le Roux

31 May 2022

Manager: Property Administration

(028) 316 5623

**THIS MATTER SERVED BEFORE THE INVESTMENT & INFRASTRUCTURE
PORTFOLIO COMMITTEE ON 7 SEPTEMBER 2022, WHICH COMMITTEE
SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	R OCTOBER
TARGET DATE FOR IMPLEMENTATION :	15 OCTOBER 2022
TARGET DATE TO INFORM APPLICANT :	25 OCTOBER 2022
TARGET DATE TO INFORM OBJECTOR :	N/A



a Portion of Erf 1969 Pearly Beach