



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2018-03-24

NOTICE OF THE 16TH MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY WEDNESDAY, 2018-03-28 AT 10:00

TO The Speaker, Cllr DD Joubert [Chairperson]
The Executive Mayor, Ald G Van Deventer (Ms)
The Deputy Executive Mayor, Cllr N Jindela

COUNCILLORS	F Adams	MC Johnson
	DS Arends	NS Louw
	FJ Badenhorst	N Mananga-Gugushe (Ms)
	GN Bakubaku-Vos (Ms)	C Manuel
	FT Bangani-Menziwa (Ms)	LM Mqeba
	PW Biscombe	NE McOmbring (Ms)
	PR Crawley (Ms)	XL Mdemka (Ms)
	A Crombie (Ms)	RS Nalumango (Ms)
	JN De Villiers	N Olayi
	MB De Wet	MD Oliphant
	R Du Toit (Ms)	SA Peters
	A Florence	WC Petersen (Ms)
	AR Frazenburg	MM Pietersen
	E Fredericks (Ms)	WF Pietersen
	E Groenewald (Ms)	SR Schäfer
	JG Hamilton	Ald JP Serdyn (Ms)
	AJ Hanekom	N Sinkinya (Ms)
	DA Hendrickse	P Sitshoti (Ms)
	JK Hendriks	Q Smit
	LK Horsband (Ms)	E Vermeulen (Ms)

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the **16TH MEETING** of the **COUNCIL** of **STELLENBOSCH MUNICIPALITY** will be held in the **COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH** on **WEDNESDAY, 2018-03-28** at **10:00** to consider the items on the Agenda.

SPEAKER
DD JOUBERT

Vol 1

A G E N D A
16TH MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY
2018-03-28
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The report by the Municipal Manager re outstanding resolutions taken at previous meetings of Council is attached as **APPENDIX 1**.

FOR INFORMATION

COUNCIL RESOLUTIONS IN PROGRESS MARCH 2018

Council Meeting		Resolution	Resolution Date	Allocated To	% Feedback	Feedback Comment
383887	PROGRESS REPORT – POLICY FOR SELF GENERATION OF ELECTRICITY	<p>7.9 PROGRESS REPORT : POLICY FOR SELF- GENERATION OF ELECTRICITY</p> <p>33RD COUNCIL MEETING: 2015-08-25: ITEM 7.9</p> <p>RESOLVED (nem con)</p> <p>that this matter be referred back to allow the Administration to submit a Progress Report to Council as mentioned in the item.</p> <p>(ACTING DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2015-08-25	JOHANNESC	95.00	Item will be submitted at next Portfolio Committee. . By Law to be published in Western Cape Government Gazette in January 2018. Approval of Acknowledgement of Guilt fines have been submitted to the Chief Magistrate
394114	Investigation with regards to the various residential properties in Mont Rochelle Nature Reserve	<p>7.6 INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE</p> <p>35TH COUNCIL MEETING: 2015-10-28: ITEM 7.6</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council rescind its resolution taken at the meeting dated, 2014-01-16, with regard to Item 7.2;</p> <p>(b) that the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 unsold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective); and</p> <p>(c) that any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; JA Davids; DA Hendrickse; S Jooste (Ms); C Moses (Ms); P Mntumi (Ms); RS Nalumango (Ms); P Sitshoti (Ms); AT van der Walt and M Wanana.</p> <p>(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)</p>	2015-10-28	ILZEB	95.00	Awaiting arrangement of a site visit.
478903	SECTION 78 PROCESS	7.6.2 SECTION 78 PROCESS FOR AN EXTERNAL SERVICE DELIVERY	2016-11-23	HEADT	30.00	The evaluation of Section 78 process is

	FOR AN EXTERNAL SERVICE DELIVERY MECHANISM WITH REGARDS TO PUBLIC	<p>MECHANISM WITH REGARD TO PUBLIC TRANSPORT</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that Council approves the proposal that an assessment of the municipality's capacity be done to determine its ability to provide the proposed public transport service through an internal mechanism and that the recommendation of the assessment be submitted to Council for consideration and decision; and</p> <p>(b) that, should the above assessment recommend the use of an external mechanism for the provision of the public transport service, a feasibility study be conducted for the provision of the service through an external mechanism.</p> <p>The following Councillors requested that their votes of dissent be minuted: Councillors F Adams; DA Hendrickse and LK Horsband (Ms).</p>				completed and will be tabled to Council.
478901	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY	<p>7.6.4 THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY</p> <p>4TH COUNCIL MEETING: 2016-11-23: ITEM 7.6.4</p> <p>RESOLVED (nem con)</p> <p>(a) that the attached Draft 3rd Generation IWMP be supported by Council for approval in principle; and</p> <p>(b) that the proposed Draft 3rd Generation IWMP be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments / objections by D:EA&DP and the public, for final approval and adoption by Council.</p>	2016-11-23	SALIEMH	30.00	Management Session took place. Busy to incorporate inputs.
489388	IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT	<p>7.5.1 IDENTIFICATION OF POSSIBLE TRUST LAND IN PNIEL: STATUS REPORT</p> <p>5TH COUNCIL MEETING: 2017-01-25: ITEM 7.5.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of the notice of the Minister, be noted;</p> <p>(b) that the process plan as set out in par. 3.1.5, submitted to the Minister, be endorsed;</p> <p>(c) that the Municipal Manager be authorised to attend to the public participation process as set out in paragraph 3.1.5;</p> <p>(d) that the proposed allocations, as set out in paragraph 3.1.4, be supported in principle; and</p>	2017-01-25	PSMIT	80.00	Met with Cyster Family Trust and representatives of the Land Claimants Commissioner. Await their written inputs.

		<p>(e) that, following the public participation process, a progress report be submitted to Council to deal with the submissions received as a consequence of the public participation process, whereupon final recommendations will be made to the Minister regarding the allocation/transfer of so-called Section 3 Trust land.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>				
513321	THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS	<p>7.3.1 THE FUTURE USE AND MAINTENANCE OF COUNCIL HERITAGE BUILDINGS</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council supports the establishment of a “heritage portfolio” that can be managed independently from other assets and that the Municipal Manager be mandated to identify all council owned properties to be placed in the heritage portfolio;</p> <p>(b) that the Rhenish complex including Voorgelegen and the Transvalia complex of apartments (Transvalia, Tinetta, Bosmanhuis en Alma) be agreed to be categorised as category A assets;</p> <p>(c) that in terms of Section 14(2)(a) of the MFMA, the properties listed in paragraph 3.4 (table 2) marked as Category A properties, be identified as properties not needed to provide the minimum level of basic municipal services;</p> <p>(d) that, in terms of Regulation 34(3) of the ATR, the Municipal Manager be authorized to conduct the prescribed public participation process, as envisaged in Regulation 35 of the ATR, with the view of awarding long term rights in relation to the Category A properties;</p> <p>(e) that, for the purpose of disposal, two independent valuers be appointed to determine the fair market value and fair market rental of the properties listed in Categories A and B;</p> <p>(f) that, following the public participation process, a report be tabled before Council to consider in principle, the awarding of long term rights in the relevant properties, whereafter a public competitive disposal process be followed; and</p> <p>(g) that, with regard to the properties listed as Category B and C, the Municipal Manager be mandated to investigate the best way of disposing of or managing these assets, including feasibility studies on the possible disposal/awarding of long term rights and/or outsourcing of the maintenance function and that a progress report be tabled before Council within 6 months from the date of approval of the recommendation.</p> <p>Councillor F Adams requested that his vote of dissent be minuted.</p> <p>(DIRECTOR: PLANNING AND ECON DEV TO ACTION)</p>	2017-04-26	ILZEB	20.00	Still awaiting Valuations from Manager : Property Management

506222	<p>INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESS</p>	<p>7.3.2 INNOVATION CAPITAL PROGRAMS: LOCAL ECONOMIC DEVELOPMENT HUBS FOR SMALL BUSINESSES</p> <p>7th COUNCIL: 2017-03-29: ITEM 7.3.2</p> <p>RESOLVED (majority vote)</p> <p>(a) that approval be granted for the establishment of Local Economic Development hubs / incubators on the following properties as identified in APPENDIX 1:</p> <p>RANK PROPERTY LOCATION PURPOSE MANAGEMENT PROCESS</p> <p>1 Erf 2235 Groendal (Mooiwater homestead / old youth house) Business support Services incubator Preferred service provider Building/site maintenance; lease agreements; contractor relocation.</p> <p>2</p> <p>Public Place / POS north of Groendal Community Hall Vacant office on play park land Business Sector Offices Preferred service provider Lease agreement.</p> <p>3 Erven 2751 and 6314 (Old Agricultural Hall) Stellenbosch Incubator and affordable rentals for Arts, crafts and tourism sector, including parking area Preferred service provider Building / site maintenance; lease agreements; illegal occupants' relocation; rezoning.</p> <p>4 Erven 228, 229 and 230 Franschoek (Triangle site) Affordable rental space for shops and tourism activities Preferred service provider Building / site maintenance; lease agreements; staff relocation (Erven 228 and 229); site improvement; further lease agreements.</p> <p>5 Re Erf 342 Klapmuts Trading hub Preferred service provider Rezoning; services connections; lease agreements; container acquisition.</p> <p>6 Erf 1538 Franschoek (old tennis courts) Parking/ business opportunity for a co-operative Preferred service provider Site improvement; lease/ management agreement.</p> <p>7 Erven 1956, 1957, 6487, 6488 and 6490 Stellenbosch (Old clinic site and LED office) Business Development Incubator and rental space (Arts, crafts, shops, offices, tourism activities) Preferred service provider Building / site maintenance; lease agreements; occupants' relocation.</p> <p>8 Die Boord POS Intersection Van Rheede Rd and R44 Community market Preferred service provider Site improvement; lease/ management agreement.</p> <p>9 Erf 721 Pniel (municipal office site) Affordable rental space (Shops and tourism activities) Preferred service provider Rezoning; services connections; lease agreements; container acquisition.</p> <p>(b) that Council agrees to the approved tariff structure for the local economic development incubator hubs as applies to the Kayamandi Economic and Tourism Corridor (KETC);</p> <p>(c) that Council confirms that the properties are not required for the provision of the minimum level of basic municipal services in terms of Section 14 of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003; and</p>	2017-03-29	ILZEB	95.00	<p>Report finalised, Mayor referred back report for amendments and re- submission to MM for signature.</p>
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		<p>(d) that the Municipal Manager be authorised to follow the prescribed process for the leasing of the relevant properties in keeping with the Stellenbosch Tariff Structure as amended, through requesting proposals in line with the objectives of Local Economic Development.</p> <p>Councillors DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.</p> <p>(DIR: PLANNING & ECON DEVELOPMENT TO ACTION)</p>				
508896	REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES	<p>13.1.1 REPORT ON THE ESTABLISHMENT OF WARD COMMITTEES</p> <p>7TH COUNCIL MEETING: 2017-03-29: ITEM 13.1.1</p> <p>RESOLVED</p> <p>(a) that the completion of the ward committee elections, be noted;</p> <p>(b) that the current Policy and Procedures for Ward Committees be revised taking into consideration, amongst other, the geographical model implemented whereafter same be submitted to Council for consideration;</p> <p>(c) that a deviation from the Policy be allowed only in respect of the co-option of members as stipulated in clause 15(2) and clause 15 (3) of the Policy and as stipulated in recommendations D, i, ii, iii and iv.</p> <p>(d) that the Administration be commissioned to perform the following activities in respect of co-opting members within a ward where vacancies do exist:</p> <p>(i) Advertisements and or pamphlets must be prepared inviting nominations for members to be co-opted to serve on the ward committee representing the applicable geographical area/s.</p> <p>(ii) invitations for nominations per geographical area should also be placed on the municipal website;</p> <p>(iii) that elections be held in those wards where more than one nomination for a vacancy/ies within the ward was received; and</p> <p>(iv) that this process of co-option be finalised by end of May 2017 whereafter a report in this regard be submitted to Council.</p>	2017-03-29	NICKYC	80.00	Review of policy in process

		<p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Councillors F Adams; DA Hendrickse and LK Horsband.</p> <p>(ACTING DIR: STRAT & CORP TO ACTION)</p>				
514994	Stellenbosch Municipality: Extension of Burial Space	<p>7.3.2 STELLENBOSCH MUNICIPALITY: EXTENSION OF BURIAL SPACE</p> <p>8TH COUNCIL MEETING: 2017-04-26: ITEM 7.3.2</p> <p>RESOLVED (nem con)</p> <p>(a) that Council amends its 27th Meeting of the Council of Stellenbosch (25 February 2015) resolution by adding (b)(x) to include any alternative land in the same area which could feasibly be used as a site to be investigated as a solution to the critical need for burial space within Stellenbosch Municipality;</p> <p>(b) that Council supports the acquisition of the required authorization for the proposed establishment of regional cemeteries (for burial need within WC024) at Farm Culcatta No. 29 and the Remainder of Farm Louw's Bos No. 502 as well as the proposed establishment of a regional cemetery at Farm De Novo No. 727/10 and Portion 1 of 'Farm Meer Lust No 1006 should the process of acquiring the necessary approval from the Department of Transport and Public Works be acquired;</p> <p>(c) that the possible creation of a garden of remembrance as alternative to a traditional land site also be investigated; and</p> <p>(d) that Council authorises the Municipal Manager to proceed with acquiring the necessary approvals for the establishment of the above cemeteries.</p> <p>(DIRECTOR: PLANNING & ECON DEV TO ACTION)</p>	2017-04-26	ILZEB	60.00	EIA consultations have commenced and are currently in process. Pre-application public participation process commenced 15 Feb 2018 and concludes 15 Apr 2018.
532470	7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)	<p>7.5.2 UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)</p> <p>COUNCIL MEETING: 2017-07-26: ITEM 7.5.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the property in question be identified as property not needed/required for the municipality's own use;</p> <p>(b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1- year lease agreement;</p>	2017-07-26	PSMIT	80.00	Tender document has been submitted to SCM, but was referred back to obtain a market valuation. Valuers were subsequently appointed. Await valuations.

		<p>(c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and</p> <p>(d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>				
539732	Street People Policy	<p>7.1.2 STREET PEOPLE POLICY</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 7.1.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council approve the draft policy on Street People (as amended) in principle to provide a framework for the Department Community Development to start consultation with civil society on a collaborative approach to dealing with people living on the street;</p> <p>(b) that the draft Policy on Street People go out for public participation, which include consultation with civil society; and</p> <p>(c) that all inputs and comments received from the public participation- and consultation process be first considered by Council before a final decision is made on the approval of the Street People Policy for implementation.</p> <p>(DIRECTOR: PLAN & ECON DEV TO ACTION)</p>	2017-08-30	MICHELLEB	10.00	First workshop with local role players. Provincial office did not attend. Next session planned for 2018.
540661	FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON DRAFT VERSION 11 OF THE INTERGRATED ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)	<p>8.10 FEEDBACK ON PUBLIC PARTICIPATION ON VERSION 10.3A AND REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT VERSION 11 OF THE NEW STELLENBOSCH ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)</p> <p>11TH COUNCIL MEETING: 2017-08-30: ITEM 8.10</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council authorises the Municipal Manager to:</p> <p>(i) proceed with re-advertising of the Draft IZS By-law Annexure B for a period of 60 days; and</p> <p>(ii) copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and</p> <p>(b) that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after</p>	2017-08-30	ILZEB	90.00	The editing of comments from public participation is in process.

		<p>the public participation process for final consideration.</p> <p>(DIRECTOR: PLANNING & ECON DEV TO ACTION)</p>				
543953	SOLID WASTE UPGRADE REPORT	<p>7.6.2 SOLID WASTE UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and</p> <p>(b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	SILVIAP	50.00	Section 78(1) report now to Council on Landfill Site Extension. Ready for end March 2018
543945	IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU) - 9/2/1/1/1/3	<p>7.3.2 IDENTIFYING OF MUNICIPAL AGRICULTURAL LAND FOR IMPLEMENTATION OF FARMER PRODUCTION SUPPORT UNIT (FPSU)</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.3.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council support and approve the implementation of a Farmer Production Support Unit (FPSU) within the WCO24;</p> <p>(b) that Council support and approve the following two sites as identified for the purpose of a Farmer Production Support Unit (FPSU) in accordance with the Policy of the Management of Agricultural Land:</p> <ul style="list-style-type: none"> • Lease portion BH1 of Farm 502, Stellenbosch; and • Lease portion BH2 of Farm 502 Stellenbosch. <p>(c) that the Local Economic Development Department be mandated to undertake all required land use management applications and processes, which include, amongst others rezoning, registration of lease area and departures for the relevant area to accommodate a Farmer Production Support Unit (FPSU) as the current zoning is for agricultural purposes only, given sufficient funding and budget made available by the National Department of Rural Development and Land Reform (NDRDLR); and</p> <p>(d) that the National Department of Rural Development and Land Reform (NDRDLR) draft a MOU between the Stellenbosch Municipality as land owner and the National Department of Rural Development and Land Reform (NDRDLR) on the roles and</p>	2017-09-27	ILZEB	95.00	NDRDLR is in the final stages of allocating funding from the National Department to implement the project.

		<p>responsibilities of the different role players for the Council to consider, prior to any lease agreement be entered into or change in land use process commences.</p> <p>Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.</p> <p>Councillor F Adams requested that it be minuted that he supports the item with reservations.</p> <p>(DIRECTOR: PLAN & ECON DEV TO ACTION)</p>				
543966	PARKING UPGRADE REPORT	<p>7.6.1 PARKING UPGRADE REPORT</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.6.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;</p> <p>(b) that parking service delivery increase be based on the towns of:</p> <ul style="list-style-type: none"> i) Stellenbosch ii) Klappmuts, and iii) Franschoek; and <p>(c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-09-27	HEADT	20.00	Parking Upgrade Section 78(1) report to serve before Council on March 2018. No council meeting in February 2018
544452	FUTURE OF THE EX-KLEINE LIBERTAS THEATRE	<p>7.5.2 FUTURE OF THE EX-KLEINE LIBERTAS THEATRE</p> <p>12TH COUNCIL: 2017-09-27: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>that a notice be published, inviting public inputs on the matter, whereafter a final decision be made whether to proceed with the rebuilding or to plan/develop an alternative facility/usage.</p> <p>The following Councillors requested that their votes of dissent be minuted: Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p> <p>(DIRECTOR: HUMAN SETTLEMENT TO ACTION)</p>	2017-09-27	PSMIT	90.00	A notice was published in the Eikestad News, with closing date for inputs on 8 December 2017. An agenda item has been compiled and will be submitted to Council in March 2018.
552808	DEMARICATION OF	<p>8.2.1 DEMARICATION OF KLAPMUTS</p>	2017-10-25	DUPREL	100.00	Property been sub divided waiting for transfer of

	KLAPMUTS	<p>13TH COUNCIL MEETING: 2017-10-25: ITEM 8.2.1</p> <p>It is noted that a replacement page (page 501 of the Council Agenda) was handed out in the meeting, which is captured on page 29 above.</p> <p>RESOLVED (nem con)</p> <p>(a) that Council takes cognisance of the municipal boundary demarcation process and program for the period 2017 - 2021;</p> <p>(b) that Council confirms that the Drakenstein proposal for demarcation of any portion of Klapmuts into the Drakenstein Municipality not be supported and that the property rather be subdivided to retain the N1 as the current municipal boundary; and</p> <p>(c) that only the Municipal Manager be authorised to participate in the municipal demarcation program and processes and conduct the required public participation and other activities for consideration of the municipal boundary demarcation between all abutting municipalities and Stellenbosch Municipality.</p> <p>(OFFICE OF THE MM TO ACTION)</p>				ownership.
546882	Motion WC Petersen - Proposed development of erven 412 and 284, Groendal, Franschoek	<p>10.2 MOTION BY COUNCILLOR WC PIETERSEN (MS): PROPOSED DEVELOPMENT OF ERVEN 412 AND 284, GROENDAL, FRANSCHHOEK</p> <p>12TH COUNCIL MEETING: 2017-09-27: ITEM 10.2</p> <p>The Speaker allowed Cllr WC Petersen (Ms) put her Motion, duly seconded. After the Motion was motivated, the Speaker allowed debate on the matter.</p> <p>The matter was put to the vote, yielding a result of all in favour.</p> <p>RESOLVED (nem con)</p> <p>that an item be prepared for Council's consideration regarding the development of Erf 412 (high density housing) and retirement resort Erf 284 with or without frail care facility.</p> <p>(OFFICE OF THE MM TO ACTION)</p>	2017-09-27	PSMIT	5.00	A meeting has been scheduled with the Planning department to agree on the way forward. Councillor Pietersen undertook to schedule a public meeting to obtain input before starting of tender process.
552687	Draft ECD Policy	<p>7.1.1 DRAFT EARLY CHILDHOOD DEVELOPMENT POLICY</p> <p>13TH COUNCIL MEETING: 2017-10-25: ITEM 7.1.1</p> <p>RESOLVED (nem con)</p> <p>(a) that the draft Early Childhood Development Policy be approved, in principle; and</p> <p>(b) that the draft Early Childhood Development Policy be advertised for public comment.</p>	2017-10-25	MICHELLEB	50.00	Closing date for public comment 31 Jan 2018. Comments received through ECD Form meetings to be submitted to Council.

		whereafter same be resubmitted to Council for final consideration and approval. (Dir: Planning & Economic Development to action)				
559586	DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI	<p>7.5.2 DEVELOPMENT OF ZONE O AND THE HOUSING ALLOCATION CRITERIA FOR THE PHASE 2B AND 2C (277 SITES), WATERGANG, KAYAMANDI</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.2</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the block approach/method be implemented in Zone O (upper part next to Thubelisha) to effectively address the provision of new housing opportunities i.e. servicing of sites and construction of high density residential units;</p> <p>(b) that beneficiaries that were not allocated houses on the bottom part (access road) be allocated a site or Temporary Relocation Area units once (a) has been achieved and if there is any space available;</p> <p>(c) that, within the block approach non-qualifiers that earn R3 501 to R7 000 per month be allocated serviced sites in accordance with the Finance Linked Individual Subsidy Programme (FLISP);</p> <p>(d) that, within the block approach non-qualifiers (as prescribed by housing policy guidelines) that earn between R7 001 to R15 000 per month be allocated a serviced site at a cost equal to the amount as approved by Provincial Department of Human Settlement (PDoHS) for a serviced site in the project (Watergang Phase 2, Kayamandi);</p> <p>(e) that ±40 beneficiaries from Enkanini that are on the road reserve be allocated temporary housing units to enable the Municipality to implement the erf 2175 pilot project (i.e. electrification, sanitation, water);</p> <p>(f) that Temporary Relocation Area 1 residents who were not allocated units in 2005, that does not qualify for a housing subsidy also be allocated sites (±20 beneficiaries);</p> <p>(g) that the 10m road reserve be waived and the 8m road reserve be approved in order to create more housing opportunities;</p> <p>(h) that 10% of the Temporary Relocation Areas be reserved for emergency cases in accordance with Council's Emergency Housing Assistance Policy (EHAP);</p> <p>(i) that once the above process has been completed and should plots still be available in the Temporary Relocation Areas (TRA), beneficiaries are identified from Zone N that can be allocated sites in the TRA (only from the group that was placed there by the Municipality); and</p> <p>(j) that the parking requirements be amended from one (1) parking per housing unit to 0,6 average per housing unit.</p>	2017-11-29	TABISOM	40.00	Contractor currently on-site. Public participation progress will start on the latter of January 2018.

		(DIR: HUMAN SETTLEMENTS TO ACTION)				
559587	VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD	<p>7.5.3 VARIOUS ISSUES: VLOTTENBURG HOUSING PROJECTS: WAY FORWARD</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.3</p> <p>Cllr DA Hendrickse requested that it be minuted that, in his view, these recommendations are illegal.</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the Municipal Manager be mandated to conclude an agreement(s) with the new owner of Longlands regarding the development of the envisaged low-income housing project, either by way of a new Deed of Donation or by way of a Ceding Agreement(s); and</p> <p>(b) that the Municipal Manager be mandated to conclude agreements with the owner(s) of Remainder Farm 387 (Vredenheim) and Portion 2 of Farm 1307 (Ash Farmers) with the view of securing an access servitude(s) or the purchase/exchange of land for this purpose and/or land for additional housing.</p> <p>The following Councillors requested that their votes of dissent be minuted:</p> <p>Cllrs F Adams; DA Hendrickse and LK Horsband (Ms).</p>	2017-11-29	TABISOM	50.00	(a) Contract with new owner has been concluded; and (b) The Municipal Manager is currently in discussion of the owner/s of Vredenheim and Ash Farmers to secure an acceptable road for the various subsidized projects.
559589	APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES	<p>7.6.2 APPROVAL OF THE ELECTRICAL SERVICES BY-LAW AND ADMISSION OF GUILT FINES</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.2</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that the attached Draft Electrical Services By-law (2017) be approved and adopted by Council as the final Electrical Services By-Law;</p> <p>(c) that the Draft Electrical Services By-Law (2017), attached as Annexure A, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;</p> <p>(d) that the By-Law becomes active upon the date that it is published in the Western Cape Provincial Gazette; and</p> <p>(e) that the proposed set of Admission of Guilt Fines (Attached as Annexure B) be accepted as the fines to be sought from the Chief Magistrate for this By-Law.</p>	2017-11-29	SILVIAP	95.00	By Law promulgated on 30 Jan 2018. Fines submitted to Magistrate in February 2018

		(DIR: ENGINEERING SERVICES TO ACTION)				
559597	PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT	<p>7.6.5 PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.5</p> <p>In terms of Rule 28 of the Rules of Order By-law, Cllr F Adams submitted a written apology to the Speaker for his behavior earlier during the meeting. The Speaker read the apology and accepted Cllr F Adams's apology. Cllr F Adams was allowed to re-join the meeting again (at 14.30).</p> <p>RESOLVED (nem con)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that the Memorandum of Agreement (MOA) be noted;</p> <p>(c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and</p> <p>(d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-11-29	NOMBULELO M	95.00	<p>Updated report to Council at March 2018 meeting:</p> <p>Plan:</p> <ol style="list-style-type: none"> 1. Approval of costs and program end March 2018 2. Public Participation process in March 2018 3. Request NERSA to adjust licence in April 2018 4. Submit order to install metering end April 2018 5. Prepare financial data to take over May 2018 6. Due diligence June 2018 7. Take over on 1 July 2018 8. Pay Network cost to Drakenstein in July 2018
559598	PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM	<p>7.6.4 PROGRESS WITH THE PLANNING OF AN INTEGRATED PUBLIC TRANSPORT SERVICE NETWORK AND THE PROVINCIAL SUSTAINABLE TRANSPORT SYSTEM</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.4</p> <p>After two warnings during deliberations on the matter, the Speaker ordered Cllr F Adams to leave the Council Chamber (at 14:20) for violating Rule 27 of the Rules of Order By-law.</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that Council takes note of the Operational Business Plan for the proposed Integrated Public Transport Service Network (IPTN) as recommended in the Comprehensive Integrated Transport Program;</p> <p>(b) that the recommendations of the Integrated Public Transport Service Network (IPTN) not be adopted at this stage, but that Council wait for the findings of the Provincial Sustainable Transport Program before any public transport system is implemented; and</p> <p>(c) that Council takes note of the progress made with the Provincial Sustainable</p>	2017-11-29	HEADT	50.00	Still await the findings of the Provincial Sustainable Transport Programme.

		<p>Transport Program (PSTP).</p> <p>(DIR: ENGINEERING SERVICES TO ACTION)</p>				
559599	7.6.3 FUNDING OF TECHNO DRIVE	<p>7.6.3 FUNDING FOR THE CONSTRUCTION OF THE UPGRADE OF TECHNO AVENUE, TECHNO PARK</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.3</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the content of this report be noted;</p> <p>(b) that Council approves, in principle, that the development and construction of the Techno Park Entrance capacity enlargement be done by the Capitec Head Office Developer and that associated funding be supplied by the Developer;</p> <p>(c) that the refunding conditions be negotiated with the Developer and that the final Agreement be brought back to Council for debate and a final resolution upon which the commitment of Council will become firm; and</p> <p>(d) that the Municipal Manager be delegated to employ a legal service provider to negotiate such funding and repayment conditions, if necessary.</p> <p>Councillors F Adams and DA Hendrickse requested that their votes of dissent be minuted.</p> <p>(DIRECTOR: ENGINEERING SERVICES TO ACTION)</p>	2017-11-29	SILVIAP	75.00	<p>In process</p> <p>Planning approval delayed. Funding not needed in 2017/18 financial year. Funding to obtained from 2018/19 financial year</p>
559624	STELLENBOSCH MUNICIPALITY PROBLEM PROPERTIES DRAFT BY- LAW, AUGUST 2017	<p>8.3.3 STELLENBOSCH MUNICIPALITY PROBLEM PROPERTIES DRAFT BY-LAW, AUGUST 2017</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 8.3.3</p> <p>RESOLVED (nem con)</p> <p>(a) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be approved, in principle;</p> <p>(b) that the draft By-law on Problem Properties for Stellenbosch Municipality, August 2017, be advertised for public comment for 90 days where after same be resubmitted to Council for final consideration and subsequent approval; and</p> <p>(c) that the reference to the properties referred to in the agenda item under point 4 be removed from the item.</p>	2017-11-29	HEDRED	15.00	<p>Advert for publication of the Draft By-law for public comment is being drafted.</p>

		(DIR: PLANNING & ECON DEV TO ACTION)				
559653	KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS	<p>8.3.2 KAYAMANDI: LAND FOR RELOCATION OF SURPLUS HOUSEHOLDS</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 8.3.2</p> <p>RESOLVED (majority vote)</p> <p>that the Municipal Manager be authorised to investigate / negotiate the acquisition of land, which may include land swops, land purchase and /or the early termination of lease agreements on Council-owned property in the area (lease areas), to be approved by Council before implementation.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>	2017-11-29	TABISOM	10.00	"Engagements have started with owners of land abutting Kayamandi. Actual negotiations will ensue in the months of January and February 2018".
568279	QUO VADIS: MILLSTREAM CORRIDOR	<p>12.1 QUO VADIS: MILLSTREAM CORRIDOR</p> <p>15TH COUNCIL MEETING: 2018-01-24: ITEM 12.1</p> <p>The Municipal Manager submitted an Urgent matter, Millstream Corridor to Council as provided for in Council's Rules of Order By-Law. Councillor MB De Wet disclosed an interest in the matter and requested to be recused for the duration of the discussion. The Speaker allowed the Executive Mayor to put the matter. Cllr F Adams objected to the urgency of the matter and requested that this matter stands over to allow Councillors an opportunity to peruse the document handed out in the meeting.</p> <p>RESOLVED (nem con)</p> <p>that this matter stand over until a next meeting of Council.</p> <p>(DIR: HUMAN SETTLEMENTS TO ACTION)</p>	2018-01-24	TABISOM	100.00	Submitted to Council agenda.
559971	PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN	<p>PROPOSED DISPOSAL (THROUGH A LAND AVAILABILITY AGREEMENT) OF MUNICIPAL LAND, A PORTION OF PORTION 4 OF FARM NO 527 AND A PORTION OF THE REMAINDER OF FARM 527, BOTH LOCATED IN JAMESTOWN, STELLENBOSCH AND THE APPOINTMENT OF A TURNKEY DEVELOPER IN ORDER TO FACILITATE THE DELIVERY OF STATE SUBSIDIZED HOUSING UNITS, SERVICED SITES FOR AFFORDABLE HOUSING UNITS, GAP HOUSING UNITS AND HIGH INCOME HOUSING UNITS</p> <p>14TH COUNCIL MEETING: 2017-11-29: ITEM 7.5.1</p> <p>RESOLVED (majority vote with abstentions)</p> <p>(a) that the land parcels listed in paragraph 1.(i) and indicated in Figure 12 be identified as land not needed by Stellenbosch Municipality to provide the minimum level of services; and</p> <p>(b) that the Municipal Manager be authorized to initiate a Call for Proposals process with</p>	2017-11-29	TABISOM	40.00	<p>(a) Noted.</p> <p>(b) The departments Property Management and New Housing is currently preparing a draft Proposal Call for the appointment for a turn-key developer;</p>

	ORDER TO F	minimum requirements as determined through preliminary investigations to be completed by the administration. Cllrs DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted. (DIR: HUMAN SETTLEMENTS TO ACTION)				
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7.	CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))
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7.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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NONE

7.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

7.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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7.3.1	IDENTIFICATION OF LAND FOR EMERGENCY HOUSING
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

D496

Mayco Meeting - 2018-02-14

1. SUBJECT: IDENTIFICATION OF LAND FOR EMERGENCY HOUSING

2. PURPOSE

A report identifying land for emergency housing served before Council on 2017-10-25: ITEM 7.3.2. The item is attached for reference purposes as **APPENDIX 1**.

At the meeting it was resolved to arrange for a special workshop to discuss the issues contained in the report.

The purpose of this report is to provide feedback of the workshop, to resubmit the agenda item as per paragraph (c) of the decision and to propose a way forward.

3. DELEGATED AUTHORITY

Municipal Council.

4. EXECUTIVE SUMMARY:

WORKSHOP RE EMERGENCY HOUSING

Council resolved at the meeting of 2017-10-25: ITEM 7.3.2

- (a) that in order to understand and agree on the uncertainties (as listed in paragraph 7 of the report), it is proposed that a workshop be held amongst the relevant municipal directorates and Ward Councillors, to:

-
- (i) discuss, agree and formulate a response to the questions listed in paragraph 7;
 - (ii) determine criteria for the selection of suitable emergency housing sites;
 - (b) That the Director: Planning & Economic Development be mandated to coordinate the aforementioned workshop; and
 - (c) That after the workshop envisaged in (a) above, the item be resubmitted to Council for consideration.

Subsequent to the above resolution a workshop was held on Monday 13 November 2017 in Council Chambers. At the workshop it was agreed that councillors, and particularly ward councillors, will identify suitable land for emergency housing within their wards and that the land so identified will be brought under the attention in writing to the Speaker within 14 days of the workshop.

No proposal was received during this period or since the workshop. Hence no new land for emergency housing was included in this report.

5. RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-02-14: ITEM 5.3.2

RESOLVED

That it be recommended to Council:

- (a) that the land identified in the report attached as **APPENDIX 1** be included for emergency housing purposes in the Municipal Spatial Development Framework (MSDF);
- (b) that the Directorate: Planning and Economic Development continues with the process to determine the magnitude of, and need for, emergency housing and subsequently the extent of land required to provide an adequate response to emergency housing;
- (c) that other possible appropriate sites also be included in the Municipal Spatial Development Framework (MSDF); and
- (d) that Klapmuts and any other possible areas be investigated as to its suitability and availability for emergency housing, and that zoning be prepared if found suitable and available for the above purposes.

6. DISCUSSION / CONTENTS

6.1 FINANCIAL IMPLICATIONS

Obtaining the appropriate land use rights for identified land will have a financial impact as the land has to be rezoned and serviced to an agreeable standard. Depending on the size, location and state of the land identified, this process will entail obtaining environmental and/or heritage authorization and vigorous public participation.

No funds are currently available to undertake such applications. Financial implications will need to be dealt with in the upcoming financial cycle.

6.2 LEGAL IMPLICATIONS

The municipality is under an obligation to provide housing opportunities for the community and particularly to address emergency housing needs.

Planning legislation makes provision for a local authority to rezone and service land for the required use. The Spatial Planning and Land Use Management Act prescribe the legal process to be followed in order to obtain the appropriate land use rights which Council will have to adhere to during the process.

6.3 CONCLUSION

Dealing with emergency housing effectively is complex and difficult due to conflicting and often incommensurable development imperatives required of local governments grappling with addressing the emergency needs (of mostly poor people) and the long-term development of sustainable human settlements. The responsibility to build efficient and investment-friendly cities and to address other very relevant developmental concerns may result in a lack of alignment of urban policy.

Including and integrating emergency housing as part of the Spatial Development Framework will go a long way to achieve a proactive approach to providing such assistance.

However, to enable the inclusion of emergency housing and in order to make it an integral part of urban policy it is necessary to fully understand what constitutes “emergency housing” and what the response of the municipality should be planning for it. Agreement amongst all role-players, including the broader community, is essential to obtain a focused approach in dealing with the matter once and for all.

7. ANNEXURES

Appendix 1: Identification of land for Emergency Housing Assistance Policy:
ITEM 7.3.2, 2017-10-25

Appendix 1

IDENTIFICATION OF LAND FOR
EMERGENCY HOUSING: ITEM 7.3.2,
2017-10-25

7.3.2	IDENTIFICATION OF LAND FOR EMERGENCY HOUSING: PHASE 1
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1. PURPOSE OF REPORT

To inform Council on the processes followed to date with the identification of land for emergency housing in the WC024 municipal area; to propose a way forward to finalise the process for identifying appropriate land; and to gain authorisation for a workshop with Council regarding the matter.

2. BACKGROUND

Evictions in terms of the Extension of Security of Tenure Act, No. 62 of 1997 (ESTA) and other relevant legislation have increased over the past few years. Stellenbosch Municipality has received a significant number of notices for eviction. Council has a constitutional obligation to provide temporary relief to people in urban and rural areas who find themselves in emergency situations.

As was recently evident from the devastating fires in the Southern Cape and flooding on the Cape Peninsula it is clear that the term “emergency housing” does not relate only to evictions of the poor in communities, but a variety of mostly unforeseen incidents can create an unplanned need for emergency housing. It is predicted that climate change will contribute to a significant increase in the likelihood that disasters such as veld fires, flooding, droughts, tornadoes, hailstorms, extreme heat etc. will occur more frequently and potentially with greater vigour.

For the municipality to be in a position to render assistance effectively it has to plan for such eventualities (proactive) and be ready to assist once the need was identified (reactive). At the moment appropriate located land, zoned correctly and serviced to an acceptable standard is lacking and hampers the process of assisting those in need speedily. Notwithstanding the aforementioned the municipality, when and where possible, should seek to take preventative measures and should avoid using policies indiscriminately or in a manner that may incentivise negligence.

Section 26 (1) and (2) of the Constitution of the Republic of South Africa, (Act 108 of 1996) compels the municipality to provide for adequate housing or take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the right to have access to adequate housing.

13TH COUNCIL MEETING: 2017-10-25: ITEM 7.3.2**RESOLVED** (majority vote)

- (a) that in order to understand and agree on the uncertainties (as listed in paragraph 7 of the report), it is proposed that a workshop be held amongst the relevant municipal directorates and Ward Councillors, to:
- (i) discuss, agree and formulate a response to the questions listed in paragraph 7;
 - (ii) determine criteria for the selection of suitable emergency housing sites;

- (b) that the Director: Planning & Economic Development be mandated to coordinate the aforementioned workshop; and
- (c) that after the workshop envisaged in (a) above, the item be resubmitted to Council for consideration.

Councillor F Adams requested that his vote of dissent be minuted.

Meeting:	13 th Council: 2017-10-25	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	17/P/4 & 17/4/3	Author:	Manager: Spatial Planning
Collab:	544596	Referred from:	Mayco:2017-10-11

APPENDIX 1

STELLENBOSCH MUNICIPALITY REVISED EMERGENCY HOUSING ASSISTANCE POLICY
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1. INTRODUCTION

The Municipality recognises that it has a shared obligation in terms of, among others, section 26(2) of the Constitution of the Republic of South Africa, 1996, Act 108 of 1996 (the Constitution) to take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right to have access to adequate housing.

The Municipality further recognises its shared obligation to assist persons who are destitute, in desperate need and crisis situations.

In fulfilment of these obligations the Municipality must endeavour to have a coherent program or policy in place within its available resources to assist persons who are destitute, in desperate need and crisis situations.

This Policy is implemented in furtherance and fulfilment of the Municipality's shared obligations in terms of the Constitution, other relevant legislation, related statutory instruments and case law to provide temporary assistance to persons who are destitute and in desperate need and/or crisis situations and to lay down guidelines in this regard.

The principles outlined in this Policy will be incorporated into the housing strategy/plan of the Municipality.

The Municipality in terms of this Policy aims to express itself on only emergency housing assistance which is a facet of the Housing Plan of Stellenbosch Municipal Council. It is thus clear that this policy of the National Housing Code only governs provision of housing in emergency circumstances described in Chapter 12, which is not tantamount to the progressive realisation of housing for all inhabitants.

2. AIMS OF THE POLICY

This Policy seeks to establish a basis for the implementation of all relevant and applicable legislation case law and statutory instruments which is utilised in the decision making process on the provision of emergency housing.

The aim is to provide temporary aid and assistance in the form of basic municipal engineering services and/or shelter in emergency situations as elaborated upon hereunder to persons who are destitute and in desperate need and/or crisis situations.

Note that the provision of this type of assistance does not detract from the municipality's overall objectives in terms of section 26 of the "Constitution," and does not promote queue jumping in that the provision of this type of temporary assistance is limited to emergencies.

3. DEFINITIONS

In this Policy, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings¹:

- | | |
|---|--|
| 3.1 Basic municipal engineering services | Limited to potable water services, sanitation services, access roads and open lined storm water systems provided on a shared base in a dense settlement pattern; |
| 3.2 Beneficiaries / Victims | Persons who are resident in the jurisdiction of the municipality and find themselves in an emergency and who are desperately poor, homeless and unable to address their housing emergency from own resources or from other resources such as willing relatives or friends; |
| 3.3 Budget | The allocation of funds for emergency housing in any given financial year. These funds may differ from year to year; |
| 3.4 Emergency sites | Pieces of land in municipal ownership identified by Council from time to time for the provision of emergency housing. |
| 3.5 Emergency / Disaster | Disaster as contemplated under the Disaster Management Act (57 of 2002); Emergency as contemplated under the Disaster Management Act and called by the Disaster Management Department of Stellenbosch Municipality; |

¹ All definitions obtained and where necessary modified from WordWeb <http://wordweb.info/free/>

3.6 Eviction / (Orders)	An order granted by competent Court for an eviction. This document distinguishes between a formal eviction and an informal eviction, as explained in clause 3.9 and 3.10 hereunder;
3.7 Evictee	Person expelled or ejected without recourse to legal process or forced to move out by a legal process;
3.8 Evictor	Person expelling or ejecting another without recourse to legal process or forces another to move out by a legal process;
3.9 Formal eviction	Eviction in accordance with an eviction order from a competent Court;
3.10 Informal eviction	Persons are put out on the street without any Court proceedings or a judgement or an eviction order from a competent Court. (These evictions usually occur over weekends or at night)
3.11 Informal dwelling²	A structure that is constructed with wood, iron, plastic or a combination of these materials, which does not meet the standards of safety in building and does not comply with the National Building Regulations. These structures can be found in backyards or in informal settlements;
3.12 Municipality	Stellenbosch Municipality;
3.13 Meaningful engagement	Municipality and representatives from both parties in the eviction matter negotiate the terms under

² Modified. Original defn available at www.capetown.gov.za/eu/stats/documents/informal%20Dwellings.htm. Accessed 8 March 2016

	which the court judgement must be executed;
3.14 Mediation	The act of intervening for the purpose of bringing about a settlement.
3.15 Policy	The policy set out in this document as amended from time to time;
3.16 Prescribed form	The application form/affidavit attached to this Policy for emergency housing assistance APPENDIX 1 ;
3.17 Professionally declared	The professional opinion and recommendation of a consultant or an official of Council who specialise in that field of expertise;
3.18 Relocation	The removal of people by the municipality from their place of residence to a suitable location in accordance with the prescribe(s) of various Court judgements;
3.19 Report(s) to Court	Municipality prepares a report for Court setting out the terms for meaningful engagement / mediation and/or the provision of alternative accommodation;
3.20 Settlement Agreement	Settlement Agreement is the agreement reached between the parties and is submitted as part of the Court proceedings;
3.21 "Surprise" Eviction	Where the evictee fails to inform the Municipality timeously of a formal eviction or when an informal eviction occurs over night or during a weekend without prior knowledge by the Municipality of said eviction;
3.22 Temporary Relocation Area	An area identified by Council where the persons affected by emergencies can be

accommodated on a temporary basis.

In this Policy words importing the masculine gender include the feminine and neuter genders and *vice versa*; the singular includes the plural and *vice versa*; and natural persons include artificial persons and *vice versa*.

4. SCOPE, APPLICATION AND CRITERIA

This Policy will only apply to persons who are destitute and who find themselves in desperate need and/or crisis situations, such situations being referred to and defined below as “Emergencies”, and only these persons will qualify for temporary emergency housing assistance (TEPA) under this Policy.

In the event of persons facing eviction, an eviction order must first be obtained from a competent Court before such persons will be assisted under this Policy.

The purpose of this Policy is ***not to***:

- assist landowners, in the absence of legal eviction proceedings, with the provision of alternative accommodation for occupiers of their properties;
- provide alternative accommodation to occupiers where such responsibility is on the landowners;
- Promote or foster queue-jumping by persons not listed on the Municipality's ordinary waiting list for housing.

Assistance provided under this Policy will only be of a temporary nature, and is not intended to provide a permanent solution and should not be considered as such.

4.1 Emergencies

An emergency exists when the Municipality, after application by the affected persons on the prescribed form, has confirmed that the persons affected qualify as a “Beneficiary”. Table 1 (below) is a non-exhaustive list of possible categories of emergency.

Table 1: Categories of Emergency

Categories of Emergency		Competent Authority / Department / Directorate
4.1.1	Destitute and homeless as a result of a declared state of disaster , where assistance is required, including cases where initial remedial measures have been taken in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002) by government, to alleviate the immediate crisis situation;	1. Disaster Management
4.1.2	Destitute and homeless as a result of a situation which is not declared as a disaster / emergency, but destitution is caused by extraordinary occurrences such as floods, strong winds, severe rainstorms and/or hail, snow, devastating fires, earthquakes and/or sinkholes or large disastrous industrial incidents;	2. Disaster Management
4.1.3	Or live in professionally declared dangerous conditions such as on land being prone to dangerous flooding, or land which is dolomitic, undermined at shallow depth, or prone to sinkholes or an a landfill site;	1. Planning & Economic Development 2. Engineering Services
4.1.4	Or live in the way of engineering services or proposed services such as those for water, sewerage, power, roads or railways, or in reserves established for any such purposes;	1. Engineering Services
4.1.5	Or are legally evicted or threatened with imminent eviction in accordance with a final eviction order from a competent Court from land or from unsafe buildings, or are in unsafe situations where based on professional advice warrants proactive steps ought to be taken to forestall such consequences;	1. Human Settlements in consultation with Legal Services
4.1.6	Or whose homes are demolished , or who are in situations where proactive steps ought to be taken to forestall such consequences;	1. Planning & Economic Development 2. Disaster Management 3. Law Enforcement
4.1.7	Or are displaced or threatened with imminent displacements as a result	1. Law Enforcement 2. Disaster Management

	of a state of civil conflict or unrest, or are in situations where pro-active steps ought to be taken to forestall such consequences;	3. Planning & Economic Development 4. Human Settlements in consultation with Legal Services
4.1.8	Or live in professionally declared conditions that pose immediate threats to life, health and safety and require emergency assistance; or	1. Engineering Services 2. Planning & Economic Development 3. Disaster Management

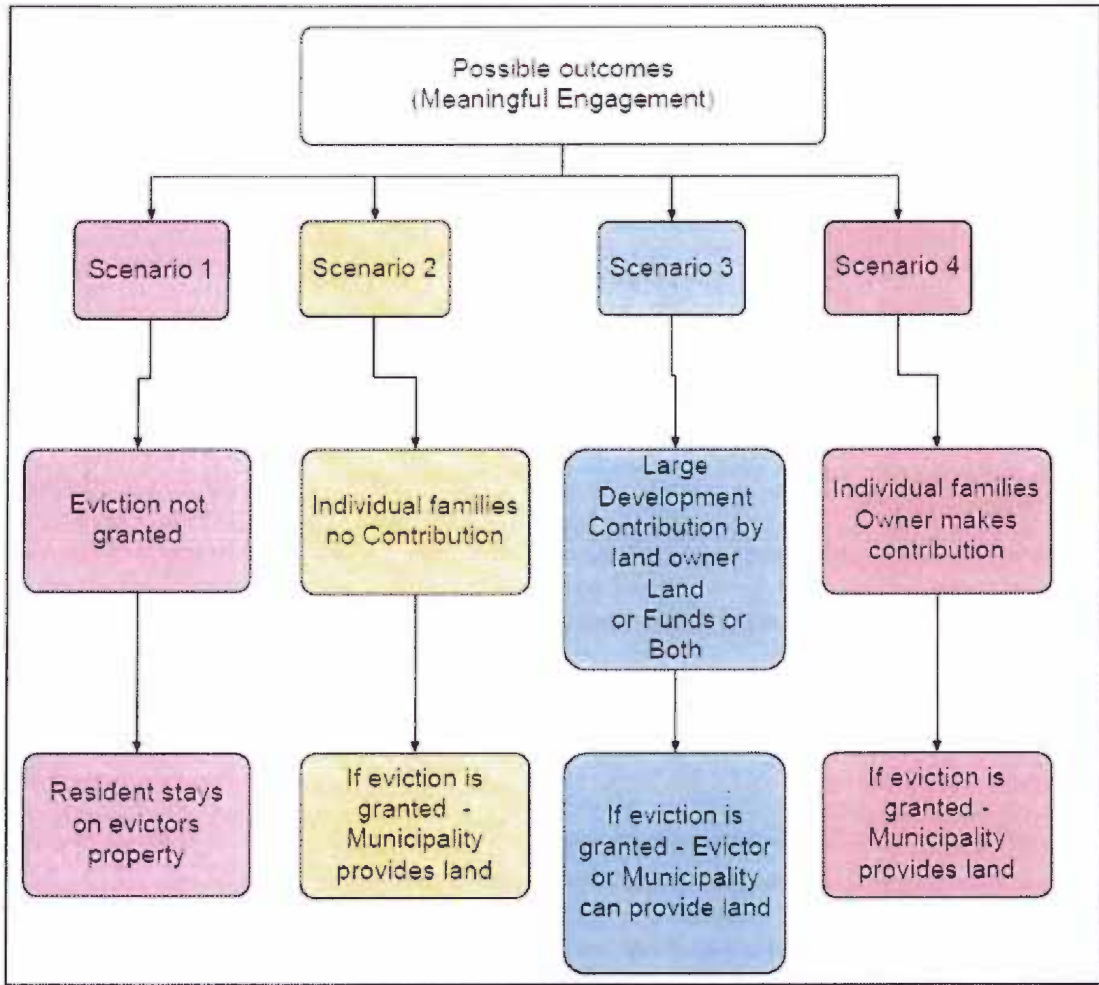
4.2 Meaningful engagement

The process of meaningful engagement was developed over time by various Court judgments to ensure that Municipalities are involved in the eviction process from an early stage. Therefore the purpose of the meaningful engagement process is to reduce the number of incidences where the municipality is "surprised" by a formal or informal eviction.

Effectively all parties negotiate the terms under which an eviction can occur and these terms eventually becomes the order of the court. In accordance with this process 4 scenarios are investigated, discussed and negotiated. The outcome of the meaningful engagement process becomes the order of the court.

Fig 1: Meaningful Engagement (scenarios)

5.



5. FUNDING / BUDGET

- 5.1 The Municipality recognises that it has a shared obligation, within its available resources, to implement this Policy and will, within its available resources and insofar as is possible, assist those persons who require immediate assistance, in terms of this policy.
- 5.2 The Municipality will also apply for any/all possible funding available from outside sources.
- 5.3 An emergency revolving fund will be established in which all funds including funds obtained from the relevant National/Provincial department in terms of the relevant application; funds from other sources of the Municipality as well as external funding contributions received will be deposited in order to address the objectives of this Policy.

6. CATEGORIES OF ASSISTANCE

Once an emergency has been declared by the relevant authority / Department / Directorate the Municipality provides various types and levels of assistance. Table 2 hereunder provides a non-exhaustive list of assistance. The list is compiled from observations by the ISD of assistance over the last 5 years.

Table 2: Categories of Assistance

Circumstance (category of emergency)	Type of assistance		By Whom / order of ascendance (delegation)	Example	
	Emergency Kit	Materials			
Minimal structural damage (at most)	Emergency Kit	Materials	1. Disaster Management	Vehicle accidents all areas ³	Fire / Flood
Declared Emergency by Disaster Management Department in accordance with the Disaster Management Act	Enhanced Emergency Kit Refer also clause 6.1 to clause 6.4 hereunder	Materials	1. Disaster Management 2. JOC 3. Council	Langrug Fire	Fire
Total destruction of structure					
Eviction Order	Wendy House	3x3, 6x3 or 9x3 structure, depending on family size Note: 3 x 3 for single or couples with no dependents 3 x 6 families up to and including 5 individuals 3 x 9 families up to and including 10 individuals Specifications determined from time to time.	1. Human Settlements in consultation with Legal Services 2. MM 3. Council	Kreefgat, Jamestown Zone A, Kayamandi Landfill	Fire Fire Eviction order
Relocation by Municipality	Wendy House	3x3, 6x3 or 9x3 structure, depending on family size Note: 3 x 3 for single or couples with no dependents 3 x 6 families up to and including 5 individuals 3 x 9 families up to and including 10 individuals	1. JOC 2. Council 3. Legal Section	Kreefgat / 7de Laan, Jamestown Zone A, Kayamandi Landfill	Fire Fire Eviction order

³ Taxists on a regular basis drive into informal structures

		Specifications determined from time to time.			
Evicted over weekend or at night	Community Halls		1. Disaster Management 2. Law Enforcement 3. Council		

The level of assistance by the municipality depends on various cases highlighted above and elaborated in above mentioned table.

The various categories of assistance provided under this Policy depend on the specific circumstances and are dictated by the specific situation, as the case may be. The various categories are the following:

6.1 Accommodation kept in reserve for possible disasters / emergencies

- This entails the accommodation of persons in community halls or other buildings designated for this purpose as a temporary measure.

6.2 Temporary accommodation that is readily available

- This entails the temporary accommodation of persons at any place as decided by Council from time to time.
- Persons assisted will be provided with a temporary residential unit of a dignified nature and have access to services, which may be communal.

6.3 Transitional accommodation

- This form of accommodation will be established under the relevant housing programme of national and provincial government by setting aside a minimum of 10% of the total number of sites for formal housing in human settlement projects, as identified and earmarked by the Municipality from time to time, or sites identified by the Municipality for emergency accommodation and applying for funding in this regard, depending on the need that may exist.
- Persons assisted will be provided with a structure that meets the requirements of the relevant chapter of the National Housing Code and have access to services, which may be communal.

6.4 Shelters

- This entails the temporary accommodation of persons at one of the shelters operated or funded by the Municipality; as showed in the above mentioned table.

It is in the discretion of the Municipality to determine which categories of assistance apply to specific persons and which category of assistance to use in a specific situation, depending on, and with reference and having regard to, the specific circumstances of particular persons.

The assistance is only of a temporary nature and should not be considered as a permanent measure

The Municipality can and reserves the right to, in its discretion, temporarily move persons to another suitable site.

Any person assisted under this Policy will be required to enter into an agreement with the Municipality in order to regulate the terms and conditions of such person's accommodation, in particular the temporary nature thereof and any ancillary and/or related obligations.

7. **SHORT TITLE AND COMMENCEMENT**

This policy is the only document of Council/Municipality that regulates Emergency Housing needs and shall be called **Emergency Housing Assistance Policy (EHAP)** and shall come into operation on the date of the final adoption by Council.

APPENDIX 2

Item 5 – Properties Identified for Possible Emergency Housing

1. Erf 6887, Stellenbosch (Cloetesville) & Abutting Road Reserve - undeveloped



2. Erf 2, La Motte - undeveloped



3. Farm No. 1024/3, Paarl Division (Wemmershoek) - undeveloped



4. Erf 2183, Klappmuts – partially occupied





6. Farm 1006, Paarl Division (Meerlust) – state land under transfer.



7. Jamestown (Farm 527, Stellenbosch) – partially developed.



8. Erf 6301, Stellenbosch (Cloetesville) - undeveloped





10. Koelenhof (Farm No. 66/9, 74/3, 74/23, Stellenbosch) – private land which is partially developed since



11. Vlottenburg (Farms 393/11, 1307/2 & 1307, Stellenbosch) – approved for but not yet developed private land



12. Lynedoch (Farm 468/28, Stellenbosch) – undeveloped private land





14. Devon Valley, Vredenburg Road sites (Farm 183, Stellenbosch) – undeveloped but not suitable due to safety concerns.



15. Vredenburg Farm (Farms 281, 281 & 283/8, Stellenbosch) – undeveloped state land



16. Raithby (Farm 616, Erf 151, 154) – partially developed private land.



17. Franschhoek (Langrug's existing informal residential areas was identified) – fully occupied.



18. Kaya Mandi (Farm 182 & 183, Stellenbosch) – partially developed.





20. Farm 527, Stellenbosch (Jamestown) – partially developed.



APPENDIX 3

Appendix 3

Comments from the Department Human Settlements & Property Management:

FURTHER COMMENTS

1. The item should also draw Council's attention to the temporary structures which are needed to relocate families in these proposed developments. The material used should be of a more durable nature e.g. Nu-tec and Council should budget for this.
2. The item should also (if possible) provide a comment on the availability of electricity in these areas.

POSSIBLE DISCUSSION POINTS

- 1.1 Access to electricity in these areas;
- 1.2 The leasing of these properties (rental agreements);
- 1.3 Water saving methods (pre-paid water meters, water tanks, etc.).

7.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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7.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR JANUARY 2018
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1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2017/2018 to report the deviations to Council.

2. DISCUSSION

Reporting the deviation as approved by the Accounting Officer January 2018. The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACTOR	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE R
D/SM 29/18	15/01/2018	WREV Construction	Repairs to electrical fence at Klappmuts 1 pump station	1. Emergency 2. Exceptional case and it is impractical or impossible to follow the official procurement process	R 12 000.00
D/SM 27/18	19/01/2018	Mindspring	Additional software licences for managed engine active directory self-service desk plus	Exceptional case and it is impractical to follow the official procurement processes	R 491 601.00 (VAT INCL)

3. LEGAL IMPLICATION

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may allow the accounting officer—

- (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 - (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
- (iv) acquisition of animals for zoos; or
- (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of sub regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

4. FINANCIAL IMPLICATION

Not required

5. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

Not required

6. RECOMMENDATION

MAYORAL COMMITTEE MEETING: 2018-02-14: ITEM 5.4.1

RESOLVED

That it be recommended to Council:

that Council notes the deviations as listed above.

7.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOUBE)
7.5.1	PROPOSED POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY

1. PURPOSE OF REPORT

To consider the Draft Policy on the Management of Stellenbosch Municipality's Immovable Property.

2. BACKGROUND

2.1 Approval of Draft Policy

On 2016-06-15 Council considered the Draft Policy on the Management of Stellenbosch Municipality. Having considered the report, Council resolved as follows:

RESOLVED (nem con)

“(a) that Council approves the attached updated Draft Policy on the Management of Stellenbosch Municipality's Immovable Property as a draft policy; and

(b) that the Draft Policy be advertised for a further round of public participation”.

2.2 Notice calling for inputs/objections

Following the above resolution, an official notice was published in the Eikestad News of 15 June 2017, a copy of which is attached as **APPENDIX 1**. In terms hereof the public had until 6 July 2017 to submit written communication, objections or representative in connection with the proposed policy.

At the closing date **no such comments, objections or representation were received.**

3 DISCUSSIONS

3.1 Inputs received from Webber Wentzel

During this period, however, a so-called Memorandum/Discussion document was received from Webber Wentzel, as a follow-up on their previous legal inputs received during June 2016, a copy of which is attached as **APPENDIX 2**.

Most of the comments and/or remarks are of a **technical nature**. As far as possible these comments and or remarks were incorporated into the draft Policy, shown as track changes on **APPENDIX 3**.

4. RECOMMENDATION**MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.5.1**

During deliberations on the matter, it was requested that Appendix 3 (Policy with track changes), be removed before submission to Council and that Appendix 4 be replaced with the latest Draft Policy as amended.

RESOLVED**That it be recommended to Council:**

that the Draft Policy on the Management of Stellenbosch Municipality's Immoveable Property, hereto attached as **APPENDIX 3** as amended, be approved with immediate effect.

APPENDIX 1



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

OFFICIAL NOTICE

PROPOSED ADOPTION OF POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY

Notice is hereby given in terms of Section 21 of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) that Stellenbosch Municipality intends to adopt a Policy on the Management of Stellenbosch Municipality's Immovable Property.

Full particulars of the proposed policy are available for inspection during normal office hours at the Office of the Manager: Property Management, 3rd floor, Oude Bloemhof Building (ABSA) at the corner of Plein-and Rhyneveld streets, Stellenbosch.

Comments, objections and representations in connection with the proposed policy, if any, must be lodged with the undersigned in writing by not later than 6 July 2017.

Any person needing assistance in the regard may, during normal office hours, approach the Property Management Department for assistance with the lodging of comments, objections or representation.

Enquiries in connection with the proposed policy may be directed to the Manager: Property Management at:

- e-mail from piet.smit@stellenbosch.gov.za
- PO Box 17, Stellenbosch, 7599
- Tel: 021-8088189
- Cell: 0845065065

Municipal Manager
GERALDINE METTLER

Date: 15 June 2017

RUBBER

• Blocked Drains
• Water Installations

...our Jeugdag - 10, 11

2017 | Prys R6,50



e 2017

GEKLASSIFISEERD 31 31 22 Eikestadnuus

Eikestad NUIS
Skakel 021 887 2840

**Betrekings
Kennisgewings
Boedels Veilings**



Established civil construction company offers the following short term position for the following project for Western Cape Government Transport and Public Works:
C921: The upgrading of DR 1050 (Annandale Road) km 0.00 to km 7.33 In the Stellenbosch area.

COMMUNITY LIAISON OFFICER (CLO)

Main duties:

- * Keep the local community informed on the progress of the project *
- * Keep the Contractor informed on relevant Community affairs *
- * Manage the recruitment of workers from local community *
- * Assist the Contractor's supervisory staff managing the workers *

Closing date for applications: 19 June 2017

Email CV to jacques@baseline.co.za or deliver to Baseline Site Offices
cnr of Annandale Road and Baden Powell Drive
(opposite Lynedoch train Station)



STELLENBOSCH
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OFFICIAL NOTICE

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- E-mail: piet.smit@stellenbosch.gov.za
- PO Box 17, Stellenbosch, 7599
- Tel: 021 808 8189
- Cell: 084 506 5065

Municipal Manager
GERALDINE METTLER

Date: 15 June 2017

Handwritten notes: 1 L 5 8, [Signature]



STELLENBOSCH

APPENDIX 2

MEMORANDUM (FOR DISCUSSION PURPOSES)

Discussion document: Comments/remarks in respect of Proposed Policy on the Management of Stellenbosch Municipality's Immovable Property ("the Policy")

1. Introductory observations

- 1.1 There appears to be various discrepancies between the documents now received and prior documents, however, for purposes of consideration of the Policy and on the basis that the Policy in its amended form will be re-advertised, it is not necessary to elaborate on this for present purposes.
- 1.2 Kindly note that our comment and/or remarks in this document are not exhaustive and further comments may follow at a later stage, should it be necessary.

2. The Policy

- 2.1 The following issues are highlighted with regard to the Policy itself and require further discussion and/or instructions and/or deliberation.

REFERENCE IN POLICY	COMMENT / REMARKS
<p>1. DEFINITIONS</p> <p>(in general - amend to ensure that references to legislation are</p>	<ul style="list-style-type: none"> change heading of definitions to <i>interpretation</i> "agricultural allotments": We were instructed that agricultural land is already dealt with in a

uniform)	<p>separate policy. Should this not be deleted?</p> <ul style="list-style-type: none"> • definitions of "competitive bidding process" and "disposal" too narrow - it should be reviewed with reference to Municipal Supply Chain Management Regulations ("SCM Regulations") and the Asset Transfer Regulations ("ATR") • "EIA": Insert "an" before Environmental Impact Assessment: - reference to Government Notice 543 of 2010 is outdated as current Environmental Impact Assessment Regulations are in terms of Government Notice 982 of 2014 - propose to amend to <i>EIA in terms of NEMA and its regulations as amended from time to time</i> • "emergency": definition to be considered, appears wider than that in Supply Chain Management ("SCM") Policy of Municipality • "fair market value": Proposed that ATR's definition be used: <i>[although issues relating to costs it does not necessarily imply that a full independent valuation have to be obtained in order to determine fair market value as envisaged in ATR]</i> <ul style="list-style-type: none"> ○ "Fair market value" in relation to a capital asset means the value at which a knowledgeable willing buyer would buy and a knowledgeable willing seller would sell the capital asset in an arm's length transaction ○ Regulation 5(4) and (5) of the ATR deals
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	<p>with different valuation methods etc in order to arrive at fair market value so no need to have different valuations in the Policy or different definitions of market value</p> <ul style="list-style-type: none"> • "IDP": Add <i>as amended from time to time</i> • "Income tax act": Correct references to Income Tax Act 58 of 1962 • "lease": definition should be refined - the term "land availability agreement" referred to in this definition is not defined in the Policy • "Local Black People": Reference to B-BBEE Act should be corrected to reflect correct year (2003) and the definition should be reviewed. <ul style="list-style-type: none"> ○ should a minimum time period for residence in Stellenbosch area not be inserted so as to assure that residents are advantaged? ○ replace "normally" with "ordinarily", delete "Stellenbosch" and insert "the" as the Municipality is already defined • "municipal land audit" Is the municipal land audit still relevant or rather is the data still up to date? • "Non-Significant Property Right": definition of non-significant property right correlates with ATR but it needs to be considered whether it is really necessary to have different definitions or terms
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	<p>than those in ATR?</p> <ul style="list-style-type: none"> • "official": review this definition as it appears to be similar to the definition in the Local Government: Municipal Finance Management Act 56 of 2003 ("MFMA") but then includes the definition again by way of reference • "public street": Definition of "public street" by and large that of Municipal Ordinance 20 of 1974 ("the Ordinance")¹ • "real rights": Would it not be possible and/or better to include "real right" in "property right" definition? • "SCM policy": insert '<i>and amended</i>' before '<i>from time to time</i>' • 1.2: insert '<i>and phrases</i>' after words
<p>2. SCOPE AND PURPOSE</p>	<ul style="list-style-type: none"> • Should the administration of the supply chain process not be done by SCM and included in the SCM Policy? (2.2) • Consider expansion of criteria in 2.3 with

¹ "**public street**" means —

(a) any street which has at any time been —

- (i) dedicated to the public;
- (ii) used without interruption by the public for a period of at least thirty years;
- (iii) declared or rendered such by a council or other competent authority, or
- (iv) constructed by a local authority, and

(b) any land, with or without buildings or structures thereon, which is shown as a street on —

- (i) any plan of subdivision or diagram approved by a council or other competent authority and acted upon, or
- (ii) any general plan as defined in section 49 of the Land Survey Act, 1927 (Act 9 of 1927), registered or filed in a deeds registry or the Surveyor-General's office, unless such land is on such plan or diagram described as a private street"

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Page 5

	reference to Schedules 4B ² and 5B ³ of Constitution
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² "The following local government matters to the extent set out in section 155 (6) (a) and (7).

Air pollution

Building regulations

Child care facilities

Electricity and gas reticulation

Firefighting services

Local tourism

Municipal airports

Municipal planning

Municipal health services

Municipal public transport

Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this Constitution or any other law

Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto

Stormwater management systems in built-up areas

Trading regulations

Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems"

³ "The following local government matters to the extent set out for provinces in section 155 (6) (a) and (7).

Beaches and amusement facilities

Billboards and the display of advertisements in public places

Cemeteries, funeral parlours and crematoria

Cleansing

Control of public nuisances

Control of undertakings that sell liquor to the public

Facilities for the accommodation, care and burial of animals

Fencing and fences

Licensing of dogs

Licensing and control of undertakings that sell food to the public

Local amenities

Local sport facilities

Markets

Municipal abattoirs

Municipal parks and recreation

Municipal roads

Noise pollution

Pounds

Public places

Refuse removal, refuse dumps and solid waste disposal

Street trading

Street lighting

Traffic and parking"

<p>3. RESPONSIBILITIES</p>	<ul style="list-style-type: none"> Is it necessary to have these responsibilities in the Policy? If so, consideration should be given to changing it to "objectives" as the concept of "responsibilities" places a certain degree of accountability on the Municipality
<p>5. APPLICATION OF THE POLICY</p>	<ul style="list-style-type: none"> 5.3: the reference in the last sentence should rather be to disposal management system as opposed to disposal management policy
<p>7. AUTHORITY TO RESERVE AND MANAGE IMMOVABLE PROPERTY</p>	<ul style="list-style-type: none"> 7.1: "municipal purposes" is not defined and should possibly be defined in the Policy with reference to the definition in Ordinance⁴, the rights and duties of municipal councils in section 4 of the Local Government: Municipal Systems Act 32 of 2000 ("the MSA")⁵ as well as the

⁴ "(iv) "**municipal purposes**" includes —

- (a) town-planning or a town planning scheme;
- (b) the establishment and administration of townships;
- (c) the alienation or letting of immovable property or permitting another person to use immovable property subject in each case to a condition that such property shall be used for a purpose contemplated by paragraph (e);
- (d) the acquisition by a council of land which is situate within its municipal area and which is subject to a public servitude in order to facilitate the exercise and performance of the powers conferred and duties and functions imposed on such council in terms of section 182 or the improvement, development or maintenance of such land for the benefit of the public;
- (e) the performance of any act whatsoever which the council is from time to time by law authorised or required to perform;
- (f) anything necessary, desirable, incidental, supplementary or ancillary to any purpose contemplated by paragraph (a), (b), (c), (d) or (e), and
- (g) any act whatsoever which is necessary or desirable for the better carrying out of the provisions of this ordinance, the maintenance of good rule and government and the convenience, safety and comfort of the inhabitants of the municipal area; (xlviii)"

⁵ "..... (2) The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to-

- (a) exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community;
- (b) provide, without favour or prejudice, democratic and accountable government;
- (c) encourage the involvement of the local community;
- (d) strive to ensure that municipal services are provided to the local community in a financially and environmentally sustainable manner;

	functional areas / matters listed in Schedule 4B and Schedule 5B of the Constitution ⁶ .
8. KEY PRINCIPLES PERTAINING TO RESERVATION AND MANAGEMENT OF IMMOVABLE PROPERTY	<ul style="list-style-type: none"> • 8.1(b): amend to <i>under its ownership</i> • Consider 8.2:- Should this not be reworked as the Municipality has statutory obligations in terms of other laws such as the National Building Regulations and Building Standards Act 103 of 1977?
9. SERVICE LEVEL AGREEMENTS BETWEEN DEPARTMENTS OF THE MUNICIPALITY	<ul style="list-style-type: none"> • Service Level Agreement (SLA) should rather be defined in the Policy. • The question is, however, why is it necessary for an SLA and can the Municipality enter into an SLA with itself having regard to the fact that municipal departments are not separate independent entities? Would it not be more practical to develop standard operating procedures / terms of reference / guidelines as part of the Policy incorporating the aspects highlighted in 9 of the Policy in order to clearly set out the responsibilities etc of the line

(e) consult the local community about-

(i) the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider; and

(ii) the available options for service delivery;

(f) give members of the local community equitable access to the municipal services to which they are entitled;

(g) promote and undertake development in the municipality;

(h) promote gender equity in the exercise of the municipality's executive and legislative authority;

(i) promote a safe and healthy environment in the municipality; and

(j) contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution.

(3) A municipality must in the exercise of its executive and legislative authority respect the rights of citizens and those of other persons protected by the Bill of Rights."

⁶ See footnotes 2 and 3.

	<p>department and the Property Management Department?</p> <ul style="list-style-type: none"> • 9.2: "facilities management agreements" is not defined • 9.4: "Management agreements" and "facilities management agreements" are not defined • 9.5: SLA is not defined, see comment above
<p>10. AUTHORITY TO ACQUIRE</p>	<ul style="list-style-type: none"> • Should acquisition be dealt with in this Policy which has been referred to as the disposal management policy of the Municipality elsewhere in this Policy (see 5.3)? • 10.2: This section unnecessary limits the powers of the Municipality regarding expropriation as provided for in the relevant legislation dealing with expropriation
<p>11. GENERAL PRINCIPLES</p>	<ul style="list-style-type: none"> • 11.2: "service departments" is not defined • 11.3 and further: Should the Property Management Department not rather advise SCM as to acquisition as they are responsible for acquisition management of the Municipality? • 11.5: definition of market value different, to be addressed as set out above
<p>12. ASSESSMENT</p>	<ul style="list-style-type: none"> • Should this not ideally be dealt with under the system of acquisition management in terms of SCM? Should this not be done by SCM assisted by the Property Management Department? • In this regard and in general the judgment in

	<p><i>Airports Company South Africa Limited v Airport Bookshops (Pty) Ltd t/a Exclusive Books</i> 2016 (1) SA 473 (GJ) has to be considered where the relevant contract was in the form of a lease agreement (disposal by way of letting) but it was decided by the Court that it was, in actual fact, procurement, ie contracting for goods and services.⁷</p>
13. SITE SELECTION	<ul style="list-style-type: none"> Is the municipal land audit updated (2003) - if not the reference in the Policy should be to "municipal land audit as updated from time to time"
14. VALUATIONS	<ul style="list-style-type: none"> Uniform definition for market valuation to be determined with reference to definition of fair market value as in the ATR as discussed above
16. MANDATORY CONSULTATION	<ul style="list-style-type: none"> In terms hereof the Municipality must advertise its intention to acquire: Is this not acquisition and therefore procurement as opposed to disposal and thus falling squarely under SCM?
17. APPROVAL PROCESS	<ul style="list-style-type: none"> Should this not be done by SCM with the support of the Property Management Department?
19. DISPOSAL MANAGEMENT PRINCIPLES	<ul style="list-style-type: none"> "public competition" to be defined 19.2.2: "transactions"

⁷ In this regard one must be mindful of the nature of a specific disposal as in *Airports Company South Africa Limited v Airport Bookshops (Pty) Ltd t/a Exclusive Books* 2016 (1) SA 473 (GJ) the Court held that whilst the letting of a shop involves disposal by way of letting, the effect of a contract to lease premises in order to operate a bookshop at an airport is to provide a service to members of the public making use of the departures area at the airport and as such it falls within contracting for goods and services.

	<ul style="list-style-type: none"> • 19.2.4: insert "local" before black ownership etc • 19.2.5.7: "EIA" - delete <i>assessment</i> • 19.3.3: This refers to an application for a lease agreement - is it not against competitiveness - it states on one hand that you can apply and on the other hand (19.3.3.3) refers to specifications to be included in the bid/competitive process - on this basis it creates further issues with competitiveness as specifications may be determined with reference to the application that was made
21.1.2 Public auction	<ul style="list-style-type: none"> • How is it determined that there is "no obvious potential purchaser"?
21.1.3 Closed tender	<ul style="list-style-type: none"> • How is this going to be determined in respect of "non-viable" property
21.1.4 Unsolicited proposals	<ul style="list-style-type: none"> • Why is this not simply treated on the same basis as unsolicited bids?
21.2.2 Viable Property: deviation from a competitive process	<ul style="list-style-type: none"> • <u>Potential issues:</u> Why do you have to advertise and wait for objections if the Municipal Manager has the discretion to deem a competitive process unnecessary? Is this not self-defeating as the processes are first determined to be unnecessary but may become necessary if there are potential bidders? • "reasonable market value" to be replaced with fair market value • Is this power wider? Council still have to make determinations and these processes are only

	<p>aimed at high value ie "significant" as defined in the Policy. Is it applicable in an emergency as deviation appears to be defined and/or limited to certain considerations and it also begs the question of whether a deviation applies to all these different transactions where different considerations seem to apply ie does the Municipal Manager still have to make a decision in that these transactions have built-in / circumscribed requirements?</p> <ul style="list-style-type: none"> • Consider redrafting in whole
<p>21.2.3 Exchange of land</p>	<ul style="list-style-type: none"> • Should a competitive process not be considered, especially in the event that there may be other land available?
<p>22. DISPOSAL AND LETTING OF IMMOVABLE PROPERTY FOR SOCIAL CARE USES</p>	<ul style="list-style-type: none"> • 21.3.2: should it not be handled as unsolicited bids in terms of SCM?
<p>CHAPTER 6: MANAGEMENT OF COMPETITIVE BIDS</p>	<ul style="list-style-type: none"> • It appears that new committees are to be established - as it will be a supply chain process why is SCM simply not used? To the extent required, an official from the Property Management Department and/or relevant director may form part thereof • Bid documentation: Should it not fall under SCM by way of reference eg. to say that principles in SCM Policy applies? • Other provisions appear to mirror provisions in SCM Policy and should it not be incorporated by way of reference?

<p>34. PUBLIC AUCTIONS</p>	<ul style="list-style-type: none"> • For further discussion • Applicable criteria should coincide with the public interest and not be discriminatory unless justified
<p>35. OUTRIGHT TENDER / CLOSED TENDER</p>	<ul style="list-style-type: none"> • 35.1: If one looks at the scorecards incorporating B-BBEE and other considerations, the one with the biggest weighting in respect thereof (40 points out of the 100) only applies to contracts up to value of R10 Million - Is this value of R10 Million realistic having regard to the property market and high prices and will this be effective to ensure that redress take place? Should this value not be increased in order to ensure sufficient redress?
<p>37. MODIFICATIONS</p>	<ul style="list-style-type: none"> • Insert "<i>on an ad hoc basis</i>" after "<i>may</i>" • Should this not resort with Municipal Manager ie that the Council takes the in principle decision and the Municipal Manager (or CFO) determines the applicable scorecard?
<p>43. TERMS AND CONDITIONS OF LEASE</p>	<ul style="list-style-type: none"> • 43.12: this is contradictory - in the event of no breach, will improvements be paid for by Municipality? If so, should the nature of the improvements not be a consideration in such an event? • 43.13: "operational purposes" should be defined or one should rather use "municipal purposes" (as to be defined and as discussed above)
<p>44. CRITERIA FOR DETERMINING COMPENSATION AND FAIR</p>	<ul style="list-style-type: none"> • 44.1: Phrase: "to be received by the Municipality" is possibly more narrow than the MFMA

MARKET VALUES	<ul style="list-style-type: none"> • 44.2: This is a direct extract from Regulation 13 of the ATR and should maybe be incorporated by way of reference. • 44.5: Is this correct to afford the Municipal Manager the discretion and, if so, should it be linked to the costs of valuations. Nevertheless, the ATR prescribes valuation methods etc in Regulation 5 and should the Policy rather not incorporate these?
45. CRITERIA FOR DETERMINING OF FAIR MARKET RENTALS	<ul style="list-style-type: none"> • 45.1: Phrase: "to be received by the Municipality" is possibly more narrow than the MFMA • 45.2: define and expand on categories • 45.3 and further: <ul style="list-style-type: none"> ○ charges to be imposed as part of tariff structure of the Municipality? ○ The ATR contains valuation methods etc and should the Policy not rather incorporate these?
46. MUNICIPAL LAND REGISTER	<ul style="list-style-type: none"> • Is this as a result of the municipal land audit or is it the same? If not, is it still necessary to refer to municipal land audit?

3. Conclusion

- 3.1 These are our comment and/or remarks based on our consideration of the Policy. Please note that the purpose hereof is to facilitate discussion and is subject to further instructions. Please also note that in compiling these comment and/or remarks we have not considered the applicable delegations, roles and

responsibilities, functional areas of relevant departments and/or officials or the macro and/or similar and related organisational structure of the Municipality.

- 3.2 These are just the salient issues highlighted as alluded to above and are for further discussion purposes in particular the objectives to be realised such as the role of the Property Management Department and the need for it to develop into a *de facto* asset management entity.

APPENDIX 3



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POLICY ON

THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY

Directorate: Integrated Human Settlements

Department: Property Management

4 Draft 2018-03-13

PREAMBLE

Stellenbosch Municipality is the owner of a large number of immovable properties. In the exercise of its powers, duties and functions the Municipality has the right to acquire, hold, enhance, lease and alienate Immovable property. The inequitable spread of ownership of Immovable property throughout the municipal area and the historical causes thereof are recognized, and the Municipality acknowledges that it has a leading role to play in redressing these imbalances by ensuring that the Immovable property assets under its control are dealt with in a manner that ensures the greatest possible benefit to the Municipality and the community that it serves.

WHEREAS Stellenbosch Municipality is the custodian of the Immovable property of the Municipality and is responsible for the proper management and administration thereof;

WHEREAS Stellenbosch Municipality is required and committed to manage its Immovable property in a fair, transparent and equitable manner; and

WHEREAS Stellenbosch Municipality realise that Immovable property held by it, should be dealt with in a manner which will ensure the greatest benefit to the Municipality and the public in a sustainable manner;

AND IN ORDER TO-

- make available economic opportunities in the municipality;
- promote an efficient administration and good governance; and
- create a culture of accountability, openness and transparency in its administration or in the exercise of its powers or the performance of its functions, by giving effect to the right to just administrative action,

NOW THEREFORE this policy provides, as follows:

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2nd DRAFT

CHAPTER 1: INTERPRETATION, SCOPE, PURPOSE AND OBJECTIVES OF POLICY

1. DEFINITIONS

1.1 In this policy, unless inconsistent with the context, the following expressions bear the meanings assigned to them below:

“adequate notice” means a notice period of not less than 30 days within which representations, comments or objections may be made.

“advertise” means the giving of adequate notice of the nature and purpose including the material substance of the proposed administrative actions, by publishing a notice in one or more of the local newspapers, and where deemed necessary by the Municipal Manager, any additional form of notice, which may include-

- (a) serving of a notice; or
- (b) displaying on a notice board; or
- (c) holding a public meeting.

“agricultural allotments” means portions of agricultural land, demarcated and set aside for *“bona fide”* emerging farmers.

“alienate” means to dispose with ownership of Immovable property in favour of another person with the intention of transferring the ownership of the Immovable property to the acquirer thereof.

“BBBEE Act” means the Broad-Based Black Economic Empowerment Act, 53 of 2003.

“BEE” means the economic empowerment envisaged by the BEE Act of all black people including women, workers, youth, people with disabilities and people living in rural areas through diverse but integrated socio-economic strategies that include, but are not limited to-

- (a) increasing the number of black people that manage, own and control enterprises and productive assets;
- (b) facilitating ownership and management of enterprises and productive assets by communities, workers cooperatives and other collective enterprises;
- (c) human resources and skill development;
- (d) achieving equitable representation in all occupational categories and levels in the workforce;
- (e) preferential procurement; and
- (f) investments in enterprises that are owned or managed by black people.

“basic municipal service” means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment;

“bid” means a written offer submitted in a prescribed or stipulated form, in response to an invitation by the Municipality for a procurement or disposal, as part of the competitive bidding process of the Municipality;

“Black people” means Africans, Coloured and Indians, as referred to in the B-BBEE Act, No. 53 of 2005.

“Buffer 1” means endangered areas of biodiversity overlapping with extensive agriculture.

“calendar month” means a period extending from a specific day in one calendar month to the preceding day in the following month;

“chief financial officer” means a person designated in terms of Section 80(2)(a) of the MFMA.

“close” in relation to a public street or public place, means to close for all public purposes or for vehicular or pedestrian traffic only.

“Core 1” means proclaimed national parks, provincial and municipal nature reserves, mountain catchment areas, unprotected but critically endangered areas of biodiversity;

“Core 2” means river and ecological corridors outside areas earmarked for urban development

“corrupt practice” means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the selection process or in contract execution;

“commercial service” means a commercial service as defined in section 1 of the MATR;

“competitive bidding process” means a process whereby prospective bidders are invited through public media to submit bids and such bids are administered in a fair, transparent, competitive and cost effective manner;

“constitution” means the Constitution of the Republic of South Africa, 1996

“Council” means the Municipal Council of the Municipality of Stellenbosch and includes any Political Structure, Political Office Bearer, Councillor or Official, acting under delegated authority.

“disposal”, means the sale, exchange or donation, of Immovable property, the conclusion of any form of land availability agreement in respect of immovable property with any person and the registration of any real or personal right in respect of Municipal land, including servitudes;

“EIA” means an Environmental Impact Assessment in terms of the NEMA Regulations promulgated from time to time.

“emergency” means an emergency dispensation in which one or more of the following conditions are present –

the possibility of human injury or death;

the prevalence of human suffering or deprivation of rights;

the possibility of damage to property, or suffering and death of livestock and animals;

the interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the Municipality as a whole;

the possibility of serious damage occurring to the natural environment;

the possibility that failure to take necessary action may result in the municipality not being able to render an essential service; and

the possibility that the security of the state could be compromised.

“exchange” means the simultaneous acquisition and disposal of Immovable property or any right in respect of Immovable property in terms of an agreement between the Municipality and any other party or parties where the compensation payable by the parties to each other, are offset and only the difference, if any, is payable to the appropriate party.

“fair market value” means the value at which a knowledgeable willing buyer would buy and a knowledgeable willing seller would sell the capital asset in an arm’s length transaction.

“fraudulent practice” means a misrepresentation of fact in order to influence a selection process and includes:

collusive practices among bidders (prior to or after submission of proposals) designed to establish prices at artificial, non-competitive levels and to deprive the municipality of the benefits of free and open competition.

“high value” means that the fair market value of the Immovable property exceeds R50 million or 1% of the total value of the capital assets of the Municipality as determined from the latest available audited annual financial statements of the Municipality, or such lower amount as may from time to time be determined by resolution of the Municipal Council;

“housing stock” means housing units that are leased to members of the public and or members of staff as well as subsidised housing units that are earmarked for disposal to qualifying beneficiaries.

“IDP” means the approved Integrated Development Plan of Stellenbosch Municipality, as provided for in Chapter 5 of the Systems Act, as amended from time to time.

“Immovable property” includes, but is not limited to –

- (a) any land registered under separate title and includes the ownership therein, whether in full or reduced form, and any improvements in, on, over or under such land or unregistered land where the ownership can be determined/property or buildings or any share therein registered in the name of a person or entity, including, in the case of a sectional title scheme, a sectional title unit registered in

the name of a person or entity;

- (b) a right to an exclusive use area held in terms of a notarial deed of cession;
- (c) a real right registered against Immovable property in the name of a person or entity, excluding a mortgage bond registered against the Immovable property;
- (d) any share in a share block company as defined in section 1 of the Share Blocks Control Act, 59 of 1980;
- (e) a "public place" or "public street" as defined in this policy ;
- (f) Immovable property as defined in section 107 of the Deeds Registries Act, 47 of 1937; and including property consisting of land, buildings, crops, or other resources still attached to or within the land or improvements or fixtures permanently attached to the land or a structure on it.

"Income tax act" means Act 58/1962

"land" means-

- (a) any land registered under separate title and includes the ownership therein, whether in full or reduced form, and any improvements in, on, over or under such land; or
- (b) unregistered land where the ownership can be determined.

"Land Availability Agreement" means an agreement that has been concluded between the municipality and a developer, in terms whereof the developer is allowed to develop the municipal land on behalf of the municipality, whilst the ownership of the land remains with the municipality.

"lease" means the letting of Municipal land/Immovable property/buildings in terms of which the use and enjoyment of the land/property/building is granted for a specified period exceeding 1 month without ceding legal ownership in the asset or any form of land availability agreement in respect of Immovable property and letting has a corresponding meaning.

"lease agreement" means a written agreement entered into between the Municipality and the lessee specifying rights and duties pertaining to the exclusive use of Immovable property for a continuous period of time longer than thirty (30) calendar days, and which sets forth the terms and conditions of the use, management and control of the Immovable property.

"MATR" means the Municipal Asset Transfer Regulations promulgated in terms of the MFMA and published in *Government Gazette* No. 31346 of 22 August 2008;

"MFMA" means the Local Government: Municipal Finance Management Act, 56 of 2003, including any Regulations promulgated in terms thereof from time to time;

"municipality" means the Stellenbosch Municipality established in terms of Section 4 of the Establishment Notice (PN 489 of 22 September 2000), as amended;

“municipal area” means the area under the jurisdiction and control of Stellenbosch Municipality.

“municipal function” means any of those functions set out in Schedule 4 B and 5 B of the Constitution.

“municipal land audit (MLA)” means the audit of municipal owned properties which was conducted during 2003 and as updated from time to time

“municipal manager” means a person appointed in terms of Section 82 of the Municipal Structures Act, No 117 of 1998 as the head of the Municipality’s administration and accounting officer of the Municipality or his/her delegate.

“municipality’s property” or **“property”** means all the Immovable property owned and managed by the Municipality in terms of this Policy;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

“NEMA” means the National Environmental Management Act no 107 of 1998

“non-viable Immovable property” means Immovable property that, owing to urban planning, physical constraints or extent cannot be developed on its own or function as a separate entity and that can therefore become functional only if used by an adjoining owner in conjunction with such owner’s Immovable property;

“official” means an employee of the Municipality or a person seconded to the Municipality or contracted by the Municipality to work as a member of staff..

“owner” in relation to Immovable property, means the person in whose name that Immovable property is registered in a deeds registry, which may include the holder of a registered servitude right or lease and any successor in title of such a person, and includes any person authorized to act as such by the registered owner, any person who in law has been entrusted with the control of such assets or a person to whom Immovable property has been made available in terms of a land availability agreement.

“plight of the poor” means the needs of the people that are vulnerable and unable to meet their socio-economic needs independently or to support themselves and their dependents and are in need of social assistance.

“public interest” means disposal or letting to:-

- a) promote the achievement of equality by taking measures to protect or advance persons or categories of persons, disadvantaged by unfair discrimination;
- b) afford black people who are South African citizens a preference in respect of the disposal and letting of Immovable property as envisaged in Section 9(2) of the Constitution;
- c) promote BBBEE through disposal and letting;
- d) ensure and promote first time home ownership and enterprise development of black people that qualify in terms of the Municipality’s GAP housing policy have access to adequate housing on a progressive basis;

- e) advance agricultural projects for land reform purposes;
- f) promote welfare and charitable purposes including non-profit rehabilitation facilities; shelters for the indigent and destitute, youth development and drug counseling; or
- g) foster equitable access to public amenities, social and/or sports clubs and similar organizations by providing discounted prices or rates in the event that the beneficiaries or the membership component of such institution or body consist of at least 50% black people and/or the membership or subscription fee of black people is less than 50% of the normal membership or subscription fee.

“property laws” means the relevant provisions of the MFMA and the MATR collectively;

“property right” means a right to use, control or manage an Immoveable property for a period exceeding a calendar month, as granted by the Municipality without ceding legal ownership in the Property. For the sake of clarity, a servitude, way leave or encroachment in, on, over or under Immoveable property granted by the Municipality, or a lease agreement entered into by the Municipality as lessor, constitutes a Property Right and it expressly excludes any reference to land use rights in terms of the Municipality’s Integrated Zoning Scheme/Bylaw;

“private treaty” means where the proposed disposal involves a disposal without public competition as defined in the MFMA to a non-government entity.

“property transaction” means either a Disposal of Immoveable property or the granting of a Property Right in Immoveable property;

“public place” means any Immoveable property indicated on an approved plan, diagram or map as an open space of which ownership as such vests in the Municipality.

“public street” means-

- (a) any street which has at any time been-
 - (i) used without interruption by the public for a period of at least thirty years;
 - (ii) declared or rendered such by a Municipality or other competent authority; or
 - (iii) constructed by the Municipality; and
 - (iv) constructed by someone other than the Municipality and which vests in the Municipality.
- (b) any Immoveable property, with or without buildings or structures thereon, which is shown as a street on-
 - (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon, or

- (ii) any plan or diagram as defined in Section 15 of the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in the office of the Registrar of Deeds or the Surveyor-General's office.

unless such Immovable property is on such plan or diagram described as a private street.

“real rights” means the rights to traverse privately owned property with servitudes which are notarially registered in the Deeds Office or contained in Title Deed Conditions

“SCM policy” means the Supply Chain Management Policy of the Municipality, as approved and amended from time to time and implemented in terms of section 111 of the MFMA, read with the SCM Regulations;

“SCM regulations” means the Municipal Supply Chain Management Regulations promulgated in terms of the MFMA and published under GN 868 in *Government Gazette* No. 27636 of 30 May 2005;

“significant Property Right” means a Property Right with a value in excess of R10 million which is granted for a period exceeding 3 years;

“spatial development framework” means a spatial development framework referred to in Chapter 4 of Act No. 16 of 2013 Spatial Planning and Land Use Management Act, 2013 and the framework contemplated in Section 26(1)(e) of the Municipal Systems Act.

“Systems act” means the Local Government: Municipal Systems Act, 32 of 2000, including any Regulations promulgated in terms thereof from time to time;

“unsolicited bid” is a bid/proposal received from a developer to acquire Immovable property, or rights in immovable property, that is owned by the Municipality, outside the normal bidding process, i.e. without the Municipality having asked for such proposal/bid.

“viable Immovable property” means Immovable property that can be developed and function as a separate entity capable of registration by the Registrar of Deeds.

- 1.2 Words and phrases not defined in this Policy have the meaning assigned to them in the MATR.

2. SCOPE AND PURPOSE

- 2.1 The purpose of this Policy is to provide a framework for the management and disposal of the municipality's Immovable property that are not needed to provide the minimum level of basic municipal services and that are surplus to the municipality's requirements.
- 2.2 The Municipality's Immovable property shall be disposed of in the manner as provided for in this policy. The Property Management Department is responsible for the administration of this Policy, and shall in this regard, in consultation with the Supply Chain Management Unit of the municipality, be responsible for the administration of the competitive bidding process

relating to the disposal and leasing of the Municipality's Immovable property.

- 2.3 In compliance with the provisions of section 14(1) of the MFMA, the Municipality shall not transfer ownership as a result of a sale or other transaction, or otherwise permanently dispose of an Immovable property that is needed to provide the minimum level of basic municipal services. The local government matters listed in Schedule 4B and 5B of the Constitution must be used as a basis to determine whether a service is regarded as a municipal service.

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CHAPTER 2: POLICY FRAMEWORK, APPLICATION AND GUIDING PRINCIPLES

3. LEGISLATIVE AND POLICY FRAMEWORK FOR THE MANAGEMENT OF THE MUNICIPALITY'S IMMOVABLE PROPERTY

3.1 The legislative framework for the management of the Municipality's Immovable property is contained in a number of legislation, including but not limited to:

3.1.1 the MFMA, in particular section 14, which deals with disposal of capital assets (i.e Immovable property as defined herein);

3.1.2 the MATR, which governs –

- a) the transfer and disposal of capital assets by municipalities and municipal entities; and
- b) the granting by municipalities and municipal entities of rights to lease, use, control or manage capital assets;

3.2 The object of this Policy is to provide a practical framework for the management of the Municipality's Immovable property.

3.3 This Policy must be read together with and in accordance with the Property Laws and all other laws which deal with Immovable property.

4. APPLICATION OF THE POLICY

4.1 Section 14 of the MFMA and the MATR apply to capital assets, which are defined in the MATR to include Immovable property, as well as certain movable assets. This Policy only applies to Immovable property.

4.2 This Policy does not apply to:

4.2.1 The municipality's housing stock or land for subsidised housing on municipal Immovable property and the transfer of that municipal Immovable property to beneficiaries of such subsidised housing.

4.2.2 Property owned by the Municipality which is subject to a Public Private Partnership.

4.3 In terms of section 40 of the Municipal Supply Chain Management Regulations, a Municipal Supply Chain Management policy must provide for an effective system of disposal management for the disposal and letting of assets. For that purpose of immovable assets of the municipality, this policy must be seen as the disposal management system of the municipality.

5. GUIDING PRINCIPLES

- 5.1. The following principles and values should underpin Immovable property disposal activities:
- (a) The use of the Municipality's Immovable property to promote social integration, to redress existing spatial inequalities, to promote economic growth, to build strong, integrated and dignified communities and to provide access to housing, services, amenities, transport and opportunities for employment.
 - (b) The promotion of access by black people to the social and economic benefit of Immovable property ownership, management, development and use.
 - (c) The management of the Municipality's Immovable property as a sustainable resource, where possible, by leveraging environmental, social and economic returns on such Immovable property while the Municipality retains ownership thereof.

CHAPTER 3: DISPOSAL OF IMMOVABLE PROPERTY AND AWARDING OF RIGHTS IN IMMOVABLE PROPERTY

6. AUTHORITY TO DISPOSE OF IMMOVABLE PROPERTY

- 6.1 The Municipality may in terms of Section 14 of the MFMA, read with the MATR, dispose of Immovable property or Property rights in Immovable property by way of sale, letting or registration of a servitude once it is satisfied that such Immovable property or Property rights is not required to provide the minimum level of basic municipal services and once it has considered the fair market value thereof as well as the economic and community value to be received in exchange for such Immovable property or Property right.
- 6.2 The Municipality shall not transfer ownership of, or lease out for a period exceeding ten (10) years, any Immovable property, or portion thereof which is classified as a Core 1, Core 2 or Buffer 1 area in terms of the Municipality's Spatial Development Framework- , unless it is satisfied that such transfer or lease will at least maintain or enhance the conservation status and environmental sustainability of such eco system or Area on that property.

7. DISPOSAL MANAGEMENT PRINCIPLES

7.1 Core Principles

In terms of section 14(5) of the MFMA, a Disposal of Immovable property by the Municipality must be fair, equitable, transparent, competitive and consistent with the Municipality's SCM Policy.

7.2 General Principles pertaining to the disposal of Immovable property and Property rights in Immovable property

- 7.2.1 Unless otherwise provided for in this policy, the disposal of Viable Immovable property shall be effected-
- (a) by means of a process of public competition; and
 - (b) at market value except when the public interest or the plight of the poor demands otherwise.
- 7.2.2 All transactions for the disposal of Immovable property must be considered in accordance with this policy and other applicable legislation.
- 7.2.3 Before alienating Immovable property or rights in Immovable property the Municipality shall be satisfied that alienation is the appropriate methodology and that reasonable economic, environmental and social return cannot be derived whilst ownership of the Immovable property or Property rights is retained by the Municipality.
- 7.2.4 The Municipality reserves the right to entertain unsolicited proposals for the development of viable Immovable property for development purposes, with the proviso that it is in line with the Municipality's strategic objectives and more specifically that it favours the

promotion of black ownership, entrepreneurship and community upliftment.

- 7.2.5 The Municipality may grant occupation of its Immovable property prior to the transfer thereof on condition that:
- 7.2.5.1 the land use rights have been determined and established;
 - 7.2.5.2 all required authorization and approvals in terms all relevant legislation have been granted;
 - 7.2.5.3 all conditions of the said approvals and authorisations have been met;
 - 7.2.5.4 a suitable sale has been entered into;
 - 7.2.5.5 the purchase price is paid in full or alternatively that an acceptable financial guarantee is provided to secure the purchase price;
 - 7.2.5.6 occupational rent is payable at a rate specified by the Municipality; and
 - 7.2.5.7 the Municipality is indemnified against any and all claims that may arise out of the occupation of the Immovable property by the purchaser. .
- 7.2.6 Viable Immovable property purchased from the Municipality by a first time homeowner shall not, without the Municipality's prior written consent, and right of first refusal be resold within a period of 5 years of the date of transfer.

7.3 General principles and guidelines pertaining to the letting by the Municipality of Immovable property

- 7.3.1 The Municipality's Immovable property should be managed under the principles of sustainable development. Where possible, such management should synergize environmental, social and economic benefits on such Immovable property while the Municipality retains ownership thereof.
- 7.3.2 Immovable Properties that have been let shall be inspected at reasonable time periods to ensure compliance with the terms and conditions of the agreement of lease.
- 7.3.3 No application for a lease agreement shall be processed by the Property Management Department unless;
- 7.3.3.1 the land use rights have been determined and established by the Municipality through a process prescribed in the relevant By-law;
 - 7.3.3.2 all required authorisations and approvals in terms all relevant legislation have been granted;
 - 7.3.3.3 all conditions of the said approvals and authorisations have been met or the implementation thereof is made part of the specifications for the bid/ competitive process for the disposal.
- 7.3.4 No application for a lease agreement shall be processed by the Property Management Department unless the prescribed application fee as per tariff has been paid nor shall any proposed lease be advertised unless the application has confirmed, in writing , that it will adhere to land use conditions and, where applicable, a deposit as per prescribed rate to cover incidental costs has been paid.

8. MOST APPROPRIATE USE ASSESSMENT

- 8.1 Before an Immovable property is declared as surplus, and earmarked for disposal or the awarding of rights, it must first be assessed for its most appropriate use.
- 8.2 The most appropriate use for a surplus property is one which achieves an optimum balance between the following three key elements of sustainable development:
- (a) the protection of ecological processes and natural systems;
 - (b) the optimum financial return to and economic development of the municipal area; and
 - (c) the enhancement of the cultural, economic, physical and social wellbeing of people and communities.
- 8.3 The three elements of sustainability will apply to all surplus Immovable Properties, however their significance and the relationships between them will vary for individual Immovable Properties.
- 8.4 In determining the most appropriate use of surplus properties, regard should be given to:
- (a) Spatial development framework(s);
 - (b) Regional plans;
 - (c) Sectoral studies/plans;
 - (d) Government policies;
 - (e) Relevant legislation; and
 - (f) The views of interested and affected parties.
- 8.5 Where appropriate, opportunities should be provided for community involvement in the assessment process.

9. METHODS OF DISPOSAL AND AWARDING OF RIGHTS

Subsequent to determining the most appropriate use of a property and after the Municipality has decided that the Immovable property could be disposed of, or that rights may be awarded, the method of disposal or method of awarding rights should be determined.

The Municipality may use any of the following methods, depending on the circumstances pertaining the specific Immovable property:

9.1 Competitive Processes

9.1.1 Formal Tender

- a) The type of a formal tender may vary, depending on the nature of the transaction:
 - i) Outright tender may be appropriate where the Immovable property ownership is not complex, and the Municipality is seeking obligations to be

placed on the successful tenderer which are clear and capable of specification in advance.

- ii) Qualified tenders/call for proposals will be appropriate where the Immovable property ownership position is complex or the development proposals for the Immovable property are insufficiently identified or otherwise incapable of detailed specification at the pre-tender stage.
 - iii) Call for proposals on a build-operate transfer (B.O.T) basis will be used if a developer is required to undertake the construction, including the financing, of a facility on Municipal-owned land, and the operation and maintenance thereof. The developer operates the facility over a fixed term during which it is allowed to charge facility users appropriate fees, rentals and charges not exceeding those proposed in its bid or as negotiated and incorporated in the contract, to enable the developer to recover its investment and operating and maintenance expenses in the project. The developer transfers the facility to the municipality at the end of the fixed term.
- b) The nature of the formal tender process is that a legally binding relationship is formed between the parties when the Municipality accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified in the tender documents. The tender documents could include a contract for sale or lease which could be completed with the tenderer's details, the tender price and be signed by the tenderer. A binding legal agreement is created upon the acceptance in writing of a tender by the Municipality.
 - c) Such a process may, depending on the nature of the transaction, include a two-stage or two-envelope bidding process (proposal call) in terms of which only those bidders that meet the pre-qualification criteria specified in the first stage are entitled to participate in the second stage.

9.1.2 Public Auction

- a) Disposal by public auction may be appropriate where there is no obvious potential purchaser and where speed and the best price can be obtained by auction.
- b) The decision to dispose of Immovable property by way of public auction must be recorded in writing and must include-
 - (i) the reasons justifying a disposal by public auction;
 - (ii) the reserve price, if any, for the auction;
 - (iii) the authority for a staff member to attend the auction and to act on behalf of the Municipality.
- c) The contract for sale or lease must be ready for exchange at the auction.
- d) The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged.

- e) The terms and conditions of each auction shall be determined on a project-by-project basis, appropriate to the specific characteristics and attributes of the Immovable property, and to the Municipality's strategic objectives.
- f) Where the services of an auctioneer are utilised, the auctioneer's commission shall be payable by the successful bidder and shall not form part of the financial offer to the Municipality.

9.1.3 Closed Tender

- a) If a Non-Viable Immovable property has more than one adjacent owner and if such an Immovable property is capable of being consolidated with more than one of the properties owned by such adjacent owners, then a closed bid will be called from all the registered owners of all the adjacent properties with which the Immovable property can be consolidated.

9.1.4 Unsolicited proposals

- a) It is important that the municipality is in a position to entertain unsolicited proposals in exceptional circumstances. Such proposals may *inter alia* include property development proposals, land sales and leases. In this regard the following principles will apply:
 - i) Proposals received will be analysed and evaluated by the municipality in compliance with the relevant legislation;
 - ii) Realistic propositions will be advertised in the media to elicit competitive proposals or objections from the public;
 - iii) Should the advertisement elicit a response from the market, then a competitive proposal call will be initiated by means of an invitation to bid;
 - iv) The final lease or sale transaction will be submitted to the Municipal council for approval;
 - v) The prudent control will be by way of the market valuation certificate.

9.2 Non-Competitive Processes: Private Treaty Agreements

9.2.1 Non-Viable Immovable property

In respect of Non-Viable Immovable property which can only be utilised by one adjacent land owner, a Property Transaction(s) may be approved without any competitive process having been followed, including in response to an unsolicited application, on the basis that no purpose would be served by a competitive process but

subject to the determination of the fair market value and public notice of the intent to dispose of the property.

9.2.2 Viable Property: Deviation from a Competitive process

9.2.2.1 The Municipal Council may dispense with the competitive processes established in this policy, and may enter into a Private Treaty Agreement through any convenient process, which may include direct negotiations, including in response to an unsolicited application, but only in the following circumstances, and only after having advertised Council's intention so to act. Should any objections be received as a consequence of such a notice, such objections first be considered before a final decision is taken to dispense with the competitive process established in this policy. However, should any objections, be received from potential, competitive bidders, then a public competitive process must be followed. The advertisement referred to above should also be served on adjoining land owners, where the Municipal Manager is of the opinion that such transaction may have a detrimental effect on such adjoining land owner(s):

- (a) due to specific circumstances peculiar to the property under consideration, it can only be utilized by the one person/organization wishing to enter into the Property Transaction;
- (b) an owner of fixed immovable property who leases Municipal-owned immovable property, may be substituted by a successor-in title as deemed necessary on the same terms and conditions and/or additional terms and conditions;
- (c) sport facilities and other public amenities may be let by Private Treaty to Sport boards, Sport Federations and other similar bodies Community based bodies and non-professional sporting bodies shall be charged the tariff rentals as approved by the Municipality from time to time. Professional sport bodies and bodies operating for profit shall be charged a fair market related rental based on the market value of the property to be leased.
- (d) where unsolicited applications are received for access servitudes, right of ways and way leaves over municipal land, subject to approved tariff structure.
- (e) in exceptional cases where the Municipal Council is of the opinion the public competition would not serve a useful purpose or that it is in the interest of the community and the Municipality, and where none of the conditions as set out in the policy provides for such exception, is permitted, and where they are not in conflict with any provision of the policy. In such cases reasons for preferring such out-of hand sale or lease to those by public competition; must be recorded

- (f) where any immovable property is offered for sale or lease by public competition, any remaining immovable property may be sold or leased out of hand by the Municipality at the upset price or higher, as long as it is satisfied that market prices are stable.

The upset price must be determined in such a way that it corresponds with a fair market value and must include the recoverable development costs such as municipal services, advertising and survey costs.

The position must be reviewed by the Municipality at least every six months. Not more than one erf may be sold out of hand to a purchaser where the demand for erven exceeds the number of erven available for sale;

- (g) where unsolicited applications/proposals are received from telecommunication companies to construct or put up communication infrastructure on Municipal owned Property, such as masts, dishes, ect, subject to approved tariff structure;
- (h) where encroachment applications are received from adjoining owners, including applications for outdoor dining permits, subject to approved tariff structure;
- (i) where the applicant is an organization receiving funding support from a government department-
which makes a substantial contribution towards the outputs of such a government department; or
whose contribution to such government departments outputs would depend upon or be substantially enhanced by gaining priority to a particular property;
- (j) where the applicant is an organization receiving funding support from the municipality for the rendering of a municipal function(s) within the municipal area, on behalf of the municipality;
- (k) where the land is part of a larger area of land that is proposed for development, redevelopment or regeneration. Also, the nature and complexity of the proposed development of the overall site is such that the Municipality's corporate objectives and best consideration can only be achieved by a sale to a purchaser with an existing interest in land in the area;
- (l) lease contracts with existing tenants of immovable properties, not exceeding ten(10) years, may be renegotiated where the Executive Mayor is of the opinion that public competition would not serve a useful purpose or that renewal is aligned with the Municipality's strategic objectives and in the interest of the Community, subject to such renewal being advertised calling for public comment. The existing tenant shall give notice of the intention to renegotiate the lease at least six months before the date of termination;
- (m) where agricultural allotments becomes available, it can be allocated to qualifying emerging farmers on the waiting list for a lease period not exceeding 9 years and eleven months, subject to the approved tariff structure.

- (n) In an emergency limited to the awarding of temporary rights for a period not exceeding 6 calendar months. Should circumstances necessitate the extension of the 6 months period, the Municipal Manager shall compile a report and submit it, to Council, recommending such extension of time.

9.2.2.2 The reasons for any such deviation from the competitive disposal process must be recorded.

9.2.3 Exchange of Land

9.2.3.1 Disposal by exchange of land will be appropriate when it is advantageous to the Municipality and other parties to exchange land in their ownerships and will achieve best consideration for the municipality.

9.2.3.2 The Municipal Council must authorise the disposal of land by exchange with another land owner for alternative land. Reasons for justifying this manner of disposal must be recorded in writing.

9.2.3.3 The exchange will usually be equal in value. However, an inequality in land value may be compensated for by other means where appropriate. In such circumstances the Municipality must seek an independent valuation to verify that "*best consideration*" will be obtained.

9.3. DISPOSAL AND LETTING OF IMMOVABLE PROPERTY FOR SOCIAL CARE USES

9.3.1 Social care is defined as services provided by registered welfare, charitable, non-profit cultural and religious organisations and includes, but is not limited to, the following types of uses :-

- (a) Place of Worship to the degree and for that portion of a facility being used for spiritual gathering by, and social/pastoral/manse/welfare caring and support to Worshippers and the broader Community;
- (b) Child care facility insofar as it contributes to the functioning of a multi-use childcare facility and is operated on a non-profit basis;
- (c) Schools or centres – utilised as homes for the handicapped and disabled persons.
 - Non-profit rehabilitation centres;
 - Homes/centres for indigent, battered or destitute persons;
 - Organisations for the homeless and elderly;
 - Youth activity centres;
 - Facilities for the accommodation, care and burial of animals; and
 - Cemeteries, NPO funeral parlours and non-profit crematoria.

- 9.3.2 The Municipality reserves the right to entertain unsolicited bids for the purchase or lease of viable immovable property for social care uses with the proviso that it abides by the Municipality's IDP objectives.

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CHAPTER 4: PREFERENCE POINT SYSTEM

10. OBJECTIVES

10.1 Although municipalities are not obliged to implement a preference point system when disposing of Immovable property or when awarding Property rights in Immovable Property, Stellenbosch Municipality is of the view that the achievement of equality is one of the fundamental goals to be attained. The objectives of the preferred points system are to:

- (a) promote broad-based black economic empowerment;
- (b) promote the redress of current, skewed land ownership patterns;
- (c) enhance the economy of the municipal area;
- (d) give preference to marginalised groups in the society, including women and people with disability;
- (e) give preference to people residing in the municipal area;
- (f) ensure that the most appropriate developments take place; and
- (g) further an integrated approach to development.

11. PUBLIC AUCTIONS

11.1 The Municipal Council may determine, on a project-by-project basis, appropriate to the specific characteristics and attributes of the Immovable property involved, limitations on categories of people who may take part in a public auction with the view of furthering the objectives as set out above, without excluding any category of people to take part in such public auction.

12. OUTRIGHT TENDER / CLOSED TENDER

12.1 For Immovable property transactions with a contract value up to R10 Million, the awarding of tenders shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) **Price:** Sixty (60) points maximum. The highest financial offer shall score sixty (60) points, with lower offers scoring proportionally in relation to the highest.
- (b) **Status:** Forty (40) points maximum for black people and legal entities owned by black people. Points for legal entities will be proportionally allocated according to the percentage ownership by black people.,

12.2 For Immovable property transactions with a contract value above R10 Million up to R50 Million, the awarding of tenders shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) **Price:** Eighty (80) points maximum. The highest financial offer shall score eighty (80) points, with lower offers scoring proportionally in relation to the highest.
- (b) **Status:** Twenty (20) points maximum for local black people and local legal entities owned by black people. Points for legal entities will be proportionally allocated according to the percentage ownership by black people.

12.3 For Immovable property transactions with a contract value above R50 Million, the awarding of tenders shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) **Price:** Ninety (90) points maximum. The highest financial offer shall score ninety (90) points, with lower offers scoring proportionally in relation to the highest.
- (b) **Status:** Ten (10) points maximum for black people and legal entities owned by black people. Points for legal entities will be proportionally allocated according to the percentage ownership by black people.

13. QUALIFIED TENDERS/PROPOSAL CALLS

13.1 Unless otherwise determined by the Municipal Council for a specific transaction, the awarding of qualified tenders or proposal calls shall be adjudicated on a maximum one hundred (100) points system, set out as follows:

- (a) **Price:** Sixty (60) points maximum. The highest financial offer shall score sixty (60) points with lower offers scoring proportionally in relation to the highest offer.
- (b) **Status:** Twenty (20) points for black people and legal entities owned by black people. Points for legal entities will be proportionately allocated according to the percentage ownership by black people.
- (c) **Development Concept:** Twenty (20) points maximum, which shall be measured and adjudicated as per criteria to be agreed upon for the specific project.

14. MODIFICATIONS

14.1 The Municipal Council may, on an *ad hoc* basis adjust the scoring system set out in this section for a specific immovable property or group of immovable properties to enable it to achieve specific targets or a specific outcome.

15. NOTIFICATION OF PERFORMANCE POINT SYSTEM

15.1 The Tender/Call for proposal document(s) must stipulate the preference point system which will be applied in the adjudication of the specific tender.

16. EQUITY OWNERSHIP

16.1 Equity Ownership is tied to the percentage of an enterprise or business owned by individuals or, in respect of a company, the percentage of a company's shares that are

owned by individuals, who are actively involved in the management of the enterprise or business and exercise control over the enterprise, commensurate with their degree of ownership at the closing date of the tender.

16.2 Preference points may not be claimed in respect of individuals who are not actively involved in the management of an enterprise or business and who do not exercise control over an enterprise or business commensurate with the degree of ownership.

16.3 Equity claims for a Trust may only be allowed in respect of those persons who are both trustees and beneficiaries and who are actively involved in the management of the Trust.

17. TENDERS MUST BE AWARDED TO THE BIDDER SCORING THE HIGHEST POINTS

17.1 Tenders must be awarded to the bidder that scores the highest points in terms of the preference points system unless there are objective and reasonable criteria that justify the award of the tender to another tenderer.

18. QUALIFYING CRITERIA/TWO STAGE BIDDING

18.1 Criteria other than price, status and development concept, such as technical capability and environmentally sound practices, cannot be afforded points for evaluation. They can be specified in a call for tenders but they will serve as qualification criteria or entry level requirements, i.e a means to determine whether or not a specific tenderer is a complying tenderer in the sense of having submitted an acceptable tender. Only once a tender is regarded as a complying tenderer would it then stand in line for the allocation of points based on price, status and development concept.

CHAPTER 5 CONTRACTUAL OBLIGATIONS

19. TERMS AND CONDITIONS OF SALE

- 19.1 Regulations 17 and 30 of the MATR sets out the minimum terms and conditions that needs to form part of Sales Agreements. The terms and conditions listed below is supplementary to the above.
- 19.2 All costs pertaining to a transaction, inclusive of any costs relating to transfer, registration survey-, re-zoning-, sub-division-, consolidation-, advertisement- and relocation or provision of services cost shall be borne by an applicant, provided that the Municipality may waive its right to claim those costs if the reason for the sale is to rid the Municipality of a burden to maintain the Immovable property or exercise control thereover.
- 19.3 Where applicable, existing services shall be secured by means of the registration of a servitude in favour of the Municipality.
- 19.4 When Immovable property is sold, development must commence where, applicable, within 1 (one) year or such longer period as may be agreed to from the date of transfer or possession or in accordance with the provisions of the deed of sale or the development programme submitted by the purchaser and be completed in accordance with the provisions of the deed of sale or the development programme. The Municipality furthermore reserves the right to impose such conditions as deemed necessary, including a reversionary or penalty clause in the event that the development has not progressed as per the agreement, without limiting its rights to liquidated damage and reversionary clauses.
- 19.5 A reversionary clause must be inserted in the deed of sale if the Immovable property is sold below market value or where the conditions of sale are not met.
- 19.6 Unless approved in writing by the Municipality, the Immovable property may only be used for the purpose as approved by the Municipality and purpose regularized by the relevant by-laws and any applicable legislation.
- 19.7 Where a disposal agreement is subject to the implementation of land use and/or development conditions the agreement will incorporate suspensive conditions which could nullify the contract failing compliance with such land use or development conditions.

20. TERMS AND CONDITIONS OF LEASE

- 20.1 Regulation 45 of the MATR sets out the minimum terms and conditions that needs to form part of Lease Agreements. The terms and conditions listed below is supplementary to the above.
- 20.2 All cost pertaining to a transaction such as legal-, survey-, re-zoning-, sub-division-, consolidations-, advertisement-, relocation or provision of services cost shall be borne by the applicant.

- 20.3 The following deposits shall apply to leases where the rental is based on market value-
- (a) a deposit equal to 2 months rental for commercial transactions;
 - (b) a deposit equal to 1 month's rental for residential and social services transactions.
 - (c) No deposit are payable in respect of encroachment agreements.
- 20.4 An owner of fixed Immovable property who leases an adjoining municipal Immovable Property may be substituted by his successor in title for the duration of the remainder of the lease term on the same terms and conditions or additional terms and conditions as deemed necessary.
- 20.5 Lessees shall be liable for payment of rates and service charges, unless otherwise agreed upon.
- 20.6 The letting of lanes, public open spaces, road reserves shall be subject to the following:
- (a) closing off/securing to the Municipality's satisfaction;
 - (b) costs for the relocation or installation of services, where required, shall be for the account of the lessee; and
 - (c) securing of servitudes.
- 20.7 Lessees shall indemnify the Municipality against any possible claims arising from the lease or use of the Immovable property.
- 20.8 No lessee of Immovable property shall without the prior consent in writing of the Municipality, sublet such Immovable property or any portion thereof or assign any right acquired by him in respect hereof and any such subletting or assignment without such consent shall be null and void.
- 20.9 Save with prior approval the Immovable property may only be used for the purpose for which it was let and purposes regularized by town planning schemes.
- 20.10 Officials from the Municipality shall at all reasonable times be entitled to enter/inspect the Immovable property, having regards for the right to privacy as contemplated in Chapter 2 of the Constitution.
- 20.11 All agreements shall contain a clause which requires the lessee to maintain the leased Immovable property.
- 20.12 All agreements shall contain a clause which requires that improvements provided by the lessee and which the Municipality wishes to retain shall revert, free of charge, to the Municipality once the lease period has terminated and/or in the event the agreement, due to breach of conditions by the lessee, has been cancelled. Provision must also be made on how to deal with such improvements should the Municipality terminate the contract prior to the lapse of the lease period, where the lessee has not been in default.

- 20.13 All agreements shall contain a clause which states that the municipality reserves the right, where necessary, to resume Immovable property let, or a portion thereof, and to cancel an existing lease in its entirety where such Immovable property is required for *bona fide* municipal purposes, in pursuance of the municipality's strategic objectives or in the interests of the community. In such an event the lessee shall be compensated for improvements established by him/her on a basis to be determined by an independent valuator, taking into account the remaining period of the lease agreement.

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CHAPTER 6: FAIR MARKET VALUES/RENTALS

21. CRITERIA FOR DETERMINING COMPENSATION AND FAIR MARKET VALUES

- 21.1 Immovable property may be Disposed of only at market-related prices, except when the plight of the poor or the public interest which impact on the economic and community value to be received by the Municipality demand otherwise.
- 21.2 If the Municipality, on account of the public interest, particularly in relation to the plight of the poor, intends to dispose of a Non-Exempted Immovable property for less than market value it must take into account the following factors:
- (a) the interests of the State and the local community;
 - (b) the strategic and economic interests of the municipality, including the long-term effect of the decision on the municipality;
 - (c) the constitutional rights and legal interests of all affected parties;
 - (d) whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and
 - (e) whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.
- 21.3 Subject to the Municipality's Section 14 Determinations and an In Principle Approval in respect of a specific Disposal, the Municipality shall Dispose of social care Immovable Properties at a purchase price of between 10% and 60% of fair market value subject to a suitable reversionary clause being registered against the title deed of the Immovable property. In the event of the subject Immovable property ceasing to be used for the purpose originally intended, reversionary rights are triggered and the Municipality reserves the right to demand compensation equal to the difference between the actual purchase price and the fair market value of the Immovable property, or that the Immovable property be transferred into the ownership of the Municipality at no cost to the Municipality.
- 21.4 If the Municipality appoints a private sector party or Organ of State through a competitive bidding process as the service provider of a Commercial Service, the compensation payable to the Municipality in respect of the Disposal of Immovable property as an integral component of the performance of that Commercial Service to that service provider, shall reflect fair market value.
- 21.5 Fair market value of Immovable Properties will be calculated as the average of the

valuations sourced from two independent valuers, unless determined otherwise by the Municipal Manager, taking into account the value of the property *vis-à-vis* the cost of obtaining such valuations.

22. CRITERIA FOR DETERMINING OF FAIR MARKET RENTALS

22.1 Immovable property may only be let at market-related rates, except when the plight of the poor or the public interest which impact on the economic and community value to be received by the Municipality demand otherwise.

22.1.1 In respect of certain categories of Immovable Properties the Municipality shall be entitled to adopt below market-related tariffs in respect of Immovable Properties, leased to non-Profit Organisations, NGOs, Sporting Bodies, *bona fide* small farmers, ect. Such tariffs must form part of the municipality's tariff structure, approved from time to time.

22.1.2 The Municipality shall be entitled, in its sole discretion and from time to time, to specify the types of Immovable property Transactions in respect of which applications are permitted to be made to the Municipality and to impose application fees, charges, rates, tariffs, scales of fees or other charges relating to the Immovable property Transaction.

22.1.3 In such circumstances, the Municipality shall also be entitled not to process the application for the Immovable property Transaction unless the applicant has:

- a) confirmed in writing that it will pay the charges and bear all such costs in respect of the Immovable property Transactions as the Municipality may require (for example legal costs, survey costs, costs of rezoning, subdivision, and consolidations, advertising costs, cost of relocation or cost of provision of services); and/or
- b) if required by the Municipality, has paid a deposit as specified by the Municipality to cover such incidental costs.

22.1.4 The fair market rentals of individual Immovable Properties will be calculated as the average of the valuations sourced from two service providers, unless determined otherwise by the Municipal Manager, taking into account the estimated rental(s) *vis-à-vis* the cost of obtaining such valuations.

CHAPTER 7 MISCELLANEOUS

23. MUNICIPAL LAND REGISTER (MLR)

- 23.1 The MLR is a computerized database that contains details of all municipal-owned Immovable property.
- 23.2 The MLR database is electronically linked with the Geographical Information System of the Municipality to provide spatial information to complement the data stored in the MLR database.
- 23.3 As from date of commencement of this policy, all departments must record relevant details about their Master Infrastructure Plans and needs for Immovable property in the MLR.
- 23.4 As a minimum requirement, sites for planned community infrastructure, municipal infrastructure, housing projects, ect must be recorded on the MLR.
- 23.5 All changes in the status of municipal-owned Immovable Properties must be recorded in the MLR.

24. STRATEGIC IMMOVABLE PROPERTY MANAGEMENT PLAN

- 24.1 As soon as possible after the approval of this policy the Municipality must, as part of its strategic planning process, develop and adopt a Strategic Immovable property Management Plan.
- 24.2 Such a Strategic Immovable property Management Plan must consist of at least-
- (a) A strategic analysis of the Municipality's Immovable property portfolio (Land Audit), as well as state-owned Immovable property within the municipal area.
 - (b) Categorisation of such Immovable property-holdings, to include, but not limited to:-
 - (i) Immovable property of strategic importance for, *inter alia*:-
 - (aa) housing purposes;
 - (bb) municipal infrastructure; and
 - (cc) public transport, -parking and related used
 - (dd) environmental conservation; and
 - (ee) heritage purposes
 - (ii) Immovable property that should be retained for future generations;
 - (iii) Surplus Immovable property, capable of being developed.
 - (iv) Immovable property that should be acquired for strategic purpose.
 - (v) Immovable property that should be exchanged for strategic purposes.

- (c) A management plan for each category of Immovable property.
- (d) A performance assessment of each category of Immovable property.
- (e) The maintenance activities required for each category of Immovable property.

- 24.3 The Strategic Immovable property Management Plan must be developed within the context of approved spatial development frameworks, sectoral plans, planning related policies and regional plans.
- 24.4 When developing the SLMP, the public should be given ample opportunity to make inputs.
- 24.5 The Municipal Council must annually revise its Strategic Immovable property Management Plan and must incorporate the revised plan into its IDP.

25. FRAUD AND CORRUPTION

- 25.1 Stellenbosch Municipality's policy is to require that bidders observe the highest standard of ethics during the selection and execution of contracts.
- 25.2 The Municipal Manager must reject a proposal for award if he/she determines that the person recommended for award, has engaged in corrupt or fraudulent activities in competing for the contract in question.
- 25.3 Where evidence in support of corrupt, fraudulent practices or criminal offences are reported and substantiated, the Municipal Manager is to initiate criminal proceedings against such business entity, official or other role player, and inform the Provincial Treasury and the Municipality of such measures.
- 25.4 Employees found guilty after a disciplinary process of conniving with bidders or contravening this Policy may be dismissed.
- 25.5 Bidders and their directors who have been found guilty of abusing this Policy will be barred/suspended from doing business with the Municipality and National Treasury will be informed accordingly.
- 25.6 The Municipality reserves the right to criminally prosecute any person found to have violated or abused this Policy.
- 25.7 The Municipality reserves the right to cancel or not to award bids to bidders found to:
- a) have unfairly influenced the process of award and have been found guilty of improper conduct;
 - b) have been convicted of fraud or corruption during the past 5 years;
 - c) have willfully neglected, reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or
 - d) have been listed in the Registrar for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act No 12 of 2004.
- 25.8 All employees and/or officials are expected to assist the Municipality in fighting corruption and to this extent are encouraged to report all suspicious acts.

26. INDUCEMENTS, REWARDS, GIFTS AND FAVOURS TO OFFICIALS AND OTHER ROLE PLAYERS

- 26.1 No person who is a tenderer or prospective tenderer for municipal Immovable property may either directly or through a representative or intermediary promise, offer or grant -
- (a) any inducement or reward to the municipality for or in connection with the award of a contract; or
 - (b) any reward, gift, favour or hospitality to any official of the Municipality or other role player who may affect the outcome of a tender process.
- 26.2 The Municipal Manager must promptly report any alleged contravention of clause 49(1) to the Municipality.

27. OBJECTIONS AND COMPLAINTS

- 27.1 Persons aggrieved by decisions or actions taken in the implementation of this policy may lodge within 14 days of the decision or action, a written objection or complaint against the decision or action to the Municipal Manager, or if the Municipal Manager is involved to the Executive Mayor.

28. RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS AND QUERIES

- 28.1 The Municipal Manager must appoint an independent and impartial person, not directly involved in the adjudication processes:-
- (a) to assist in the resolution of disputes between the municipality and other persons regarding-
 - (i) any decisions or actions taken in the implementation of this policy; or
 - (ii) any matter arising from a contract awarded in terms of the Policy; or
 - (b) to deal with objections, complaints or queries regarding any such decisions or actions or any matter arising from such contract.
- 28.2 The Municipal Manager or another official designated by the Municipal manager or Executive Mayor is responsible for assisting the appointed person to perform his or her functions effectively.
- 28.3 The person appointed must -
- (a) strive to resolve promptly all disputes, objections, complaints or queries received; and
 - (b) submit monthly reports to the Municipal Manager or the Executive Mayor as the case may be, on all disputes, objections, complaints or queries received, attended to or resolved.
- 28.4 This paragraph must not be read as affecting a person's rights to approach a court at any time.

7.5.2	STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

28 March 2018

1. SUBJECT: STELLENBOSCH MUNICIPALITY: HOUSING PIPELINE (ANNUAL REVIEW 2018-2021)

2. PURPOSE

To request Council to approve the Stellenbosch Municipality's Housing Pipeline (projects) for the next 3 financial years, for submission to the Provincial Department of Human Settlements (PDoHS).

3. DELEGATED AUTHORITY

FOR DECISION BY MUNICIPAL COUNCIL

In terms of system of delegations which reads as follows:

- Item 515 (Section 2 of the Housing Act) (Page 115) – Apply the general principals set out in Section 2, when deciding on housing projects.

4. EXECUTIVE SUMMARY

The report relates to the annual review of the Stellenbosch Municipality Housing Pipeline. This particular review relates to the period 2018 to 2021.

The report requests the support of Council for the following housing projects and initiatives:

- (a) Those projects with appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity;
- (b) Those projects that require Council's support in principle in order to allow these to be submitted to the Provincial Department of Human Settlements for funding to initiate pre-feasibility studies; and
- (c) A report to be compiled and submitted to Council for consideration following the completion of pre-feasibility studies as envisaged in b) above.

5. RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.5.5

RESOLVED

That it be recommended to Council:

- (a) that the projects as reflected in the table below be supported in accordance with the appropriate funding and relevant provincial approvals (see attached **ANNEXURE 1**) as well as available bulk infrastructure capacity:

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±166/±265 services)	IRDP/FLISP	Await planning approval (LUPA)	265	
2.	Klapmuts (Phase 4 Of 2053:15) ±298 services & TRA	IRDP	Construction	298	
3.	La Rochelle, Klapmuts (±80 sites)	IRDP/FLISP	Planning		
4.	Longlands, Vlottenburg (±144 Services and units)	IRDP	Contractual matters to be finalised	144	
5.	Stellenbosch Jamestown (Phases 2) (±133 sites)	IRDP	Planning Phase 2		
6.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Proposal Call		
7.	Kayamandi: Zone O (±711 services) & Watergang (±277 services)	UISP / ISSP	Planning		
8.	Kayamandi Enkanini Enhanced Services (±1 300 sites)	UISP / ISSP	Planning (LUPA & EIA)		
9.	Kayamandi Enkanini (Pilot project)	UISP / ISSP	Construction (Electricity and upgrading of toilets) 300 electricity connections and 20 additional communal toilets		
10.	Kayamandi Town Centre Regeneration (±700 units)	UISP/ Institutional	Planning		
11.	Northern Extension (Phase 1), Stellenbosch	IRDP/FLISP	Land acquisition and planning		
12.	Kylemore (±171 services & ±171 units)	IRDP	Await transfer of land		
13.	Franschhoek Langrug Enhanced Services (±1 200 services)	UISP	Planning and feasibility study for decanting site		
14.	Stellenbosch La Motte Old Forest Station (±430 services & ±430 units)	IRDP/FLISP	Await planning approval		
15.	Meerlust, Franschhoek (±200 services & ±200 units)	IRDP	Planning		
16.	De Novo (±374 sites) Project managed by PDoHS	IRDP / Institutional	Planning		
TOTAL				707	

Note: IRDP – Integrated Residential Development Programme
 FLISP – Finance Linked Individual Subsidy Programme
 UISP – Upgrading of Informal Settlement Programme
 ISSP – Informal Settlements Support Programme
 LUPA – Land Use Planning Act
 EIA – Environmental Impact Assessment

- (b) that the projects in the table below, be supported in principle and submitted to Provincial Department of Human Settlements for funding to commence with pre-feasibility studies;

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	La Motte, Franschhoek	IRDP/FLISP	Pre-planning phase		
2.	Erf 2, La Motte (±70 services)	IRDP	Pre-planning phase		
3.	Drodyke	IRDP	Pre-planning phase		

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
4.	Botmaskop (±1 500 opportunities)	Social Housing / IRDP	Pre-planning phase		
5.	Stellenbosch Transit Orientated Development complex precinct (±3 500 opportunities)	IRDP	Pre-planning phase		

- (c) that after the completion of the pre-feasibility studies of these projects as listed in (b) above, a report be submitted to Council for consideration; and
- (d) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.

6. DISCUSSION / CONTENTS

- (i) **The Northern Extension** - potential development of approximately 86ha of land located north of Kayamandi of which 30% is currently in the ownership of the Stellenbosch Municipality. A key factor in this proposed development is the alignment of the proposed Western Bypass which is to form the western boundary of the project area as well as the new north-western urban edge of Stellenbosch town.

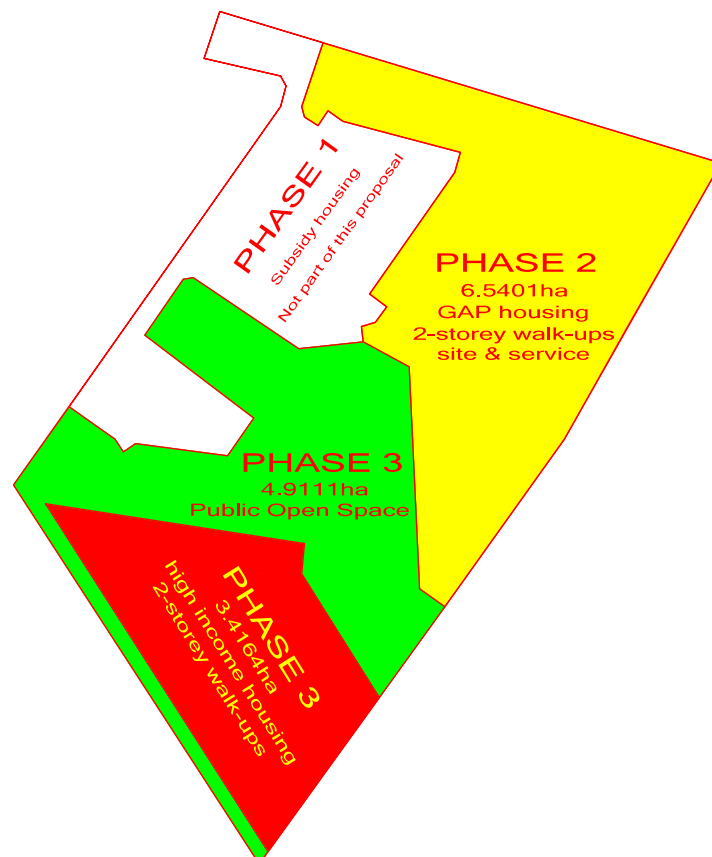
The project is envisaged to facilitate the development of 4 000 to 6 000 residential opportunities in a mix of housing typologies of which the majority will be social housing (three to four storey flats for rent).



Northern Extension: Location of the study / planning area

- (ii) **Jamestown (Portion 4 of Farm 527 and Remainder Farm 527)** - located on the southern edge of the suburb of Jamestown, east of the R44 between Stellenbosch and Somerset West. Phase 1 of an existing land use approval for the development of ± 395 housing units have been completed in December 2016 and facilitated the construction of ± 120 subsidized housing units on Portion 4 of Farm 527.

The remaining phases of the approved development on Portion 4 is to be completed and an additional ± 850 units is envisaged for Remainder Farm 527 with a mix of housing typologies.



Location of the Jamestown Housing Project

- (iii) **Vlottenburg Nodal Development** - located approximately 7 km to the west of Stellenbosch, this nodal development comprises the Digteby, Ash-Farm (Digteby Phase 2) and Longlands low income housing projects. It is anticipated to be a largely a mixed-income rural settlement focused on a small processing node around the railway station, Van Ryn Brandy Cellar and Vlottenburg Winery. As no municipal owned land existed in this area, developers made certain trade-offs in lieu of approvals for estate developments in the area. Portions of privately owned land were made available for low income housing projects through public/private partnerships which included Digteby (20 subsidy units), Longlands (initially 106 subsidy units, later increased to ± 144 units) and Ash-Farm (± 20 subsidy units).

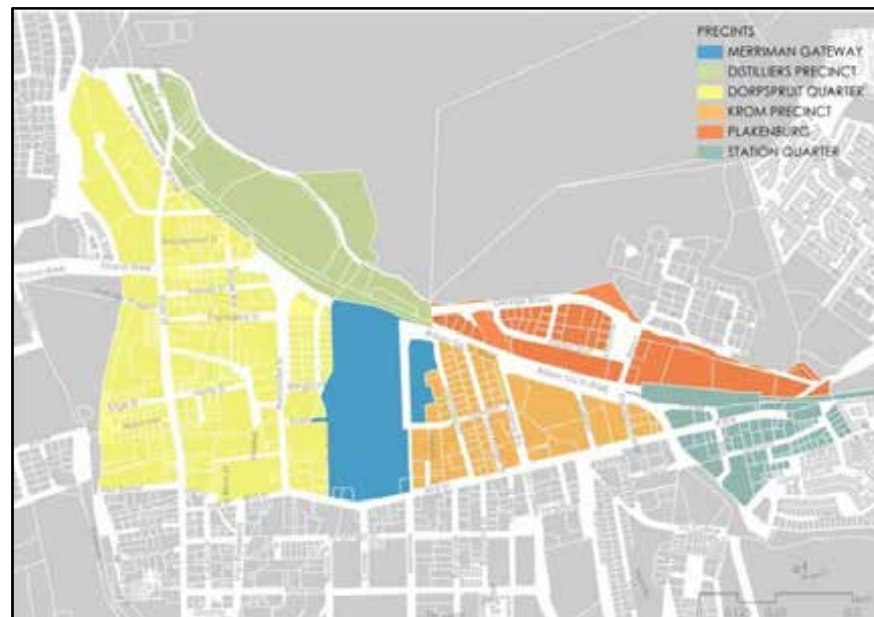
Whilst the Digteby project has already been completed, the Longlands and Ash-Farm projects are now part of a planning process aimed at integrating all three subsidy housing projects. A state of impasse currently exists as the Provincial Roads authority objected to the proposed access point for the development off the Vlotenburg Road.



Vlotenburg Nodal Development

- (iv) **Stellenbosch Transit Orientated Development** – focuses on the Adam Tas Corridor for the development of a mix of uses where buildings and services cater to the pedestrian accessing the area via alternate modes of transportation. This type of development typically incorporates compact development and dense activity centres within easy walking distance of transit stops and generally includes a mix of residential, employment and shopping opportunities designed for transit riders, cyclists, and pedestrians.

Specific areas identified for this development include the Stellenbosch and Du Toit Rail Stations, PRASA land holdings along the R44 corridor, George Blake Road, the Van Der Stel Sports Complex, the Bergzicht Taxi Rank and Informal Traders Area and Open Space parcels around R44/Adam Tas Road.



Stellenbosch Transit Orientated Development: Adam Tas corridor and affected areas

- (v) **Botmaskop** – the site comprises an approximately 98ha portion of Erf 3363 and a portion of Erf 3393, Stellenbosch in the corridor approved by Council for social housing in a restructuring zone. The combined sites provide for approximately 35 – 40ha of developable municipal land and presents an ideal opportunity for social and middle income housing. The exact nature and extent could be determined only after a pre-feasibility study has been conducted. The site also provides for an opportunity to engage private developers and/or Social Housing Institutions in the development and pre-feasibility processes.



- (vi) **Upgrade of Informal Settlements Project (UISS)** - Stellenbosch Municipality developed an upgrading of Informal Settlements Strategy which is aligned with the Municipal Housing Pipeline. The strategy categorises different settlements in order of develop ability with higher order settlements included in

formal developments and lower order settlement incrementally upgraded and provided with interim basic services.

- (vii) **Forest Villages** – focuses on four settlements (historically “Bosdorpe” established to service the forestry industry).

In **Jonkershoek**, located south-east of Stellenbosch town, a participatory planning process has been initiated, bringing a wide range of stakeholders together to map the way forward to achieve security of tenure for the approximately 114 households currently accommodated in the settlement area.

Transfer of individual erven to identified beneficiaries in **La Motte** Forest Village has been completed and the transfer of an additional ±80 units is currently underway. The proposed extension of La Motte Village on land currently owned by NDPW can be implemented as soon as the land has been transferred to Stellenbosch Municipality.

A recent Council decision to take over the **Meerlust** Rural Housing Development from Cape Winelands District Municipality has paved the way for this project to move into implementation phase.

A topographic survey of **Maasdorp** has recently been completed and the administration is now ready to commence with the township establishment phase of the project pending funding availability.

6.2.1 Discussion

6.2.1 Progress on current housing projects

6.2.1.1 Kayamandi Housing

6.2.1.1.1 Watergang Housing

Contractor to build the remaining 17 units has been appointed in accordance with Supply Chain Policy, Section 32. The contractor commenced with the work in December 2017 and will complete the units before the end of the current financial year.

6.2.1.1.2 Zone O

The consultants completed the layout plan. The layout plan consists of ±703 housing opportunities with N2 gateway model included. All houses will be semi-detached double or triple storey buildings. The consultants are preparing other options in order to increase the density even more to accommodate as many as possible families. Once a final layout is agreed upon the LUPA application will be submitted.

6.2.1.1.3 332 TRA

The contractor to build the 332 temporal housing units has been appointed. Site handover was on 5 December 2017. Contractor commenced with the work

on 8 January 2018 and will complete the project by end of the current financial year.

6.2.1.2 Erf 2181, Mandela City, Klapmuts

The project was initially to develop the remainder of the 219 sites that was approved by the Provincial Department of Human Settlements (PDoHS) during 2012. The Department: Informal Settlements appointed consultants for the densification of the existing sites to ±295 sites. The application for the subdivision was submitted to the Directorate: Planning and Economic Development.

The subdivision was advertised in terms of the By-law and approved by the Municipal Planning Tribunal (MPT) on 8 May 2017.

The Department: New Housing advertised the tender for the installation of civil engineering services and was approved by the Bid Adjudication Committee (BAC) to the successful bidder. A site hand over the meeting was held on 7 June 2017. Site establishment took place and the installation of services is in progress. Several meetings were held in Klapmuts to keep the residents of Mandela City updated of the process of relocation and the various construction phases. A housing committee was also elected to represent the community and to keep them abreast of any challenges.



Installation of services in progress.

The rephasing of the project and the required funding was approved by PDoHS. The installation of services for phase 1 is at 80% completion to date and progress is good on site. One of the

challenges is the re-location of the families to electrified structures. Klapmuts area is supplied by Eskom and Stellenbosch's Electricity Department is currently intervening in order to find a solution for this matter.

A tender was also advertised during November 2017 for the construction of nutec fibre cement houses. The tender closed on 8 December 2017 and the amounts that the Municipality received through the tender process is much higher than initially anticipated; it was two times the estimated amount as per the budget for the project. Alternatives are currently being explored in order to provide Mandela City residents with a suitable structure.

6.2.1.3 Ida's Valley Housing

6.2.1.3.1 Erf 9445

Construction started during June 2017 in order to rehabilitate the river adjacent to the development on Erf 9445. The Department Environmental Affairs and Development Planning (DEA&DP) issued a pre-compliance notice to inform the Municipality that they are concerned that construction in the watercourse is taking place and that all activities in the watercourse must cease. The allegation by the member of the public is currently under investigation but the DEA&DP confirmed that this investigation does not stop the housing development on Erf 9445. A 24G application will be submitted to DEA&DP in order to obtain approval for the river rehabilitation work.

The MPT approved the application on 3 November 2017, where after an appeal period followed. An objection was received from one of the Interested and Affected parties. The project is currently on hold objection process has been concluded.

6.2.1.3.2 Erf 11330

The Environmental Authorization was issued for Erf 11330 on 25 November 2016. A Project Implementation Readiness Report was submitted to secure funding for the installation of the internal engineering services. Various discussions with the Municipality's technical department have taken place since the planning stage of the project, in order to adhere to the required regulations.

During the MPT meeting of 3 November 2017, the township establishment was approved. The contractor did site establishment during January 2018 and the Consulting engineers will finalise the drawings with the Engineering Department in order to re-route the main waterlines on the site. Site establishment for the earthworks will also commence in January 2018.

6.2.1.4 Jamestown Housing

An agenda item served during a Council meeting held in September 2017 for the disposal of municipal land, being a portion of Portion 4 of Farm No 527 and a portion of the Remainder of Farm No 527, located at Jamestown. The Department commenced with a procurement process to appoint a Turnkey Developer through a Call for Proposals.

6.2.1.5 Erf 7001 and other possible sites for mix-used development in Cloetesville

The Directorate: Planning and Economic Development identified a number of vacant and underutilised properties within Cloetesville and a service provider was appointed to prepare a strategy to identify the best use for each of these properties.

The properties include the following:

- Erf 6847, 6886, 6300;
- Erf 7135 (two separate properties);
- Erf 7181, 6668;
- Erf 7271;
- Erf 8776;
- Erf 8915; and
- Erf 7001.

Area with Redevelopment Potential:

- Erf 6868, 7555, 7231, 9049, 7630 – 7636, 5354, 6859 - 6860, 6851, 16431, 8938 – 8960, 6865, 8937, 15172 – 15196, 14599, 15228 – 15261, 9527 and 8932.

The intent of the report was to devise a development strategy that will aid the highest and best use of the land. The study was conducted in two stages. This study report aimed to address Stage 1, through reviewing, identifying, evaluating and assessing the erven in question, which in turn will form the baseline for Stage 2.

The report will be submitted to Council after relevant departments have submitted their comments to the consultant/s.

6.2.1.6 Upgrading of Informal Settlements Strategic (UISS)

The Informal Settlements department developed an Informal Settlements Upgrading Strategy (ISUS). The purpose of this strategy is to identify all the informal settlements within the Stellenbosch Municipal area and to identify possible upgrading projects within these settlements. The identified projects were then prioritised in accordance with the level of basic services that are available to the settlement.

Applications for funding for these prioritised projects were submitted to the budget office at Stellenbosch Municipality, as well as the PDoHS. The Department: Informal Settlements is currently implementing the following projects:

- (a) Enkanini pilot project;
- (b) Enkanini rezoning, consolidation and subdivision;
- (c) Jamestown water and sanitation project; and
- (d) Langrug road project.

The Department: Informal Settlements has also submitted additional funding application (planning applications) to PDoHS for:

- (a) Enkanini rezoning, consolidation and subdivision;
- (b) Enkanini interim services;
- (c) Langrug completion of the road project;
- (d) Langrug dam rehabilitation project; and
- (e) Upgrading of La Rochelle informal settlement to accommodate beneficiaries earning more than R3 500.

6.2.1.7 Strategic for forest villages (“Bosdorpe”)

The Stellenbosch Municipality intervention in respect of forest villages (“Bosdorpe”) is centered around the following settlements:

- Op-die-Bult (Jonkershoek);
- La Motte;
- Maasdorp; and
- Meerlust.

(a) Op-die-Bult (Jonkershoek)

The Jonkershoek Valley lies south-east of the town of Stellenbosch and is divided into distinct separate areas given different historical land use and ownership:

- Agricultural Precinct
- Mixed Use Precinct
- Forestry Precinct; and
- Natural / Conservation Precinct.

The Op-die-Bult Settlement is located within the Mixed Use Precinct of the Valley and is one of 14 identifiable areas of residential use. It is located on steep terrain in the north-eastern portion of the Precinct. In 2011 the settlement consisted of 18 timber structures (draft Jonkershoek Spatial Development Framework, 2011/2012) originally used to house forestry workers. According to this draft Spatial Development Framework (SDF) the settlement was home to approximately 80 inhabitants at the time. Over the past few years, however, a number of informal structures have been erected to accommodate the growing in-migration into the settlement. The informal structures have not been officially quantified to date.



Figure 1: Op-die-Bult location

Although the Stellenbosch Municipality is a major landowner in the Jonkershoek Valley, the land on which the Op-die-Bult Settlement is located is in the ownership of the National Department of Public Works (NDPW). During 2006, NDPW requested Stellenbosch Municipality to take over the management of Op-die-Bult until such time as township establishment would occur, whereafter it would become the responsibility of Stellenbosch Municipality to deliver municipal services. In considering this request Stellenbosch Municipality made it clear that they would only take over this responsibility if the various role-players, i.e. Stellenbosch Municipality, Mountain to Ocean (MTO), Cape Nature and the National Department of Public Works, agree on the future of the Jonkershoek Valley in its entirety.

A formal process, initiated by Stellenbosch Municipality and involving all relevant role-players, has recently been established for sustained service delivery and township establishment intended to eventually lead to security of tenure for the Jonkershoek community. It is envisaged that this process may take 2 – 3 years to be concluded. A final draft Memorandum of Understanding (MoU) has been developed and it is expected that it will be signed by all the relevant role players shortly. This will pave the way for a participatory planning process and the improved provision of basic engineering services for the area. A separate Memorandum of Agreement (MoA) is to be concluded between Stellenbosch Municipality and the owner of the land on which Op-die-Bult is located to the planning and township establishment process to commence.

(b) La Motte

The village of La Motte is situated to the west of Franschhoek, on the Robertsvlei Road, approximately 1km south of where it intersects the R45 on land previously owned by the Republic of South Africa (NDPW).

A land use application has been submitted for the extension of La Motte Village on land currently owned by NDPW. The costs relating to this La Motte Old Forest Station Housing Project (±430 services and ±430 units) will be covered by the Western Cape Department of Human Settlements. As soon as land transfer (NDPW to Stellenbosch Municipality) has been effected and planning approval has been obtained, the project can enter the project implementation phase.

(c) Maasdorp

The Maasdorp Settlement is currently located on two portions of land owned by NDPW (Portions 27 and 28 of Farm 1041) approximately 4km west of Franschhoek Village Centre on the north-eastern side of the R45 between Franschhoek and Paarl.

A Memorandum of Agreement between the NDPW and Stellenbosch Municipality was concluded in April 2007 whereby the Municipality would attend to the upgrading of services in the existing settlement with the view of township establishment. A process of engagement with NDPW on the transfer of the land to Stellenbosch Municipality has been initiated and preliminary planning investigations required for township establishment have commenced. A topographical survey of the settlement has been completed and the planning and township establishment processes can now commence.

(d) Meerlust

Meerlust (Portion 1 of Farm 1006) is located on the southern edge of the R45 between Franschhoek and Paarl close to the intersection of the R45 and the R310. Meerlust currently consists of 33 households residing in old timber forestry houses on land owned by NDPW.



La Motte, Maasdoorp and Meerlust location

A Memorandum of Agreement (2007) between the NDPW and Stellenbosch Municipality is in place whereby the Municipality would provide limited services to Meerlust until such time as the property is transferred to Stellenbosch Municipality. A housing project (the Groot Drakenstein / Meerlust Rural Housing Project) has been initiated by the Cape Winelands District Municipality and ministerial approval has been obtained for the transfer of the land from NDPW to Cape Winelands District Municipality.

The Council of Stellenbosch Municipality has recently resolved that the Groot Drakenstein/Meerlust Rural Housing Project be transferred from Cape Winelands District Municipality to Stellenbosch Municipality and the simultaneous transfer of the land from NDPW to Cape Winelands District Municipality and then to Stellenbosch Municipality. This has paved the way for the planning, township establishment and housing project processes to be initiated.

6.2.2 Review and update of projects for the MTREF 2018-2021

(i) 2018/19 Financial Year

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±265 services) (Erf 113300)	IRDP/BNG	Construction	205	
2.	Stellenbosch Ida's Valley (±166 services) (Lindida)	FLISP	Construction (pending on appeal process)	60	
3.	Klapmuts (Phase 4 Of 2053:15) ±298 services & TRA	IRDP	Construction	179 (119 service sites completed during 2017/18 FY)	284 temporary units
4.	La Rochelle, Klapmuts (±80 sites)	UISP / ISSP	Planning		

AGENDA

16TH COUNCIL MEETING OF THE COUNCIL
OF STELLENBOSCH MUNICIPALITY

2018-03-28

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
5.	Longlands, Vlottenburg (±144 Services and ±144 units)	IRDP	Contractual matters to be finalised	144	
6.	Stellenbosch Jamestown (Phases 2) (±133 sites)	IRDP	Planning Phase 2 – Proposal Call		
7.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Proposal Call		
8.	Kayamandi: Zone O (±711 services) & Watergang (±277 services)	UISP / ISSP	Planning		
9.	Kayamandi: Watergang (±277 services)	UISP (Enhance site)	Temporary units with toilets		55 (temporary structures)
10.	Kayamandi Enkanini Enhanced Services (±1 300 sites)	UISP / ISSP	Planning (LUPA & EIA)		
11.	Kayamandi Enkanini (Pilot project)	UISP / ISSP	Construction (Electricity and upgrading of toilets) 300 electricity connections and 20 additional communal toilets		
12.	Kayamandi Town Centre Regeneration (±700 units)	UISP/ Institutional	Planning		
13.	Northern Extension (Phase 1), Stellenbosch	IRDP/FLISP	Land acquisition and planning		
14.	Kylemore (±171 services & ±171 units)	IRDP	Await transfer of land		
15.	Franschhoek Langrug Enhanced services (±1 200 services)	UISP	Planning and feasibility study for decanting sites		
16.	Stellenbosch La Motte Old Forest Station (±430 services & ±430 units)	IRDP/FLISP	Await planning approval		
17.	Meerlust, Franschhoek (±200 services & ±200 units)	IRDP	Planning		
18.	Rectification of existing units in Smartie Town (106 units)	CRR	Rectification implementation		
19.	Social Housing: Restructuring Zones, CBD Stellenbosch		Planning and Proposal Call		
20.	Botmaskop (±1 500 opportunities)	Social Housing / IRDP	Pre-planning phase		
21.	Stellenbosch Transit Orientated Development complex precinct (±3 500 opportunities)	IRDP	Pre-planning phase		
22.	De Novo (±374 sites) Project managed and funded by PDoHS	IRDP / Institutional	Planning		
TOTAL				588*	339 temporary units
DORA ALLOCATION				R48 094 000	

* Current Provincial costing for service sites are R46 000 per erf and R120 000 per top structure.

(ii) 2019/20 Financial Year

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±265 services) (Erf 13300)	IRDP/BNG	Construction		90
2.	Stellenbosch Ida's Valley (±166 services) (Lindida)	FLISP	Construction	166	100
3.	Longlands, Vlothenburg (±144 Services and units)	IRDP	Construction		144
4.	Stellenbosch Jamestown (Phases 2) (±133 sites)	IRDP/FLISP	Construction	133	
5.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Planning		
6.	Kayamandi Zone O (±711 services)	UISP	Construction	100	
7.	Kayamandi Enkanini Enhanced Services (±1 300 sites)	UISP	Planning		
8.	Kayamandi Town Centre Regeneration (±700 units)	UISP/ Institutional	Planning		
9.	Northern Extension (Phase 1), Stellenbosch	IRDP/FLISP	Planning		
10.	Kylemore (±171 services & ±171 units)	IRDP	Land transfer DoPW		
11.	Franschoek Langrug Enhanced services (±1 200 services)	UISP	Planning and feasibility study for decanting sites		
12.	Stellenbosch LaMotte Old Forest Station (±430 services & ±430 units)	IRDP/FLISP	Planning		
13.	Meerlust, Franschoek (±200 services & ±200 units)	IRDP	Planning		
14.	Rectification of existing units in Smartie Town (106 units)	CRR	Rectification		106
15.	Social Housing: Restructuring Zones, CBD Stellenbosch		Planning		
16.	Botmaskop (±1 500 opportunities)	Social Housing / IRDP	Pre-planning		
17.	Stellenbosch Transit Orientated Development complex precinct (±3500 opportunities)	IRDP	Pre-planning		
TOTAL				399	440
DORA ALLOCATION				R39 280 000	

* Current Provincial costing for service sites are R46 000 per erf and R120 000 per top structure.

(iii) 2020/21 Financial Year

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±265 services) (Erf 13300)	IRDP/FLISP	Construction		175
3.	Stellenbosch Jamestown (Phases 3) (±165 opportunities)	IRDP/FLISP	Planning		
4.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Construction	*	
5.	Kayamandi Zone O (±711 services)	UISP	Construction	100	

6.	Kayamandi Enkanini Enhanced Services (\pm 1 300 sites)	UISP	Construction	*	
7.	Kayamandi Town Centre Regeneration (\pm 700 units)	UISP/ Institutional	Construction	*	
8.	Northern Extension (Phase 1), Stellenbosch	IRDP/FLISP	Planning		
9.	Kylemore (\pm 171 services & \pm 171 units)	IRDP	Construction	100	
10.	Franschoek Langrug Enhanced Services (\pm 1 200 services)	UISP	Construction	*	
11.	Stellenbosch LaMotte Old Forest Station (\pm 430 services & \pm 430 units)	IRDP/FLISP	Construction	50	
12.	Meerlust, Franschoek (\pm 200 services & \pm 200 units)	IRDP	Construction		
13.	Social Housing: Restructuring Zones, CBD Stellenbosch		Planning		
14.	Botmaskop (\pm 1 500 opportunities)	Social Housing / IRDP	Planning		
15.	Stellenbosch Transit Orientated Development complex precinct (\pm 3 500 opportunities)	IRDP	Planning		
TOTAL				250	175
DORA ALLOCATION				R41 000 000	

*To be confirmed by the allocation amount of PDoHS.

* Current Provincial costing for service sites are R46 000 per erf and R120 000 per top structure.

7. Financial Implications

This report has the following financial implications: The Housing Pipeline must reconcile with budgets and provincial approvals as well as bulk infrastructure capacity or budget.

8. Legal Implications

The draft item provided, deals with the approved housing pipeline for Stellenbosch Municipality by the Provincial Department of Human Settlements (PDoHS). The approval for the human settlement pipeline was already granted by the Provincial Department of Human Settlements and no legal input is required in this regard. The Municipality however has to comply with the conditions of approval. The item is thus supported.

9. Staff Implications

This report has staff implications in accordance with the newly approved organogram. Project Managers will be appointed on an ad-hoc basis.

10. Previous / Relevant Council Resolutions:**11TH COUNCIL MEETING: 2017-08-30: ITEM 7.5.1****RESOLVED** (majority vote with abstentions)

- (a) that the projects as reflected in the table below be supported in accordance with the appropriate funding and relevant provincial approvals as well as available bulk infrastructure capacity:

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Stellenbosch Ida's Valley (±166 services) (Lindida)	IRDP/FLISP	Await planning approval (LUPA)	166	
2.	Stellenbosch Jamestown (Phases2)	IRDP	Planning Phase 2		
3.	Klapmuts (Phase 4 Of 2053:15) ±298 services & units	IRDP	Construction	100	
4.	Kayamandi Watergang (±295 services)	UISP (Enhance site)	Temporary units with toilets		±300 (temporary structures)
5.	Kayamandi Watergang (±187 units)	IRDP	Construction		20
6.	Kayamandi Zone O (±711 services) Investigating possible increase of sites	UISP	Planning		
7.	Franschoek Langrug Enhanced Services (±1 200 services)	UISP	Planning and feasibility study for decanting site		
8.	Longlands, Vlottenburg (±144 Services and ±144 units)	IRDP	Contractual matters to be finalised		
9.	Stellenbosch La Motte Old Forest Station (±430 services & ±430 units)	IRDP/FLISP	Await planning approval		
10.	Kylemore (±171 services & ±171 units)	IRDP	Await transfer of land		
11.	Kayamandi Enkanini Enhanced Services	UISP	Planning (LUPA & EIA)		
12.	Kayamandi Enkanini (Pilot project)	UISP	Construction (Electricity and upgrading of toilets)	300 electricity connections and 20 additional communal toilets	
13.	Kayamandi Town Centre Regeneration (±700 units)	UISP/ Institutional	Planning		

- (b) that the projects in the table below, be supported in principle and submitted to Provincial Department of Human Settlements for funding to commence with pre-feasibility studies;

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
1.	Erf 7001 and other possible sites for mix-used development in Cloetesville	IRDP/FLISP	Planning		
2.	Erf 2, La Motte (±70 services)	IRDP	Planning		

	PROJECT NAME	HOUSING PROGRAM	PROJECT PHASE	NO OF SITES	NO OF UNITS
3.	Botmaskop	Social Housing / IRDP	Pre-planning phase		
4.	Van der Stel Sports complex precinct	IRDP	Pre-planning phase		

- (c) that after the completion of the pre-feasibility studies of these projects as listed in (b) above, a report be submitted to Council for consideration; and
- (d) that the housing pipeline be reviewed on an annual basis to align the project readiness with the DORA allocation.

Councillors DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.

Meeting:	11 th Council: 2017-08-30	Submitted by Directorate:	Directorate: Human Settlements
Ref no:	17/4/9	Author	Manager: New Housing & Man: Informal Settlements
Collab:		Referred from:	

11. **Risk Implications**

This report has no risk implications for the Municipality.

12. **Comments from Senior Management:**

12.1 **Director: Infrastructure Services**

Agree with the recommendations.

12.2 **Director: Planning and Economic Development**

Agree with the recommendations. The Municipal Spatial Development Framework (MSDF) was amended in May 2017. The Housing Pipeline should be adjusted where needed to comply with the SDF. The annual revision of the MSDF is currently in process and will reference current studies such as the urban development strategy, heritage inventory, rural area plan, transit orientated development plan and other special development studies.

With regards to respective land use rights, each project will be subject to an application in terms of Section 15 of the Stellenbosch Land Use Planning By-Law, 2015 and relevant studies as well as NEMA requirements where necessary.

The application will be considered by the Municipal Planning Tribunal in keeping with Sections 65 and 66 of the Land Use Planning By-Law. Section 15 (6) of the By-Law reads as follows:

“When the Municipality on its own initiative intends to conduct land development or an activity contemplated in subsection (2), the decision on the application must be made by the Tribunal in accordance with this Chapter and Chapter IV and no official may be authorised to make such a decision.”

12.3 **Director Human Settlements and Property Management**

Agree with the recommendations. The item is supported.

12.4 Chief Financial Officer:

Agree with the recommendations.

12.5 Municipal Manager:

Agree with the recommendations.

ANNEXURES**Annexure 1: Provincial approval****FOR FURTHER DETAILS CONTACT:**

NAME	Lester van Stavel
POSITION	<i>Manager: New Housing</i>
DIRECTORATE	<i>Human Settlements & Property Management</i>
CONTACT NUMBERS	021 808 8462
E-MAIL ADDRESS	<i>Lester.vanstavel@ Stellenbosch.gov.za</i>
REPORT DATE	

ANNEXURE 1



The Municipal Manager
 Stellenbosch Municipality
 PO Box 17
Stellenbosch
 7599
 Fax: (021) 808 - 8026

ALLOCATED FUNDING : HUMAN SETTLEMENT DEVELOPMENT GRANT
AGREEMENT OF DELIVERY TARGETS

We refer to our correspondence of 21st December 2017, as well as the meeting of 15th January 2018. The Department was notified on 22nd December 2017 of a R370m reduction in the Human settlements development Grant for 2018/19 and similar amounts in the 2019/20 and 2020/21 financial years. It is therefore necessary to adjust the allocated funding to municipalities. The funding allocated to your municipality for the implementation of Human Settlement projects over the MTEF has been adjusted as follows :

2018/19 : **R 48,094,000**
 2019/20 : R 39,280,000 (Indicative amount subject to approval of projects)
 2020/21 : R 41,000,000 (Indicative amount subject to approval of projects)

The attached schedule lists the proposed projects for the 2018/19 provincial financial year (1 April 2018 to 31 March 2019). Please confirm that your municipality is able to deliver on these targets by 31st March 2019. Please also provide detailed cash flows per project to your regional director.

DELIVERY TARGETS 2018/19

STELLENBOSCH	Planned 2018/19		
	Sites	Units	Funding R'000
Kayamandi Watergang UISP (277 TRA)			860
ISSP Kayamandi Zone O (711) UISP	0		5 000
ISSP Kayamandi Enkanini (1300 sites) UISP			2 400
ISSP Kayamandi Enkanini (Interim Services)			1 000
Stellenbosch De Novo (374) IRDP			1 400
Stellenbosch Northern Extension (5200) IRDP			2 000
Stellenbosch Idas Valley (166/265) IRDP	265		15 900
Klapmuts (balance 298 of 1036)	298		13 500
Klapmuts TRA (on 298 sites Nutec structures)			4 300
Stellenbosch Jamestown Phase 2 (133) IRDP			600
Stellenbosch Erf 7001 Cloetesville (380) IRDP			250
Vlottenburg Longlands (144) IRDP	144		144
ISSP Klapmuts La Rochelle (80 sites) UISP			140
Meerlust (200)			600
Total	707	0	48 094

Yours faithfully

HEAD OF DEPARTMENT

DATE: 6/2/2018

CHIEF DIRECTORATE: HUMAN SETTLEMENT IMPLEMENTATION
 27 Wale Street, Cape Town, 8000
 Tel: +27 21 483 2512

Private Bag X9043, Cape Town, 8000
 www.westerncape.gov.za
 Phila.Mayisela@westerncape.gov.za

7.5.3	KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT
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Collaborator No: **572529**
 IDP KPA Ref No:
 Meeting Date: **14 March 2018**

1. SUBJECT: KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT: FEASIBILITY REPORT

2 PURPOSE

To report on the feasibility of the redevelopment of Kayamandi Town Centre.

3. DELEGATED AUTHORITY

In terms of system of delegations which reads as follows:

- Item 516 (Section 9 of the Housing Act) (Page 115) –
Take all reasonable and necessary steps, within the framework of national and provincial housing legislation and policy to ensure –
 - (a) that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis;
 - (b) services in respect of water, sanitation, electricity, roads, stormwater drainage and transport are provided in a manner which is economical/efficient; and
 - (c) that appropriate housing development is initiated, planned and co-ordinated.

4. EXECUTIVE SUMMARY

The objective of this project is to:

- (a) Submit a planning application for the Town Centre of Kayamandi;
- (b) conduct geotechnical investigation;
- (c) compile engineering design and submit for approval; and
- (d) apply for funding approval to install services and build multi-storey top structures.

5. RECOMMENDATIONS

During deliberations on the matter, it was requested that additional information in connection with the public participation/communication processes that were followed, as well as the relevant comments from the CFO, be included in the item before submission to Council.

MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.5.6

RESOLVED

That it be recommended to Council:

- (a) that the recommendations of the feasibility report be implemented with regard to the:

-
- detailed planning and land use rights;
 - detailed engineering designs;
 - installation of civil and electrical engineering;
 - high density residential development layout; and

(b) that funding be sourced from the Provincial Department of Human Settlements (PDoHS) to implement the project.

6. DISCUSSION / CONTENTS

6.1 Background

Jubelie Projects has been appointed by Municipality to conduct a feasibility report to assess the redevelopment of the Town Centre of Kayamandi. The scope of their work during the feasibility phase consisted of:

- Determining the existing status quo.
- Contextual assessment of the site.
- Planning policy directives.
- Site development plan with housing placing thereon, indicating the development patterns, and proposed land uses, residential densities.

The intention is to determine the feasibility of redeveloping the Kayamandi Town Centre, formalising the residential area, to be re-inhabited by the existing residents of the area, while providing the necessary additional community facilities.

6.2 Discussion

In 2016, the Provincial Department of Human Settlements (PDoHS) approved funding for feasibility studies and detailed town planning of Kayamandi Town Centre (see attached **ANNEXURE 1**). Jubelie Projects was then appointed by the Municipality do the feasibility studies. To date the feasibility report has been completed and detailed town planning and civil engineering designs needs to be concluded.

A number of demographic surveys were undertaken in Kayamandi recently. The study area of the Town Centre comprised the following wards:

(a) Zones A, D, F, I, J, K, L, M,N and P.

An updated structure count from 2017 aerial photography (see attached **ANNEXURE 2**) was also conducted as can be seen below. Approximately 2 787 structures have been counted in the town centre. It should be noted that each structure does not necessarily represent a residential unit as some units are used for non-residential use.

Table 1: Kayamandi-Enkanini Socio Economic Survey Profile Summary

	Aerial photography count			Survey units and Households		Household Income Profile							
	Area (ha)	Structure Count 2017	Structures / ha	Survey No. Units	Households Total	>R3 500		Single with no dependents		Potential Beneficiary		Total	
						no	%	no	%	no	%	no	%
TOWN CENTRE PRIMARY AREA													
Zone A	5.3	1,138	213	606	1,107	138	12.5%	547	49.4%	422	38.1%	1,107	100.0%
Zone J	2.1	409	197		409	51	12.5%	202	49.4%	156	38.1%	409	100.0%
Zone K	3.4	473	140	187	203	56	27.6%	85	41.9%	62	30.5%	203	100.0%
Zone L	0.0			240	277	61	22.0%	132	47.7%	84	30.3%	277	100.0%
Subtotal	10.8	2,020	187	1,033	1,996	306	15.3%	966	48.4%	724	36.3%	1,996	76.6%
TOWN CENTRE SECONDARY AREA													
Zone D	0.3	41	158	109	120	26	21.7%	53	44.2%	41	34.2%	120	100.0%
Zone F	1.4	295	213	184	305	78	25.6%	145	47.5%	82	26.9%	305	100.0%
Zone I	1.8	304	173	159	252	58	23.0%	109	43.3%	85	33.7%	252	100.0%
Zone M	0.5	51	98	48	50	11	22.0%	14	28.0%	25	50.0%	50	100.0%
Zone P	0.4	76	206	56	77	15	19.5%	27	35.1%	35	45.5%	77	100.0%
SubTotal	4.3	767	179	556	804	188	23.4%	348	43.3%	268	33.3%	804	100.0%
TOWN CENTRE (Zone A-P)	15.1	2,787	185	1,589	2,800	494	17.6%	1,314	46.9%	992	35.4%	2,800	100.0%

The total demand for housing within the Town Centre is ± 2800 opportunities. In order for the Municipality to be able to start the project within the Town Centre 891 households must be relocated to a decanting site.

The Town Centre will provide about 1909 housing opportunities (see attached the layout plan as **ANNEXURE 3**).

The total backlog can be accommodated in any of the following ways:

- (a) Qualifiers
 - BNG Single free standing units;
 - BNG Multi-storey units; and
 - Enhanced serviced sites.
- (b) Non-qualifiers
 - Community Rental units;
 - Social Housing;
 - Enhanced serviced sites; and
 - Lower and upper GAP housing.

Various investigations have been done by Jubelie to determine the formalisation of the greater Kayamandi including Zone O and Enkanini. Refer to the feasibility report for detail.

In order to maximise the residential yield, it is proposed to develop the Town Centre with four and five storey units (see attached proposed housing typologies as **ANNEXURE 4**).

6.3 Communication

Municipal officials and the professional team met on numerous occasions with the Ward Councillors, Ward Committee members and targeted community representatives to discuss the development strategy of the Kayamandi Town Centre. During these engagements, presentations were done by the consultants, depicting the study area, traffic impact assessment, surveys conducted and possible different typologies as top structures, to address the challenges in the Kayamandi Town Centre. Significant time was given by the professional team to the participants

to comment and question the approach in relation to development of the affected area.

6.4 Financial Implications

This report has the following financial implications. Project will be aligned in accordance with DORA allocation to the Municipality.

6.5 Legal Implications

The recommendations in this report comply with Council's policies and all applicable legislation.

6.6 Planning Implications

The area under consideration falls within the approved Municipal Spatial Development Framework (MSDF). From a planning perspective the redevelopment of the Town Centre is therefor in line with the future vision for Kayamandi.

6.7 Previous / Relevant Council Resolutions

None

6.8 Risk Implications

This report has no risk implications for the Municipality.

6.9 Comments from Senior Management

6.9.1 Director: Infrastructure Services

Agree with the recommendations.

6.9.2 Director: Planning and Economic Development

Agree with the recommendations. The study undertaken by Jubelie investigated the project in depth and was based on sound planning principles. It appears from the study that the upgrading is feasible and indeed desirable.

This directorate supports the notion of increasing the density of residential units by constructing multi-storey apartments and a variety in the typology of buildings. As the area is located at the entrance to Stellenbosch and Kayamandi the visual impact of the proposed development (which is to be taller than the current structures) will however be a significant factor that has to be taken into account. A visual impact assessment and mitigated measures is required in the detailed planning of the project.

Further studies and detail will be delay with during the next phase regarding the detailed planning to be undertaken.

6.9.3 Director: Community and Protection Services

Not applicable.

6.9.4 Director: Strategic and Corporate Services

Not applicable.

6.9.5 Director Human Settlements and Property Management

Agree with the recommendations.

6.9.6 Chief Financial Officer

Finance supports the item depending on budget availability and a supporting financial and funding model for the project.

6.9.7 Municipal Manager

Agree with the recommendations.

ANNEXURES

Annexure 1: Feasibility studies and detailed town planning of Kayamandi Town Centre

Annexure 2: Aerial photography

Annexure 3: Layout plan

Annexure 4: Proposed housing typologies

FOR FURTHER DETAILS CONTACT:

NAME	LESTER VAN STAVEL
POSITION	MANAGER: NEW HOUSING
DIRECTORATE	HUMAN SETTLEMENTS & PROPERTY MANAGEMENT
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E-MAIL ADDRESS	Lester.vanstavel@ Stellenbosch.gov.za
REPORT DATE	26 February 2018

ANNEXURE 1

KAYAMANDI TOWN CENTRE REDEVELOPMENT PROJECT STELLENBOSCH

FEASIBILITY REPORT

PREPARED FOR

NEW HOUSING
HUMAN SETTLEMENTS & PROPERTY MANAGEMENT
STELLENBOSCH MUNICIPALITY

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1. GENERAL INFORMATION

- 1.1 Jubelie Projects (Pty) Ltd have been appointed by Stellenbosch Municipality to appoint the necessary multi-disciplinary team of professional consultants required to conduct a feasibility study to assess the redevelopment of the town centre of Kayamandi. Jubelie has entered into a service level agreement (SLA) with Stellenbosch Municipality in respect of the Project and an order to perform work in terms thereof has been issued to Jubelle.
- 1.2 The specific site has been discussed and subsequently approved by the Stellenbosch Municipality for the redevelopment of the town centre of Kayamandi, Stellenbosch (see *Plan No. 3*).
- 1.3 Jubelie Projects (Pty) Limited appointed TV3 Architects and Town Planners as 'Town Planner' for the feasibility assessment for the Kayamandi Town Centre Redevelopment Feasibility Study in Stellenbosch. The scope of services TV3 is responsible for during the feasibility phase consists of the following tasks and duties:
- Determining the existing status quo
 - Contextual assessment (baseline assessment) of the site
 - Planning policy directives
 - Site development plan with housing placing thereon, indicating development patterns, and proposed land uses, residential densities, etc.
- 1.4 The intension is to determine the feasibility of redeveloping the Kayamandi Town Centre, formalising the residential area, to be re-inhabited by the existing residents of the area, while providing the necessary additional community facilities.
- 1.5 The following section provides the relevant property information of the implicated properties in the identified and approved area, hereafter referred to as the study area, and assesses the feasibility (need and desirability) of the proposed development. The merits of the development proposal from a development planning perspective is taken into account, assessing the physical and sociological characteristics of the implicated properties, as well as the engineering services and infrastructure implications of the proposed development.

2. PROPERTY INFORMATION

2.1 Locality and background

- 2.1.1 The study area, the Kayamandi Town Centre, is situated in the central regions of Kayamandi, within the Stellenbosch Municipal area. The site is located on the western side of the R304 (main arterial from the North) to Stellenbosch. *Plan No. 1* attached hereto, indicates the affected properties forming the study area. Figure 1 represents an aerial view of the study area's location with regards to the Stellenbosch context.



Figure 1: Aerial photo

- 2.1.2 The consideration of urban redevelopment occurring in this specific area is as a result of the proliferation of informal dwellings currently located within the study area, with its associated concerns with respect to basic engineering services, health and safety. This Project will also be running in conjunction with the proposed Northern Extension Project of Stellenbosch, which has identified a specific site that will be used as a decanting site, whilst the study area is being cleaned up to get ready for construction. The decanting site will therefore be utilised by the implicated displaced residents as a result of the proposed redevelopment project.

2.2 Site description, ownership and extent

- 2.2.1 As evident in *Plan No. 3*, the study area comprises of 116 properties, which consist of 7 public open spaces and 4 public roads. Details relating to the 116 properties; which include erf numbers, size, title deed no., ownership and land use are tabulated in *Annexure A*.
- 2.2.2 All the affected and implicated properties, as listed in *Annexure A*, are mapped and assessed in order to identify any potential constraints such as servitudes registered in or on the said properties.
- 2.2.3 Most of the properties within the study area are owned by Stellenbosch Municipality, with only 5 of the properties owned by companies, institutions or individuals. There are also 8 erven for which there is no information available. The ownership details are listed in *Annexure A* and illustrated on *Plan No. 6* attached hereto.
- 2.2.4 The only servitude registered within the study area is a Servitude Pipe Line (SG No. 4167-1990) which is in the process of being withdrawn.
- 2.2.5 A team site visit was conducted on the 20th of April 2017 to evaluate current land uses, facilities and visual inspections of environmental constraints, slopes and status of existing buildings in the area.

2.3 S.G. Diagrams, Title Deeds and Conveyancer Certificates

- 2.3.1 S.G. Diagrams / General Plans were obtained for all erven apart from the 8 erven for which there are no information available on the Chief Surveyor General's Website, see *Annexure B* attached.
- 2.3.2 A title deed spot check has been done on some of the properties and there appear to be no title restrictions on those selected that would prevent the redevelopment of Kayamandi Town Centre. This will be confirmed once the Conveyancer's Certificates are obtained. Due to the large number of properties (116) the cost implication was too high (for this study and its budget) to obtain all title deeds and will be acquired during the following phase if a town planning application is prepared.

3. LAND USE AND ZONINGS

3.1 Existing and Surrounding Land Uses

- 3.1.1 The majority of properties within the study area are used for residential purposes, mostly informal and some hostels. Given the fact that the study area is predominantly an informal residential area, there are several informal businesses operating inside the demarcated study area. There are also numerous crèches in the area, operated from informal dwellings. Kayamandi Hall, Makupula High School and a Methodist Church are also within the study area. To the north and west of the study area there are single residential erven, informal dwellings, some public open spaces, churches, Ikaya Primary School, churches and crèches. East from the study area there are the Economic & Tourism buildings, Police station and the proposed taxi rank site. South of the Town Centre is the Kayamandi Sport Fields and abutting that is the Kayamandi Mall, followed by Plankenburg Industrial. Most of the existing land uses can be seen on the attached plans with high resolution imagery.
- 3.1.2 Stellenbosch Municipality is in the process of advertising their Draft Zoning Scheme By-law and Zoning Scheme Plans for public comment, which upon approval and finalisation, will be appropriated allocated to all the subject properties.

3.2 Proposed Development and Development Controls

- 3.2.1 The Municipality is aiming to redevelop the Town Centre of Kayamandi, whereby formal residential opportunities will be created for existing residents in the demarcated study area. Following the detailed socio-economic survey, a number of other land uses will also be identified, which should be incorporated in the development proposal, including the required social amenities and public facilities such as crèches, churches, educational facilities, community halls and commercial opportunities. The subsequent planning applications following this feasibility study will include the rezoning, consolidation and subdivision of the given properties to an applicable zoning as prescribed by the Zoning Scheme By-law (to be approved) suitable for the proposed redevelopment of Kayamandi Town Centre.

4. ENVIRONMENT & HERITAGE

Guillaume Nel Environmental Consultants have been appointed to undertake an

Environmental Due Diligence to inform the proposed upgrading of Kayamandi Town Centre. A copy of the Environmental Due Diligence Report is attached hereto as *Annexure C*.

4.1 Topography

- 4.1.1 The site can be described as steep, sloping from north west (because of Papegaaiberg) to the south east towards the R304 and Plankeburg River, see attached *Plan 5, Slope Analysis* with contours.

4.2 Geology

- 4.2.1 The study area stretches over three dominant geological categories. The Town Centre section is dominated by the Cape Granite Suite (Db50). This suite occasionally contains greywacke, phyllite and quartzitic sandstone from the Tygerberg Formation within the Malmesbury Group. This geological group consists of alluvium and surficial cover formed in situ on Malmesbury rocks as well as granite and deposits of weathering products of granite. Soils covering this geological type's prismatic and/or pedocutanic horizons are dominant and is not red in colour.
- 4.2.2 The largest portion of Zone I is covered mainly by granite and deposits of the weathering products of granite from the Kuils River-Helderberg Pluton (Ba47). The area also contains greywacke, phyllite and quartzitic sandstone from the Tygerberg Formation within the Malmesbury Group. However the soil here tends to be more red.
- 4.2.3 Finally, the most southern portion of the study area contains a small section (Ia21) covered in deep deposits of alluvium and terrace gravel, which is associated with the Plankenbrug River.

4.3 Conservation

- 4.3.1 The study area contains no environmental conservation areas or critical biodiversity areas of concern. The entire site has been developed and if there were any sensitive ecological areas in the past, none have been retained or conserved here.

4.4 Water Resources

- 4.4.1 The study area does not contain any natural water resources. The Plankenbrug River flows along the R304 to the east of the site and a farm dam is located to the west of the study area on the Papegaaiberg hill, however the dam is separated from the study area by approximately 450 metres of developed residential area and therefore does not have an impact.

4.5 Heritage Resources

- 4.5.1 The Kayamandi CBD is located within an area scattered with tall pine trees. Historical photographs were obtained to determine the age of the trees on site. The photo in the report was taken in 1953 and shows the presence of the pine trees. This means that these trees have historical significance and should be retained in the re-development of the site as far as possible. A Notice of Intent to Develop was submitted to Heritage Western Cape and subsequently their approval / formal comment was obtained wherein they confirm that the redevelopment will not impact on heritage resources (see *Annexure D*).

5. CIVIL SERVICES

ICE Tygerberg prepared an Engineering Services and Storm Water Report. This report entails the preliminary assessment of existing services for the proposed Kayamandi Town Centre project. The size and scale of the proposed development as received from the town planner were used to calculate the services demands of the proposed development (see *Annexure E*).

5.1 Water Supply

5.1.1 The existing water supply to this area can be described as follows:

- A 450 mm Dia gravity water supply main from the Idas Valley dams to the Papegaaiberg reservoir;
- A 355 mm pumped rising main from Papegaaiberg reservoir to the Kleinvallei reservoir (TWL 218.4m);
- A pumped rising main from the Kleinvallei reservoir to the Kayamandi reservoir (2000 kl; TWL=224.3).

5.1.2 The development area falls within the supply area of the Kayamandi reservoir, which has been earmarked to be augmented with a new reservoir of 2000 kl.

5.2 Proposed Bulk Water

5.2.1 The proposed bulk water system should provide sufficient water storage for 48 hours and operating water pressures between 90m and 30m to all the users. Within limits the pressure in excess of 90m can be controlled with a pressure-reducing valve and pressure less than 30m can be augmented with a booster pump. Total reservoir storage (48 hrs) of approximately 1.6 MI is required for the total development. The 2011 masterplan proposes that the existing Kayamandi Reservoir be augmented by an additional 2000 kl reservoir.

5.3 Sewerage

5.3.1 The existing sewerage system entails a bulk sewer on the western side of the Plankenbrug River and has limited capacity. Phase 1 of the main outfall sewer (from the WWTW to Oude Molen) is presently being upgraded by the municipality and phases 2 and 3, which will extend the sewer to Nietgevonden Road, are scheduled to be completed by end of 2018. The existing sewerage network as obtained from the municipality. Similarly, the wastewater treatment works is also being upgraded from 20 MI/day to 35 MI/day to be completed by end 2018. This should provide additional spare capacity of 11 MI/day, due to previous backlogs.

5.4 Storm Water

5.4.1 A computerized storm water model of the study area was developed in the PCSWMM software to determine the flows from the 50 year events and the corresponding attenuation requirements. The existing storm water network and catchment areas can be viewed in the full report attached hereto.

5.5 Electricity

5.5.1 It has been determined that the development will require approximately 4 MVA to provide electricity to this development. The existing networks do not have the capacity for this demand and will have to be upgraded. Discussions are presently underway with the electrical engineer's department regarding this matter.

6. DRAFT TRAFFIC INPUT

ICE Group prepared a Draft Traffic Input; the final report will be submitted to council on completion, see attached *Annexure E*.

Note that the final report may have an impact on the number of units currently shown on the Proposed Layout Plan.

6.1 Available Traffic

- 6.1.1 As it is the intention to provide new facilities for the existing residents, it is not anticipated that peak hour traffic will increase significantly. The accompanying community facilities are also not expected to generate significant external peak hour traffic. However, following discussions with Stellenbosch Municipality (Messrs John Muller and Nigell Winter), it was requested that traffic counts be conducted at the Masitandane Street-roundabout and the George Blake Street/Rand Street intersection, as well as updated counts at the R304/Masitandane Street intersection. The said counts were conducted on Thursday, 31 August 2017 from 06h00 to 09h00 and again from 15h30 to 18h30. The peak hour volumes derived from these counts are indicated in Figure 1 attached to *Annexure E*.

6.2 Trip Generation

- 6.2.1 Based on the trip generation rates as contained in the South African Trip Generation Rates Manual (SATGR), the 1 669 units could potentially generate 835 peak hour trips (292 in, 543 out during the AM peak hour and vice versa during the PM peak hour). As mentioned, the residential units will not be additional to the existing; a portion of the informal structures in Kayamandi will merely be formalised / replaced. It should be noted, however, that the existing traffic within Kayamandi entering and exiting Kayamandi via the Masitandane Street-roundabout during the AM/PM peak hours, are ± 760 during the AM and PM peak hours. The trip generation as calculated above can thus be considered high.

6.3 Geometry

- 6.3.1 The existing roads within Kayamandi Town Centre are surfaced, with some gravel roads between the informal structures. As indicated on the attached *Proposed Layout Plan*, it is proposed to retain the existing roads. It can be anticipated that the existing condition of the said roads will need to be improved (e.g. resurfaced).

6.4 Parking

- 6.4.1 The current parking regulations for the Kayamandi Scheme are considered relatively high. Additional information was obtained from a document referencing a parking survey conducted by the City of Cape Town in 2011 in which the average of the surveyed rates calculates to $\pm 0,2$ bays per unit.
- 6.4.2 Based on all of the above, it is suggested that parking to the redeveloped town centre be provided at a rate of 0,25 bays per unit. These Parking bays should be provided with dimensions in line with normal parking standards, i.e. 2,5 by 5,0 metre bays. Isle widths provided behind parking bays should be minimum 7,0 metres.

6.5 Public and Non-Motorised Transport (NMT)

- 6.5.1 Minibus taxis are largely utilised in Kayamandi. Two informal taxi ranks currently exist within walking distance from the study area. With the proposed redevelopment of the Kayamandi Town Centre, public- and non-motorised transport will be addressed and linked with the existing networks in/around Stellenbosch.
- 6.5.2 A formalised, but temporary, taxi rank is currently planned on the western corner of the R304/Masitandane Street intersection. According to Stellenbosch Municipality, the existing midblock pedestrian crossing across the R304 will soon be moved. From aerial photos, it can be noted that the existing desire line between Kayamandi and Cloeteville does not align with the existing position of the midblock crossing.

7. HOUSING DEMAND & RELOCATION STRATEGY

Plan Associates prepared this document, it deals with the formalisation and relocation strategy for the informal settlements located in the broader Kayamandi and Enkanini areas in the Stellenbosch Local Municipality.

7.1 Demographic Profile

- 7.1.1 Numerous Demographic Surveys have been undertaken for various wards in Kayamandi and Enkanini during the past year. The results of these surveys were consolidated to provide a comprehensive demographic profile for the broader area (see Table 1).

Table 1: Kayamandi-Enkanini Socio Economic Survey Profile Summary

	Aerial photography count			Survey units and households		Household Income Profile							
	Area (ha)	Structure Count 2017	Structures / ha	Survey No. Units	Households Total	>R3 506			Single with no dependents		Potential Beneficiary		Total
				no	no	no	%	no	%	no	%	no	%
TOWN CENTRE PRIMARY AREA													
Zone A	5.3	1,238	233	954	1,167	138	12.5%	547	49.0%	422	39.1%	1,107	100.0%
Zone J	2.1	405	197		405	51	12.5%	202	49.4%	156	38.1%	409	100.0%
Zone K	3.4	472	140	187	202	56	27.6%	85	41.9%	60	29.5%	203	100.0%
Zone L	0.7			240	277	91	32.9%	117	47.7%	84	32.3%	277	100.0%
SubTotal	11.5	2,115	197	1,381	1,991	306	15.3%	956	48.0%	722	36.7%	1,984	100.0%
TOWN CENTRE SECONDARY AREA													
Zone B	0.3	71	151	105	120	26	21.7%	33	44.2%	41	34.2%	100	100.0%
Zone F	1.7	297	213	194	302	79	25.0%	145	47.9%	82	26.9%	306	100.0%
Zone I	1.8	324	173	159	252	58	22.9%	109	43.2%	85	33.7%	252	100.0%
Zone V	0.5	51	98	48	50	11	22.0%	14	28.0%	25	50.0%	50	100.0%
Zone P	0.2	74	206	54	77	15	19.5%	27	35.1%	35	45.5%	77	100.0%
SubTotal	4.5	767	199	556	804	188	23.4%	348	43.2%	268	33.5%	804	100.0%
TOWN CENTRE (Zone A-P)													
	15.1	2,787	185	1,589	2,800	494	17.6%	1,314	46.9%	992	35.4%	2,800	100.0%
ZONE O													
	8.5	1,324	156	1,061	1,061	348	32.8%	212	20.0%	501	47.2%	1,061	100.0%
ENKANINI													
	17.9	3,298	184	2,413	2,534	188	7.4%	1,067	42.1%	1,280	50.5%	2,534	100.0%
Grand Total	41.5	7,409	179	5,063	6,398	1,030	16.1%	2,593	40.5%	2,779	43.4%	6,398	100.0%

7.2 Housing Typologies

- 7.2.1 The total demand/ backlog could be accommodated using the following housing typologies depending on the beneficiary status of the individual households. BNG housing whether it be free standing or multi storey units will give the option of full ownership to residents. Social and Community Residential Units (CRU) will yield higher densities, but as a result of current policies and funding mechanisms, will only be available as rental stock (see *Table 2* for a break down). These housing typologies can be viewed under *Architect Plans*.

Table 2: Housing Typologies

Qualifiers	
- BNG Single Free Standing Units	Full Ownership
- BNG Multi Storey Units	Full Ownership
- Site and Service	Full Ownership
Non-Qualifiers	
- Community Residential Units (Refrurbishment)	Rental
- Social Housing	Rental
- Site and Service	Rental/PTO
- Lower and Upper GAP Market	Full Ownership

7.3 In-Situ Formalisation Potential and Relocation Surplus

- 7.3.1 Various investigations have been undertaken by professional project teams in the different parts of Kayamandi and Enkanini to determine the in-situ formalisation potential/ capacity within each of these areas. The results from these studies are summarised in *Table 3*.

Table 3: In-Situ Formalisation Yields and Relocation Surplus

Area	Approach	Demand		In-Situ Yield (Units)		Relocation Surplus	
		no	%	no	%	no	%
Town Centre	4 Storey Walk-up BNG and Rental (621) + (986)	2500	100%	1507	57%	1193	43%
Zone D	BNG and "Loc Slove" Model (526) + (177)	1061	100%	703	55%	358	34%
Enkanini	BNG, Social and Site and Service (812) + (296) + (190)	2534	100%	1304	51%	1230	43%
		6395	100%	3614	57%	2781	43%

- 7.3.2 In order to provide 2781 opportunities (shortfall after in-situ upgrading), additional developable land in the Northern Extension area is required. Presuming a density of ± 70 dwelling units per hectares, approximately 40 hectares of land is required in the Northern Extension.
- 7.3.3 The attached *Proposed Layout Plan* depicts the proposed layout for the redevelopment/ formalisation of the Kayamandi Town Centre. It is based on the

principle of only providing multi-storey (4 to 5 floors) BNG and Rental units in order to optimally utilise the available land in the strategically located Town Centre.

- 7.3.4 The four storey walk-up scenario results in about 1607 units comprising 621 BNG units and 986 Rental units (consisting of studio, one- and two bedrooms). The five storey scenario increases these figures to 621 BNG and 1230 Rental units which total ±1851 units.

7.4 Formalisation & Relocation Strategy

- 7.4.1 The proposed Formalisation and Relocation Strategy for the Kayamandi-Enkanini area is briefly summarised below (see the full report attached for more details).
- 7.4.2 Phase 1: Finalise Strategic Planning towards formalisation of Enkanini and Kayamandi Town Centre and complete registration of beneficiaries (all households).
- 7.4.3 Phase 2: (2020/2021) Relocate the surplus GAP and Site and Service demand from Zone O to the Northern Extension Area GAP and Site and Service project area. Complete Zone O in-situ BNG and Rental development. Relocate first group of households from Enkanini to the Northern Extensions GAP, BNG and Site and Service project areas respectively. Relocate first group of households from Kayamandi (Zones A, J, K, L) to the Northern Extensions GAP, BNG and Site and Service project areas respectively.
- 7.4.4 Phase 3: (2022/2023) Formalise remaining GAP households from Zone O on the 191 sites in Watergang which were utilised as decanting site during Phase 1 and Phase 2. Commence with formalisation first 50% of Enkanini in-situ households (BNG, Rental and Site and Service). Commence with formalisation of in-situ BNG and Rental in Kayamandi Zones A, J, K and L. Use the two Social Housing Precincts in Northern Extension area as temporary decanting site for the two projects noted above.
- 7.4.5 Phase 4: (2024/2025) Relocate and formalise last households from Enkanini in the Northern Extensions GAP, BNG and Site and Service project areas respectively. Relocate and formalise last households from Kayamandi Zone D, F, I, M and P in the Northern Extensions GAP, BNG and Site and Service project areas respectively.
- 7.4.6 Phase 5: (2026/2027) Complete last in-situ BNG, Rental and Site and Service formalisation in Enkanini. Complete in-situ BNG and Rental formalisation in Kayamandi Zones D, F, I, M and P.
- 7.4.7 Phase 6: (2028 and Beyond) Incremental expansion of GAP, BNG, Site and Service and Rental in broader Northern Extension Area.

8. PLANNING POLICY DIRECTIVES

Several policy documents were taken into consideration to assess and guide the development proposal of the Kayamandi Town Centre Redevelopment Project. The policy documents range from national, provincial, district and local municipal planning and development documentation.

8.1 National Planning Policies

- 8.1.1 Nationally, the National Development Plan (NDP) identified five principles for spatial development: spatial justice, spatial sustainability, spatial resilience, spatial quality

and spatial efficiency. These principles are translated and localised in various other documents and cognisance was taken of these principles.

- 8.1.2 The proposed development aligns with the vision of the NDP, as it will promote compaction of the town through the creation of higher density residential development, combined with other public amenities, stimulating an integrative environment and human settlement incorporating various other facilities. Provision will also be made for public transport in the form of a proposed taxi rank situated adjacent to the proposed study area, in alignment with the NDP's visions and objectives to improve the quality and use of public transport. The proposed redevelopment of the town centre contains development through upgrading and formalization, and therefore does not represent leap frog development but rather urban renewal / upgrading.
- 8.1.3 The NDP also focuses on the creation of sustainable human settlements, by focusing on the incorporation of BNG housing, thereby providing greater diversity in social housing options in terms of the product and financing options available. The proposed redevelopment aims to provide sufficient housing opportunities with increased tenure security for the current residents within the study area.

8.2 Provincial Planning Policies

- 8.2.1 At provincial and district levels, the Western Cape PSDF (2014), amongst others, was compiled to specify a clear set of spatial objectives for municipalities in order to ensure the realisation of the future provincial spatial infrastructure; and to enable and direct growth. The PSDF aims to articulate the spatial objectives of the Western Cape region to assist the alignment of neighbouring municipalities' spatial plans.
- 8.2.2 The proposed development took cognisance of several guideline tools relating to the provision of public and social facilities. This directly addresses the challenge highlighted within the PSDF, which include the locality and design of public facilities within settlements. The need for motorised travel is reduced through the multi-functionality of facilities, where complementary land uses are clustered. The notion of clustering and ease of access were the two main factors used to determine the proposed site development plan and housing typology and placing.

8.3 District Planning Policies

- 8.3.1 The Cape Winelands IDP (2016/17) is also aligned with the NDP's visions and objections. This document provides the status quo of the district, where the Kayamandi Town Centre Redevelopment Project is situated. It sets out development challenges that the district face, including the lack of available housing opportunities with a housing backlog of 6395 units in the study area. The proposed redevelopment of this area will greatly contribute towards alleviating the housing backlog and regenerating and formalizing the area.

8.4 Municipal Planning Policies

- 8.4.1 At a local level, the Stellenbosch IDP (2016/21) states the mission of the Stellenbosch Municipality: *To deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.* This strategic vision is informed by the desire to become the *Innovation Capital of South Africa*. Addressing the strategic challenges and achieving the visions and goals set out by the Municipality, which requires collaborative action and enhanced public planning participation. Within the IDP, a summary is provided of a needs analysis, which commenced during September and

October 2014. The following needs relevant to this development proposal were identified: The IDP identifies that inadequate supply of shelters is of main concern. The Municipality has a current and future housing backlog, half of which are for middle and more affluent households. Over the past ten years Kayamandi has more than doubled its population. As the population has grown, the release of land for development and housing has not kept pace. Housing has become so expensive that many of those who work in the Stellenbosch municipal area commute from outside this area. For these and others, the most basic shelter – even of a temporary nature – within this municipal domain remains an unattainable dream.

- 8.4.2 From the above it is evident that the redevelopment of the Kayamandi Town Centre proposed, consisting of subsidised BNG and social housing (apartment blocks) will directly address these pressing needs and pressures experienced in Stellenbosch Municipality concerning housing backlogs and unsatisfactory living conditions. The development proposal should therefore be included in the new IDP and the necessary sector plan for this region.

8.5 Upgrading of Informal Housing Programmes and Mechanisms

- 8.5.1 The government's Upgrading of Informal Settlement Programme (UISP), contained in the National Housing Code of 2009, prioritises *in situ* upgrading and provides funding for incremental, participative upgrading projects. It is a fully funded programme that comprehensively sets out the steps to be taken by government in upgrading informal settlements. It puts the affected communities at the centre of the discussions about how and when their communities will be developed. The UISP aims to address the country's housing challenges, including details on the norms and standards to be followed. The understanding of the dynamics and complexities around informal settlement needs to be couched in a rationale that counters the conservative notion that informal settlements are a threat.
- 8.5.2 The state has a mechanism in place for providing funding, by way of an urban settlements development grant (USDG). The USDG was devised to ensure that the upgrading process and the installation of bulk infrastructure, in particular, were adequately funded to mitigate bottlenecks that were hampering the process.
- 8.5.3 Informal settlement upgrading is a developmental process that needs to be a part of the whole that is human settlement delivery. The drive in the current climate is therefore to develop the incremental settlement process in such a manner that it will lead to access to integrated human settlements comprised of a range of housing typologies, that are mixed income, mixed use and have access to a range of amenities, social spaces and services.
- 8.5.4 Municipalities are required to act as developers for the UISP and the NUSP provides support, in partnership with the province, the NDHS and the Housing Development Agency (HDA), to help them do so effectively. Guidance for implementation is set out in Part 3 of the National Housing Code. The key objective of NUSP is to enhance the capacity municipalities to overcome challenges of growing number of informal settlements and slow delivery of subsidised houses through incremental upgrading of informal settlements.

8.6 Zoning Scheme

- 8.6.1 Stellenbosch Municipality is currently busy with their new Zoning Scheme By-Law which will be essentially different in many ways from the current Kayamandi Zoning Scheme from the mid 1990's. The implications of the zoning scheme regulations can

only be determined once the new scheme has been approved by Council.

- 8.6.2 The Draft Zoning Scheme states that the purpose of the Less Formal Residential Zone is to make provision for the use of land for the purpose of informal and / or subsidised housing, as well as group housing where more than one dwelling house can be permitted on the same cadastral erf; settlement of people in an informal manner for emergency purposes; incremental upgrading of informal settlements; where conditions so dictate, to accommodate persons residing in areas where financial constraints require that less stringent land use management and building development management provisions be applied; the stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas.

ANNEXURES

- ANNEXURE A - PROPERTY DESCRIPTIONS AND DETAILS
- ANNEXURE B - SG DIAGRAMS / GENERAL PLANS
- ANNEXURE C - ENVIRONMENTAL DUE DILIGENCE
- ANNEXURE D - HERITAGE WESTERN CAPE ROD
- ANNEXURE E - ENGINEERING SERVICES REPORT
- ANNEXURE F - DRAFT TRAFFIC INPUT
- ANNEXURE G - HOUSING DEMAND & RELOCATION STRATEGY

PLANS

- NO. 1 - LOCALITY MAP
- NO. 2 - WARDS AND ZONES
- NO. 3 - STUDY AREA
- NO. 4 - EXISTING SERVICES
- NO. 5 - SLOPE ANALYSIS MAP
- NO. 6 - OWNERSHIP

ARCHITECT PLANS

- PROPOSED LAYOUT
- HOUSING TYPOLOGIES

ANNEXURE A

PROPERTY DESCRIPTIONS AND DETAILS

Information in this table was obtained from the
Chief Surveyor General, Search Works, Aerial Photography and
Site Visits

Property descriptions for all Erven located within the study area:

No. of Erven	Erf Number	Erf Size (m ²)	Title Deed No.	Owner	Use
1	63	1045	T9056/2017	METHODIST CHURCH OF SOUTHERN AFRICA	Place of Worship
2	64	599	T10200/2009	MUN STELLENBOSCH	Informal Dwellings
3	65	28906	T10201/2009	MUN STELLENBOSCH	Informal Dwellings
4	66	7866	TL52610/1997	N E IND PTY LTD	Informal Dwellings
5	67	1912	T10202/2009	MUN STELLENBOSCH	Informal Dwellings
6	68	1374	T10203/2009	MUN STELLENBOSCH	Creche & Hostel
7	69	4597	T10204/2009	MUN STELLENBOSCH	Informal Dwellings
8	73	19310	T10206/2009	MUN STELLENBOSCH	Informal Dwellings
9	187	548	TL46464/1988	REGIONAL SERVICES COUNCIL CAPE METROPOLE	Offices for Regional Services
10	425	956	T10270/2009	MUN STELLENBOSCH	Community Hall
11	426	9935	T10271/2009	MUN STELLENBOSCH	School
12	427	233	T10272/2009	MUN STELLENBOSCH	Informal Dwellings
13	428	261	T10282/2009	MUN STELLENBOSCH	Informal Dwellings
14	429	227	T10273/2009	MUN STELLENBOSCH	Informal Dwellings
15	430	308	T10274/2009	MUN STELLENBOSCH	Informal Dwellings
16	431	217	T10275/2009	MUN STELLENBOSCH	Informal Dwellings
17	432	262	T10276/2009	MUN STELLENBOSCH	Informal Dwellings
18	433	199	T10278/2009	MUN STELLENBOSCH	Informal Dwellings
19	434	210	T10277/2009	MUN STELLENBOSCH	Informal Dwellings
20	435	198	T10279/2009	MUN STELLENBOSCH	Informal Dwellings
21	438	216	T10293/2009	MUN STELLENBOSCH	Informal Dwellings
22	439	265	T10283/2009	MUN STELLENBOSCH	Informal Dwellings
23	440	221	T10284/2009	MUN STELLENBOSCH	Informal Dwellings
24	441	261	T10285/2009	MUN STELLENBOSCH	Informal Dwellings
25	442	1229	T10286/2009	MUN STELLENBOSCH	Informal Dwellings
26	452	393	T10296/2009	MUN STELLENBOSCH	Informal Dwellings
27	453	297	T10297/2009	MUN STELLENBOSCH	Informal Dwellings
28	454	225	T10298/2009	MUN STELLENBOSCH	Informal Dwellings
29	455	196	T10299/2009	MUN STELLENBOSCH	Informal Dwellings
30	456	196	T10300/2009	MUN STELLENBOSCH	Informal Dwellings
31	457	196	T10301/2009	MUN STELLENBOSCH	Informal Dwellings
32	458	184	T10345/2009	MUN STELLENBOSCH	Informal Dwellings
33	475	815	T10314/2009	MUN STELLENBOSCH	Hostel
34	476	750	T10315/2009	MUN STELLENBOSCH	Hostel
35	477	690	T10316/2009	MUN STELLENBOSCH	Hostel
36	478	888	T10317/2009	MUN STELLENBOSCH	Hostel
37	479	781	T10361/2009	MUN STELLENBOSCH	Hostel
38	480	766	T10362/2009	MUN STELLENBOSCH	Hostel

Information in this table was obtained from the
Chief Surveyor General, Search Works, Aerial Photography and
Site Visits

39	481	702	T10363/2009	MUN STELLENBOSCH	Hostel
40	482	701	T10364/2009	MUN STELLENBOSCH	Hostel
41	483	3355	T10365/2009	MUN STELLENBOSCH	Informal Dwellings
42	484	327	T10366/2009	MUN STELLENBOSCH	Informal Dwellings
43	485	206	T10367/2009	MUN STELLENBOSCH	Informal Dwellings
44	486	145	T10368/2009	MUN STELLENBOSCH	Informal Dwellings
45	487	93	T10369/2009	MUN STELLENBOSCH	Informal Dwellings
46	488	207	T10370/2009	MUN STELLENBOSCH	Informal Dwellings
47	489	147	T10372/2009	MUN STELLENBOSCH	Informal Dwellings
48	490	318	T10373/2009	MUN STELLENBOSCH	Informal Dwellings
49	491	227	T10374/2009	MUN STELLENBOSCH	Informal Dwellings
50	492	274	T10375/2009	MUN STELLENBOSCH	Informal Dwellings
51	493	605	T10376/2009	MUN STELLENBOSCH	Hostel
52	494	746	T10377/2009	MUN STELLENBOSCH	Hostel
53	495	676	T10294/2009	MUN STELLENBOSCH	Hostel
54	496	780	T10371/2009	MUN STELLENBOSCH	Hostel
55	497	173	T10295/2009	MUN STELLENBOSCH	Informal Dwellings
56	498	186	T10318/2009	MUN STELLENBOSCH	Informal Dwellings
57	499	186	T10319/2009	MUN STELLENBOSCH	Informal Dwellings
58	500	187	T10320/2009	MUN STELLENBOSCH	Informal Dwellings
59	501	187	T10321/2009	MUN STELLENBOSCH	Informal Dwellings
60	502	187	T10322/2009	MUN STELLENBOSCH	Informal Dwellings
61	503	187	T10323/2009	MUN STELLENBOSCH	Informal Dwellings
62	504	187	T10324/2009	MUN STELLENBOSCH	Informal Dwellings
63	505	324	T10325/2009	MUN STELLENBOSCH	Informal Dwellings
64	506	1084	T10326/2009	MUN STELLENBOSCH	Informal Dwellings
65	507	193	T10327/2009	MUN STELLENBOSCH	Informal Dwellings
66	508	193	T10328/2009	MUN STELLENBOSCH	Informal Dwellings
67	509	193	T10329/2009	MUN STELLENBOSCH	Informal Dwellings
68	510	194	T10330/2009	MUN STELLENBOSCH	Informal Dwellings
69	511	194	T10331/2009	MUN STELLENBOSCH	Informal Dwellings
70	513	194	T10333/2009	MUN STELLENBOSCH	Informal Dwellings
71	514	194	T10334/2009	MUN STELLENBOSCH	Informal Dwellings
72	515	194	T10335/2009	MUN STELLENBOSCH	Informal Dwellings
73	516	195	T10336/2009	MUN STELLENBOSCH	Informal Dwellings
74	517	195	T10337/2009	MUN STELLENBOSCH	Informal Dwellings
75	518	195	T10338/2009	MUN STELLENBOSCH	Informal Dwellings
76	519	195	T10339/2009	MUN STELLENBOSCH	Informal Dwellings
77	520	195	T10341/2009	MUN STELLENBOSCH	Informal Dwellings
78	521	196	T10341/2009	MUN STELLENBOSCH	Informal Dwellings
79	522	198	T10342/2009	MUN STELLENBOSCH	Informal Dwellings
80	523	28987	T10343/2009	MUN STELLENBOSCH	Informal Dwellings
81	633	15235	T10344/2009	MUN STELLENBOSCH	Community Hall & Informal Dwellings
82	644	280	NA	NA	Informal Dwellings

Information in this table was obtained from the
Chief Surveyor General, Search Works, Aerial Photography and
Site Visits

83	645	287	NA	NA	Informal Dwellings
84	646	479	NA	NA	Informal Dwellings
85	647	467	NA	NA	Informal Dwellings
86	648	528	NA	NA	Informal Dwellings
87	649	420	NA	NA	Informal Dwellings
88	650	389	NA	NA	Informal Dwellings
89	651	230	NA	NA	Informal Dwellings
90	708	207	TL65314/1992	JANGE NONTUTUZELO GLORIA	Informal Dwellings
91	709	691	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
92	728	204	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
93	729	204	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
94	730	204	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
95	731	200	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
96	732	224	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
97	733	204	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
98	734	223	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
99	735	228	TL364/1993	BALENI LUYANDA HAMILTON	Informal Dwellings
100	736	200	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
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102	738	212	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
103	739	224	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
104	740	224	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
105	741	227	T59361/2002	MUN STELLENBOSCH	Informal Dwellings
Public Open Space					
106	70	95	T10205/2009	MUN STELLENBOSCH	Pedestrian Access
107	334	NA	T10250/2009	MUN STELLENBOSCH	POS/Informal Structures
108	422	1172	T10269/2009	MUN STELLENBOSCH	POS/Informal Structures
109	437	834	T10281/2009	MUN STELLENBOSCH	POS/Informal Structures
110	512	55	T10332/2009	MUN STELLENBOSCH	Pedestrian Access
111	652	NA	NA	NA	POS/Informal Structures
112	710	198	T59361/2002	MUN STELLENBOSCH	POS/Informal Structures
Public Road					
113	71	NA	NA	NA	Public Road
114	72	NA	NA	NA	Public Road
115	288	342986	T43399/2000	MUN STELLENBOSCH	Public Road
116	RE/707	NA	NA	NA	Public Road

ANNEXURE B

SG DIAGRAMS / GENERAL PLANS

LG NO L NO 169/87
V. 2. 1. 1. 1.

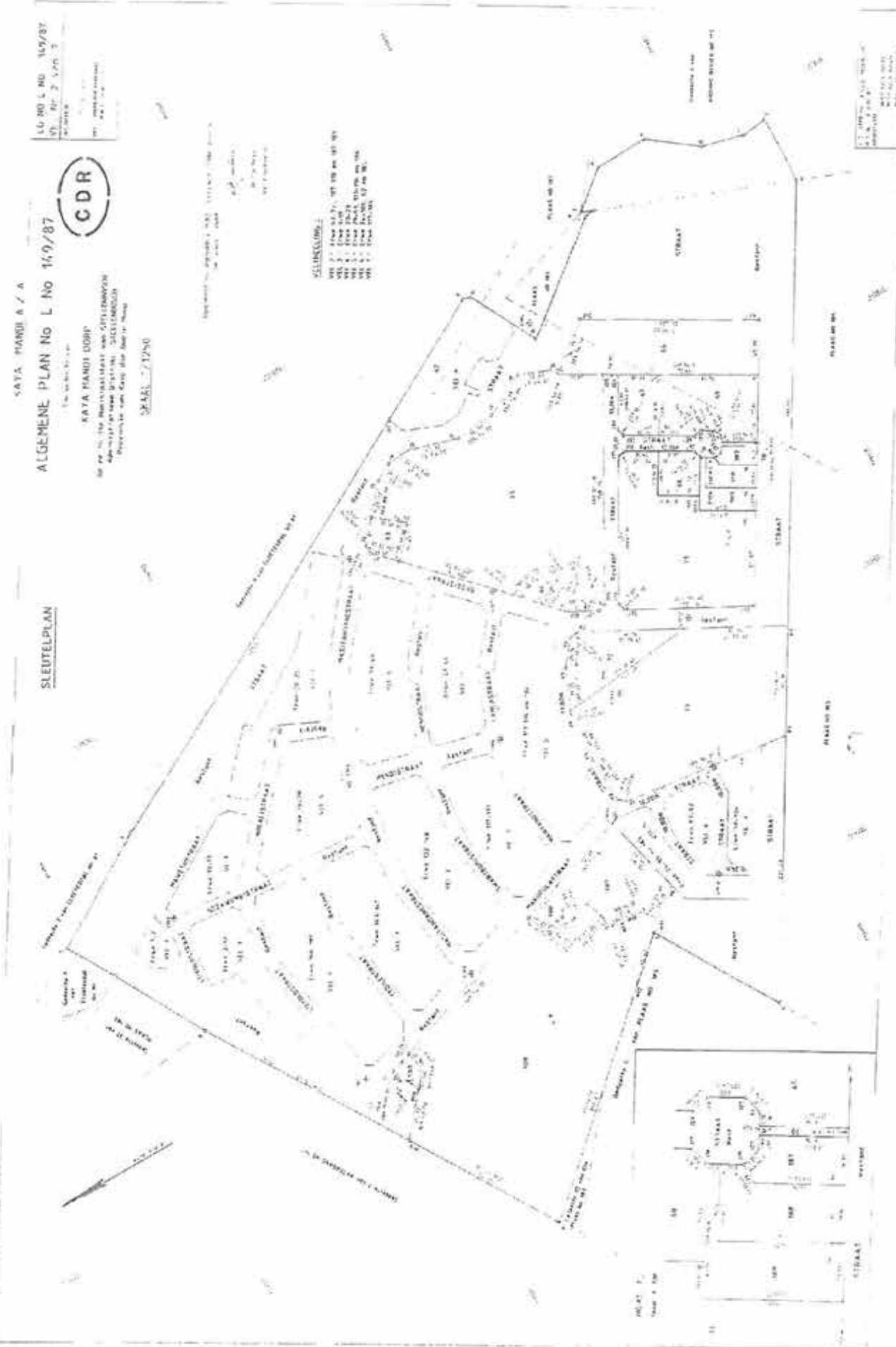
SATA, HANDE A / A
ALGEMENE PLAN No L No 169/87



KATA HANDE DORP
de op de Rechterhand van SLEETBOVEN
aan de linkerhand van SLEETBOVEN
Provincie van Kampala

SR 169-7/1790

SLEETPLAN



SCHEKINGEN
NO 1: 1000 m², 100 m x 100 m
NO 2: 1000 m², 100 m x 100 m
NO 3: 1000 m², 100 m x 100 m
NO 4: 1000 m², 100 m x 100 m



1:1000
1:1000
1:1000
1:1000

S.O. No. 220/88
 SHEET 2 OF 3 SHEETS
 APPROVED
 27/10/88
 BY V.P.P.P. (C.D.R.)



AMENDING GENERAL PLAN No. L No 290/89

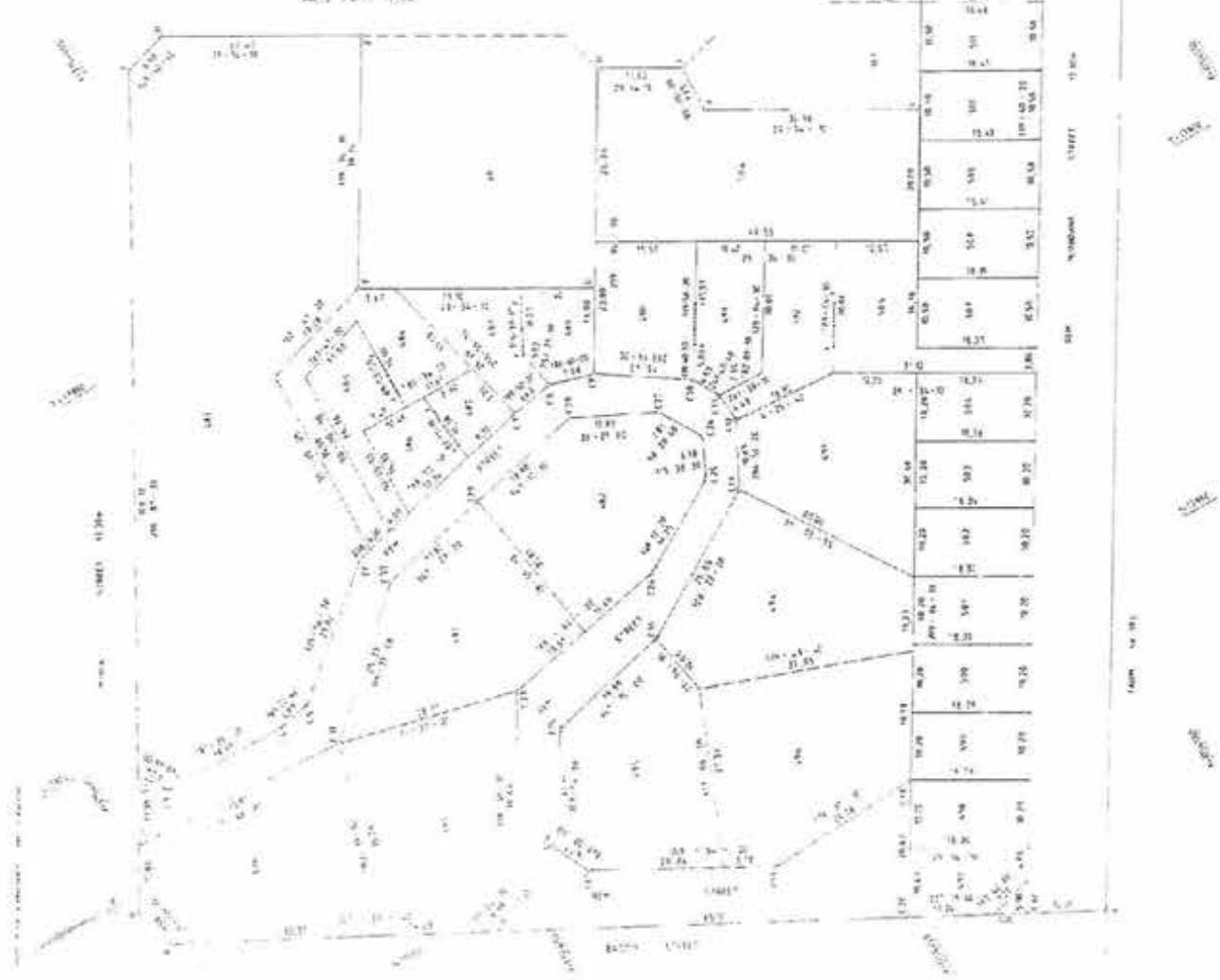
KATA MANDI - HIGHWAY AREA
 TOWNSHIP OF 3 SHEETS

C

PART OF THE TOWNSHIP OF KATA MANDI
 IN AN EXTENSION OF ROAD 71, 81, 91, 101, 110 AND 120
 THE GENERAL PLAN No. L No 290/89
 ISSUED IN THE MONTH OF SEPTEMBER
 ADMINISTRATIVE DISTRICT OF STELLERWATER
 PROVINCE OF THE EAST OF KENYA 1989

SCALE 1:300

FORWARDED AND APPROVED
 27/10/88
 BY V.P.P.P. (C.D.R.)



SHEET NO 3 JOINS HERE

30 SHEETS
 320 SHEETS
 1000 SHEETS
 1000 SHEETS
 1000 SHEETS

ROAD NO 81

ROAD NO 81

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

S.G. No. L290/189
 SHEET 1 OF 1 SHEETS
 APPROVED: [Signature]
 BY: [Signature]
 DATE: [Date]

CDR

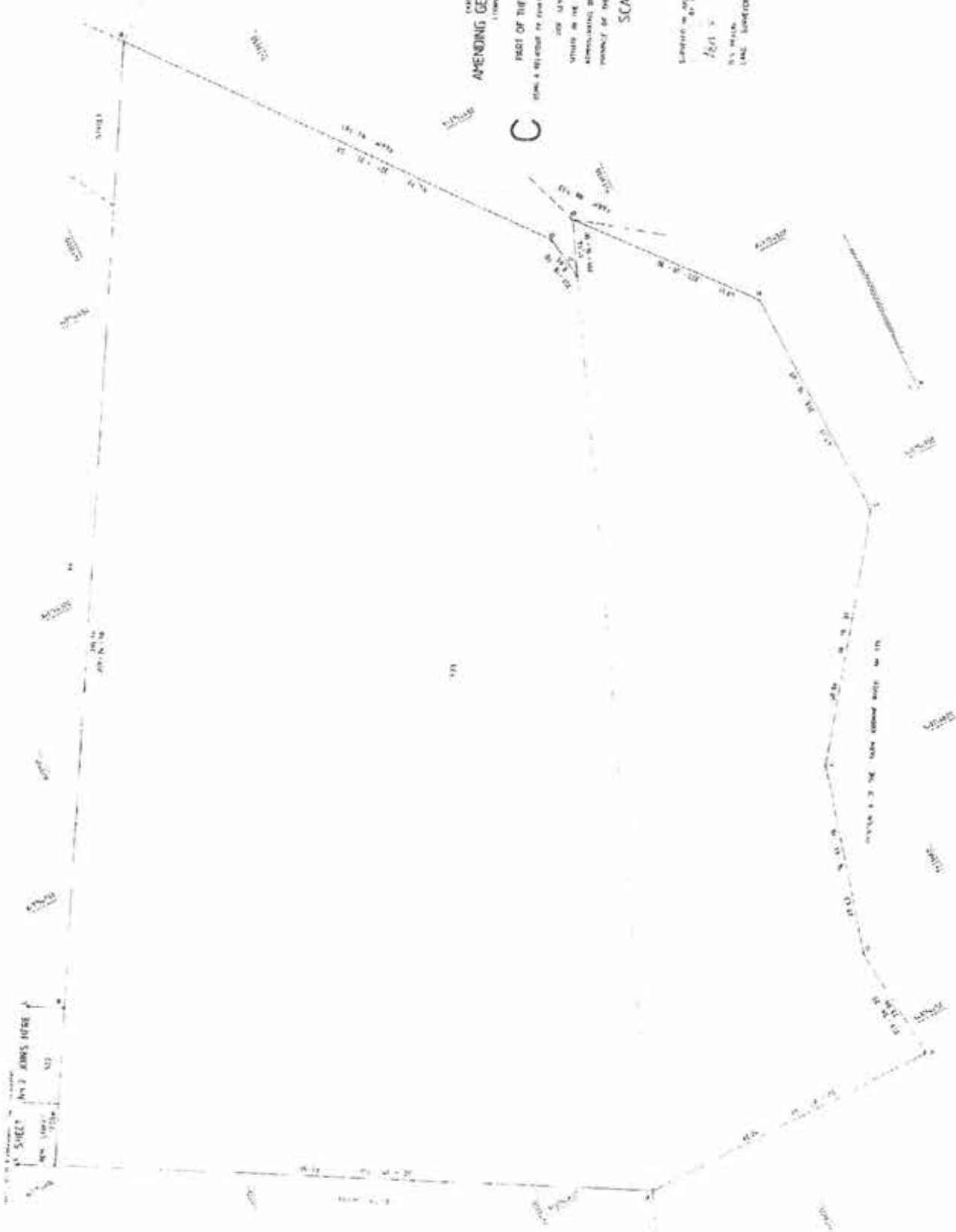
AMENDING GENERAL PLAN No L No 290/189

PART OF THE TOWNSHIP OF [Name]
 CONSISTING OF [Area]
 AND [Area]
 IN THE [Area]
 CONSISTING OF [Area]
 PART OF THE [Area]

SCALE 1:300

APPROVED BY: [Signature]
 DATE: [Date]
 BY: [Signature]
 DATE: [Date]

S.G. No. L290/189
 SHEET 1 OF 1 SHEETS
 APPROVED: [Signature]
 BY: [Signature]
 DATE: [Date]



DAVID HELLIG & ABRAHAMSE, LAND SURVEYORS

OFFICE COPY

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES			S.G. No. 7987191
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BC	7,09	74 55 40	B	+	13 927,18 + 54 514,03
CD	124,53	30 11 10	C	+	13 934,03 + 54 515,87
DE	65,45	74 50 00	D	+	13 996,65 + 54 623,52
EF	128,00	120 11 10	E	+	14 059,82 + 54 640,64
FG	7,07	75 11 10	F	+	14 170,47 + 54 576,28
GH	54,50	30 11 10	G	+	14 177,30 + 54 578,09
HJ	78,97	74 46 00	H	+	14 204,70 + 54 625,20
JK	17,29	187 02 50	J	+	14 280,89 + 54 645,95
KL	15,00	254 46 00	K	+	14 278,77 + 54 628,79
LM	12,70	150 16 00	L	+	14 264,30 + 54 624,85
MN	17,00	209 40 20	M	+	14 270,60 + 54 613,82
NP	51,00	119 04 20	N	+	14 262,18 + 54 599,05
PQ	69,07	108 10 40	P	+	14 306,76 + 54 574,27
QR	7,85	58 37 50	Q	+	14 372,38 + 54 552,72
RS	10,15	108 10 40	R	+	14 379,08 + 54 556,81
ST	214,65	189 05 00	S	+	14 388,72 + 54 553,64
TA	70,55	238 15 40	T	+	14 354 83 + 54 341,68
	61 Stel 1	△	+	15 339,25	+ 54 040,38
	396 Nietvoorby	△	+	11 819,08	+ 53 484,41

Approved
J. Jacobs
for
Surveyor-General
1992-02-03
Sheet 1 of 2 sheets

Beacon Description
A Iron standard
T 20mm Iron peg
All other beacons 12mm iron peg

The figure ABCDEFGHIJKLMNPQRST
represents 9,0646 hectares of land being
situate Erf 707 Kaya Mandi
in the Municipality and
Administrative District of Stellenbosch Province of Cape of Good Hope
Surveyed in August, September 1991
by me, *D.S. Hellig*
D.S. HELLIG
Land Surveyor

This diagram is annexed to No. <u>59361/2002</u> dated i.f.o. Registrar of Deeds	The original diagram is No. L25/1990 annexed to Transfer No. <u>(FARM 1297)</u>	File No. <u>Kaya Mandi 687</u> S.R. No. <u>B 2568/91</u> Comp. BHSZ-11(M3168)
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S

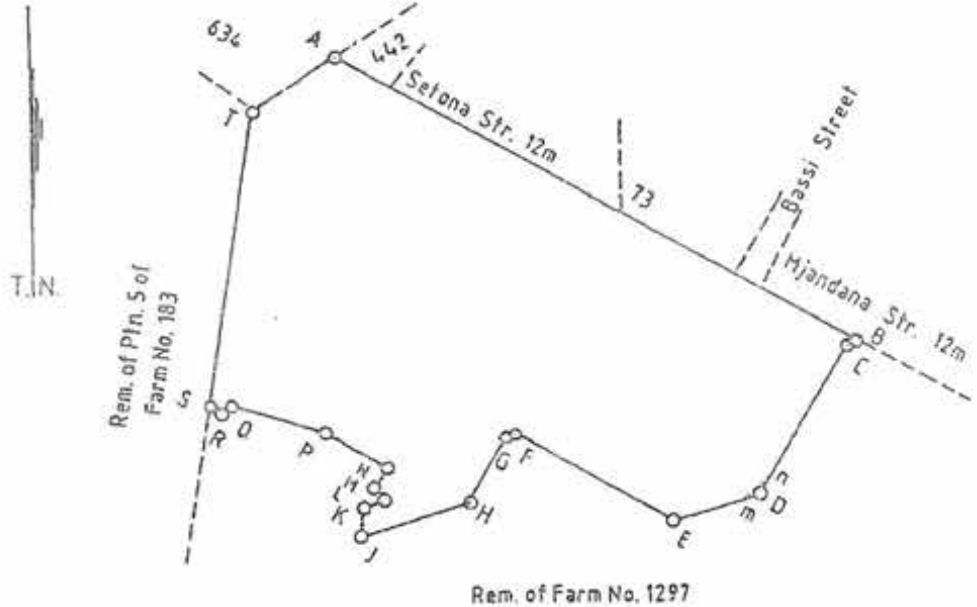
OFFICE COPY

Erf 707 Kaya Mandi

Small scale dgm. of Part
of Kaya Mandi Township
vide Gen. Plan No. 7988/91

S.G. No.
7987/91
Approved
J. Zacks
for Surveyor-General
1992-02-03

Sheet No 2 of
2 Sheets



Surveyed in August, September 1991 by me.

[Signature]
Land Surveyor

Scale 1:5000

B
S

Approved in terms of
Section # of Act
No 4 / 1984

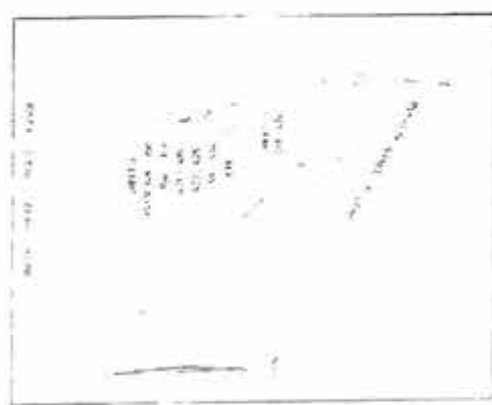
36 (i) a

NO.	MARKS	MARKS	MARKS	FIGURE		AREAS		MARKS	REMARKS
				MARKS	MARKS	MARKS	MARKS		
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4	85	85	85	85	85	85	85	85	
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19	10	10	10	10	10	10	10	10	
20	5	5	5	5	5	5	5	5	

AMENDING GENERAL PLAN No L No 291/89

PART OF THE TOWNSHIP OF KAM RANG
 DISTRICT OF KAM RANG
 PROVINCE OF KAMPONG CHHAM
 KINGDOM OF CAMBODIA

NO. 100
 NO. 95
 NO. 90
 NO. 85
 NO. 80
 NO. 75
 NO. 70
 NO. 65
 NO. 60
 NO. 55
 NO. 50
 NO. 45
 NO. 40
 NO. 35
 NO. 30
 NO. 25
 NO. 20
 NO. 15
 NO. 10
 NO. 5



NO. 100
 NO. 95
 NO. 90
 NO. 85
 NO. 80
 NO. 75
 NO. 70
 NO. 65
 NO. 60
 NO. 55
 NO. 50
 NO. 45
 NO. 40
 NO. 35
 NO. 30
 NO. 25
 NO. 20
 NO. 15
 NO. 10
 NO. 5

S. G. No 125189 SHEET 1 OF 1 SHEETS APPROVED 20/11/89 BY: [Signature] IN CHARGE: [Signature]	NO. 100 NO. 95 NO. 90 NO. 85 NO. 80 NO. 75 NO. 70 NO. 65 NO. 60 NO. 55 NO. 50 NO. 45 NO. 40 NO. 35 NO. 30 NO. 25 NO. 20 NO. 15 NO. 10 NO. 5
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NO.	QUESTION	ANSWER	DATE

S.G. No. 12/2008
 SHEET 2 OF 5 SHEETS
 DATE: 20/05/2008
 BY: [Signature]

C AMENDING GENERAL PLAN No. L No. 291/85

CDR.

PART OF THE TOWNSHIP OF KARAIKUDI
 WITH A VIEW TO THE PROVISION OF A ROAD NETWORK
 IN THE TOWNSHIP OF KARAIKUDI

SCALE 1:300



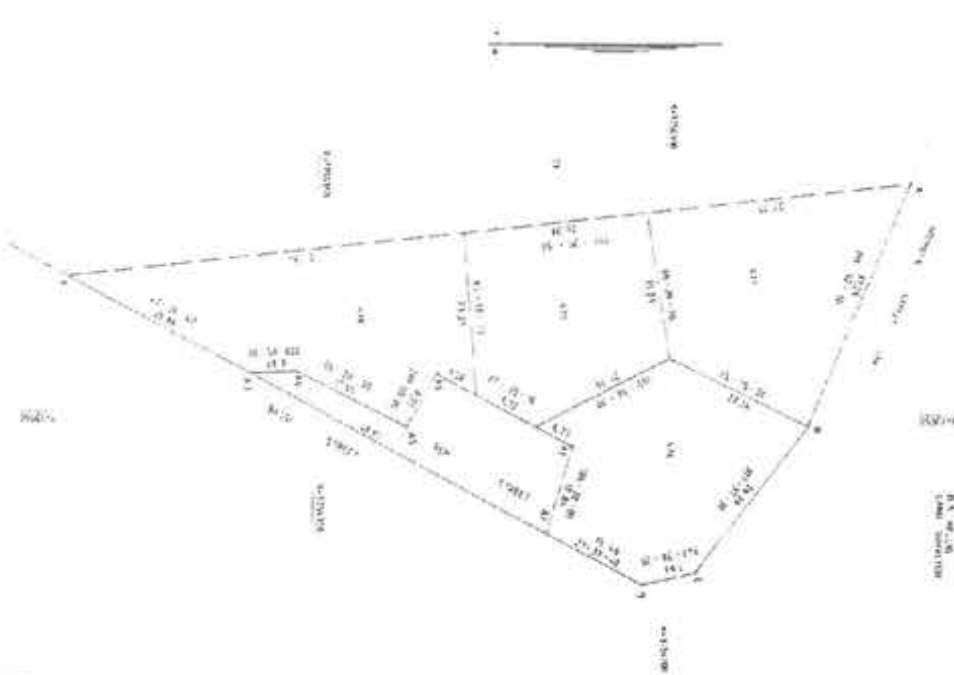
SHEET No. 3 ROAD HOUSE

DATE: 20/05/2008
 BY: [Signature]

DATE: 20/05/2008
 BY: [Signature]

MAIN		FIGURE		AREAS	
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3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9
10	10	10	10	10	10

SCALE 1:300





AMENDING GENERAL PLAN No. 1 No. 289/189

NOT OF THE TOWNSHIP OF KAWA HANUI

SCALE 1:300

THIS PLAN AND ALL RIGHTS HEREIN ARE THE PROPERTY OF THE TOWNSHIP OF KAWA HANUI AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

S.F. No. 1289/189		 Surveyor General	
		ENGINEERS	
NO.	AMENDMENT	ACQUISITION	ADMINISTRATIVE
			DATE

ANNEXURE C

ENVIRONMENTAL DUE DILIGENCE

**ENVIRONMENTAL DUE DILIGENCE TO INFORM THE
PROPOSED UPGRADING OF KAYAMANDI CBD,
STELLENBOSCH MUNICIPALITY, WESTERN CAPE**

Submitted To:

JUBILIE PROJECT MANAGERS



Prepared For

STELLENBOSCH MUNICIPALITY



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12 June 2017

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LIST OF ABBREVIATIONS

DEA&DP		Department of Environmental Affairs and Development
DWS	-	Department of Water and Sanitation
EIA	-	Environmental Impact Assessment
EAP	-	Environmental Assessment Practitioner
EMP	-	Environmental Management Plan
HIA	-	Heritage Impact Assessment
HWC	-	Heritage Western Cape
I&APs	-	Interested and Affected Parties
NEMA	-	National Environmental Management Act, 1998 (Act No. 107)
NHRA	-	National Heritage Resources Act, 1999 (Act No. 25 of 1999)
PP	-	Public Participation
GNEC	-	Guillaume Nel Environmental Consultants

ENVIRONMENTAL DUE DILIGENCE FOR THE PROPOSED UPGRADING OF THE KAYAMANDI TOWN CENTRE, STELLENBOSCH MUNICIPAL AREA

This due diligence will focus on the proposed upgrading of the Kayamandi Town Centre area within the Stellenbosch Municipality.

The following zones within Kayamandi were assessed in this report and is discussed below.

Table 1: PROPOSED SITES ASSESSED

Site Name	Location	Size
Kayamandi Town Centre	Directly west of the main entrance to Kayamandi, off the R304.	± 11 Ha
Zone I	Directly West of Kayamandi Town Centre	± 2 Ha
Small section in Zone M	Located south west of Zone I and north west of Kayamandi Town Centre.	± 0.5 Ha

The above mentioned zones will be assessed as one whole area.

The aim of this Due Diligence is to assess the environmental constraints and viability of redeveloping the proposed site, as well as assess the environmental law related, statutory processes required, in order to ensure lawful commencement of construction activities on the mentioned sites.

The proposed developments and the need for possible assessments was screened by GNEC in terms of the following legislation:

- Environmental Impact Assessment Regulations (GN R. No. 324, GN R. No. 325, GN R. No. 326 and GN R. No. 327 [7 April 2017]) which replaced the previous regulations (GN R. No. 543, GN R. No. 544, GN R. No. 545 and GN R. No. 546 [18 June 2010]) under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), which replaced the previous regulations (GN R. No. 385 and R. No. 386 [21 April 2006]) on the 2nd of August 2010. National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003) (Two Possible Process can be followed depending on the activities triggered. These two processes (Basic Assessment and Full EIA) are explained in Figures 1 and 2 below,
- National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)
- National Veld and Forest Fire Act, 101 (Act No. 101 of 1998)
- National Water Act, 1998 (Act No. 36 of 1998)
- Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970)
- Protected species – Provincial Ordinances
- National Heritage Resources Act, 1999 (Act No. 25 of 1999)
- Stellenbosch Municipality Integrated Development Plan 2017 - 2022

It should be noted that the NEMA allows for two (2) different EIA processes.

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These processes are discussed below and the process flow for these assessments are indicated in FIGURE 1 and FIGURE 2 below.

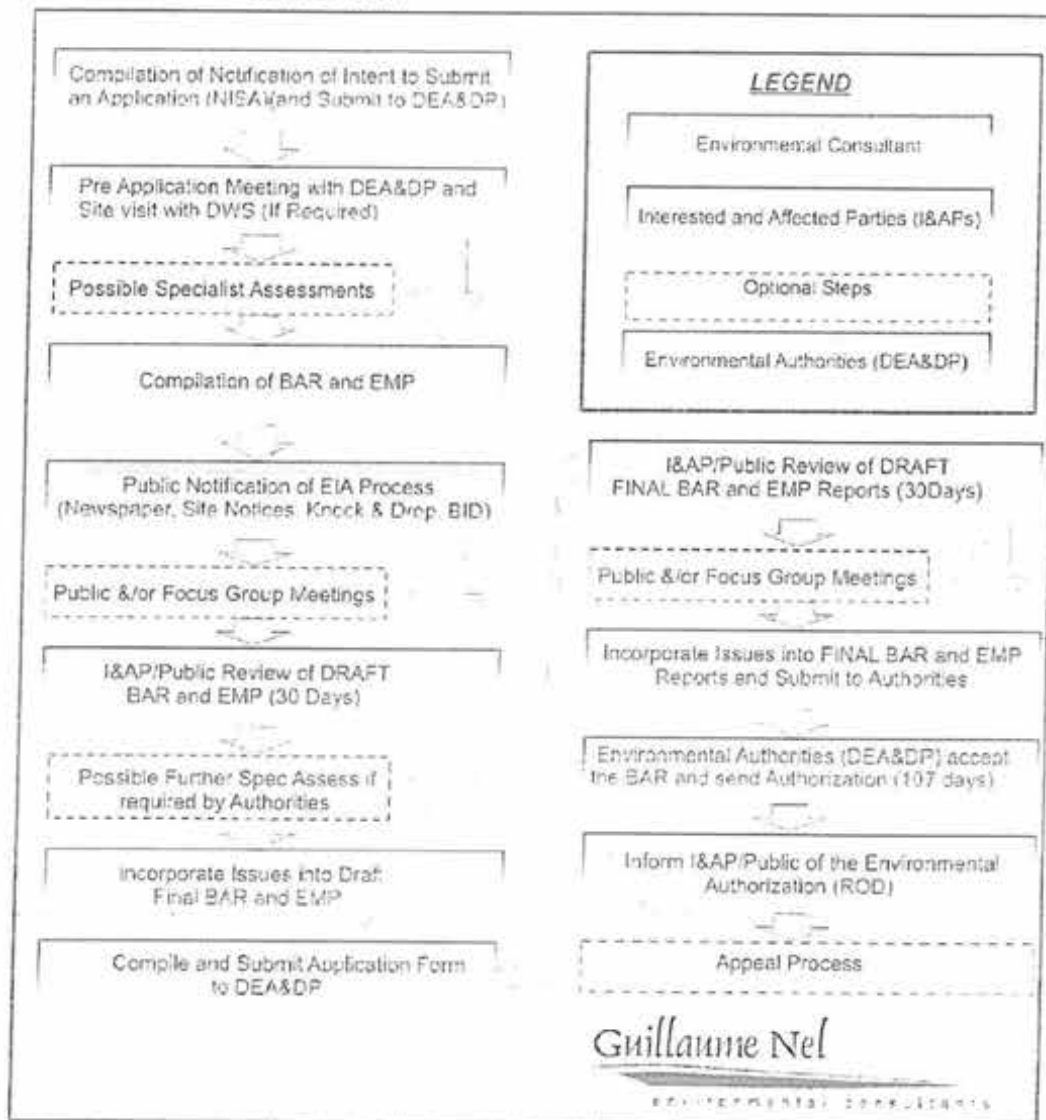


FIGURE 1: THE BASIC ASSESSMENT PROCESS

This process will have to be followed if activities in terms of the Environmental Impact Assessment Regulations GN R. No. 327 and GN R. No. 324 under NEMA are triggered by a proposed development.

The time period for these assessments can be between 6 and 9 months (depending on specialist assessments, the availability of bulk services for the proposed development, possible public and/or December holidays during the process as well as possible delays due to review periods of the Reports by the authorities).

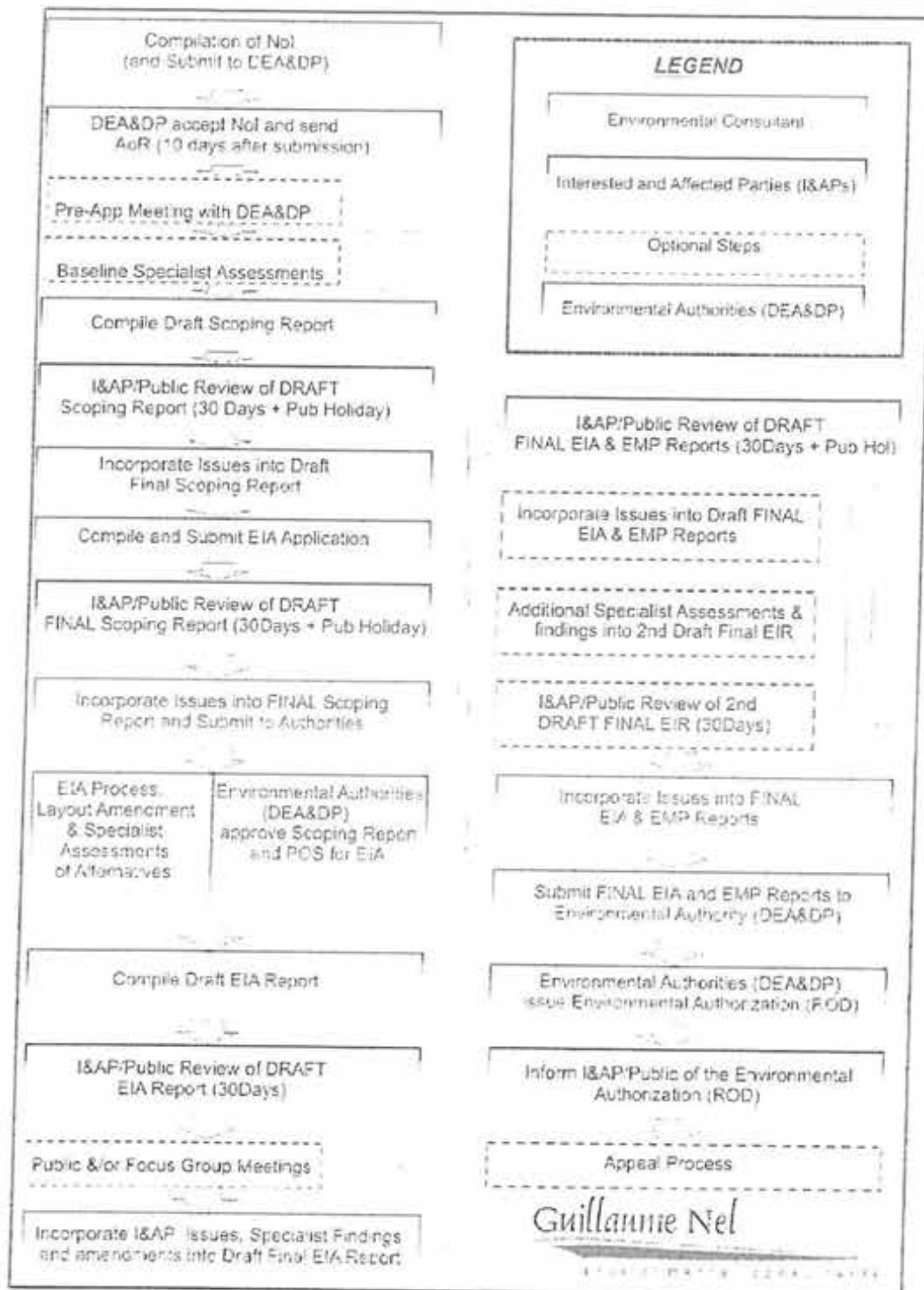


FIGURE 2: THE FULL EIA PROCESS

This process will have to be followed should activities in terms of the Environmental Impact Assessment Regulations GN R. No. 325 under NEMA be triggered.

The time period for these assessments can be between 12 and 16 months (depending on specialist assessments, the availability of bulk services for the proposed development, possible public and/or December holidays during the process as well as possible delays due to review periods of the Reports by the authorities).

ASSESSMENT OF THE PROPOSED DEVELOPMENT AREA

1. ENVIRONMENTAL ASSESSMENT OF THE SITE

1.1 Location

The Kayamandi Town Centre is located west of the R304 existing Stellenbosch towards the N1. Entering Kayamandi, the town center is the first area visible after the roundabout. It stretches approximately 432m in diameter upwards towards the Papegaaiberg to the West of Stellenbosch and boasts beautiful views over the town. Zone I, which is located further west but directly adjacent to the town center, is an elongated portion of land and extends approximately 306m in a north westerly direction along the Papegaaiberg. Zone M is located along 6th avenue. The portion of Zone M investigated in this due diligence report only encompass one row of houses.

Please refer to Figure 1 below for a visual representation of the location of the study area in proximity to the larger Stellenbosch.

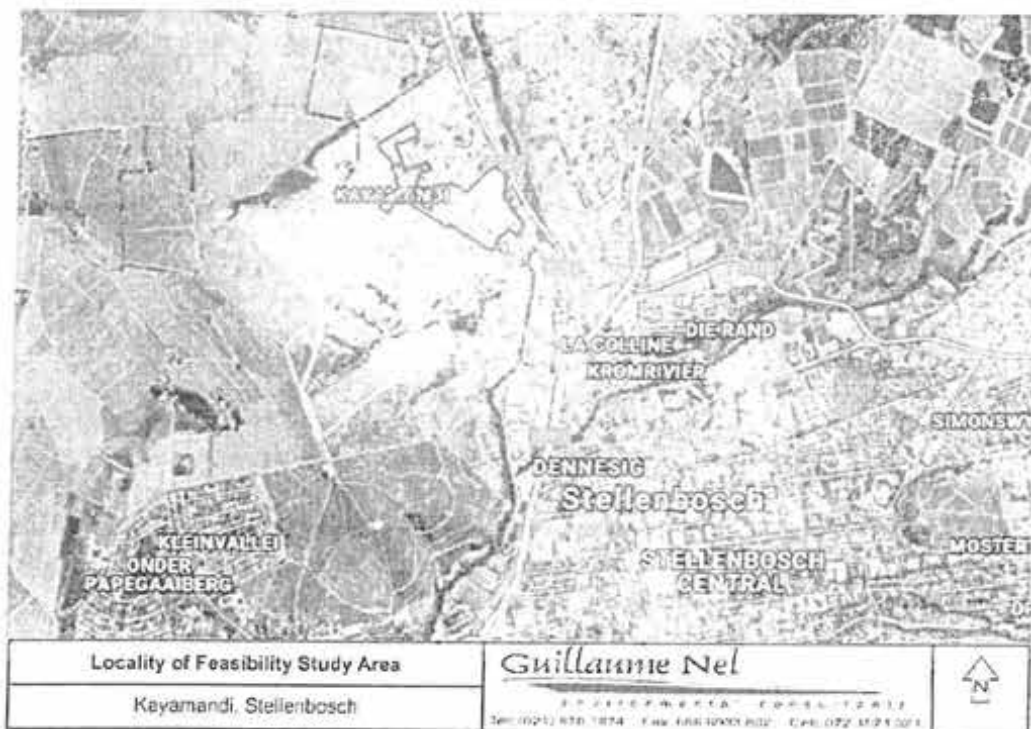


FIGURE 3: LOCATION OF THE EXISTING KAYAMANDI TOWN CENTRE INCLUSIVE OF ZONE I AND A PORTION OF ZONE M, STELLENBOSCH.

1.2 Topography

The site can be described as steep, sloping from north west (because of Papegaaiberg) to the south east towards the R304 and Plankeburg River.

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Please refer to Figure 4 below for a visual simulation of the terrain on which Kayamandi is situated



FIGURE 4: KAYAMANDI TOWN CENTER TOPOGRAPHICAL MAP

1.3 Underlying Geology

The study area stretches over three dominant geological categories. The Town Centre section is dominated by the Cape Granite Suite (Db50). This suite occasionally contains greywacke, phyllite and quartzitic sandstone from the Tygerberg Formation within the Malmesbury Group. This geological group consists of alluvium and surficial cover formed in situ on Malmesbury rocks as well as granite and deposits of weathering products of granite. Soils covering this geological type's prisma-cutanic and or pedocutanic horizons are dominant and is not red in colour.

The largest portion of Zone I is covered mainly by granite and deposits of the weathering products of granite from the Kuils River-Helderberg Pluton (Ba47). The area also contains greywacke, phyllite and quartzitic sandstone from the Tygerberg Formation within the Malmesbury Group. However the soil here tends to be more red.

Finally, the most southern portion of the study area contains a small section (Ia21) covered in deep deposits of alluvium and terrace gravel, which is associated with the Plankenbrug River.

Please refer to Figure 5 below for a visual representation of the geological distinctions that can be made on site.

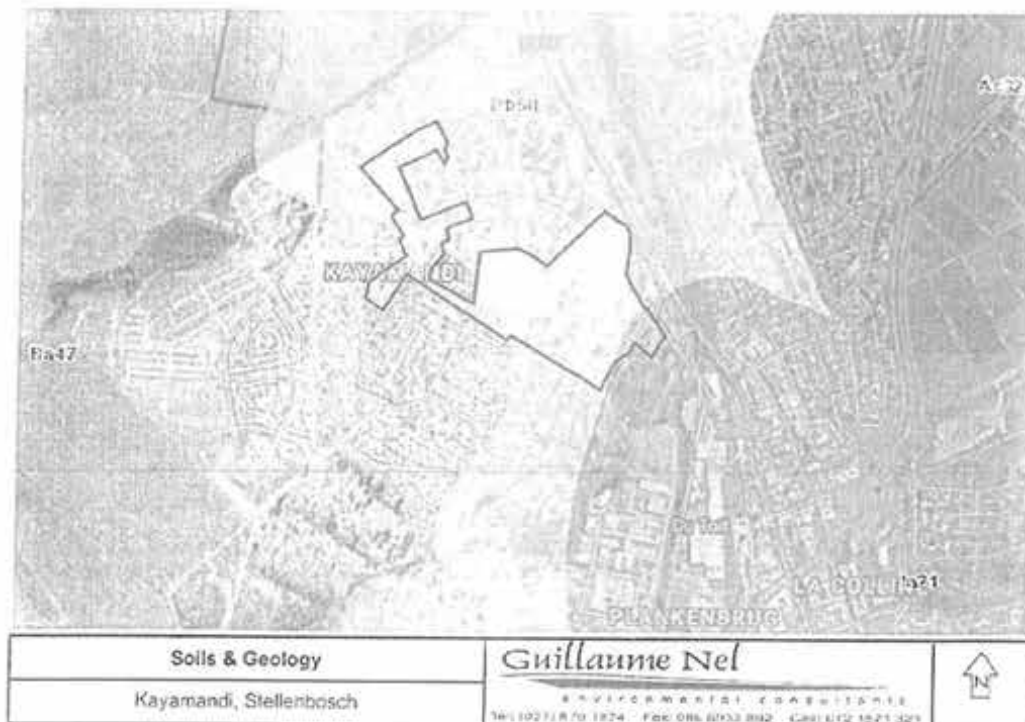


FIGURE 5: KAYAMANDI TOWN CENTRE ENPAT MAP

1.4 Conservation

The study area contains no environmental conservation areas or critical biodiversity areas of concern. The entire site has been developed and if there were any sensitive ecological areas in the past, none have been retained or conserved here.

1.5 Water Resources

The study area does not contain any natural water resources. The Plankenbrug River flows along the R304 to the east of the site and a farm dam is located to the west of the study area on the Papegaaiberg koppie, however the dam is separated from the study area by approximately 450m of already developed residential area and does therefore not have an impact.

Please refer to Figure 6 below for a visual representation of water resources in the study area's vicinity.



FIGURE 6: MAPPED WATER RESOURCES ADJACENT TO KAYAMANDI, STELLENBOSCH

1.6 Conclusion

The proposed area to be redeveloped does not pose any environmental constraints as the natural vegetation has completely been removed and no natural water resources are located on site or within the parameters that require assessment by NEMA. The section below assessed whether or not a NEMA process is required for the redevelopment of the Kayamandi Town Centre and associated zones.

2 EIA REGULATIONS

The Table below indicates whether or not this proposed study area will have to undergo an EIA Process. It further indicates whether an Environmental Authorization (EA [previously ROD]) is already in place. Should an EIA be required, the possible listed activities will be discussed in the tables below.

Table 2: EIA Process Requirements

EIA Process Required	YES	NO
If Yes above, the following process is to be followed for the proposed development	Basic Assessment	Full EIA Process
	N/A	NA
If NO - Reason for not having to undertake an EIA Process	EA (ROD) in place	No EIA Reg. Triggers
		X
Other Authorizations Required	Heritage Western Cape	Dept Water Affairs
	Yes	No

Note: The "interim urban edge" as defined in the Western Cape Provincial Spatial development Framework, 2009 (WCPSDF) has been adopted as an urban edge in terms of Listing Notice 1, 2 and 3. In terms of the WCPSDF, the interim urban edge means "the current extent of the urban development including serviced erven and erven for which rezoning approvals have been granted. Therefore, erven that were either already lawfully developed as urban development or were already rezoned or lawfully serviced prior to the DEADP approval of 2012, are regarded as being within the urban area in terms of the 2010 EIA regulations.

This proposed development site is situated inside the urban area as defined by the EIA regulations.

Table 3: Possible Listed activities according to GN R. No 327 (Listing Notice 1)

Act	Description	Relevance to this development	Possibility of Trigger and Possible Process
9	The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water (i) with an internal diameter of 0.36 metres or more; or (ii) with a peak throughput of 120 litres per second or more, <u>excluding where</u> a. such facilities or infrastructure are for the bulk transportation of water, sewage or storm water drainage inside a road reserve or railway line reserves; or b. where such construction will occur within an urban area	The site is situated inside the urban area and the availability of services in this area is still being investigated, however bulk water and stormwater infrastructure is available in the area. Capacity availability should be confirmed	No Trigger
10	The development and related operation of infrastructure exceeding 1000 meters in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes – (i) with an internal diameter of 0.36 meters or more; or (ii) with a peak throughput of 120 litres per second or more; Excluding where – (a) such infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area	The site is situated inside the urban area and the availability of services in this area is still being investigated, however bulk waste water infrastructure is available in the area. Capacity availability should be confirmed	No Trigger
11	The development of facilities or infrastructure for the transmission and distribution of electricity – (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more; Excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is – (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 kilometers or shorter in length; (c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.	The proposed redevelopment will possibly require additional electricity capacity, however the infrastructure needed does not trigger this activity as no additional lines will be constructed.	No Trigger
13	The development of facilities for the off-stream storage of water, including dams and reservoirs, with a combined capacity of	The proposed development will make use of municipal water and no dams or	No Trigger

	50 000 cubic meters or more, unless such storage falls within the ambit of activity 16 in Listing Notice 2 of 2014	reservoirs will be constructed.	
24	The development of a road – (i) for which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13.5 meters, or where no reserve exists where the road is wider than 8 meters; But excluding a road – (a) which is identified and included in activity 27 in Listing Notice of 2014 (b) where the entire road falls within an urban area; or (c) which is 1 kilometer or shorter.	The existing roads will be used and where needed, resurfaced. Where new roads are to be constructed, they will not trigger the parameters listed in this activity.	No Trigger
27	The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for – (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	The proposed site has been used for residential and commercial purposes for many years and no natural vegetation is left on site.	No Trigger
28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	The proposed site has been rezoned for residential and commercial use and is this activity is therefore not applicable.	No Trigger

Table 4: Possible Listed activities according to GN R. No 325 (Listing Notice 2)

Act	Description	Relevance to this development	Possibility of Trigger and Possible Process
N/A	N/A	N/A	N/A

Table 5: Possible Listed activities according to GN R. No 324 (Listing Notice 3)

Act	Description	Relevance to this development	Possibility of Trigger and Possible Process
2	<p>The development of reservoirs excluding dams, with a capacity of more than 250 cubic meters.</p> <p>i. Western Cape</p> <p>i) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ii) In areas containing indigenous vegetation; or</p> <p>iii) Inside urban areas:</p> <p>(aa) Areas zoned for use as public space ; or</p> <p>(bb) Areas designated for conservation use in spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</p>	<p>The proposed development will make use of municipal water and no dams or reservoirs will be constructed.</p>	<p>No Trigger.</p>
4	<p>The development of a road wider than 4 meters with a reserve less than 13,5 meters</p> <p>i. Western Cape</p> <p>i) Areas zoned for use as public open space or equivalent zoning;</p> <p>ii) <u>Areas outside urban areas:</u></p> <p>(aa) Areas containing indigenous vegetation</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii) <u>Inside urban areas:</u></p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority</p>	<p>The site is situated inside the urban area and will not trigger this activity as no indigenous vegetation is left on site and no additional roads meeting these criteria will be constructed.</p>	<p>No Trigger</p>
12	<p>The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004,</p> <p>ii) Within critical biodiversity areas identified in bioregional plans;</p> <p>iii) Within the littoral active zone or 100 meters inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas,</p>	<p>The site is situated inside the urban area and will not trigger this activity as no indigenous vegetation or conservation areas are left on site</p>	<p>No Trigger</p>

	iv) On land, where at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v) On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.		
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2.1 EIA Regulations Conclusion

Due to site being fully developed already and all original vegetation previously removed in order to live on the mountain side, no activities are triggered. Therefore no NEMA process is required for the redevelopment of this site.

3 OTHER RELEVANT LEGISLATION

3.1 National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)

The purpose of this act is to provide for the protection and conservation of ecologically viable areas representative of South Africa's Biological diversity and its natural landscapes and seascapes. for the establishment of a national register of all national, provincial and local protected areas; for the management of those areas in accordance with the national norms and standards; for intergovernmental co-operation and public consultation in matters concerning protected areas,

The proposed activities do not trigger any activities as listed in this legislation.

3.2 National Veld and Forest Fire Act, 101 (Act No. 101 of 1998)

The purpose of this act is to combat veld and forest fires throughout the republic of South Africa. Special focus on Sections;

- Formation of Fire protection associations
- Duties of fire protection associations
- Fire Danger Ratings
- Duty to prepare and maintain fire breaks
- Requirements of fire breaks
- Actions to fight Fire

The proposed activities do not trigger any activities as listed in this legislation.

3.3 National Water Act

Due to the site already being connected to the Municipal Network with no natural water resources in its close vicinity, the National Water Act, 1998 (Act No. 36 of 1998) does not need to be considered.

The National Water Act guides the management of water in South Africa as a common resource. The Act aims to regulate the use of water and activities, which may impact on water resources through the categorisation of 'listed water uses' encompassing water extraction, flow attenuation within catchments as well as the potential contamination of water resources, where DWA is the administering body in this regard. The Act is to ensure that the nation's water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors:

- (a) Meeting the basic needs of present and future generations
- (b) Promoting equitable access to water

- (c) Facilitating social and economic development.
- (f) Providing for the growing demand of water use;
- (g) Protecting aquatic and associated ecosystems and their biological diversity
- (h) Reducing and preventing the pollution and degradation of water resources
- (j) Promoting dam safety; and
- (k) Managing floods and droughts.

The proposed activities do not trigger any activities as listed in this legislation.

3.4 Mountain Catchment Areas Act, 1970 (Act No. 63 of 1970)

The purpose of the Mountain Catchment Areas Act is to provide for the conservation, use, management and control of land situated in mountain catchment areas, and to provide for matters incidental thereto.

The proposed activities do not trigger any activities as listed in this legislation.

3.5 Protected species – Provincial Ordinances

Provincial ordinances were developed to protect particular plant species within specific provinces. The protection of these species is enforced through permitting requirements associated with provincial lists of protected species. Permits are administered by the Provincial Departments of Environmental Affairs.

The proposed activities do not trigger any activities as listed in this legislation.

3.6 National Heritage Resources Act, 1999 (Act No. 25 of 1999)

The National Heritage Resources Act legislates the necessity for cultural and heritage impact assessment in areas earmarked for development, which exceed 0.5 ha. The Act makes provision for the potential destruction to existing sites, pending the archaeologist's recommendations through permitting procedures. Permits are administered by the South African Heritage Resources Agency (SAHRA).

Table 6: Listed Activities according to the NHRA

CATEGORY OF DEVELOPMENT (Section 38 (1))	Triggered
1. Construction of a road, wall, power line, pipeline, canal or other similar form of linear development or barrier over 300m in length	No
2. Construction of a bridge or similar structure exceeding 50 m in length	No
3. Any development or activity that will change the character of a site–	
a) exceeding 5 000 m ² in extent	No
b) involving three or more existing erven or subdivisions thereof	Yes
c) involving three or more erven or divisions thereof which have been consolidated within the past five years	No
4. Rezoning of a site exceeding 10 000 m ²	No

The Kayamandi CBD is located within an area scattered with tall pine trees. Historical photographs were obtained to determine the age of the trees on site. The photo below was taken in 1953 and shows the presence of the pine trees. This means that these trees have historical significance and should be retained in the re-development of the site. A Notice of Intent to Develop was submitted.

to Heritage Western Cape to notify the authority of the possible re-development of the site and to obtain their formal comment.



FIGURE 7: THE IMAGE ABOVE SHOWS THE LOCATION OF THE PINE TREES ALREADY PRESENT IN 1953, THEREFORE CONFIRMING THE HISTORICAL VALUE OF THESE TREES.

Authorisation from the Dept. of Heritage Western Cape must be obtained before any work is undertaken. It is applied in the final document of the EIA.

3.7 Possible Other Constraints

NA

3.8 Possible Specialist Assessments Required during the EIA process

- Heritage Impact Assessment
- Visual Impact Assessment

4 CONCLUSION

The proposed redevelopment of the Kayamandi CBD, Zone I and a portion of Zone M does not trigger any NEMA activities due to the fact that the entire area has already been developed and disturbed. It is possible that a Heritage Impact Assessment and Visual Impact Assessment will be required due to the possible changing of the character of the site covering more than 3 erven. A possible outcome of the HIA could be the need for a demolition permit of buildings of heritage related conservation concern. Furthermore, the age of the large stone pine trees should be investigated as an application for their removal, if planned, should be submitted to Heritage Western Cape.

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ANNEXURE D

HERITAGE WESTERN CAPE ROAD

Stellenbosch

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 Case No: 170612042KC0613E
 Enq. Ref: Zephane Mkhize
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 Date: 11 July 2017



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 Stellenbosch Municipality
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RESPONSE TO NOTIFICATION OF INTENT TO DEVELOP; FINAL
 In terms of Section 38(2) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape
 Provincial Gazette 6061, Notice 258 of 2003

NOTIFICATION OF INTENT TO DEVELOP: PROPOSED REDEVELOPMENT OF KAYAMNANDI CBD MEASURING APPROXIMATELY 15 Ha, TO PROVIDE FULLY SERVICED FORMAL HOUSING STRUCTURES TO CURRENT RESIDENTS, SUBMITTED IN TERMS OF SECTION 38(1) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 170612042KC0613E

The matter above has reference,

Heritage Western Cape is in receipt of your application for the above matter received on 13 June 2017. This matter was discussed at the Heritage Officers meeting held on 30 June 2017.

You are hereby notified that, since there is no reason to believe that the proposed redevelopment of Kayamnandi CBD measuring approximately 15 ha, to provide fully serviced formal housing structures to current residents details of application 170612042KC0613E will not impact on heritage resources, and no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However should any heritage resource, including evidence of graves and human bones, archaeological material and palaeontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully,

.....
 Mr. Mxolisi Dlamuka
 Chief Executive Officer, Heritage Western Cape

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ANNEXURE E

ENGINEERING SERVICES REPORT

Kayamandi Town Centre

Interim Engineering Services and
Stormwater Management Report:

June 2017



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Kayamandi Town Centre
Engineering Services and Stormwater Management Report

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1. Introduction

This report entails the preliminary assessment of existing services for the proposed Kayamandi Town Centre project. The size and scale of the proposed developments as received from the town planner were used to calculate the services demands of the proposed development.

2. Proposed Development

The proposed development is located as shown in the figure below:



Figure 1: Location of Study Area

The study area is located north of Stellenbosch, in Kayamandi and close to the R304 road.

2.1 Development Proposals

The proposed development involves the redevelopment of the town centre of Kayamandi. Whilst it is foreseen that the redevelopment will involve mainly the provision of residential opportunities, some small commercial opportunities may also be provided. For this draft report the following development profile was used as is shown in the table below:

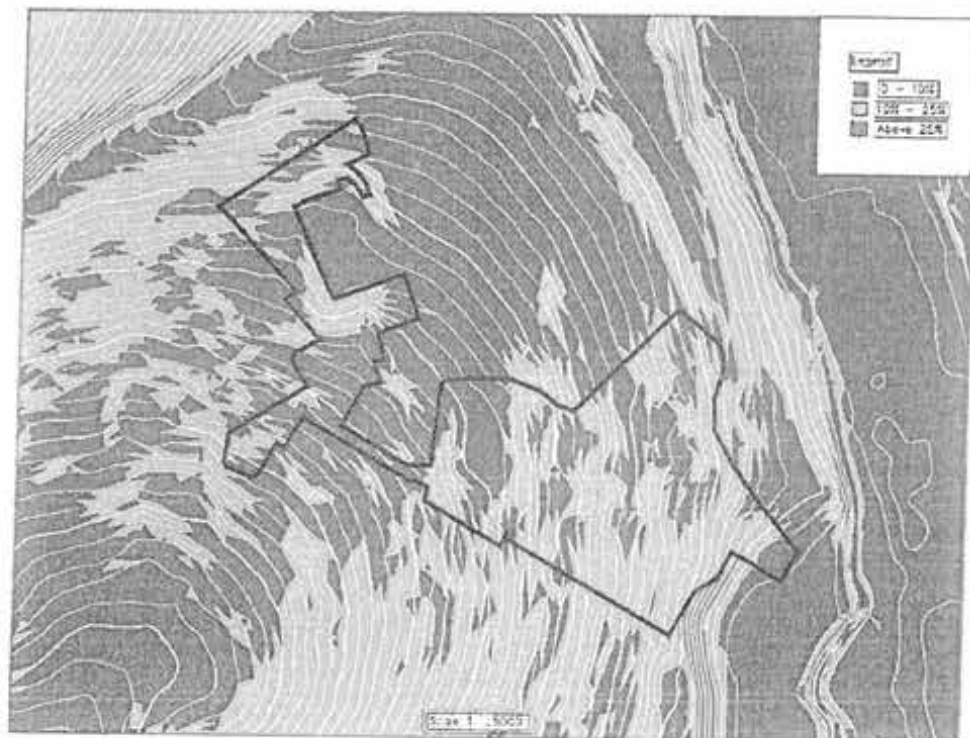
Land Use	Residential Units	Area (ha)	Residential Density (Units/ha)
Multi Storey Living Units (40m ²)	1612	12.47	129
Semi-Detached Walk Up Units (43m ²)	48	0.58	82
Single Dwelling	9	0.22	41
Commercial		0.16	
Church		0.11	
School		0.59	
Community Facilities		0.24	
Regional Services		0.06	
Creche		0.15	
Total	1669	14.58	114

Table 1 Proposed Development Profile

3. Topography and Soil Conditions

The site is characterized by a hilly topography with slopes varying from mild to steep as is shown on the contour drawing below:

The figure below shows a slope diagram which indicates that much of the study area have slopes more than 10%. The areas with slopes above 25% (1 in 4) fall outside the study area.



The site is underlain by weathered shales of the Malmesbury Group. The weathering of the shales will probably vary in depth across the whole site. Also varying in depths will be the topsoils and some occurrence of laterite may be present over the site.

Generally the geotechnical conditions can be described as normal for this area and no extraordinary problems are expected. A comprehensive geotechnical study will have to be undertaken to confirm this.

4. Water Supply

4.1 Assessment of Available Water Supply Services

The existing water network as obtained from the municipality is shown in the enclosed drawing.

The figure below shows the 2011 water supply masterplanning layout



Figure 2 : 2011 Masterplan

The existing water supply to this area can be described as follows:

1. A 450 mm Dia gravity water supply main from the Idas Valley dams to the Papegaalberg reservoir;

2. A 355 mm pumped rising main from Papegaaiberg reservoir to the Kleinvallei reservoir (TWL 218.4m);
3. A pumped rising main from the Kleinvallei reservoir to the Kayamandi reservoir (2000 kl; TWL=224.3).

The development area falls within the supply area of the Kayamandi reservoir, which have been earmarked to be augmented with a new reservoir of 2000 kl.

4.2 Water Demand

The following water-supply demand has been determined and is summarized per portion in the following table:

Housing Typologies	Percentage	QUANTITY	Water Supply	
			AADD	Peak Demand (Zone PF=4.5)
			Ml/Day	l/s
BNG	20%	1612	0.7	37.8
BNG+	22.70%	57	0.0	1.3
GAP	32%	0	0.0	0.0
GAP+	25.10%	0	0.0	0.0
Subtotal		1669	0.8	39.1
SCHOOLS		200	0.024	1.3
COMMERCIAL & OTHERS		5700	0.0228	1.2
Total			0.8	41.6

Table 2 Water-Supply Demand

4.3 Proposed Bulk Water Supply System

The proposed bulk water system should provide sufficient water storage for 48 hrs and operating water pressures between 90m and 30m to all the users. Within limits the pressure in excess of 90m can be controlled with a pressure-reducing valve and pressure less than 30m can be augmented with a booster pump.

A total reservoir storage (48 hrs) of approximately 1.6 MI is required for the total development. The 2011 masterplan proposes that the existing Kayamandi Reservoir be augmented by an additional 2000 kl reservoir.

5. Sewerage

5.1 Existing Sewerage System and proposed upgrades

The existing sewerage system entails a bulk sewer on the western side side of the Plankenbrug River and has limited capacity. Phase 1 of the main outfall sewer (from the WWTW to Oude Molen) is presently being upgraded by the municipality and phases 2 and 3, which will extend the sewer to Nietgevonden Road, are scheduled to be completed by end of 2018. The existing sewerage network as obtained from the municipality is shown in the enclosed drawing.

Similarly, the wastewater treatment works is also being upgraded from 20 Ml/day to 35 Ml/day to be completed by end 2018. This should provide additional spare capacity of 11 Ml/day, due to previous backlogs.

5.2 Sewage Flows

The following table shows the determined sewage flows of the proposed developments:

Housing Typologies	Percentage	QUANTITY	Sewerage		
			RATE KL/Day	ADWF Ml/Day	PWWF l/s
BNG	20%	1612	0.405	0.65	33.1
BNG+	22.70%	57	0.405	0.02	1.2
GAP	32%	0	0.9	0.00	0.0
GAP+	25.10%	0	1.08	0.00	0.0
Subtotal		1669		0.68	34.2
SCHOOLS		200		0.02	1.1
COMMERCIAL & OTHERS		5700		0.02	1.0
Total				0.7	36.4

Table 3 Sewage Flows

6. Stormwater

A computer stormwater model of the study area was developed in the PCSWMM software to determine the flows from the 50 year events and the corresponding attenuation requirements.

6.1 Existing stormwater network and catchment areas

A drawing showing the existing stormwater network is enclosed.

The figure below shows the computer model indicating the catchment areas and existing stormwater system superimposed on the cadastral layout of the area.



Figure 3 Topography and Catchment areas

6.2 Hydrology

The rainfall input for the computer model is defined by means of rain gauges which use the specified design storm curve and total storm rainfall to generate a time-stepped precipitation. The following data was used to generate the rainfall:

Storm type: SCS Type 1

The following data is relevant for the rainfall station:

Stellenbosch (MUN)/ 21655 ; MAP = 678 mm ;

RECURRENCE PERIOD (yrs)	2	5	10	20	50
ONE DAY RAINFALL (mm)	45	59	69	79	94
24 HR RAINFALL (mm)	50	66	77	88	104

Table 4 24h Rainfall

6.3 Stormwater Modeling

A PCSWMM pre-development stormwater model is shown below based on a 50 yr storm event.



6.4 Addressing Stormwater Quality Management

Cities across the world have adopted best management practices (BMP's) with regard to stormwater runoff to mitigate the effects of pollution caused by stormwater runoff. These are often called Low Impact Development (LID) or Sustainable Urban Drainage Systems (SUDS).

The proposed development drains towards the Plankenbrug River, which feeds into the Eerste River. The Eerste River runs through many tourism friendly winery farms west and south of Stellenbosch, notably the Vlottenburg area, Spier, Faure and Croydon and then joins the Kuils River just before it discharges into False Bay. Any stormwater management should therefore also address the existing water quality problems.

The water of the Plankenbrug River is highly polluted and some of this pollution can be ascribed to:

- lack of sewerage systems to informal settlements;
- possibly also backyard dwellings which are not connected to a sewerage system; and
- blocked and dysfunctional sewerage systems.

Raw sewage contains such high levels of pollutants (bacteriological and nutrients (nitrogen and phosphorous)), that to treat this by means of stormwater BMP's to obtain a reasonably effluent quality will require long retention times and accordingly very large retention volumes. It is far more cost effective to provide a proper sewerage system and to ensure that all sewage enters the sewerage system.

Should this not be possible, very large retention ponds with permanent water levels will be required to treat this sewage contaminated stormwater.

In designing the correct BMP for this development it is therefore assumed that all properties will be connected to the sewerage system and no backyard dwellings will be tolerated.

6.5 Stormwater Management Plan

A stormwater management plan will be provided based on the development layout which try to comply with the following criteria:

6.5.1 Criteria

To meet the attenuation requirements

The main function of the stormwater management plan is to reduce the runoff impacts to pre-development levels. The high-density layout provided indicates that attenuation of the peak flows are desirable to mitigate downstream flooding. Attenuation ponds in the form of regional ponds or on-site ponds should be investigated.

To improve the water quality

To improve the water quality of the stormwater runoff (not sewage) from the development various BMP's are normally employed:

1. Grass swales with infiltration trenches;
2. Bio retention cells;

3. Extended wet retention ponds, and

4. Permeable paving

The possible implementation of these system will be investigated.

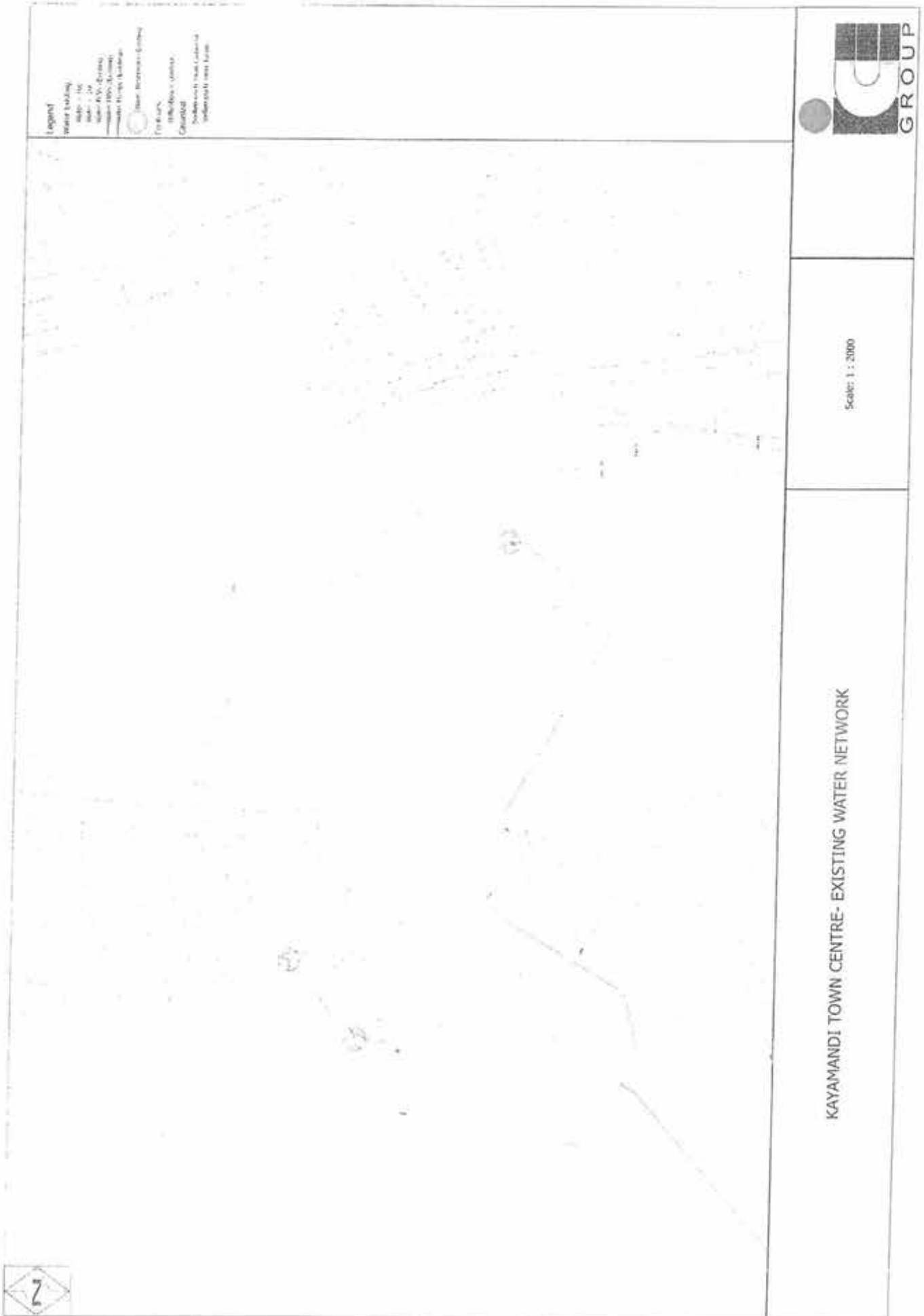
7. Electricity Supply

It has been determined that the development will require approximately 4 MVA to provide electricity to this development. The existing networks do not have the capacity for this demand and will have to be upgraded. Discussions are presently underway with the electrical engineer's department regarding this matter.

MJ Cerfonteyn Pr Eng
ICE Tygerberg (Pty) Ltd

ENCLOSED DRAWINGS :

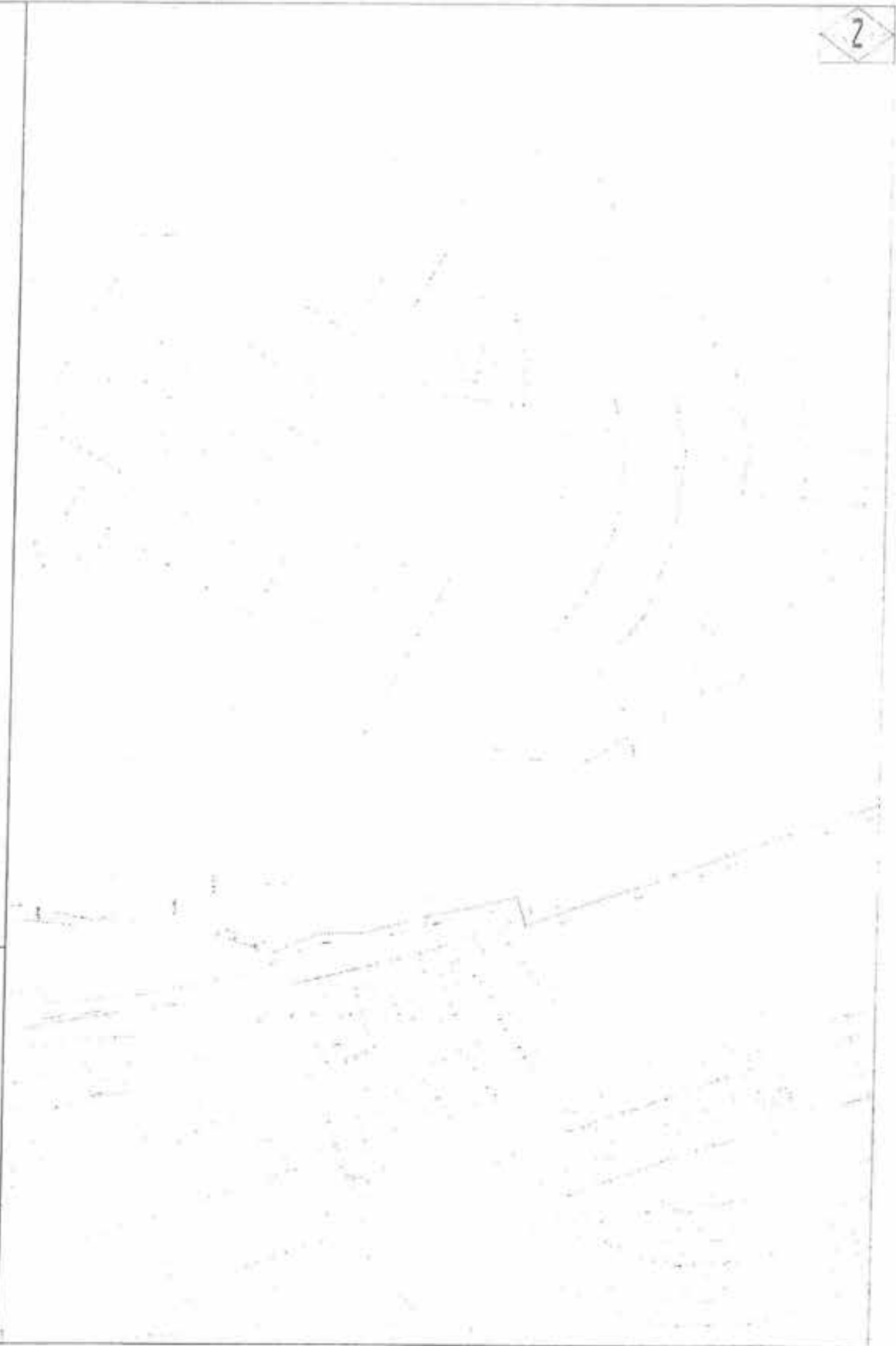
EXISTING WATER SUPPLY NETWORK
EXISTING SEWER NETWORK
EXISTING STORMWATER NETWORK



2

KAYAMANDI TOWN CENTRE - EXISTING SEWER NETWORK

Scale: 1 : 2000



- Legend
- Manhole
 - Manhole cover
 - Street lighting
 - Water supply
 - Water supply pipe
 - Water supply valve
 - Water supply tap
 - Water supply meter
 - Water supply pipe
 - Water supply valve
 - Water supply tap
 - Water supply meter



ANNEXURE F

DRAFT TRAFFIC INPUT

Contact Address:
iCE Group (Stellenbosch),
P O Box 131,
Stellenbosch, 7599

Tel No: +27 (0) 21 880 0443
Fax No: +27 (0) 21 880 0390
e-mail: piet@icegroup.co.za



Consulting Services

- Civil Engineering Services
- Roads
- Traffic Engineering

Contact Person: Piet van Blerk
Your Ref: Kayamandi Town Centre
Our Ref: ICE/S/1187

Date: 4 September 2017

Jubelie Projects
P.O. Box 12876
N1 CITY
7463

Attention: Mr Gerhard Nel

Sir

PROPOSED KAYAMANDI TOWN CENTRE REDEVELOPMENT: DRAFT TRAFFIC INPUT

Your request for preliminary comment on the potential traffic impact of the proposed redevelopment of the Kayamandi Town Centre, refer.

1. BACKGROUND AND LOCALITY

Kayamandi is a township situated northwest of Stellenbosch Town, bordered by the R304 (Main Road 174) to the east and the Plankenbrug Industrial Area to the south. See the *Locality Plan* attached.

Jubelie Projects has been appointed by Stellenbosch Municipality to appoint the necessary multi-disciplinary team of professional consultants required to conduct a feasibility study to assess the redevelopment of the town centre of Kayamandi. The intention is to formalise the residential area which will be re-inhabited by the existing residents of the area, while providing the necessary additional community facilities.

This letter is thus to provide preliminary comment on the potential traffic impact of the proposed redevelopment of the Kayamandi Town Centre.

2. PROPOSED DEVELOPMENT

The Study Area (i.e. Zones within Kayamandi) identified for redevelopment is indicated on the attached drawing: *Study Area* prepared by *tv3 Architects and Town Planners*. The Zones identified are Zones D, F, I, M and P. According to information approximately 2 000 households currently exist in the study area.

As previously mentioned, it is proposed to replace the existing informal structures within the Study Area. The proposal is currently as follows:

Multi Storey Living Units (40 m ²)	1 612 units
Semi-Detached Walk Up Units (43 m ²)	48 units
Single Dwelling	9 units
Commercial	0,16 ha
Church	0,11 ha
School	0,59 ha
Community Facilities	0,24 ha

Stellenbosch office:
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Directors:
P.J. Van Blerk, PrEng.

iCE Group (Overberg) Inc
iCE Group (Stellenbosch)
Reg No: 2006/133235/23



Regional Services	0,06 ha	
Crèche	0,15 ha	
Total	1,31 ha	1 669 units

See the attached drawing: *Land Capacity Alternative 2* prepared by *tv3 Architects and Town Planners*.

As indicated in the table on the attached plan, a possibility exists to provide more than 2 000 units by increasing the number of storeys (from three storeys to five).

3. TRAFFIC

3.1 Available Traffic

Available traffic information in the area currently includes peak hour traffic counts at the intersections along the R304 (Sokuqala Street, Masitandane Street and the R44) and at the R44/George Blake Street intersection (via Plankenbrug).

As it is the intention to provide new facilities for the existing residents, it is not anticipated that peak hour traffic will increase significantly. The accompanying community facilities are also not expected to generate significant external peak hour traffic.

However, following discussions with Stellenbosch Municipality (messrs John Muller and Nigell Winter), it was requested that traffic counts be conducted at the Masitandane Street-roundabout and the George Blake Street/Rand Street intersection, as well as updated counts at the R304/Masitandane Street intersection. The said counts were conducted on Thursday, 31 August 2017 from 06h00 to 09h00 and again from 15h30 to 18h30. The peak hour volumes derived from these counts are indicated in *Figure 1* attached.

3.2 Trip Generation

Based on the trip generation rates as contained in the *South African Trip Generation Rates Manual* (SATGR), the 1 669 units could potentially generate 835 peak hour trips (292 in, 543 out during the AM peak hour and vice versa during the PM peak hour). As mentioned, the residential units will not be additional to the existing, a portion of the informal structures in Kayamandi will merely be formalised/replaced.

It should be noted, however, that the existing traffic within Kayamandi entering and exiting Kayamandi via the Masitandane Street-roundabout during the AM/PM peak hours, are ± 760 during the AM and PM peak hours. The trip generation as calculated above can thus be considered high.

3.3 Traffic Analyses

As previously mentioned, it was requested that counts be conducted at some intersections in the vicinity of Kayamandi. The peak hour analyses as per the Sidra Software 7.1, will be discussed hereafter.

R304/Masitandane Street intersection (signalised):

According to the Sidra analyses, acceptable intersection levels of service C are experienced during the AM and PM peak hours, with service levels C and above experienced on all movements.

Masitandane Street/George Blake Street intersection (roundabout):

According to the Sidra analyses, acceptable service levels B and above are experienced at this roundabout during the AM and PM peak hours.

It should be noted that the Sidra analyses considers the intersections in isolation. The queuing experienced on the Masitandane Street-approach to the R304 (signalised intersection), is thus not accounted for.



George Blake Street/Rand Street intersection (all-way stop-controlled):

According to the Sidra analyses, unacceptable intersection levels of service F and E are currently experienced during the AM and PM peak hours, respectively. Service level F is experienced on the western Rand Street-approach during the AM and PM peak hours, with service level E experienced on the eastern Rand Street-approach during the AM peak hour.

To address the abovementioned unacceptable service levels, it is suggested that the provision of a roundabout be considered. The said roundabout will also address traffic calming along George Blake Street.

4. GEOMETRY

The existing roads within Kayamandi are surfaced, with some gravel roads between the informal structures. As indicated on the attached **Land Capacity Alternative 2**, the existing roads are planned to be retained. It can be anticipated that the existing condition of the said roads will be improved (e.g. resurfaced).

5. PARKING

According to the Kayamandi Scheme, the following parking requirements are applicable:

Multi Storey Living Units	1 bay per 50 m ² floor space
Semi-Detached Walk Up Units	1 bay per 50 m ² floor space
Single Dwelling	1 bay per unit
Commercial	1 bay per 30 m ² floor space
Church	1 bay per 20 seats
School	1 bay per classroom
Community Facilities	1 bay per 20 seats / 1 bay per 50 m ² floor space
Regional Services	(depends on specific use)
Crèche	1 bay per classroom

As these rates are considered relatively high, additional information was collected. The following information was obtained from a document referencing a parking survey conducted by the City of Cape Town in 2011:

Steenvilla, Survey:	0,24 bays per unit
Drommedaris, Survey:	0,28 bays per unit
Joe Slovo, Survey:	0,17 bays per unit
Kew Town, Survey:	0,14 bays per unit

The average of the surveyed rates calculates to $\pm 0,2$ bays per unit.

Furthermore, an informal survey of existing vehicles within the study area was conducted based on aerial photos (2016). Approximately 160 parked vehicles were counted within the study area. As previously mentioned, approximately 2 000 households currently exist in the study area. This calculates to a rate of 0,08 bays per household. This rate is considerably lower than those surveyed (as listed above), which is assumed to be the result of unreliable information (aerial photo – all vehicles not necessarily on-site at the time of the photo).

Based on all of the above, it is suggested that parking to the redeveloped town centre be provided at a rate of 0,25 bays per unit.

Parking bays should be provided with dimensions in line with normal parking standards, i.e. 2,5 by 5,0 metre bays. Isle widths provided behind parking bays should be minimum 7,0 metres.



6. PUBLIC AND NON-MOTORISED TRANSPORT (NMT)

Minibus taxis are largely utilised in Kayamandi. Two informal taxi ranks currently exist, as indicated below.



Photo 1 : Existing informal taxi ranks in/around Kayamandi

With the proposed redevelopment of the Kayamandi Town Centre, public- and non-motorised transport will be addressed and linked with the existing networks in/around Stellenbosch. See the attached *Existing Public- and Non-Motorised Transport Routes within Kayamandi*, which was compiled based on studies previously conducted by consulting companies appointed by Stellenbosch Municipality.

A formalised, but temporary, taxi rank is currently planned on the western corner of the R304/Masitandane Street intersection.

According to Stellenbosch Municipality, the existing midblock pedestrian crossing across the R304 will soon be moved. From aerial photos, it can be noted that the existing desire line between Kayamandi and Cloetesville does not align with the existing position of the midblock crossing. See the photo below.



Photo 2 : Existing Midblock Crossing and Proposed Relocation

7. CONCLUSIONS AND RECOMMENDATIONS

From the above, it can be concluded that the proposed redevelopment of the Kayamandi Town Centre will include the improving/replacing of existing residential units with the provision of accompanying community facilities. As the number of dwelling units will not necessarily be increased, the traffic impact of the proposed redevelopment is not anticipated to be significant. The public- and non-motorised transport facilities will also be addressed with regard to the existing networks in/around Stellenbosch.

It is suggested that consideration be given to provide a roundabout at the George Blake Street/Rand Street intersection.

We trust that the above will be to your satisfaction and will gladly provide any additional information required on request.

Yours faithfully

Yolandi Obermeyer (B. Eng Civil)
ICE GROUP (STELLENBOSCH)

Piet van Blerk Pr. Eng
ICE GROUP (STELLENBOSCH)

Attachments

Locality Plan

Study Area (tv3 Architects and Town Planners)

Land Capacity Alternative 2 (tv3 Architects and Town Planners)

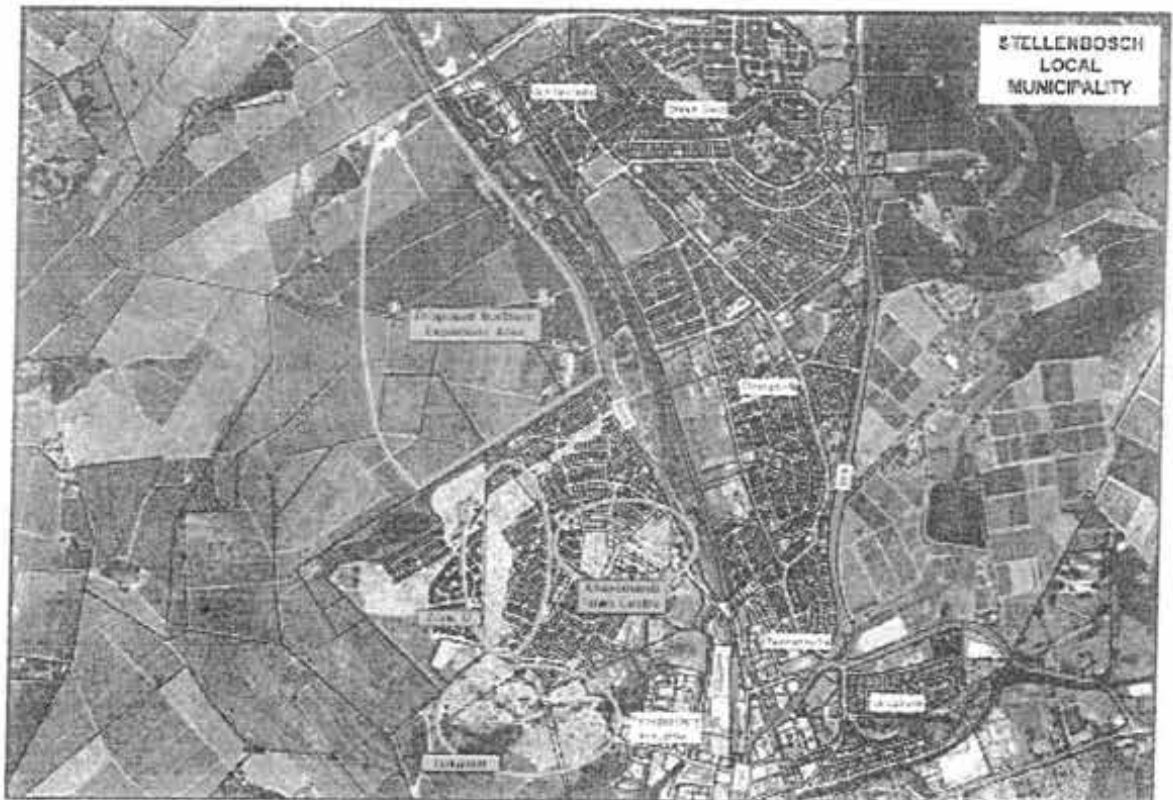
Existing Public- and Non-Motorised Transport Routes within Kayamandi



ANNEXURE G

HOUSING DEMAND & RELOCATION STRATEGY

KAYAMANDI – ENKANINI HOUSING DEMAND AND RELOCATION STRATEGY



OCTOBER 2017

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KAYAMANDI/ ENKANINI HOUSING DEMAND AND RELOCATION STRATEGY

1. INTRODUCTION

- This document deals with the formalisation and relocation strategy for the informal settlements located in the broader Kayamandi and Enkanini areas in the Stellenbosch Local Municipality. As illustrated on **Figure 1** it includes the Kayamandi Town Centre, Kayamandi Zone O to the west, and the Enkanini informal settlement to the south-west.
- The Northern Expansion Area as illustrated on **Figure 1** is the area earmarked to accommodate part of the relocation demand resulting from the Kayamandi Town Centre, Zone O and Enkanini and which was the subject matter of a Feasibility Study titled "Northern Extension Project Stellenbosch" dated January 2017.

2. DEMOGRAPHIC PROFILE OF INFORMAL SETTLEMENTS

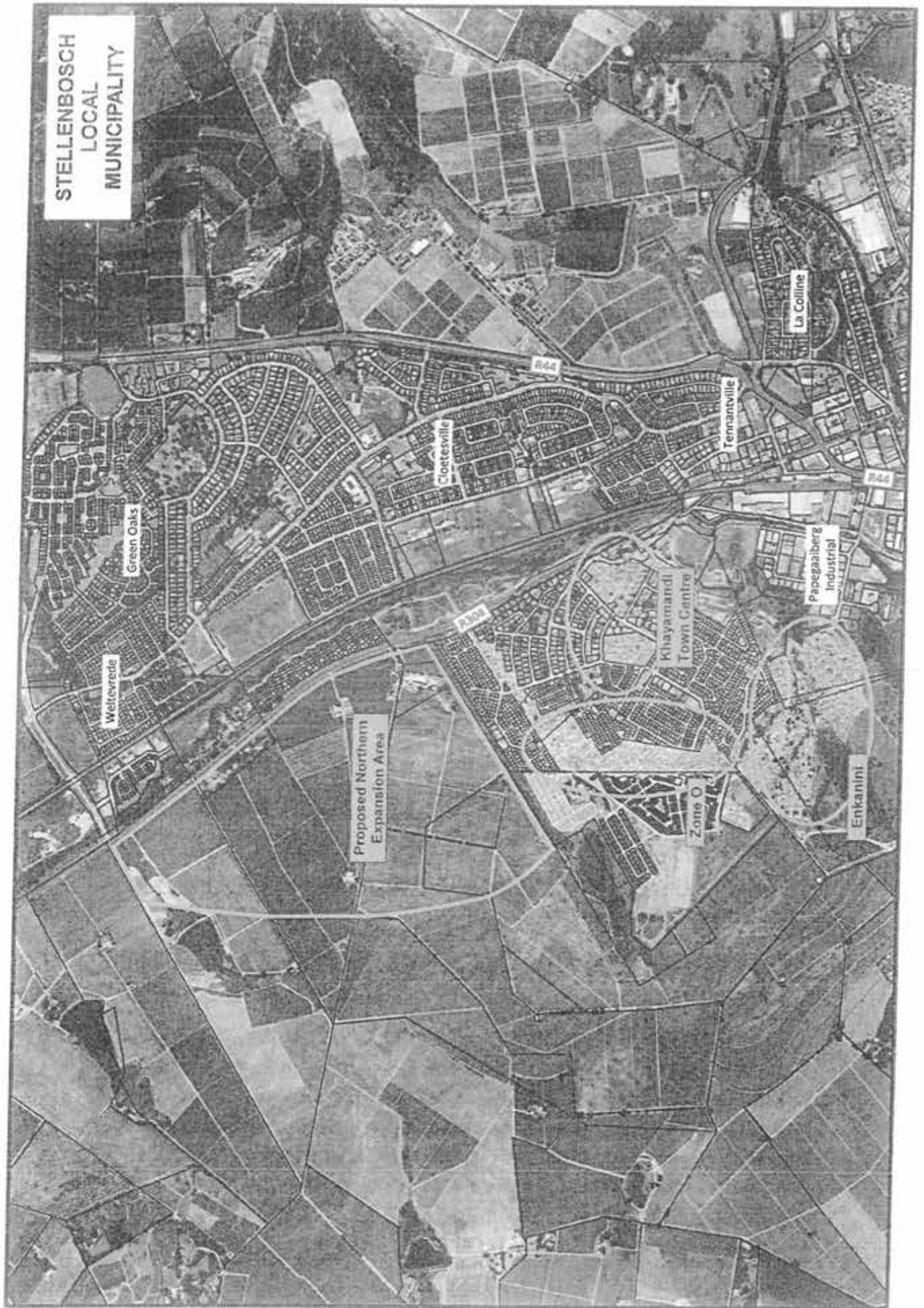
- A number of Demographic Surveys have been undertaken for various wards in Kayamandi and Enkanini during the past year. The results of these surveys were consolidated to provide a comprehensive demographic profile for the broader area.
- Some of the most salient features relevant to Kayamandi Town Centre, Zone O and Enkanini respectively are depicted in **Table 1**. For Kayamandi Town Centre the information is also summarised per ward zone i.e. A, J, K, L, D, F, I, M and P.

Information for Zones A, K and L was obtained from PMM Solutions Report dated February 2017. For Zones D, F, J, K, L, M and P the information was derived from the report compiled by Umtha dated 18 April 2017. The database for Zone O was the source of information for this area, and Ikapadata provided information for Enkanini (October 2017).

An updated structure count from 2017 aerial photography was also conducted for all zones in the Town Centre as illustrated on **Figure 2**.

The following is a summary of the most salient features identified from the demographic surveys:

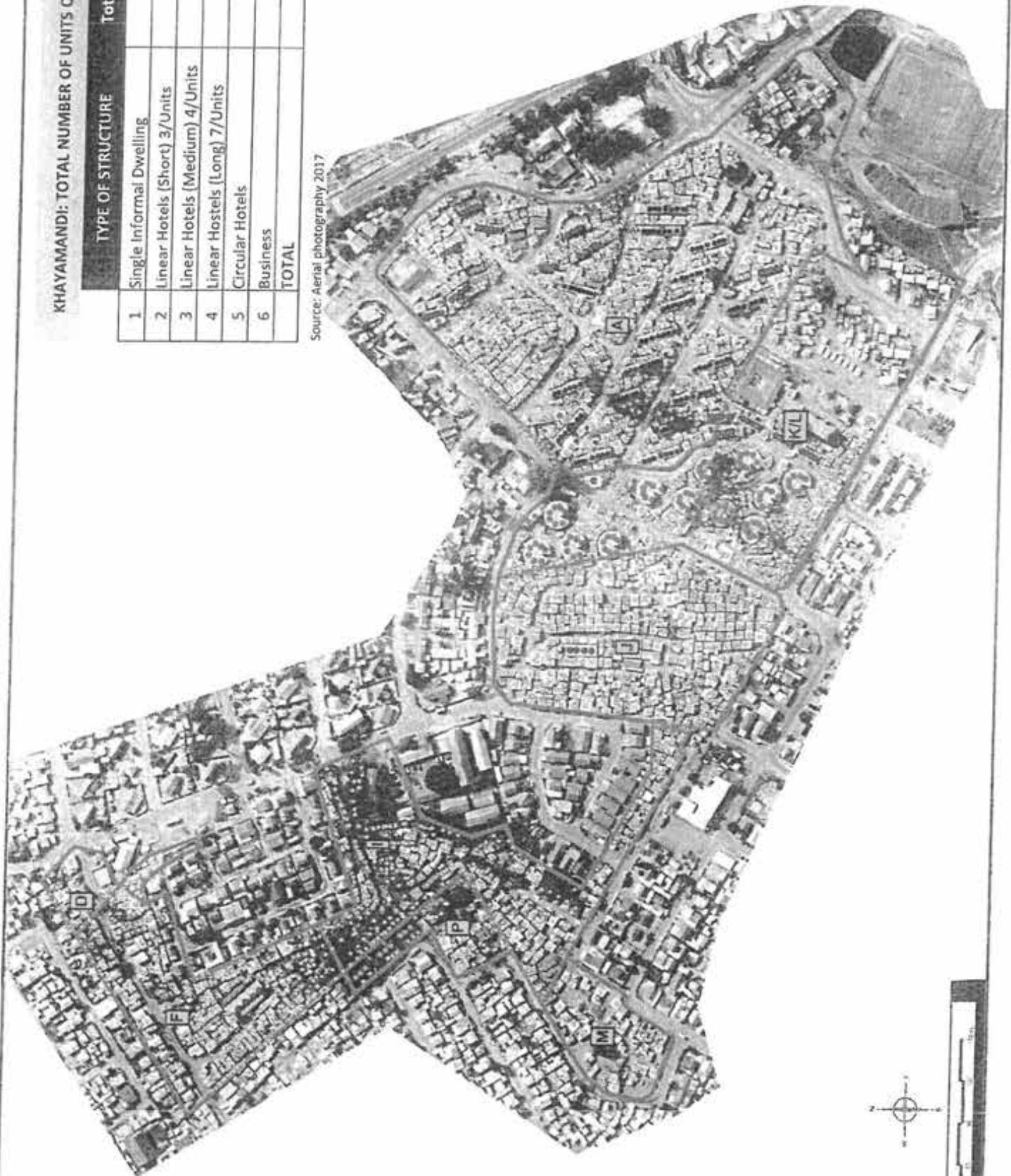
- Approximately 7409 individual structures have been counted in the various areas. This includes about 2787 structures in the Town Centre, 1324 structures in Kayamandi Zone O and 3298 structures in Enkanini. It should be noted that each structure does not necessarily represent a residential unit as some are used for non-residential purposes like business, storage etc.
- The structures in the total study area occur at an average density of about 179 structures per hectare. (In Enkanini the average size per structure is approximately 14m²).
- As part of the Demographic Surveys a total of 5063 residential units have been surveyed: 1589 in Town Centre, 1061 in Zone O and 2413 in Enkanini.



KHAYAMANDI: TOTAL NUMBER OF UNITS COUNTED

TYPE OF STRUCTURE		Total Counts
1	Single Informal Dwelling	2,420
2	Linear Hotels (Short) 3/Units	72
3	Linear Hotels (Medium) 4/Units	64
4	Linear Hotels (Long) 7/Units	119
5	Circular Hotels	84
6	Business	28
TOTAL		2,787

Source: Aerial photography 2017



- From this the average household size was determined at 2.1 persons per household which is relatively low.
- A total of 6395 households have been identified from the 5063 surveys. This includes 2800 households in Town Centre, 1061 in Zone O and 2534 in Enkanini. This is deemed to represent the total current housing backlog/ demand in the area.
- The next section of Table 1 comprises the Household Income Profile indicating the number of households earning more than R3500 per month (the GAP Market); households comprising a single person with no dependents (non-qualifiers for BNG housing i.e. rental demand); and potential beneficiaries for BNG housing (households not falling under any of the first two categories).
- An estimated 2773 households, representing 43.4% of all households are deemed to be potential subsidy beneficiaries, while about 1030 households (16%) fall within the GAP Market (earning >R3500 p.m.). The remaining 2593 households (40.5%) are non-qualifiers at present, but it may change as single heads of households get married and/ or have children.

3. HOUSING TYPOLOGIES TO BE CONSIDERED

- The total demand/ backlog of 6395 households can be accommodated in any of the following ways (see Table 2) depending on the beneficiary status of the individual households:

Table 2: Housing Typologies

Qualifiers	
- BNG Single Free Standing Units	Full Ownership
- BNG Multi Storey Units	Full Ownership
- Site and Service	Full Ownership
Non-Qualifiers	
- Community Residential Units (Refurbishment)	Rental
- Social Housing	Rental
- Site and Service	Rental/PTO
- Lower and Upper GAP Market	Full Ownership

- From the survey information it is evident that the majority of households (approximately 56.6%) are only legible for the non-qualifier options noted above (16.1% GAP and 40.5% Rental).

4. IN-SITU FORMALISATION POTENTIAL AND RELOCATION SURPLUS

Various investigations have been undertaken by professional project teams in the different parts of Kayamandi and Enkanini to determine the in-situ formalisation potential/ capacity within each of these areas. The results/ findings from these studies are summarised in Table 3 below and discussed in subsequent sections.

Table 3: In-Situ Formalisation Yields and Relocation Surplus

Area	Approach	Demand		In-Situ Yield (Units)		Relocation Surplus	
		no	%	no	%	no	%
Town Centre	4 Storey Walk-up BNG and Rental (621) + (986)	2800	100%	1607	57%	1193	43%
Zone O	BNG and "Joe Slovo" Model (526) + (177)	1061	100%	703	66%	358	34%
Enkanini	BNG, Social and Site and Service (818) + (296) + (190)	2534	100%	1304	51%	1230	49%
		6395	100%	3614	57%	2781	43%

4.1. Town Centre

Figure 3 depicts the proposed layout towards the redevelopment/ formalisation of the Kayamandi Town Centre. It is based on the principle of only providing multi-storey (4 to 5 floors) BNG and Rental units in order to optimally utilise the available land in the strategically located Town Centre.

The four storey walk-up scenario results in about 1607 units comprising 621 BNG units and 986 Rental units (studio, 1 and 2 bedroom). The 5-storey scenario increases these figures to 621 BNG and 1230 Rental units which total about 1851 units.

Table 3 shows that the four storey scenario would leave a surplus of 1193 households that would need to be relocated from the area.

4.2. Zone O

In Zone O the formalisation/ subdivisional plan compiled for the area (see Figure 4) identified potential to accommodate about 703 units comprising 526 BNG houses and 177 rental units in line with the "Joe Slovo" Model. The demand in the area stands at 1061 units which leaves a surplus of 358 households which need to be relocated.

4.3. Enkanini



In Enkanini a study currently underway found about 12,62 hectares of land in this area to be suitable for residential development. If developed for BNG typologies only this land could accommodate an estimated 1262 units while a Social Housing scenario on the developable land could yield an estimated 1476 units.

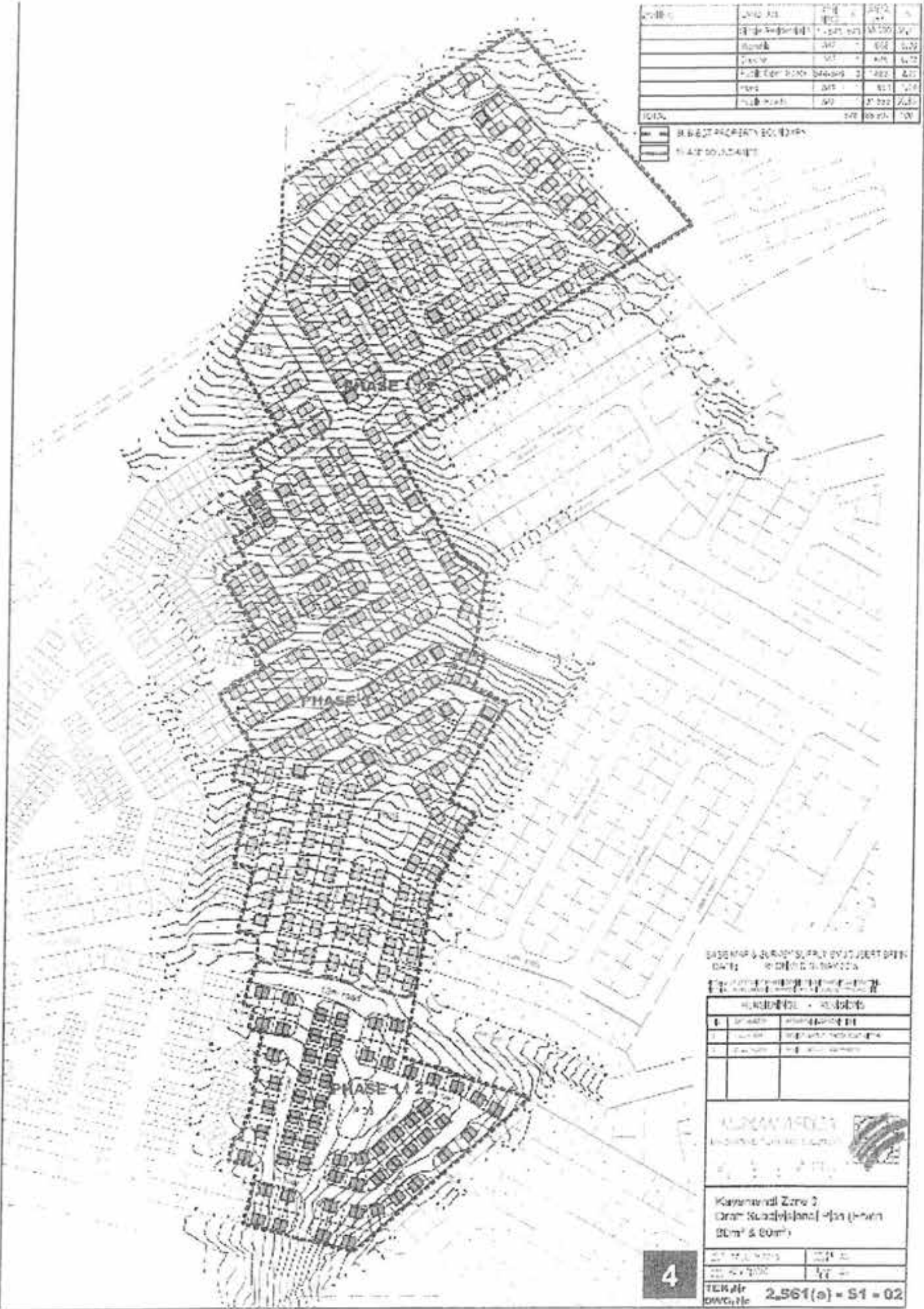
It was also determined that a Mixed Housing Typology scenario could yield about 1304 units comprising 369 Social Housing units, 710 BNG units, 315 enhanced BNG units and 237 Site and Service units.

As shown in Table 3 this Mixed Housing scenario would still leave a surplus of 1230 units which need to be relocated from the existing Enkanini area.

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1	CONCRETE	100	YD	100.00
2	CEMENT	50	TON	50.00
3	STEEL	20	TON	20.00
4	BRICK	1000	UNIT	1000.00
5	PAVING	500	YD	500.00
6	LANDSCAPING	100	YD	100.00
7	UTILITIES	50	YD	50.00
8	CONCRETE	50	YD	50.00
9	CEMENT	25	TON	25.00
10	STEEL	10	TON	10.00
11	BRICK	500	UNIT	500.00
12	PAVING	250	YD	250.00
13	LANDSCAPING	50	YD	50.00
14	UTILITIES	25	YD	25.00
15	CONCRETE	25	YD	25.00
16	CEMENT	12.5	TON	12.50
17	STEEL	5	TON	5.00
18	BRICK	250	UNIT	250.00
19	PAVING	125	YD	125.00
20	LANDSCAPING	25	YD	25.00
21	UTILITIES	12.5	YD	12.50
22	CONCRETE	12.5	YD	12.50
23	CEMENT	6.25	TON	6.25
24	STEEL	2.5	TON	2.50
25	BRICK	125	UNIT	125.00
26	PAVING	62.5	YD	62.50
27	LANDSCAPING	12.5	YD	12.50
28	UTILITIES	6.25	YD	6.25
29	CONCRETE	6.25	YD	6.25
30	CEMENT	3.125	TON	3.125
31	STEEL	1.25	TON	1.25
32	BRICK	62.5	UNIT	62.50
33	PAVING	31.25	YD	31.25
34	LANDSCAPING	6.25	YD	6.25
35	UTILITIES	3.125	YD	3.125
36	CONCRETE	3.125	YD	3.125
37	CEMENT	1.5625	TON	1.5625
38	STEEL	0.625	TON	0.625
39	BRICK	31.25	UNIT	31.25
40	PAVING	15.625	YD	15.625
41	LANDSCAPING	3.125	YD	3.125
42	UTILITIES	1.5625	YD	1.5625
43	CONCRETE	1.5625	YD	1.5625
44	CEMENT	0.78125	TON	0.78125
45	STEEL	0.3125	TON	0.3125
46	BRICK	15.625	UNIT	15.625
47	PAVING	7.8125	YD	7.8125
48	LANDSCAPING	1.5625	YD	1.5625
49	UTILITIES	0.78125	YD	0.78125
50	CONCRETE	0.78125	YD	0.78125
51	CEMENT	0.390625	TON	0.390625
52	STEEL	0.15625	TON	0.15625
53	BRICK	7.8125	UNIT	7.8125
54	PAVING	3.90625	YD	3.90625
55	LANDSCAPING	0.78125	YD	0.78125
56	UTILITIES	0.390625	YD	0.390625
57	CONCRETE	0.390625	YD	0.390625
58	CEMENT	0.1953125	TON	0.1953125
59	STEEL	0.078125	TON	0.078125
60	BRICK	3.90625	UNIT	3.90625
61	PAVING	1.953125	YD	1.953125
62	LANDSCAPING	0.390625	YD	0.390625
63	UTILITIES	0.1953125	YD	0.1953125
64	CONCRETE	0.1953125	YD	0.1953125
65	CEMENT	0.09765625	TON	0.09765625
66	STEEL	0.0390625	TON	0.0390625
67	BRICK	1.953125	UNIT	1.953125
68	PAVING	0.9765625	YD	0.9765625
69	LANDSCAPING	0.1953125	YD	0.1953125
70	UTILITIES	0.09765625	YD	0.09765625
71	CONCRETE	0.09765625	YD	0.09765625
72	CEMENT	0.048828125	TON	0.048828125
73	STEEL	0.01953125	TON	0.01953125
74	BRICK	0.9765625	UNIT	0.9765625
75	PAVING	0.48828125	YD	0.48828125
76	LANDSCAPING	0.09765625	YD	0.09765625
77	UTILITIES	0.048828125	YD	0.048828125
78	CONCRETE	0.048828125	YD	0.048828125
79	CEMENT	0.0244140625	TON	0.0244140625
80	STEEL	0.009765625	TON	0.009765625
81	BRICK	0.48828125	UNIT	0.48828125
82	PAVING	0.244140625	YD	0.244140625
83	LANDSCAPING	0.048828125	YD	0.048828125
84	UTILITIES	0.0244140625	YD	0.0244140625
85	CONCRETE	0.0244140625	YD	0.0244140625
86	CEMENT	0.01220703125	TON	0.01220703125
87	STEEL	0.0048828125	TON	0.0048828125
88	BRICK	0.244140625	UNIT	0.244140625
89	PAVING	0.1220703125	YD	0.1220703125
90	LANDSCAPING	0.0244140625	YD	0.0244140625
91	UTILITIES	0.01220703125	YD	0.01220703125
92	CONCRETE	0.01220703125	YD	0.01220703125
93	CEMENT	0.006103515625	TON	0.006103515625
94	STEEL	0.00244140625	TON	0.00244140625
95	BRICK	0.1220703125	UNIT	0.1220703125
96	PAVING	0.06103515625	YD	0.06103515625
97	LANDSCAPING	0.01220703125	YD	0.01220703125
98	UTILITIES	0.006103515625	YD	0.006103515625
99	CONCRETE	0.006103515625	YD	0.006103515625
100	CEMENT	0.0030517578125	TON	0.0030517578125
101	STEEL	0.001220703125	TON	0.001220703125
102	BRICK	0.06103515625	UNIT	0.06103515625
103	PAVING	0.030517578125	YD	0.030517578125
104	LANDSCAPING	0.006103515625	YD	0.006103515625
105	UTILITIES	0.0030517578125	YD	0.0030517578125
106	CONCRETE	0.0030517578125	YD	0.0030517578125
107	CEMENT	0.00152587890625	TON	0.00152587890625
108	STEEL	0.0006103515625	TON	0.0006103515625
109	BRICK	0.030517578125	UNIT	0.030517578125
110	PAVING	0.0152587890625	YD	0.0152587890625
111	LANDSCAPING	0.0030517578125	YD	0.0030517578125
112	UTILITIES	0.00152587890625	YD	0.00152587890625
113	CONCRETE	0.00152587890625	YD	0.00152587890625
114	CEMENT	0.000762939453125	TON	0.000762939453125
115	STEEL	0.00030517578125	TON	0.00030517578125
116	BRICK	0.0152587890625	UNIT	0.0152587890625
117	PAVING	0.00762939453125	YD	0.00762939453125
118	LANDSCAPING	0.00152587890625	YD	0.00152587890625
119	UTILITIES	0.000762939453125	YD	0.000762939453125
120	CONCRETE	0.000762939453125	YD	0.000762939453125
121	CEMENT	0.0003814697265625	TON	0.0003814697265625
122	STEEL	0.000152587890625	TON	0.000152587890625
123	BRICK	0.00762939453125	UNIT	0.00762939453125
124	PAVING	0.003814697265625	YD	0.003814697265625
125	LANDSCAPING	0.000762939453125	YD	0.000762939453125
126	UTILITIES	0.0003814697265625	YD	0.0003814697265625
127	CONCRETE	0.0003814697265625	YD	0.0003814697265625
128	CEMENT	0.00019073486328125	TON	0.00019073486328125
129	STEEL	0.0000762939453125	TON	0.0000762939453125
130	BRICK	0.003814697265625	UNIT	0.003814697265625
131	PAVING	0.0019073486328125	YD	0.0019073486328125
132	LANDSCAPING	0.0003814697265625	YD	0.0003814697265625
133	UTILITIES	0.00019073486328125	YD	0.00019073486328125
134	CONCRETE	0.00019073486328125	YD	0.00019073486328125
135	CEMENT	0.000095367431640625	TON	0.000095367431640625
136	STEEL	0.00003814697265625	TON	0.00003814697265625
137	BRICK	0.0019073486328125	UNIT	0.0019073486328125
138	PAVING	0.00095367431640625	YD	0.00095367431640625
139	LANDSCAPING	0.00019073486328125	YD	0.00019073486328125
140	UTILITIES	0.000095367431640625	YD	0.000095367431640625
141	CONCRETE	0.000095367431640625	YD	0.000095367431640625
142	CEMENT	0.0000476837158203125	TON	0.0000476837158203125
143	STEEL	0.000019073486328125	TON	0.000019073486328125
144	BRICK	0.00095367431640625	UNIT	0.00095367431640625
145	PAVING	0.000476837158203125	YD	0.000476837158203125
146	LANDSCAPING	0.000095367431640625	YD	0.000095367431640625
147	UTILITIES	0.0000476837158203125	YD	0.0000476837158203125
148	CONCRETE	0.0000476837158203125	YD	0.0000476837158203125
149	CEMENT	0.00002384185791015625	TON	0.00002384185791015625
150	STEEL	0.0000095367431640625	TON	0.0000095367431640625
151	BRICK	0.000476837158203125	UNIT	0.000476837158203125
152	PAVING	0.0002384185791015625	YD	0.0002384185791015625
153	LANDSCAPING	0.0000476837158203125	YD	0.0000476837158203125
154	UTILITIES	0.00002384185791015625	YD	0.00002384185791015625
155	CONCRETE	0.00002384185791015625	YD	0.00002384185791015625
156	CEMENT	0.000011920928955078125	TON	0.000011920928955078125
157	STEEL	0.00000476837158203125	TON	0.00000476837158203125
158	BRICK	0.0002384185791015625	UNIT	0.0002384185791015625
159	PAVING	0.00011920928955078125	YD	0.00011920928955078125
160	LANDSCAPING	0.00002384185791015625	YD	0.00002384185791015625
161	UTILITIES	0.000011920928955078125	YD	0.000011920928955078125
162	CONCRETE	0.000011920928955078125	YD	0.000011920928955078125
163	CEMENT	0.0000059604644775390625	TON	0.0000059604644775390625
164	STEEL	0.000002384185791015625	TON	0.000002384185791015625
165	BRICK	0.00011920928955078125	UNIT	0.00011920928955078125
166	PAVING	0.000059604644775390625	YD	0.000059604644775390625
167	LANDSCAPING	0.000011920928955078125	YD	0.000011920928955078125
168	UTILITIES	0.0000059604644775390625	YD	0.0000059604644775390625
169	CONCRETE	0.0000059604644775390625	YD	0.0000059604644775390625
170	CEMENT	0.00000298023223876953125	TON	0.00000298023223876953125
171	STEEL	0.0000011920928955078125	TON	0.0000011920928955078125
172	BRICK	0.000059604644775390625	UNIT	0.000059604644775390625
173	PAVING	0.0000298023223876953125	YD	0.0000298023223876953125
174	LANDSCAPING	0.0000059604644775390625	YD	0.0000059604644775390625
175	UTILITIES	0.00000298023223876953125	YD	0.00000298023223876953125
176	CONCRETE	0.00000298023223876953125	YD	0.00000298023223876953125
177	CEMENT	0.000001490116119384765625	TON	0.000001490116119384765625
178	STEEL	0.00000059604644775390625	TON	

Category	Area (sq. ft.)	Area (sq. m.)	Area (ac.)
Phase 1	1,545,000	142,000	32.5
Phase 2	1,545,000	142,000	32.5
Phase 3	1,545,000	142,000	32.5
Phase 4	1,545,000	142,000	32.5
Phase 5	1,545,000	142,000	32.5
Phase 6	1,545,000	142,000	32.5
Phase 7	1,545,000	142,000	32.5
Phase 8	1,545,000	142,000	32.5
Phase 9	1,545,000	142,000	32.5
Phase 10	1,545,000	142,000	32.5
TOTAL	15,450,000	1,420,000	325

 SUBJECT PROPERTY BOUNDARIES
 TRAIL BOUNDARIES



BASE MAP & SURVEY DATA BY JEST BROS. DATE: 08/01/2010

PROJECT: ALPINE APDES

REVISIONS

NO.	DATE	DESCRIPTION
1	08/01/2010	ISSUED FOR PERMITTING
2	08/01/2010	ISSUED FOR PERMITTING
3	08/01/2010	ISSUED FOR PERMITTING




Kayanandi Zone 2
 Oran' Klad' (Khad) - (Khad) 20m² & 60m²

DATE: 08/01/2010	SCALE: 1" = 100'
BY: JEST BROS.	CHECKED: JEST BROS.

4

TOTAL AREA: 2,561(a) - S1 - 02
 DWG. NO.

4.4. Conclusive Summary

From current investigations it is evident that approximately 3614 of the 6395 households in Kayamandi Town Centre, Zone O and Enkanini can be accommodated in-situ. This represents about 57% of the total demand in the area. The remaining 43% of households (2781) need to be relocated to alternative areas.

5. RELOCATION LAND SUPPLY

At present there are only two areas under consideration to accommodate the surplus housing demand from the Kayamandi-Enkanini area.

5.1. Watergang

The Watergang area is earmarked to serve as decanting site for the formalisation of Zone O. As part of this process some 193 serviced sites in Watergang will provide 332 decanting opportunities while the formalisation of Zone O is underway. Once the formalisation of Zone O is completed the 193 serviced stands in Watergang will be made available for development. Based on the demand profile of Zone O it is suggested that these sites eventually be earmarked for GAP Market housing.

5.2. Northern Extensions

- Figure 5 depicts the draft Framework Plan for the Northern Extensions Area compiled during January 2017.
- It shows that the area comprises about 122 hectares of land which could yield approximately 5200 units/ stands of which 988 are for rental stock (Apartments), and 1040 are BNG units (2028 units in total).
- The remaining 3172 units are for various brackets of the GAP market.
- The two Social Housing precincts comprise about 10 hectares of land which borders Kayamandi to the north in the area closest to route R304.
- Adjacent to the south-west and bordering the Watergang area are two more precincts (11 ha) earmarked for BNG housing (5,4 ha and 4,2 ha respectively) while the land further to the west is earmarked for Site and Service (about 10 hectares).
- Hence, there is about 31 hectares of land bordering Kayamandi/ Watergang to the north which has been earmarked for lower income/ subsidised housing development. Collectively these three areas could yield about 2496 units at an average density of 80 units per hectare.
- As shown on Figure 5 approximately 31,6 ha of land in this area belongs to the Stellenbosch Local Municipality (refer to blue polygon). It includes both precincts earmarked for Social Housing as well as a portion of a BNG and an Upper and Lower GAP precinct respectively.

6. RELOCATION ALTERNATIVES AND ASSOCIATED COSTS

6.1. Relocation Alternatives

Table 4 summarises alternative relocation scenarios to deal with the surplus demand from each of the three areas as noted under section 4 above. Each of these are briefly discussed below:

Table 4: Kayamandi: Demand and Supply Alternatives

AREA	Total Demand	IN SITU	SCENARIO 1: RELOCATE 1	SCENARIO 2: RELOCATE 2
		Supply	Supply	Supply
TOWN CENTRE				
GAP	494		494	494
BNG	992	621	371	371
Rental	1,314	986	328	
Site & Service				328
Subtotal	2800	1607	1193	1193
ZONE O				
GAP	348	193	155	155
BNG	501	526	(25)	(25)
Rental	212	177	35	
Site & Service				35
Subtotal	1061	896	165	165
ENKANINI				
GAP	188		188	188
BNG	1,280	818	462	462
Rental	1,067	296	581	
Site & Service		190		581
Subtotal	2,534	1,304	1,230	1,230
TOTAL	6,395	3,807	2,588	2,588

Watergang

Town Centre

About 1607 units are to be formalised in-situ in the existing Town Centre. This comprises 621 RDP units and 986 rentals.

The relocation surplus comprises about 494 GAP Market, 371 BNG and 328 non-qualifiers/ rental units.

Under Scenario 1 the demand is addressed by way of formal BNG and Rental (Flats) units while Scenario 2 caters for the rental/ non-qualifier demand by way of basic Site and Service. The GAP demand (494 units) are to be provided by the private sector in any of the designated GAP precincts in the Northern Extension Area.

Zone O

In Zone O the total BNG demand is addressed in-situ – there is actually a surplus of 25 units. The rental demand is addressed by way of 177 rental units provided in-situ (the Joe Slovo Model). The 35 surplus units to be relocated are then either catered for by way of Rental Units (Flats) or Site and Service in the Northern Extensions.

The 348 GAP Market units from Zone O are partially catered for in Watergang (193 erven) and the remaining 155 units need to be relocated to one of the GAP Market precincts located in the Northern Extension Area.

Enkanini

The relocation surplus from Enkanini is 1230 units from which the 188 GAP Market units will be provided by the private sector in the appropriate GAP precinct in the Northern Expansion Area.

Similarly, the 462 BNG surplus demand will be accommodated in the designated BNG precincts of the Northern Expansion Area.

The remaining non-qualifier/ rental demand of 581 units can be addressed by way of rental accommodation (Social CRU flats) as shown under Scenario 1, or by way of Site and Service as indicated under Scenario 2.

6.2. Relocation Cost per Alternative Scenario

Table 5 below calculates the development costs associated with the alternative scenarios for each of the three areas and for the study area as a whole.

The unit costs applied in Table 5 are based on a BNG unit cost of R138 140 for a multi-storey unit plus the standard R44 500/unit for internal service costs (= R182 640/unit). The Rental unit cost of R200 000 falls within the CRU range of R120 000 – R260 000 and the standard R44 500/ unit for internal services was added (= R244 500/unit). For Site and Service typologies only the internal service cost of R44 500/unit was applied.

Table 5: Kayamandi: Cost per Relocation Alternative

AREA	Total Demand	IN SITU		SCENARIO1: RELOCATE 1		SCENARIO2: RELOCATE 2	
		Supply	Cost (R mill)	Supply	Cost (R mill)	Supply	Cost (R mill)
TOWN CENTRE							
GAP	494			494	Private Sector	494	Private Sector
BNG	992	621	R 113.42	371	R 67.76	371	R 67.76
Rental	1,314	986	R 241.08	328	R 80.20		
Site & Service						328	R 14.60
Subtotal	2800	1607	R 354.50	1193	R 147.96	1193	R 82.36
ZONE O							
GAP	348	193		155	Private Sector	155	Private Sector
BNG	501	526	R 96.07	(25)		(25)	
Rental	212	177	R 43.28	35	R 8.56		
Site & Service						35	R 1.56
Subtotal	1061	896	R 139.35	165	R 8.56	165	R 1.56
ENKANINI							
GAP	188			188	Private Sector	188	Private Sector
BNG	1,280	818	R 149.40	462	R 84.32	462	R 84.32
Rental	1,067	296	R 72.37	581	R 142.01		
Site & Service		190	R 8.46			581	R 25.85
Subtotal	2,534	1,304	R 230.23	1,230	R 226.33	1,230	R 110.17
TOTAL	6,395	3,807	R 724.07	2,588	R 387.84	2,588	R 194.08

Watergang

Based on the above unit cost assumptions the development costs per scenario as reflected in Table 5 were calculated and summarised as follow:

- The in-situ formalisation earmarked for the study area (BNG and Rental) amounts to approximately R724,07 million of which the Town Centre makes up R354,50 million, Zone O a total of R139,35 million and Enkanini about R230,23 million.
- If the total surplus demand (2588 units) to be relocated to the Northern Extensions are to be served by way of formal BNG and Rental units (Scenario 1), the estimated cost would amount to approximately R382,84 million.
- However, if the formal Rental units are substituted by Site and Service, the estimated cost drops to R194,08 million (± 51% saving compared to Scenario 1).

6.3. Recommendation: Relocation and In-Situ Formalisation Typologies

There are several longer term advantages associated with the Site and Service Scenario – apart from the significant cost saving:

- Firstly, it enables the SLM to enhance the living conditions of a larger number of residents with the funding available due to the lower cost per unit.
- It also assists in de-densifying the existing informal settlements by acting as decanting sites to the relocation surplus. This enables in-situ formalisation of remaining structures in the existing informal settlements in Kayamandi Town Centre, Zone O and Enkanini.

- Each relocated household receives a serviced site in a planned township with some form of tenure security based on their status e.g. Permission to Occupy, Rental Agreement or Full Ownership.
- It also provides the necessary flexibility for households to construct and incrementally upgrade their top structures (houses) over a period of time and in accordance with their financial capacity.
- It should also be kept in mind that many of the current non-qualifiers do not have dependants which is a temporary situation. As soon as they get married this status changes. Hence it is more appropriate to provide them with an erf which could serve their needs for life – merely changing the tenure status from rental to full ownership the moment they qualify.

In view of the above it is recommended that the following approach be followed in the Kayamandi-Enkanini and Northern Extensions area:

Existing Settlements:

- Within the existing urban fabric (Kayamandi Zones A, J, K, L, D, F, I, M, P and O as well as developable part of Enkanini), provide medium to higher density (multi storey) BNG and Rental stock (CRU/Social) as most of this land is well-located and in close proximity to public transport and major areas of job opportunity. The good location warrants investment in the more costly multi storey BNG and Rental typologies. (The Rental stock provided is intended to serve long term/ permanent non-qualifiers or households preferring to rent because of personal circumstances).

Northern Expansion Area:

- In the expansion areas provide for the GAP and BNG market at medium to higher densities due to the high land cost and the scarcity of developable land.
- For temporary and permanent non-qualifiers, provide medium to higher density Site and Service facilities with various tenure options.

7. FORMALISATION AND RELOCATION STRATEGY

7.1. Overall Approach

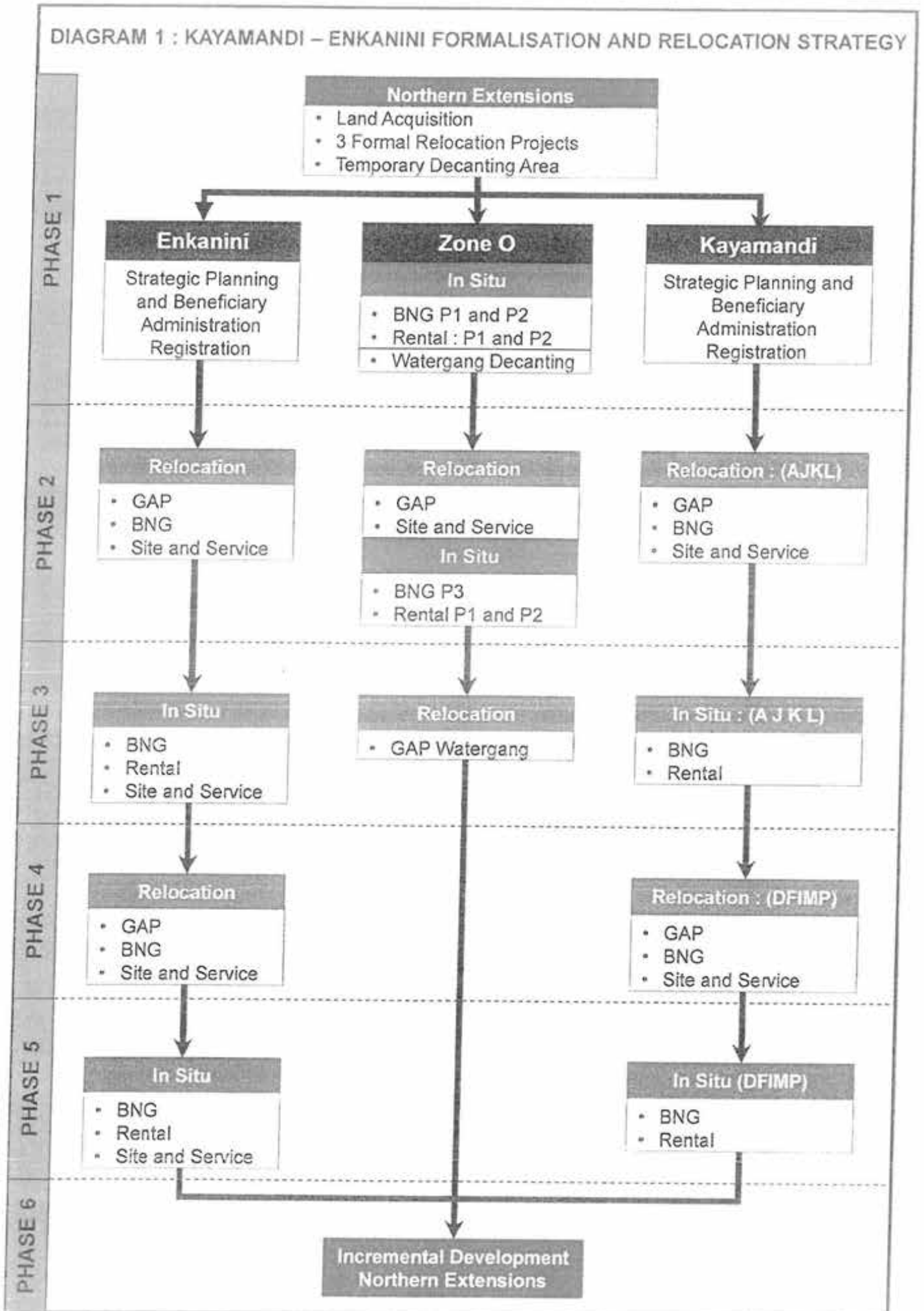
Diagram 1 graphically depicts the proposed Formalisation and Relocation Strategy for the Kayamandi-Enkanini area. It is briefly summarised as follow:

Phase 1: 2018/2019

a) Northern Extensions

Acquire land in the Northern Extensions area to accommodate the proposed BNG and Site and Service developments in this area. The priority areas in this regard include the one Site and Service precinct to the west, the two Social Housing precincts to the east, and the two BNG

DIAGRAM 1 : KAYAMANDI – ENKANINI FORMALISATION AND RELOCATION STRATEGY



precincts indicated adjacent to the north of Enkanini-Kayamandi on Figure 6. The Stellenbosch Local Municipality already owns about 31,6 ha of this land (see blue on Figure 6) but it would be strategically important to also acquire parts of the estimated 32,8 hectares of land bordering the Watergang area (indicated in red on Figure 6). This land includes the Site and Service precinct (10 ha), the bulk of the two BNG precincts, and part of the Lower GAP Market precinct to the north thereof. This land is essential to facilitate the de-densification of surplus demand from Enkanini and Kayamandi Town Centre - acting as formal expansion area to the township.

The lead time to acquiring and preparing the land is at least two years and needs to commence immediately.

- Initiate three formal Relocation Projects in Northern Expansion Area to facilitate permanent de-densification of Enkanini and Kayamandi: GAP (494 units); BNG (371 Units); Site and Service (328 Units).
- Prepare the two proposed Social Housing precincts located on council owned land (refer to Figure 6) to act as temporary decanting area for Kayamandi-Enkanini formalisation process.

b) Zone O

- Commence with the in-situ formalisation of Kayamandi Zone O Phase P1/P2 BNG and Rental in accordance with the Zone O Formalisation Plan (refer to Figure 4). The Watergang decanting area will facilitate this process.

c) Enkanini and Kayamandi

- Finalise Strategic Planning towards formalisation of Enkanini and Kayamandi Town Centre and complete registration of beneficiaries (all households).

Phase 2: 2020/2021

- Relocate the surplus GAP and Site and Service demand from Zone O to the Northern Extension Area GAP and Site and Service project area.
- Complete Zone O in-situ BNG and Rental development.
- Relocate first group of households from Enkanini to the Northern Extensions GAP, BNG and Site and Service project areas respectively.
- Relocate first group of households from Kayamandi (Zones A, J, K, L) to the Northern Extensions GAP, BNG and Site and Service project areas respectively.

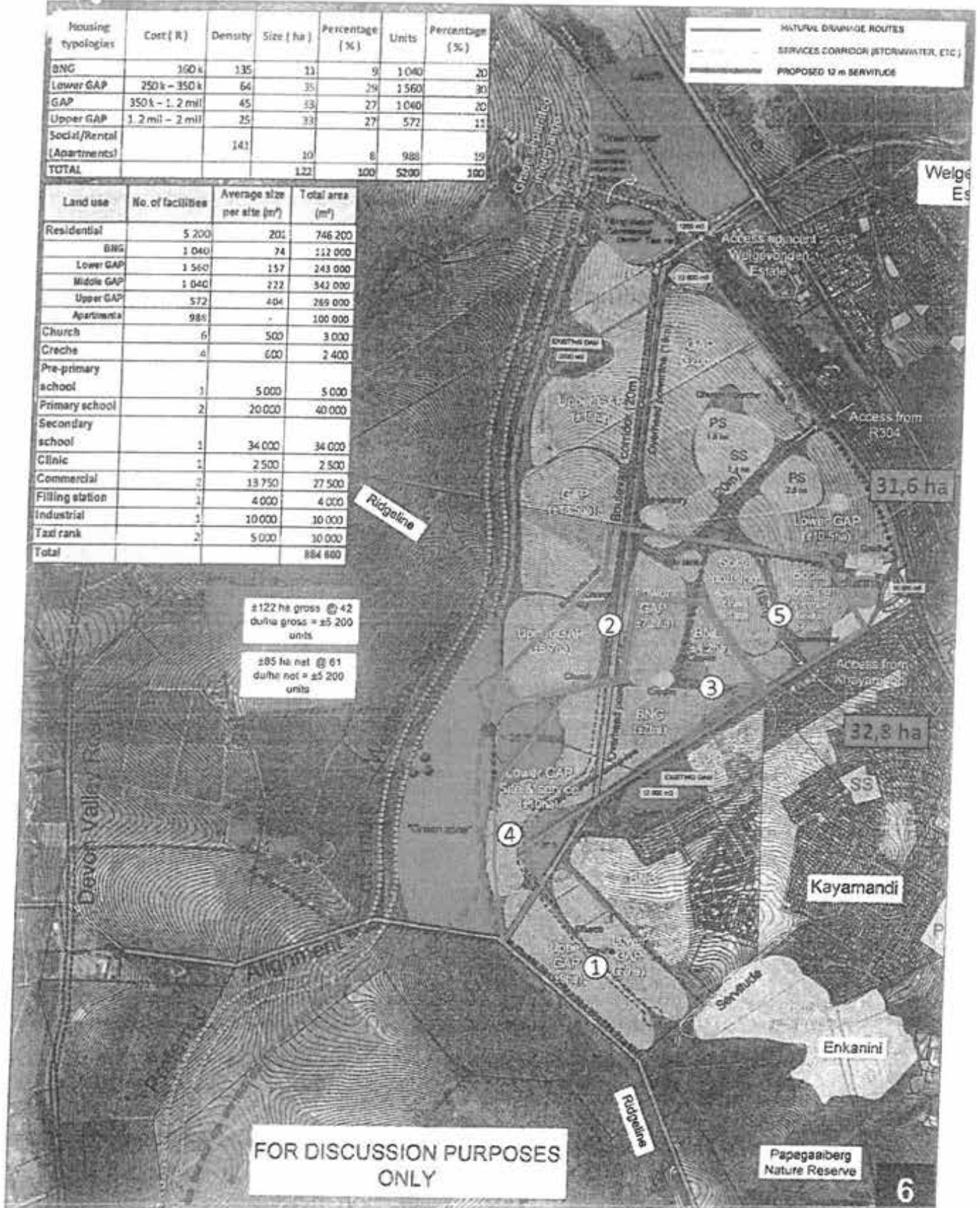
Phase 3: 2022/2023

- Formalise remaining GAP households from Zone O on the 191 sites in Watergang which were utilised as decanting site during Phase 1 and Phase 2.
- Commence with formalisation first 50% of Enkanini in-situ households (BNG, Rental and Site and Service).
- Commence with formalisation of in-situ BNG and Rental in Kayamandi Zones A, J, K and L.

Housing typologies	Cost (R)	Density	Size (ha)	Percentage (%)	Units	Percentage (%)
BNG	160k	135	11	31	9	1040
Lower GAP	250k - 350k	64	35	29	29	1560
GAP	350k - 1.2 mil	45	33	27	27	1040
Upper GAP	1.2 mil - 2 mil	25	33	27	27	572
Social/Rental (Apartments)		141	10	8	8	988
TOTAL			122	100	5200	100

Land use	No. of facilities	Average size per site (m ²)	Total area (m ²)
Residential	5 200	201	746 200
BNG	1 040	74	112 000
Lower GAP	1 560	157	243 000
Middle GAP	1 040	272	342 000
Upper GAP	572	404	269 000
Apartments	988	-	100 000
Church	6	500	3 000
Creche	4	600	2 400
Pre-primary school	1	5 000	5 000
Primary school	2	20 000	40 000
Secondary school	1	34 000	34 000
Clinic	1	2 500	2 500
Commercial	2	13 750	27 500
Filling station	1	4 000	4 000
Industrial	1	10 000	10 000
Taxi rank	2	5 000	10 000
Total			884 800

NATURAL DRAINAGE ROUTES
 SERVICES CORRIDOR (SEWER/WATER, ETC.)
 PROPOSED 12 m SERVICE LINE



±122 ha gross @ 42 du/ha gross = ±5 200 units

±85 ha net @ 61 du/ha net = ±5 200 units

FOR DISCUSSION PURPOSES ONLY

First Floor - La Gratitude Office Building
 97 Doop Street - Stellenbosch 7600
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Final Draft
Framework Plan
 Northern Ext., Stellenbosch

Drawing: 3-12-P
 Scale: 1:10 000 (A3)
 Date: 12/12/2018
 Checked: JvR
 Drawn: GJC
 Project no: 3-12-P
 Revisor: 00
 Opportunities and constraints 6

- Use the two Social Housing Precincts in Northern Extension area as temporary decanting site for the two projects noted above.

Phase 4: 2024/2025

- Relocate and formalise last households from Enkanini in the Northern Extensions GAP, BNG and Site and Service project areas respectively.
- Relocate and formalise last households from Kayamandi Zone D, F, I, M and P in the Northern Extensions GAP, BNG and Site and Service project areas respectively.

Phase 5: 2026/2027

- Complete last in-situ BNG, Rental and Site and Service formalisation in Enkanini.
- Complete in-situ BNG and Rental formalisation in Kayamandi Zones D, F, I, M and P.

Phase 6: 2028 and Beyond

- Incremental expansion of GAP, BNG, Site and Service and Rental in broader Northern Expansion Area.

7.2. Strategy per Area

Tables 6.1, 6.2 and 6.3 summarise the Formalisation Strategy for Zone O, Kayamandi and Enkanini respectively.

Table 6.1: Zone O: Formalisation Strategy

PRECINCT	TYPE	ZONE O						
		NUMBER OF UNITS						
		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	TOTAL	%
NORTHERN EXPANSION	GAP		155				155	
	BNG						-	
	Rental						-	
	Site & Service		35				35	
	Total	-	190	-	-	-	190	18%
WATERGANG	GAP			193			193	
	BNG						-	
	Rental						-	
	Site & Service						-	
	Total	-	-	193	-	-	193	18%
IN SITU	GAP						-	
	BNG	251	251				501	
	Rental	90	87				177	
	Site & Service						-	
	Total	341	337	-	-	-	678	64%
TOTAL	GAP	-	155	193	-	-	348	33%
	BNG	251	251	-	-	-	501	47%
	Rental	90	87	-	-	-	177	17%
	Site & Service	-	35	-	-	-	35	3%
	Total	341	527	193			1,061	100%
%		32%	50%	18%	0%	0%	100%	

Zone O: Internal P1/P2

Zone O: Internal P3

- Phase 1: A total of 341 houses are constructed comprising 90 rental units in the southern portion (P1/P2) of Zone O, and 251 BNG units in the northern extents of Zone O (P1/P2) (refer to Figure 4).

Watergang provides 332 decanting opportunities to facilitate this process.

- Phase 2: An additional 337 units comprising 87 rentals in the southern part (P1/P2) and 251 BNG units in the central extents (P3) of Zone O are constructed.

The surplus GAP demand (155 units) is accommodated in the Northern Extensions GAP project, while 35 Site and Service units in the Northern Extensions accommodate the surplus demand from Zone O.

- Phase 3: A total of 193 GAP units are developed on the serviced stands in Watergang which acted as decanting area during Phase P1, P2 and P3.

Table 6.2: Kayamandi: Formalisation Strategy

PRECINCT	TYPE	KAYAMANDI Zones A, J, K, L				KAYAMANDI Zones D, F, I, M, P				KAYAMANDI TOTAL	
		NUMBER OF UNITS				NUMBER OF UNITS				NUMBER OF UNITS	
		Phase 2	Phase 3	TOTAL	%	Phase 4	Phase 5	TOTAL	%	TOTAL	%
NORTHERN EXPANSION	GAP	306		306		188		188		494	
	BNG	271		271		100		100		371	
	Rental			-				-		-	
	Site & Service	241		241		87		87		328	
	Total	818	-	818	41%	375	-	375	47%	1,193	43%
WATERGANG	GAP			-				-		-	
	BNG			-				-		-	
	Rental			-				-		-	
	Site & Service			-				-		-	
	Total	-	-	-	0%	-	-	-	0%	-	0%
IN SITU	GAP			-				-		-	
	BNG		453	453			168	168		621	
	Rental		725	725			261	261		986	
	Site & Service			-				-		-	
	Total	-	1,178	1,178	59%	-	429	429	53%	1,607	57%
TOTAL	GAP	306	-	306	15%	188	-	188	23%	494	18%
	BNG	271	453	724	36%	100	168	268	33%	992	35%
	Rental	-	725	725	36%	-	261	261	32%	986	35%
	Site & Service	241	-	241	12%	87	-	87	11%	328	12%
	Total	818	1,178	1,996	100%	375	429	804	100%	2,800	100%
%											

- Phase 2: A total of 818 families from Zones A, J, K and L are relocated to the Northern Extension project areas: 306 GAP Market; 271 BNG units and 241 Site and Service units.
- Phase 3: In-situ formalisation in Zones A, J, K and L commence, providing 453 BNG units and 725 Rental units.
- Phase 4: Some 375 households from Kayamandi Zones D, F, I, M and P are relocated to the Northern Extension Area (188 GAP Market, 100 BNG and 87 Site and Service).
- Phase 5: The final phase of in-situ formalisation commences in Kayamandi Zones D, F, I, M and P, comprising 168 BNG units and 261 Rental units.
- Approximately 43% of the households from Kayamandi need to relocate to the Northern Extensions Area while the remaining 57% (1607 families) can be formalised locally.

Table 6.3: Enkanini: Formalisation Strategy

		ENKANINI					
PRECINCT	TYPE	NUMBER OF UNITS					
		Phase 2	Phase 3	Phase 4	Phase 5	TOTAL	%
NORTHERN EXPANSION	GAP	94		94		188	
	BNG	231		231		462	
	Rental					-	
	Site & Service	291		290		581	
	Total	616	-	614	-	1,230	49%
WATERGANG	GAP					-	
	BNG					-	
	Rental					-	
	Site & Service					-	
	Total	-	-	-	-	-	0%
IN SITU	GAP					-	
	BNG		409		409	818	
	Rental		148		148	296	
	Site & Service		95		95	190	
	Total	-	652	-	652	1,304	51%
TOTAL	GAP	94	-	94	-	188	7%
	BNG	231	409	231	409	1,280	51%
	Rental	-	148	-	148	296	12%
	Site & Service	291	95	290	95	771	30%
	Total	616	652	614	652	2,534	100%
%		24%	26%	24%	26%	100%	

- Phase 2: Some 616 families are relocated from Enkanini to the Northern Extensions GAP project (94); BNG project (231); and Site and Service project (291) respectively.
- Phase 3: In-situ formalisation of 652 units commences in Enkanini – 409 BNG units; 148 Rentals; and 95 Site and Service.
- Phase 4: A second round of relocation is initiated with 94 GAP Market, 231 BNG Market and 290 Site and Service households being established in the designated project areas in the Northern Extensions (614 households in total).
- Phase 5: The final phase of in-situ formalisation (652 units) in Enkanini commences. A total of 409 BNG units, 148 Rental units, and 95 Site and Service Sites is developed.
- 51% of the community is formalised in Enkanini while 49% have to relocate to the Northern Extensions.

7.3. Consolidated Summary and Cost per Phase

Table 7.1 summarises the number of units to be developed per phase in the respective areas, while Table 7.2 depicts the estimated cost per phase and per area.

During Phase 1 a total of 341 units will be developed (mostly in Zone O). The estimated cost for this phase is R67,82 million.

Phase 2 sees a significant increase to about 1961 units of which the majority (1623) are located in the Northern Extensions and some 337 are developed in-situ (Zone O). The total cost is about R183,81 million.

During Phase 3 the number of units increases even more to 2023 units of which 1830 units represent in-situ formalisation. The remaining 193 units are developed in Watergang (GAP Market). The costs associated with this phase stands at about R375,12 million.

During Phases 4 and 5 the number of units to be developed decreases slightly to 990 and 1081 units respectively. The units developed during these two phases relate to the upgrading of Kayamandi Zone D, F, I, M and P and Enkanini. The cost estimate for Phase 4 stands at R77,23 million while Phase 5 amounts to an estimated R209,6 million.

As shown on Table 7.1 some 56% of the demand in Enkanini, Zone O and Kayamandi can be accommodated locally (3589 units) while 193 units (3%) are to be relocated to Watergang and 2613 units (41%) to the Northern Extensions.

The total development cost for the five phases noted above amounts to about R913,58 million (Table 7.2). This includes the BNG, Rental and Site and Service cost as indicated below, but excludes GAP project cost.

- BNG: R506,4 million (2773 units).
- Rental: R356,7 million (1459 units)
- Site and Service: R50,45 million (1134 units).

Annexure A comprises a brief summary of funding sources related to infrastructure and various housing typologies.

From Table 7.1 it is also evident that three formal relocation projects to be initiated in the Northern Extension area (to be developed in tandem with the formalisation of Kayamandi Town Centre, Enkanini and Zone O) should comprise the following:

- GAP Market: 837 units.
- BNG Market: 833 units.
- Site and Service: 944 stands

Table 7.1: Enkanini-Kayamandi: Formalisation Strategy

PRECINCT	TYPE	TOTAL						
		NUMBER OF UNITS						
		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	TOTAL	%
NORTHERN EXPANSION	GAP	-	555	-	282	-	837	
	BNG	-	502	-	331	-	833	
	Rental	-	-	-	-	-	-	
	Site & Service	-	567	-	377	-	944	
	Total	-	1,623	-	990	-	2,613	41%
WATERGANG	GAP	-	-	193	-	-	193	
	BNG	-	-	-	-	-	-	
	Rental	-	-	-	-	-	-	
	Site & Service	-	-	-	-	-	-	
	Total	-	-	193	-	-	193	3%
IN SITU	GAP	-	-	-	-	-	-	
	BNG	251	251	862	-	577	1,940	
	Rental	90	87	873	-	409	1,459	
	Site & Service	-	-	95	-	95	190	
	Total	341	337	1,830	-	1,081	3,589	56%
TOTAL	GAP	-	555	193	282	-	1,030	16%
	BNG	251	752	862	331	577	2,773	43%
	Rental	90	87	873	-	409	1,459	23%
	Site & Service	-	567	95	377	95	1,134	18%
	Total	341	1,961	2,023	990	1,081	6,395	100%
%		5%	31%	32%	15%	17%	100%	

Table 7.2: Enkanini-Kayamandi: Formalisation Strategy

PRECINCT	TYPE	TOTAL COST						
		R million						
		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	TOTAL	%
NORTHERN EXPANSION	GAP							
	BNG	R -	R 91.61	R -	R 60.47	R -	R 152.08	
	Rental	R -	R -	R -	R -	R -	R -	
	Site & Service	R -	R 25.24	R -	R 16.76	R -	R 42.00	
	Total	R -	R 116.85	R -	R 77.23	R -	R 194.08	3%
WATERGANG	GAP							
	BNG	R -	R -	R -	R -	R -	R -	
	Rental	R -	R -	R -	R -	R -	R -	
	Site & Service	R -	R -	R -	R -	R -	R -	
	Total	R -	R -	R -	R -	R -	R -	0%
IN SITU	GAP							
	BNG	R 45.75	R 45.75	R 157.48	R -	R 105.34	R 354.32	
	Rental	R 22.07	R 21.21	R 213.42	R -	R 100.03	R 356.73	
	Site & Service	R -	R -	R 4.23	R -	R 4.23	R 8.46	
	Total	R 67.82	R 66.96	R 375.12	R -	R 209.60	R 719.50	11%
TOTAL	GAP							0%
	BNG	R 45.75	R 137.36	R 157.48	R 60.47	R 105.34	R 506.40	8%
	Rental	R 22.07	R 21.21	R 213.42	R -	R 100.03	R 356.73	6%
	Site & Service	R -	R 25.24	R 4.23	R 16.76	R 4.23	R 50.45	1%
	Total	R 67.82	R 183.81	R 375.12	R 77.23	R 209.60	R 913.58	14%
%		7%	20%	41%	8%	25%	100%	

Table 8 below shows the land area required to develop these units based on different erf size scenarios.

Table 8: Area Required for Relocation Purposes

Relocation Typologies	Number of serviced sites	Land Area Required				
		@ 155m ² per erf	@ 81m ² per erf	@ 68m ² per erf	@ 45m ² per erf	@ 32m ² per erf
GAP	837	13,0 ha	6,8 ha	7,2ha	3,8 ha	2,2 ha
BNG	833	12,9 ha	6,7 ha	7,2 ha	3,7 ha	2,2 ha
Site and Services	944	14,6 ha	7,6 ha	8,1 ha	4,2 ha	2,5 ha
Total	2614	40,5 ha	21,2 ha	21,2 ha	11,8 ha	6,8 ha

GAP Market: The GAP Market initiative (837 units) would require a minimum of about 13 hectares of land if erven are to be 155m² in size. In line with a broader strategy towards consolidating development around the existing footprint of Kayamandi-Enkanini it is suggested that the two land parcels earmarked for Upper and Lower GAP development (refer to number 1 on Figure 6) be considered for this purpose. Alternatively, the two GAP precincts in the Northern Expansion Area (see number 2 on Figure 6) could be considered. A large part of this land belongs to the SLM which could become part of a land availability agreement with a private developer, but provision of bulk services could be costly.

BNG: The BNG project comprising 833 units should be located around the two BNG sites (see number 3 on Figure 6). Part of one of these two sites comprise Council owned land. It would require at least about 10 hectares of land if an average erf size of 155m² is used.

Figure 7 depicts an existing BNG project (Number 1) in Watergang developed at this density. However, there are two projects with a more dense configuration in the same vicinity. Project number 2 on Figure 7 is based on an erf size of 81m²/erf with a 46m² house at a density of 82 units/ha. Project 3 is even more dense at 112 units/ha and average floor size of 38m²/unit (double storey). The erf size of these units is about 45m².

Based on an average erf size of 68m² the BNG project would require an estimated 7,2 ha of land.

Site and Service: With regards to the Site and Service project it is interesting to note that the Watergang TRA area (number 4 on Figure 7) translates to an average density of 146 units/ha with erf size of 32m² and house size of 26m². This density is higher than that of the Zone 0 informal settlement located to the south-east which is about 133 units/ha.

Given the scarcity of land and limited financial resources available to the SLM, it may be worthwhile to consider initiating the Site and Services projects in the Northern Extension area in line with this configuration. (At 32m²/erf about 2,5 ha of land would be required to accommodate 944 units).

An erf configuration of 3.8m x 12m = 45m² will allow for residents/ households to incrementally upgrade the top structures over an extended period of time and if developed as double storey, it could

Kayamandi

Density Comparisons

- Town Boundaries
- Cadastral
- Counts



7

Informal (21108m²)

House size: 34m²
Density: 133 du/ha

Walk-up BNG Projects

Erf Size - 45.6m²(3.8X12)
House Size-38m²(Double Storey)
Density- (112 du/ha)

BNG Projects

Erf Size - 81.25m²(6.5X12.5)
House Size- 46m²
Density- (82 du/ha)

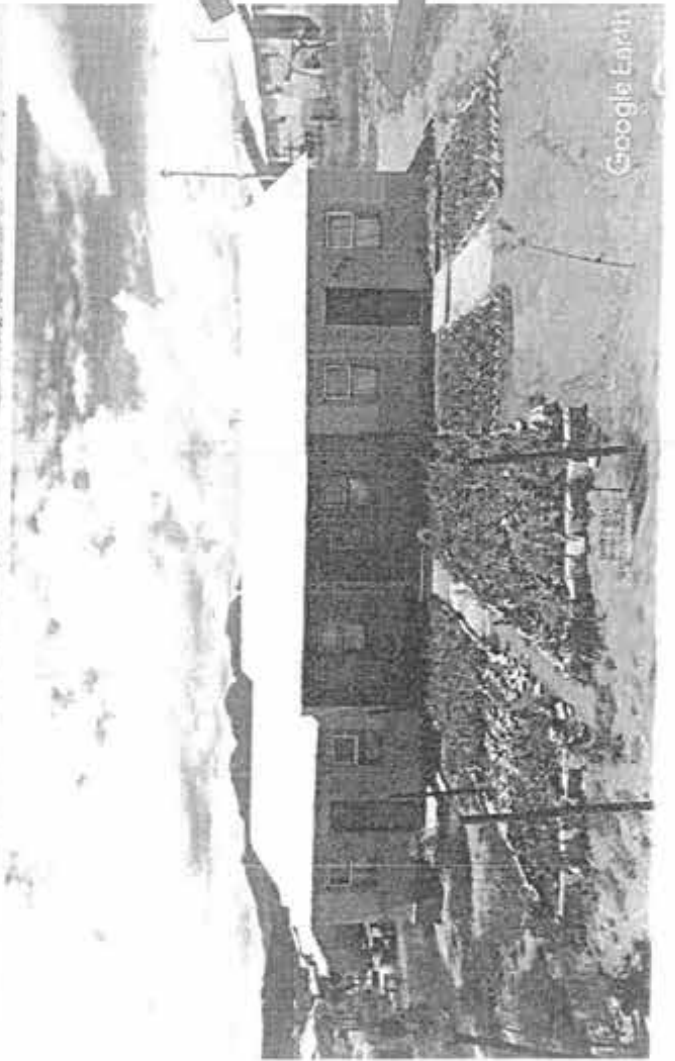
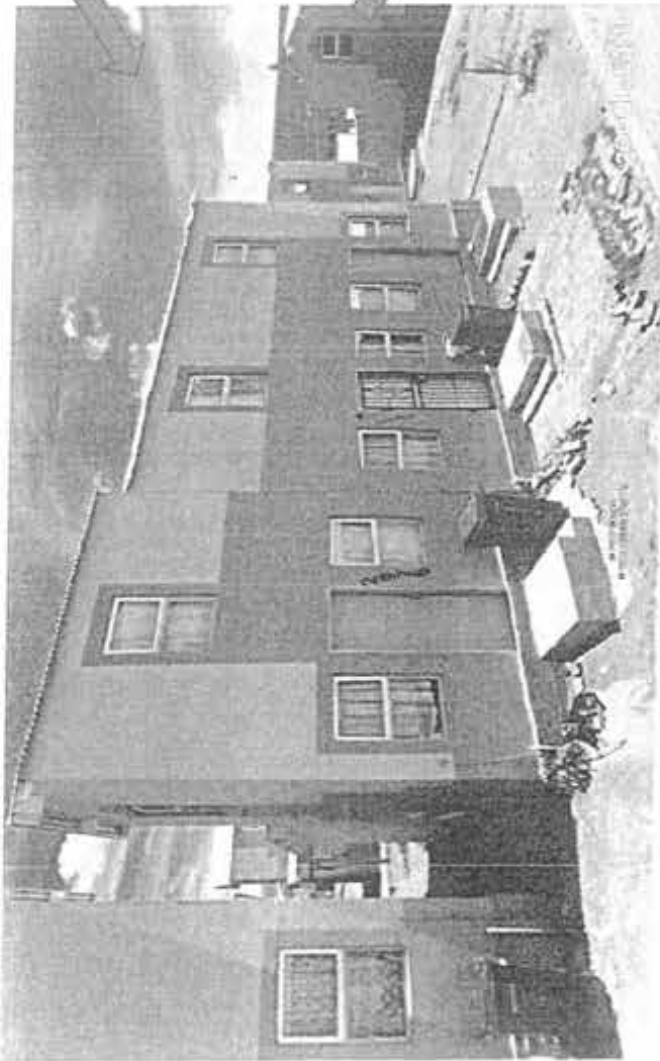
4

TRA Configuration

Erf Size: 32.5m² (5X6.5)
House size: 26m²
Density: 146 du/ha (gross)

BNG Projects

Erf Size - 155.94m²(9X18)
House Size- 46m²
Density- 42 du/ha



3
Walk-up BNG Projects
Erf Size – 45.6m²(3.8X12)
House Size–38m² (Double Storey)
Density– (112 du/ha)



2
BNG Projects
Erf Size – 81.25m²(6.5X12.5)
House Size– 46m²
Density– (82 du/ha)

achieve building size of 38m² per unit similar to number 3 on Figure 7 (also see examples on photo page following Figure 7).

If developed at an erf size of about 45m² the Site and Service project would require a minimum of about 4,2 hectares of land which represent about 40% of the land parcel earmarked for Site and Service (see number 4 on Figure 6).

The 10 hectares of land earmarked for Social Housing (see number 5 on Figure 6) is earmarked to serve as temporary decanting area while the in-situ upgrading projects in Enkanini and Kayamandi Town Centre are underway.

In the medium to longer term these very well located land parcels can be developed for Social Housing purposes or whatever typology the highest demand is at the time.

ANNEXURE A:
POTENTIAL HOUSING APPROACH AND
FUNDING ASPECTS

ANNEXURE A: POTENTIAL HOUSING APPROACH AND FUNDING ASPECTS

1.1 Key Housing Typology Considerations

As the existing density of shacks in the informal settlement is very high and land is limited, the ideal approach to providing the required number of houses implementation of walk-up and/ or multi-storey units, in the form of Community Residential Units (CRUs), BNG walk-up or multi-storey units, and possibly Social Housing units. Free standing BNG and other stand-alone units (FLISP/GAP) are not a practical consideration due to the limited availability of space.

1.2 Potential Housing Options and Related Funding Aspects

The monthly earnings of a household determines which type of housing they are eligible for, and is briefly summarised below:

Development Typology	Qualifying Income Bracket
BNG/ RDP	R0 – R800 p.m.
CRU	R800 – R3500 p.m.
Social Housing	R1500 – R7500 p.m.
FLISP/ GAP affordable housing	R7500 – R15 000 p.m.

* Recently changed by NDoHS to R3500 – R15 000 p.m., but yet to be formally confirmed by the Department

As extensive use will be made of walk-ups and similar housing due to the high density required, the following housing options and alternatives would be appropriate:

- BNG double storey row housing;
- BNG walk-up units;
- BNG multi-storey units;
- Community Residential Units (CRUs);
- Social Housing units.

1.2.1 BNG Fully Subsidised Medium and/ or High Density Units

BNG fully subsidised units, as opposed to the usual free standing/ stand-alone BNG units, are also available in the following typologies:

- BNG double-storey semi-detached duplex units (medium density);
- BNG double-storey row housing (medium to high density);
- BNG walk-up units, 3-4 storey (medium to high density);
- BNG multi-storey units, 5 or more storeys (high density).

In each case, the National Department of Human Settlements requires that the minimum unit size needs to be at least 40m², and whilst the current grant quantum/ subsidy is R110 947 per unit for the top structures for free standing or duplex style units. For walk-ups and multi-storey units the subsidy

amounts to R138 140 (in Western Cape) per unit. The BNG units are also eligible for a R44 500 subsidy toward the servicing of the stand on which they are situated. The subsidy amounts are made available by the Provincial Department of Human Settlement. It should be remembered that in the case of walk-ups and multi-storey units, they will be Sectional Title in nature.

It should be noted that although BNG walk-ups and multi-storey units are planned for implementation on a number of projects, careful consideration should be given to the ownership, operation and maintenance related to the typology.

1.2.2 Community Residential Units (medium to high density)

Community Residential Units (CRU) aim to facilitate the provision of secure, stable rental tenure for lower income households earning between R800 and R3500 per month who are not able to enter the formal private rental and social housing market. The most common product typologies are:

- Communal accommodation with shared facilities;
- Self-contained flats in walk-ups or medium to high rise blocks;
- New build or refurbishment of existing state flats or hostel conversion.

The grant quantum available depends on factors such as whether the project is a refurbishment or a Greenfield CRU project, and currently varies from around R120 000 per unit (refurbishment of an existing unit) to around R260 000 per unit (new self-contained flat in walk-up structure).

CRU units are public rental stock as they are owned by the relevant municipality. There are no minimum prescribed sizes for the units, but a good living environment is a requirement. Rooms with shared facilities are allowed, but 'old-style' dormitories are not permitted.

It should be noted that a recent communication issued by SHRA indicates that the Greenfield aspect of the CRU Programme is to be merged with social housing, but this has yet to be formally confirmed by the NDoHS.

1.2.3 Social Housing Units (medium to high density)

In the case of social housing the units are typically 3-4 storey walk-ups and usually range in size from a minimum allowed of 30m² (bachelor units) up to 3 bedroom units (45m² or more). One bedroom and two bedroom units are more popular in social housing developments than 3 bedroom units (45m² or more). One bedroom and two bedroom units are more popular in social housing developments than 3 bedroom units due to affordability for the tenants. In a social housing development there are a number of key requirements in terms of the Social Housing Act and accompanying Regulations, including:

- In order to be eligible for social housing, prospective tenants need to be South African citizens who earn between R1500 and R7500 per month (based on current gazetted amounts – these are revised by the Minister of Human Settlements from time to time), otherwise they do not qualify:

- A minimum of 30% of the social housing units provided in a social housing development must be for the primary beneficiaries (i.e. persons or households with a qualifying income of less than or equal to R3,500.00 per month);
- The social housing units must be implemented through a SHRA accredited Social Housing Institution (SHI), who may work together with a private developer if necessary;
- Financing of social housing developments is usually provided via the following main funding sources, namely:
 - RCG (Restructuring Capital Grant) – provided by SHRA through its Social Housing Investment Programme (SHIP) application process. These funds ultimately come from the DoHS budget via National Treasury. RCG is currently provided on a per unit basis at R125 615 per unit. Therefore, if there are 500 social housing units in the development, the RCG amount will be $500 \times R125\,615 = R\,62.8$ million;
 - Institutional Top-up Subsidy funding – provided by the Provincial Department of Human Settlements, and amounts to R110 947 per social housing unit;
 - The above two Government provided subsidies therefore amount to R236 562 per social housing unit;
 - Debt funding, typically provided by institutions such as banks or the GPF, etc., and may not be greater than 30% of the total social housing development cost;
 - If necessary, an equity contribution may be necessary to help address any funding shortfall. Other funding such as geotechnical variance funding, where there are adverse dolomitic conditions may also be applicable;
 - The above funding is applied and available in a specific sequence and subject to various conditions which are determined by SHRA. For example, the Institutional Top-up Subsidy may not be received before the first two tranches of the RCG are received (10% and 35% of the total RCG amount respectively), whilst debt funding is utilised last in order to minimise interest and finance charges.

1.3 Summary of Recommended Options

As Kayamandi/ Enkanini/ Northern Extension Area is not within a Restructuring Zone, Social Housing is not a practical solution at present (should a significant portion of the targeted beneficiaries however be suitable for social housing, applying for the area to become a Restructuring Zone should be considered). Therefore, in light of the above, a mixture of medium/ high density BNG units together with CRU units is recommended. For ease of reference, the most pertinent aspects of these are summarised below.

Table: Potential Housing Options – Kayamandi-Enkanini Informal Settlement

Housing Options	BNG (medium density)	BNG (high density)	BNG (high density)	CRU (medium/high density)
Tenure type	Owned	Owned	Owned	Rental
Typology	Double-storey (duplex) row housing	3-4 storey walk-ups	Multi-storey (5 or more storeys)	High density walk- ups (typically 2-4 storeys)
Density	Medium	High	High	High
Target market monthly income	R0 – R3500	R0 – R3500	R0 – R3500	R800 – R3500
Owner	Beneficiary	Beneficiary	Beneficiary	Municipality
Management	Owner	Owner and Body Corporate	Owner and Body Corporate	Municipality, but can outsource to SHI or private firm
Minimum size	40m ²	40m ²	40m ²	No minimum size, but good living environment required
Funding provided by	Provincial DoHS	Provincial DoHS	Provincial DoHS	Provincial DoHS
Grant quantum per unit	R110 947	R138 130	R138 130	R120 000 (refurbishment)
(Top Structure)				- R260 000 (45m ² new build)
Serviced stand subsidy per unit	R44 500	R44 500	R44 500	N/A

(* Indications are that Western Cape DoHS will be applying this quantum to new BNG walk-up and multi-storey units. This is still be formally confirmed, as well as whether it will be applied nationally by NDoHS).

2.1 Applicable Subsidies and Grants

The various capital grants and subsidies applicable to infrastructure development are summarised below. Funding is provided for projects is through National Government, Provincial Government and Local Government / Municipalities, as follows (selected grant and other funding sources are shown):

National

Direct funding for SIPs (Strategic Integrated Projects) and other national priority projects such as certain catalytic urban development projects.

Provincial

- Human Settlements Development Grant (HSDG) and other housing related grants provided by DoHS – used for funding top structures and internal services on housing developments in terms of programmes such as the Integrated Residential Development Programme (IRDP) etc.;
- Provincial Roads Maintenance Grant;
- Education Infrastructure Grant (EIG) – used to fund the construction of educational facilities such as new schools;

- Health Facility Revitalisation Grant (HFRG) – used to fund the construction of new health facilities, such clinics and new hospitals.

Metros

- Urban Settlements Development Grant (USDG) – used to fund the construction of bulk and link services for developments within a metropolitan municipality's area of jurisdiction;
- Neighbourhood Development Partnership Grant (NDPG);
- Public Transport Network Grant (PTNG);
- Integrated National Electrification Grant (INEP).

Local Municipalities

- Municipal Infrastructure Grant (MIG) – used to fund the construction of bulk and link services for developments not within a metropolitan municipality i.e. those in local and district municipalities;
- Integrated National Electrification Grant (INEP).

Funding for top structures and internal services on housing projects (HSDG funding) is a typical example of grant funding which requires alignment and administration between different departments and spheres of Government in order to ensure effective implementation.

The HSDG also highlights another important difference between the various grant sources, in that some grants are provided per unit by the relevant transferring department (for example R110 947 subsidy amount per unit for top structures), and some are provided in a lump sum amount (such as USDG, also provided by the Department of Human Settlements) depending on the amount requested and approved.

It can be seen that grant and subsidy funding is provided by different departments and entities that cut across all three tiers of Government. Proper grant alignment and stakeholder co-ordination are therefore very important in order to ensure timeous availability of required funds so that project implementation may continue in a streamlined and continuous manner, thereby avoiding unnecessary project delays and cash flow shortages. A grant such as INEP requires engagement with and co-ordination between a metro / municipality (local government), the Department of Energy (National) and Eskom (a State Owned Entity).

3.1 Funding Alignment

Grant and other funding alignment may be classified into three different categories:

- Primary alignment
- Secondary alignment
- Tertiary alignment

a) Primary alignment

In this category the alignment of grant funding between the three spheres of Government is especially important. Projects should be within municipal SDF, the IDP and other planning documentation. However, spatial targeting for investment is not always aligned due to different priorities of the municipality and Province, which causes non-alignment of grant funding. Four different scenarios may be identified within the primary alignment category:

- *Scenario 1:* Spatial targeting for investment of funds is not aligned with each other, for example Province and the municipality disagreeing with each other about who will implement the project causes funds to not be aligned;
- *Scenario 2:* Either the municipality or Province funds and implements the project by itself in isolation. In this case the municipality or Province might not be aware of the infrastructure the other party is implementing because co-ordinated planning hasn't taken place and the project or infrastructure within the same area could've been integrated, thereby saving costs, time and ensuring more effective project implementation;
- *Scenario 3:* Each party provides a portion of the funds and the project is implemented by either the municipality or Province. For example, USDG is provided by the metro and HSDG by Province, but the two grants fund different infrastructure (services vs top structures) and the sequence in which the funding becomes available is important in order to ensure streamlined project implementation;
- *Scenario 4:* The municipality funds the project and Province supports (or vice-versa).

b) Secondary alignment

In this case there is typically planning alignment in place and the project / development is already in progress, but it may be discovered that other infrastructure such as schools, hospitals etc. become necessary and planning and funding for these items may not have been adequately addressed yet.

Within this category multi-departmental funding and co-ordination is typically required and there is a risk of non-alignment between Government departments who need to be involved. For example, when implementing a new school in the Western Cape, both the Department of Education and the Department of Infrastructure Development or Public Works play key roles, together with the municipality in whose area the school is being implemented. In this category it is also often the case that three spheres of Government need to be aligned.

c) Tertiary alignment

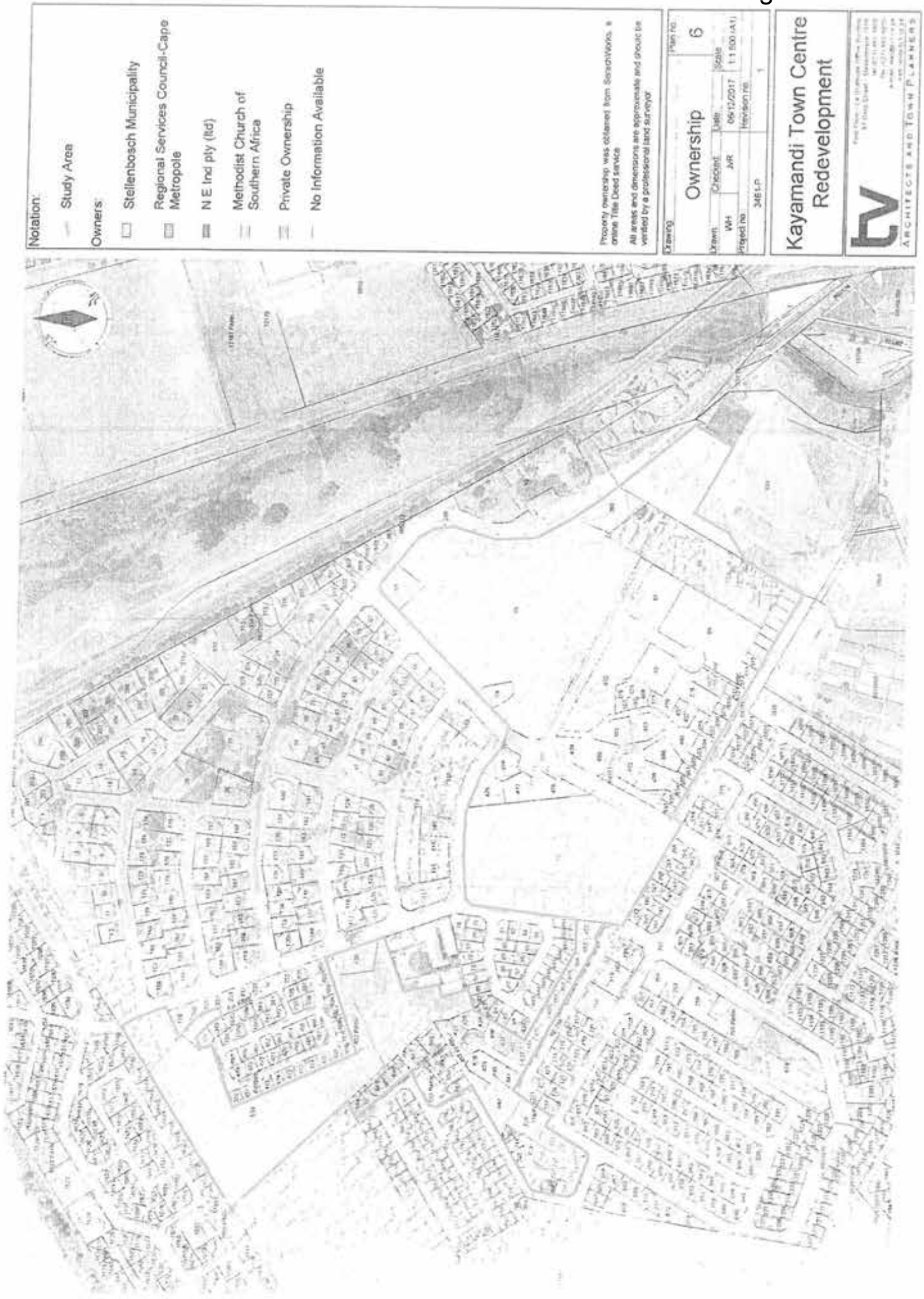
Within this category, alignment between public sector and private sector funding and stakeholders is important and can be a challenge. Debt, private equity and other private funding sources and applicable stakeholders are usually involved in addition to public sector grant funding (which often acts as the catalyst in attracting private sector funding). This category also includes alignment of funding provided by parastatals (e.g. bridging funding provided by DBSA / NHFC etc.) who also provide funding in

addition to that provided by private sector funders, as well as the necessary grant alignment required between these parastatals and the private sector stakeholders. The numerous sources of finance and the different ways in which financial structuring can be done for projects between these public and private stakeholders, as well as the extensive co-ordination required between funding sources and different application and approval processes makes planning for proper grant alignment very important.

The importance of accessing private sector funding is illustrated by the fact that in most large-scale integrated mixed use developments the non-subsidised component (which is funded by the private sector e.g. bonded housing units, private rental housing units etc.) is almost always nearly the same or larger in scope and number than the subsidised component. Government is in many instances therefore able to double the number of houses itself delivers whilst only paying for a portion of the cost thereof. Not only is this a significant cost saving, delivery and leverage mechanism in Government's favour, but the revenue base in terms of rates and taxes collectable is also doubled / significantly increased for the local municipality in whose area the project is located as a result of the additional houses (bonded, private rental) funded by private sector money. Other development components such as commercial, retail and industrial facilities are also normally funded through the private sector, further adding to the benefits noted above.

In order to realise the above benefits and advantages however, it is important that the implementation and funding of the various development components take place in a certain sequence and in terms of a logical approach and strategy for attracting private sector funding. Government should be the first mover by establishing primary bulk services, which can then be used to enable further infrastructure and gearing of public funding and thereby also enabling local economic development and job opportunities. Government therefore realises additional benefits whilst the private sector also meets its aims and objectives.

PLANS



Notation:

Study Area

Owners:

- Stellenbosch Municipality
- Regional Services Council-Cape Metropole
- N E Ind ply (ltd)
- Methodist Church of Southern Africa
- Private Ownership
- No Information Available

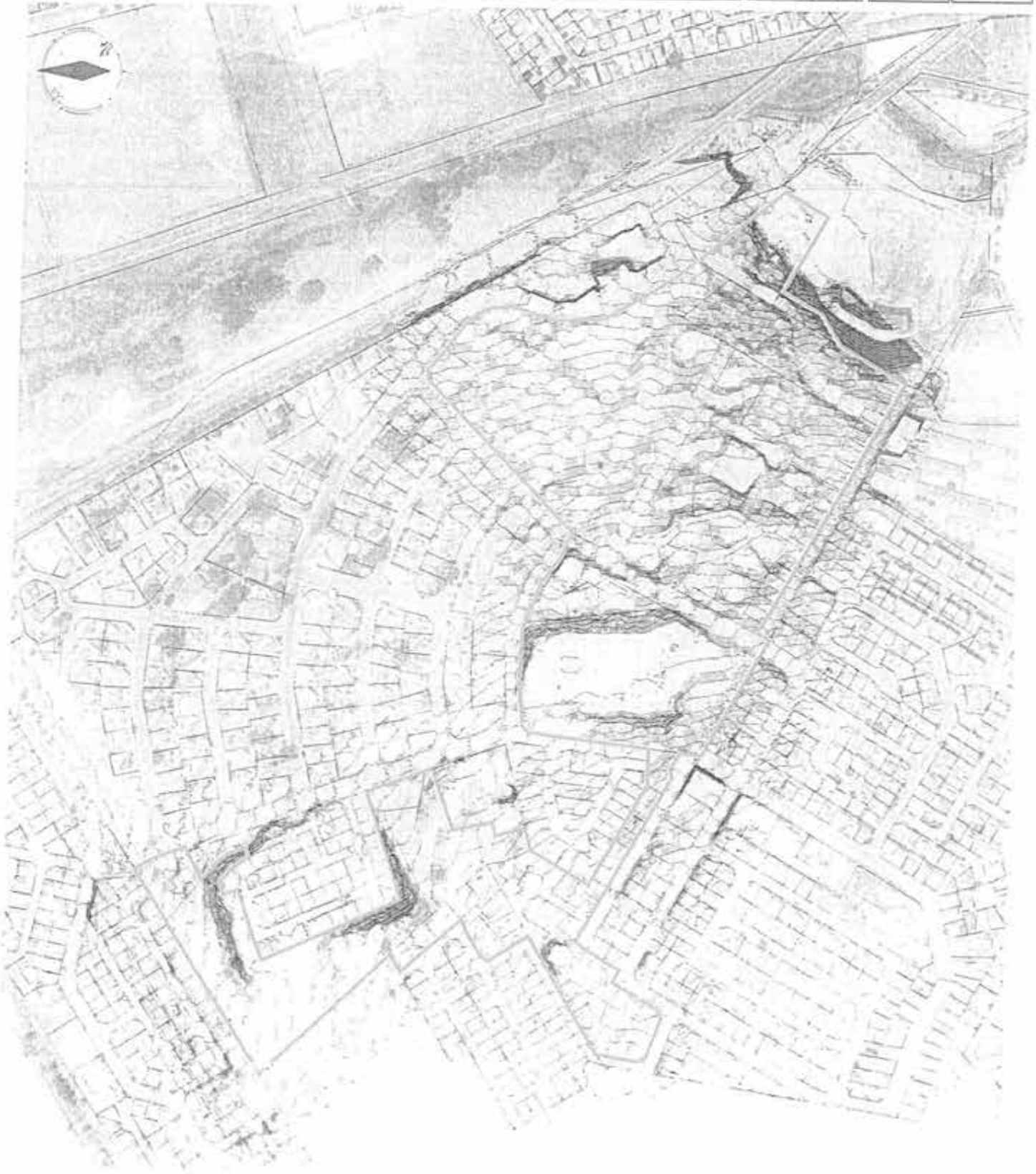
Property ownership was obtained from SearchWorks, a online Title Deed service
 All areas and dimensions are approximate and should be verified by a professional land surveyor

Drawing		Plan No.	
Ownership		6	
Drawn:	Checked:	Date:	Scale:
W.H. JVR	JVR	06/12/2017	1:1 500 (A1)
Project no:	Revision no:		
346 LP			

**Kayamandi Town Centre
 Redevelopment**

TV
 ARCHITECTS AND TOWN PLANNERS

First Floor, 111-113 Main Road, Port Elizabeth
 6001 Cape Town, South Africa
 Tel: 041 401 4000
 Fax: 041 401 4001
 Email: info@tvplanners.co.za



Notation:

Study Area

Slope Analysis

Less than 1:10

1:10 - 1:8

1:8 - 1:6

1:6 - 1:4

Steeper than 1:4

Survey undertaken by Joubert & Binné Surveys

The 1m contours on which the slope analysis was done were obtained from Joubert & Binné Surveys and were generated using drone technology. The slope analysis was done with basic AutoCAD functions and should be verified by a professional land surveyor or civil engineer.

All areas and dimensions are approximate and should be verified by a professional land surveyor.

Drawing

Slope Analysis

5

Sheet	Checked by	Date	Scale
WH	J/R	06/12/2017	1:1 500 (A1)
Project no.	3451.P		Revision no.
			1

**Kayamandi Town Centre
Redevelopment**



1000 Pines - La Grangeville Office, Planning
101 Glen Street - Johannesburg Office
1001 10th Street - Durban Office
1001 10th Street - Durban Office
P.O. Box 10001/10104
1001 10th Street

Notation:
Study Area

All areas and dimensions are approximate and should be verified by a professional land surveyor.

Drawing	Plan no	3	
Study Area			
Drawn	Checked	Date	Scale
WFI	JHR	08/12/2017	1:1500 (A1)
Project no.	34013/P	Revision no.	1

**Kayamandi Town Centre
Redevelopment**

TV
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111-113 Main Street, Johannesburg 2001
Tel: 011 461 4611
Fax: 011 461 4612
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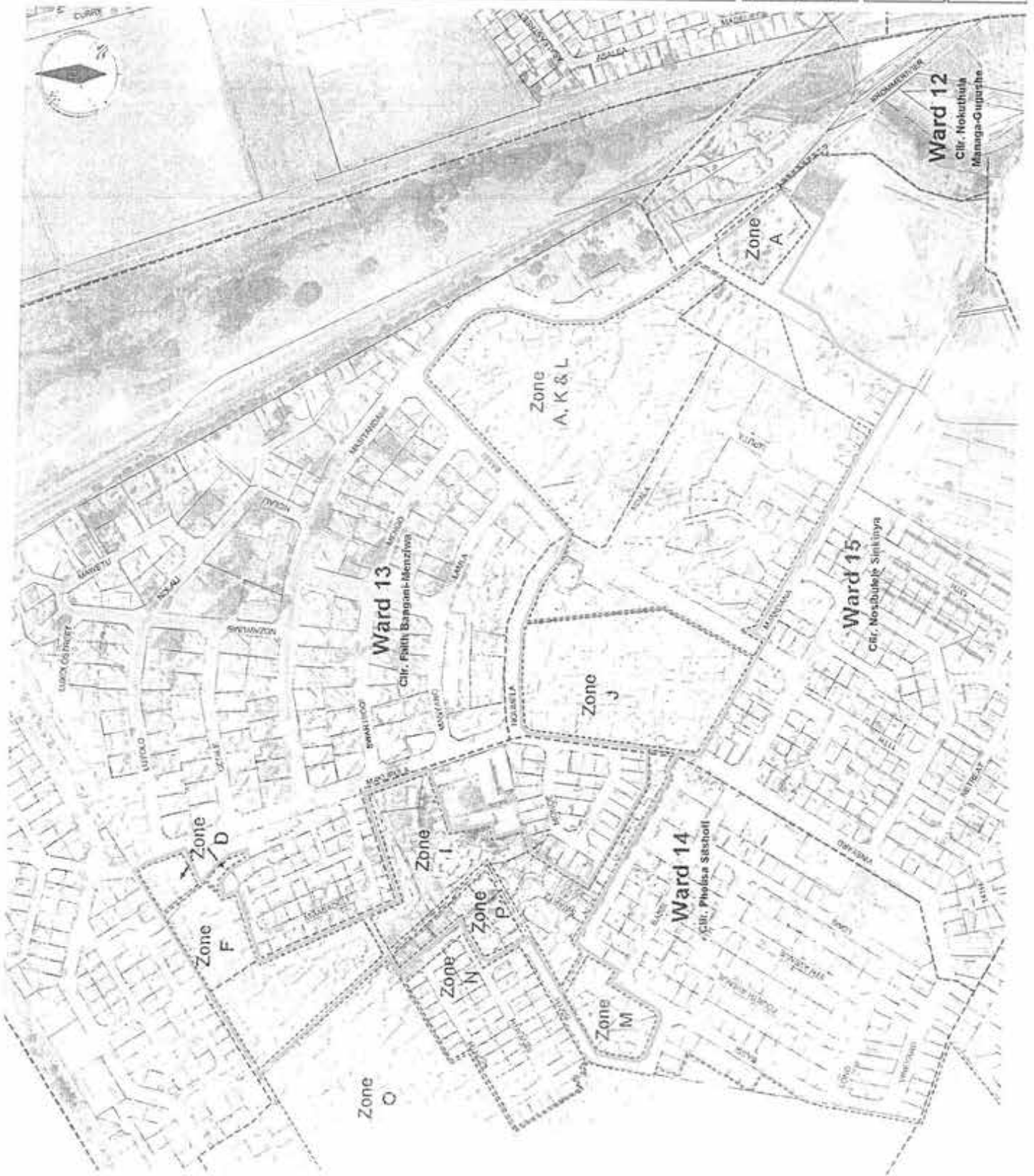
Notation:
 Study Area
 Wards
 Zones

All areas and dimensions are approximate and should be verified by a professional land surveyor

Drawing	Wards and Zones	Map no	2
Drawn	Checked	Date	Scale
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Project no	Revision no		
3481P	1		

**Kayamandi Town Centre
Redevelopment**

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Notation:

Study Area

All areas and dimensions are approximate and should be verified by a professional land surveyor

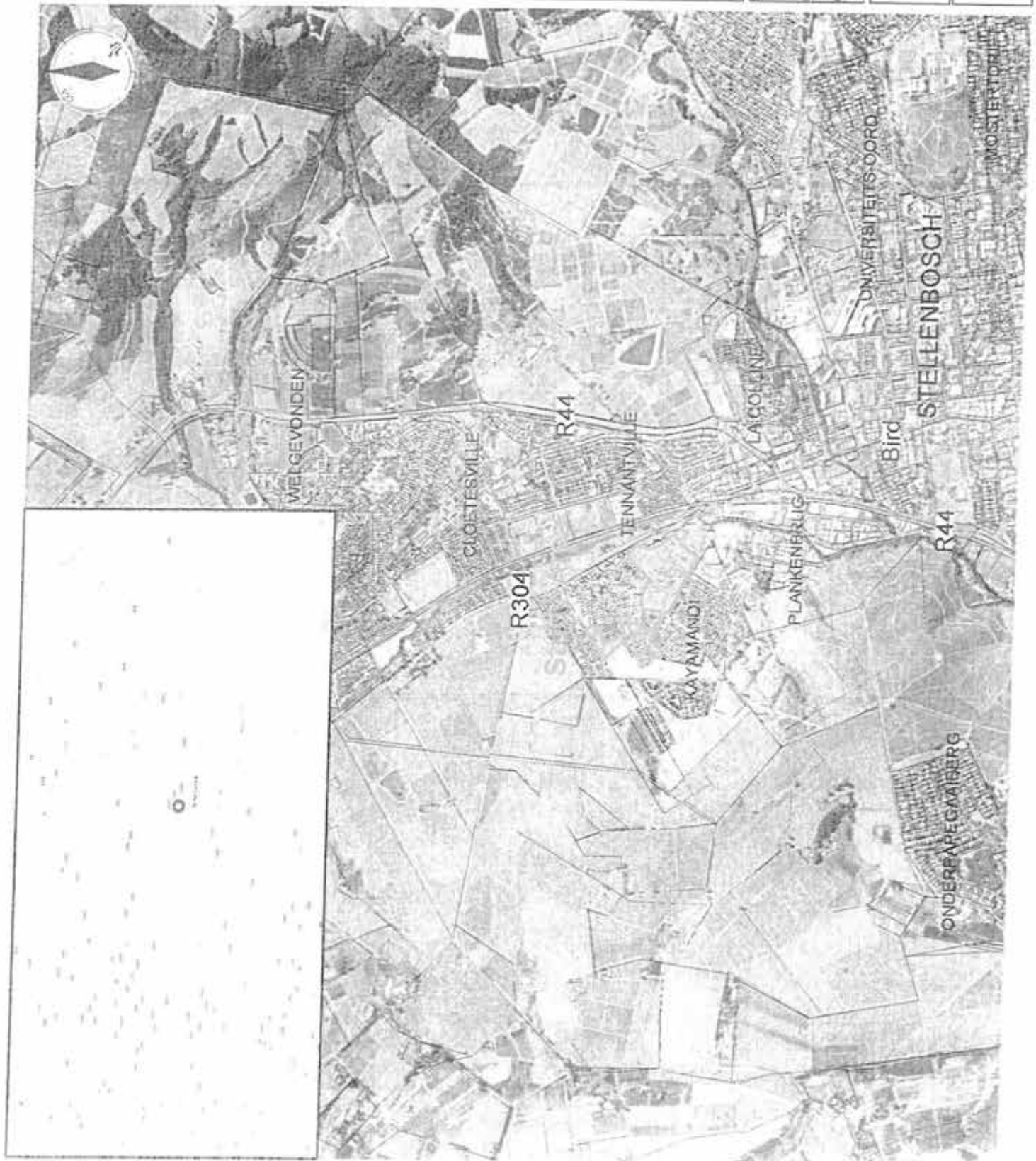
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Drawn	Checked	Date	Scale
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Project no.	Revision no.		
3461-P	1		

Kayamandi Town Centre Redevelopment



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+27 21 933 1800



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ARCHITECT PLANS

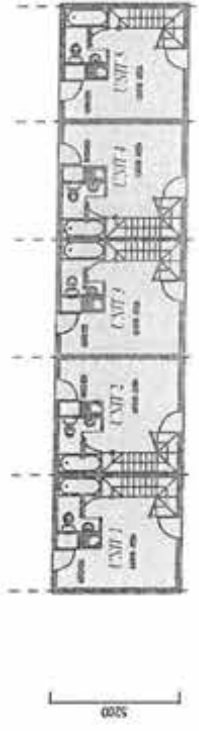
PROPOSED LAYOUT PLAN

ARCHITECT PLANS

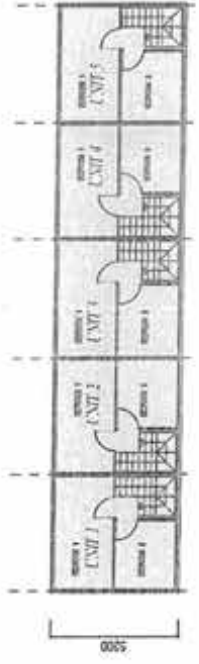
HOUSING TYPOLOGIES

KAYAMANDI TOWN CENTRE REDEVELOPMENT

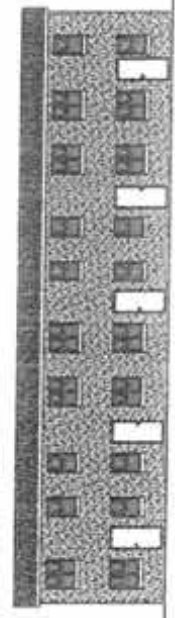
BNG 1 - LIVING UNITS



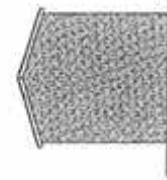
GROUND FLOOR PLAN
SCALE 1:200



FIRST FLOOR PLAN
SCALE 1:200



TYPICAL ELEVATION 1
SCALE 1:200



TYPICAL ELEVATION 2
SCALE 1:200

AREAS:	
UNITS	5 x 40sq/m = 200sq/m
2 BEDROOM	
FOOTPRINT:	124,2sq/m
NUMBER OF BLOCKS:	29

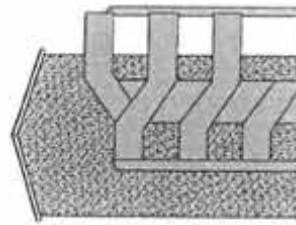
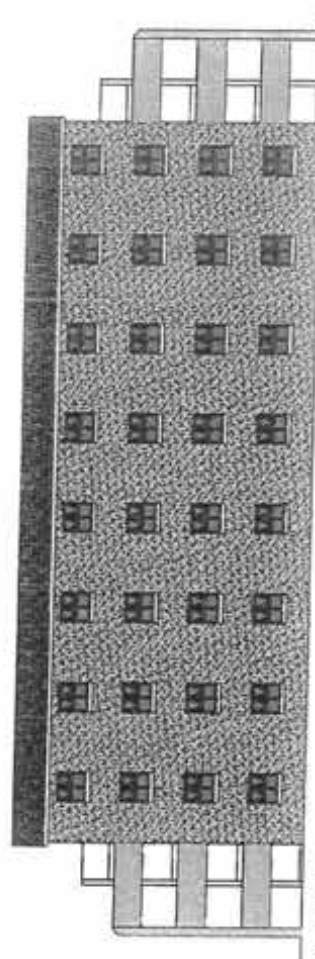
PROTECTORS 1921

BRAINWAVE

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KAYAMANDI TOWN CENTRE REDEVELOPMENT

MULTI STOREY LIVING UNITS TYPE 5



AREAS:

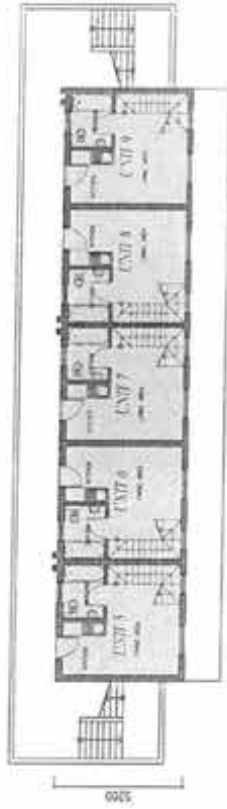
UNITS	18 x 19.1sq/m = 305.6sq/m
STAIRS	16 x 27.7sq/m = 443.2sq/m
1 BEDROOM	
FLOORPRINT:	286.5sq/m
NUMBER OF BLOCKS:	5

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KAYAMANDI TOWN CENTRE REDEVELOPMENT

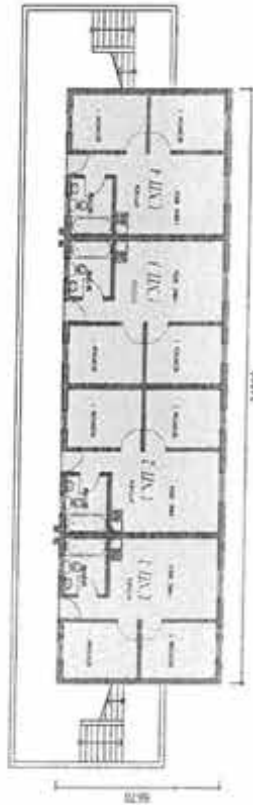
MULTI STOREY LIVING UNITS TYPE 4



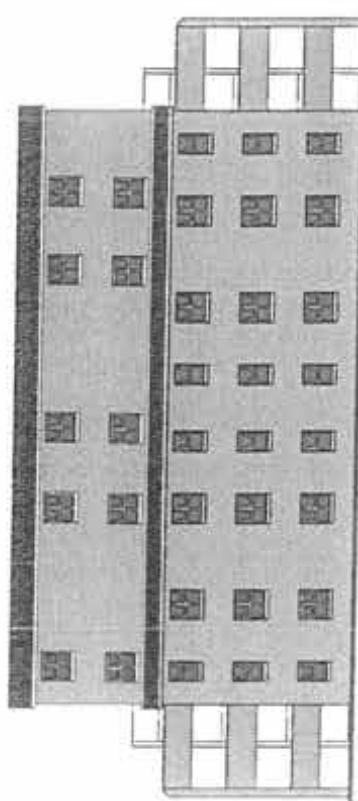
THIRD FLOOR DOUBLE STOREY UNITS
SCALE 1:200



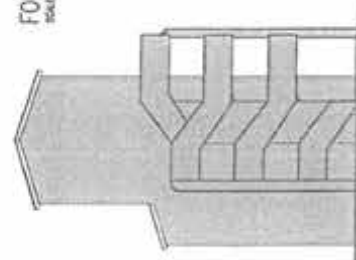
FOURTH FLOOR DOUBLE STOREY UNITS
SCALE 1:200



FLOOR PLAN X 3
SCALE 1:200



TYPICAL ELEVATION 1
SCALE 1:200



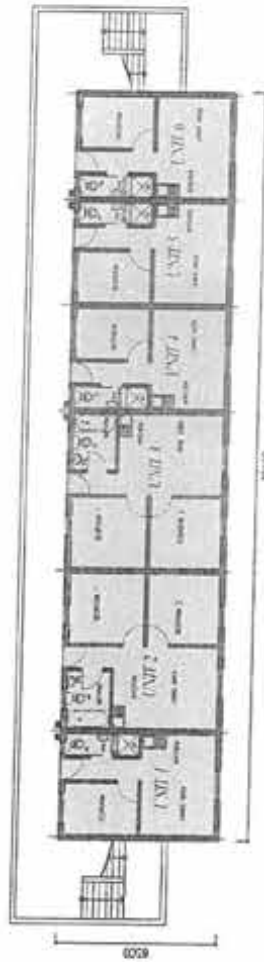
TYPICAL ELEVATION 2
SCALE 1:200

AREAS:	
UNITS:	2 BEDROOM: 11 x 40sq/m = 440sq/m
FLOORPSH:1:	242,2sq/m
NUMBER OF BLOCKS:	10

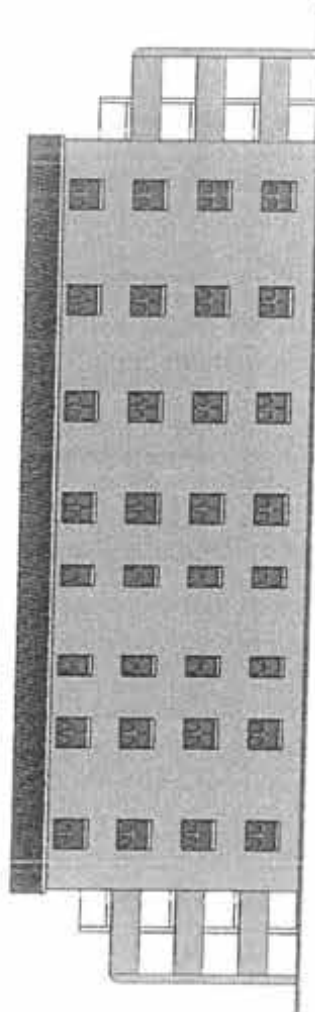
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KAYAMANDI TOWN CENTRE REDEVELOPMENT

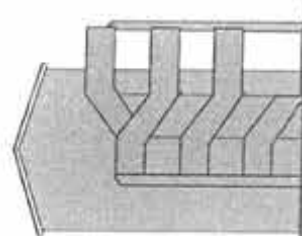
MULTI STOREY LIVING UNITS TYPE 3



FLOOR PLAN X 4
SCALE 1:200



TYPICAL ELEVATION 1
SCALE 1:200



TYPICAL ELEVATION 2
SCALE 1:200

AREAS:

LOTS	16 x 71.7ha/m = 463.3ha/m
1 BEDROOM	8 x 40sq/m = 320sq/m
2 BEDROOM	256sq/m
FOOTPRINT:	
NUMBER OF BLOCKS	10

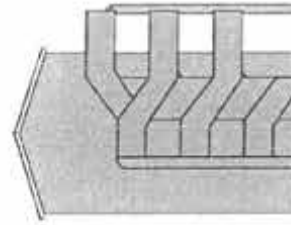
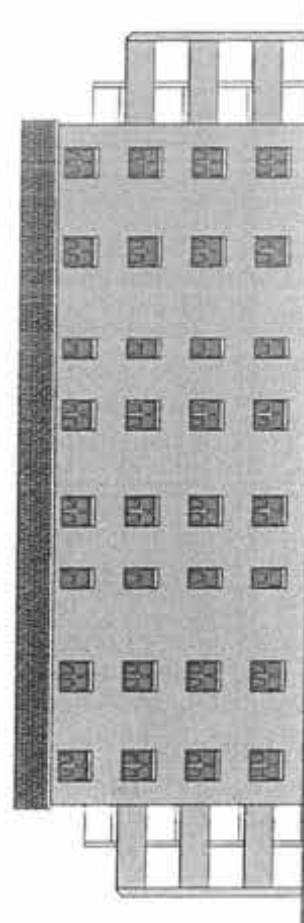
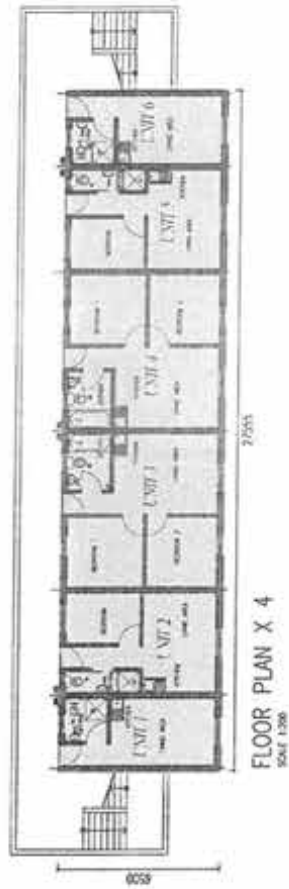
BRAINWAVE

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KAYAMANDI TOWN CENTRE REDEVELOPMENT

MULTI STOREY LIVING UNITS TYPE 2



AREAS:

UNITS	6 x 13.1sq/m = 152.8sq/m
STUDIOS	8 x 27.3sq/m = 218.4sq/m
1 BEDROOM	8 x 40sq/m = 320sq/m
2 BEDROOM	
FLOORPLAN	273.5sq/m
NUMBER OF BLOCKS	10

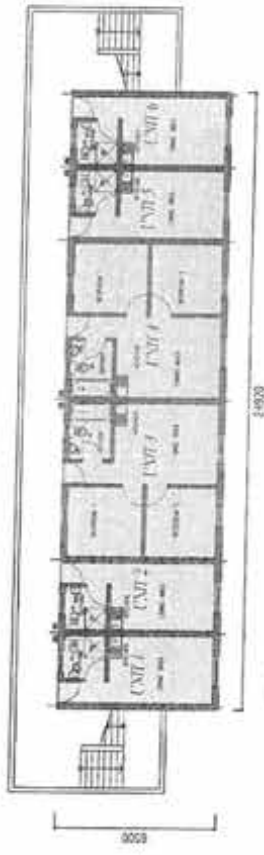
BRAINWAVE

PROJECTS 1921000

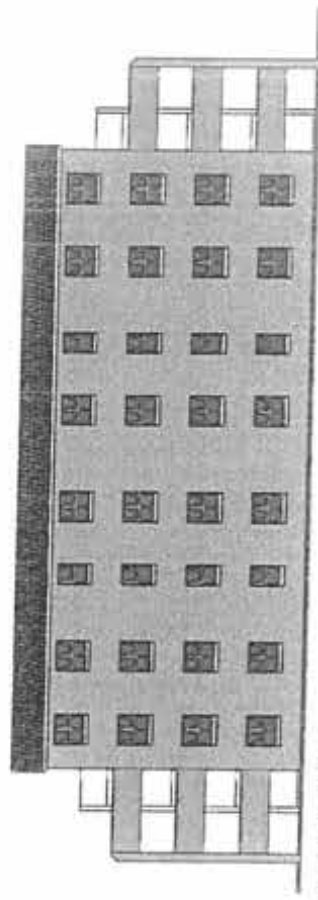
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KAYAMANDI TOWN CENTRE REDEVELOPMENT

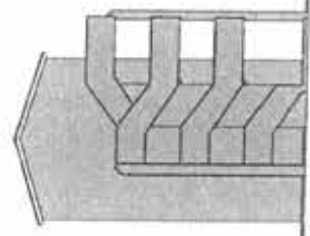
MULTI STOREY LIVING UNITS TYPE 1



FLOOR PLAN X 4
SCALE 1:200



TYPICAL ELEVATION 1
SCALE 1:200



TYPICAL ELEVATION 2
SCALE 1:200

AREAS:

UNITS	18 x 18 0sq/m = 324.0sq/m
STUDIOS	2 x 18 0sq/m = 36.0sq/m
2 BEDROOM	8 x 40sq/m = 320.0sq/m
FOOTPRINT	231.0sq/m
NUMBER OF BLOCKS	10

BRAINWAVE

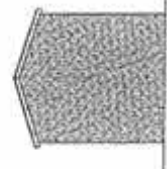
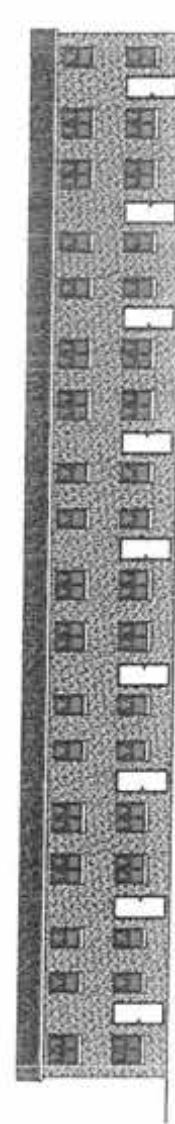
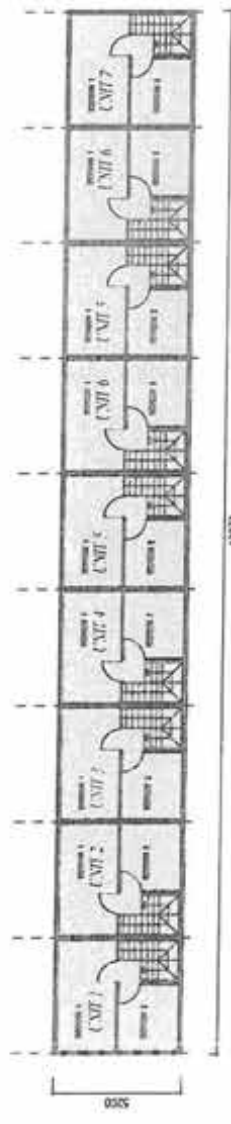
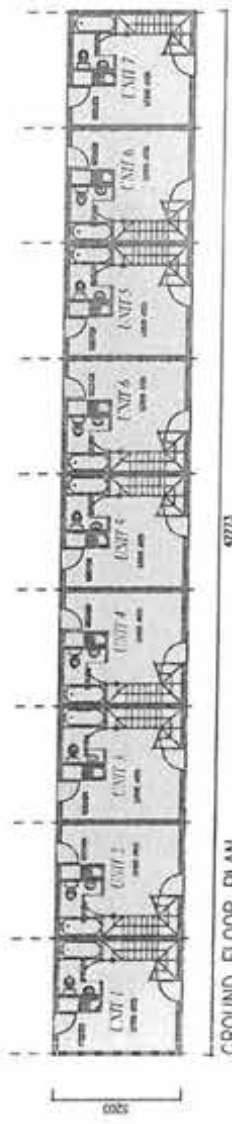
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KAYAMANDI TOWN CENTRE REDEVELOPMENT

BNG 3 - LIVING UNITS



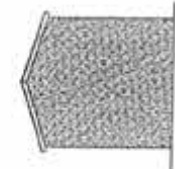
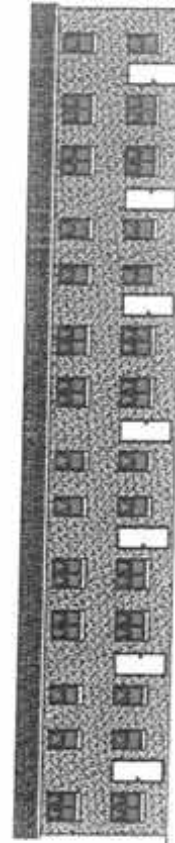
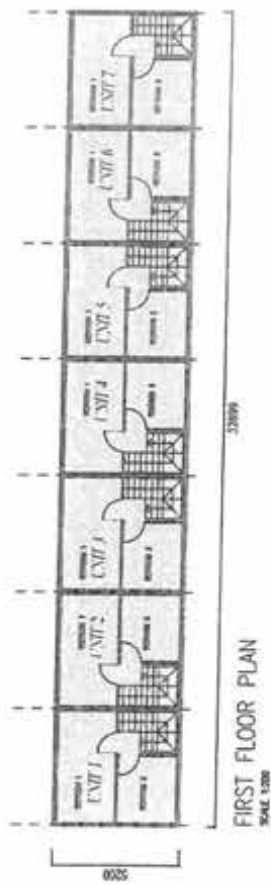
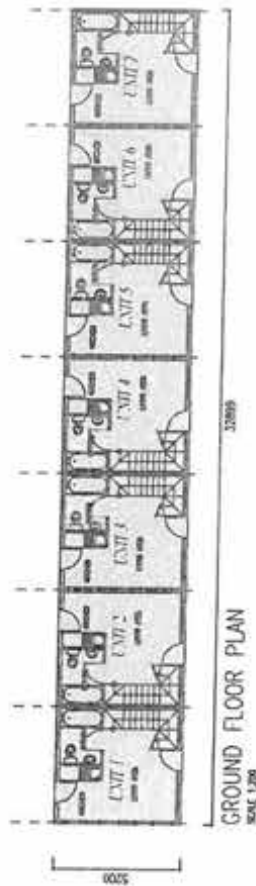
AREAS:	
UNITS	9 x 40sq/m = 360sq/m
2 BEDROOM	
FOOTPRINT:	219.8sq/m
NUMBER OF BLOCKS:	7

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KAYAMANDI TOWN CENTRE REDEVELOPMENT

BNG 2 - LIVING UNITS



AREAS:	
UNITS	7 x 40sq/m = 280sq/m
2 BEDROOM:	171sq/m
FOOTPRINT:	
NUMBER OF BLOCKS:	9

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7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
7.6.1	SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE

Collaborator No:

IDP KPA Ref No:

Meeting Date:

14 March 2018

1. SUBJECT**SECTION 78(2) REPORT FOR THE EXPANSION OF THE SOLID WASTE LANDFILL SITE****2. PURPOSE**

To report via a Section 78(2) Report on the Section 78(1) investigation in to expansion of the Solid Waste Landfill site at the Stellenbosch Devon Valley Landfill Site

3. DELEGATED AUTHORITY

Municipal Council.

Schedule 5B of the Constitution of SA, determines that “Refuse removal, refuse dumps and solid waste disposal” (“refuse dump” and “landfilling” being synonymous) is a Local Government competence and Section 77 of the Municipal Systems Act .

4. EXECUTIVE SUMMARY

The current landfill site for solid waste within the Devon Valley site of Stellenbosch Municipality is rapidly nearing the end of its licensed capacity. It is estimated that only a further 18 months of capacity remain. Stellenbosch has two options to proceed and that is the transporting of Waste to the Vissershok facility of City of Cape Town or to develop a neighbouring portion of ground upon which High Voltage lines of Eskom are running. In order to consider this option, which entails that Stellenbosch will significantly expand its landfill site, it was determined to conduct a MSA Section 78(1) assessment. Council resolved that this may be done and this process has now been completed.

The two internal options were assessed and it was found that the extension of the site and moving of Eskom lines and equipment as well as the operation of the site, would cost the Municipality an amount of transporting of waste to Vissershok would cost the Municipality an estimated amount of R115 000 000 over the expected useful life of 10 years for this site. On the other hand, the transporting of waste to Vissershok, would cost the Municipality R1 074 000 000 over the period of 10 years. It is therefore much more economically advantageous to opt to expand the current site and also to continue with the business as usual. Council is requested to approve this scenario as the way forward.

5. RECOMMENDATIONS**MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.6.1****RESOLVED****That it be recommended to Council:**

- (a) that this report be noted;
- (b) that Council notes the report on the Devon Valley Solid Waste Landfill site and the plans to expand this site through the request to Eskom to move high voltage circuitry in order to open space for the expansion of the current Landfill site;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of expanding the current landfill site have been satisfactorily attended to;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to continue with the planning and implementation of the internal mechanism of expanding the current landfill site to the area south west of the current site;
- (e) that the Director: Infrastructure Services be tasked to negotiate a process of moving the Eskom 66kV lines to a position away from the current landfill site and expansion site thereof;
- (f) that any Town Planning-, Environmental-, licensing and any other legislative requirement be adhered to; and
- (g) that a report indicating accurate costing, licensing and other related matters be submitted to Council once they are known, at which time Council will consider a final approval of the expansion of this landfill site.

6. DISCUSSION / CONTENTS**6.1 Background**

As has been reported frequently in the past, the current Solid Waste Landfill Site is fast reaching its licensed capacity. The site is expected to run out of licensed air space by 2019. Various scenarios have been planned for the future of Solid Waste landfilling (final part of waste disposal), none of which has reached an amicable way forward to date. However another solution to expand the current landfill site has been proposed.

At the Council meeting of 27 September 2017 it was proposed that this landfill site be expanded to the part of the property which currently houses Eskom High Voltage lines.



This site is currently used by Eskom and it was found that the cost to remove the Eskom lines and equipment will be very much lower than the saving to Stellenbosch for basically any other alternative to cater for the removal of waste after 2019. It is expected that soil and license conditions would be favourable and that an extension of operational life, exceeding 10 years, can be obtained.

The Schedule 5B of the Constitution of SA, determines that “Refuse removal, refuse dumps and solid waste disposal” (“refuse dump” and “landfilling” being synonymous) is a Local Government competence and Section 77 of the MSA determines:

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii) ……….”

As landfilling has become a severe problem and, as it is a Municipal Competence, the Act requires that a Section 78 process be performed to officially determine the best way forward.

Council decided on 27 September 2017, that a Section 78(1) process be performed which is an investigation on how the Municipality can expand the landfill site utilizing internal means. Section 78(1) requires the municipality to do a viability exercise on an internal method of delivering the services of waste disposal by landfills. This study will be used to coordinate and consolidate all previous studies into one report and presentation.

In considering internal mechanisms of landfilling, we only have two possibilities currently:

- a. Transporting waste to another landfill site, currently the landfill site of the City of Cape Town, or
- b. Expanding the current landfill site onto the proposed site upon which the Eskom 66kV lines are.

6.2 Discussion

6.2.1 Requirements of the Section 78(1) process.

The Municipal Systems Act, Act 32 of 200, as amended, requires the following under Section 78(1):

“Criteria and process for deciding on mechanisms to provide municipal services.—

(1) When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—

(a) it must first assess—

(i) the direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety;

(ii) the municipality’s capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a);

- (iii) *the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);*
- (iv) *the likely impact on development, job creation and employment patterns in the municipality, and*
- (v) *the views of organised labour; and*
- (b) *it may take into account any developing trends in the sustainable provision of municipal services generally."*

These requirements will be dealt with separately below:

6.2.2 The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety

a. Direct and Indirect Cost and Benefits

It is expected that the current landfill site scenario will run out of capacity in 15 months' time. Should no further measures be taken the waste will have to be moved to the City of Cape Town site at Vissershok. The cost to do this will include the gate fees at Vissershok plus the measures to cart the waste from Stellenbosch to Vissershok which is situated on N7 road to Malmesbury. In order to cart the waste a fleet of long-hall trucks will need to be procured since the normal waste compaction trucks are not designed to cart waste over a long distance and would be counterproductive since the time consumed to cart waste will mean that no waste could be collected at Stellenbosch.

Stellenbosch currently generates about 115 000 tons of landfill waste.

(i) The cost to expand the current site is estimated as follows:

Nr	Expenditure	Value
1	Project to move Eskom Lines out of Landfill Site	R52 000 000
2	Cost to prepare new extended site	R32 000 000
3	Other (Administration, licensing)	R1 000 000
4	Total	R85 000 000

Maintenance cost of the expanded site is expected to be R3 000 000 per annum. Over 10 years this would be R30 000 000.

(ii) The cost to transfer waste to Vissershok is estimated at as follows:

Nr	Expenditure	Rate	R/annum
1	CoCT Gate Fees	R624.00/ton	R71 760 000
2	Long-Haul	R250/ton	R28 750 000
3	Build and Operate Transfer Station	R60/ton	R690 000
4	Total	R934/ton	R107 410 000
5	After 10 Years		R1 074 100 000

- (iii) The comparison of cost is reflected as below. All costs are expressed I a 10 year period as this is the life expectancy of the air space available at current operation procedures.

Nr	Option	Cost over 10 Years
1	Transporting Waste to a Remote Site	R1 074 100 000
2	Expanding Current Site	R115 000 000
3	Total savings over 10 years if Option 2 is followed instead of Option 1	R959 100 000

It is therefore far more favourable to expand the current landfill site.

- b. *Expected effect on the environment and on human health well-being and safety.*

Since uncontrolled waste is very unwanted in terms of environment human health and wellbeing, the expansion of the waste landfill will hold a better environmental and human health condition than transporting the waste long distances. The shorter distances travelled would mean that more waste can rapidly be transported should such occasions last. Landfilling is totally under the control of the Municipality.

It is therefore more environmentally friendly, better for human health to landfill waste locally than transporting longer distances. Less vehicles to be treated and less staff. There would be no increase or decrease of safety between the possibilities.

In terms of the expected effect on the environment and on human health well-being and safety it would therefore be better to expand the current landfill site than it would be to transport waste over a long distance.

- c. *The municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a).*

Since the municipality already provides a landfilling service and merely would like to expand the landfilling site, the actual service conditions would remain the same. There are therefore now additional arrangements needed in terms of capacity to extend the landfilling site

In terms of capacity there is an existing capacity that would merely continue with landfilling operations.

There is therefore no impact on the current capacity.

- d. *the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);*

Section 51:

51. *Organisation of administration.—A municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to—*

- (a) *be responsive to the needs of the local community;*

-
- (b) *facilitate a culture of public service and accountability amongst its staff;*
 - (c) *be performance orientated and focused on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution;*
 - (d) *ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan;*
 - (e) *establish clear relationships, and facilitate co-operation, co-ordination and communication, between—*
 - (i) *its political structures and political office bearers and its administration;*
 - (ii) *its political structures, political office bearers and administration and the local community;*
 - (f) *organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and circumstances;*
 - (g) *perform its functions—*
 - (i) *through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and*
 - (ii) *when necessary, on a decentralised basis;*
 - (h) *assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;*
 - (i) *hold the municipal manager accountable for the overall performance of the administration;*
 - (j) *maximise efficiency of communication and decision-making within the administration;*
 - (k) *delegate responsibility to the most effective level within the administration;*
 - (l) *involve staff in management decisions as far as is practicable; and*
 - (m) *provide an equitable, fair, open and non-discriminatory working environment.*

Due to the current operation that is already in existence and that the expansion of the site, merely means that the current operations, merely shift the different sells, all of the above mentioned items, from (a) to (m) are conformed with, but would not be the case of waste has to be transported to a different long distance site.

It is therefore more favourable to expand the current site than to transport over a long distance and the current operations will merely continue with word as envisaged in Section 51.

Section 68:

68. *Capacity building.*—

- (1) *A municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way, and for this purpose must comply with the Skills Development Act, 1998 (Act No. 81 of 1998), and the Skills Development Levies Act, 1999 (Act No. 28 of 1999).*
- (2) *A municipality may in addition to any provision for a training levy in terms of the Skills Development Levies Act, 1999, make provision in its budget for the development and implementation of training programmes.*
- (3) *A municipality which does not have the financial means to provide funds for training programmes in addition to the levy payable in terms of the Skills Development Levies Act, 1999, may apply to the Sector Education and Training Authority for local government established in terms of the Skills Development Act, 1998, for such funds*

The whole Section 68 will be conformed with if actual operations stay the same.

It is therefore more favourable to expand the current site than to transport over a long distance and the current operations will merely continue with word as envisaged in Section 68.

- e. *The likely impact on development, job creation and employment patterns in the municipality,*

Again no changes will be experienced if the current site is expanded, but will change if we have to transport waste elsewhere.

It is therefore more favourable upon development, job creation and employment patterns to merely expand the landfilling than to transport waste over long distances.

- f. The views of organised labour.

By expanding the landfilling the current staff establishment will remain as is, whereas transporting the waste over a long distance would mean that the remote site will not be under the control local organized labour. Labour would therefore prefer the local option rather than the long-distance option

It is therefore more favourable for organized labour to choose the status quo option into labour rather than the long-distance option

6.2.2 Requirements in terms of Section 78(2)

Section 78(2) states:

- (2) After having applied subsection (1), a municipality may—
- (a) decide on an appropriate internal mechanism to provide the service; or
 - (b) before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).
 - a. It is estimated that the option to expand the landfill operation would create space to landfill waste for at least another 10 years.
 - b. The estimated savings in landfilling locally rather than long-distance is estimated at: R959 100 000
 - c. The cost to move the Eskom line and to prepare the expanded site is estimated at:.....R85 000 000
 - d. It therefore makes enormous sense to expand the current landfill site and to continue with operations as-is.
 - e. It is therefore proposed that Council decides upon the expanded internal option and to allow the Directorate: Infrastructure Services to negotiate with Eskom and any other associated role players to expand the current landfill site.
 - f. It is further suggested that once all costs are formally known that a costing report be brought to Council, but that an amount be placed onto the 2018/19 budget to reflect the associated costs to prepare the landfill site to be expanded, i.e. negotiate with Eskom to move the HV Lines. It is proposed that an amount of R60 million be budgeted on the 2018/2019 budget for this purpose.

6.3 Environmental implications

The expansion of the Landfill site would need environmental approval.

6.4 Financial implications

As explained in detail above, it is expected that:

Nr	Option	Cost over 10 Years
1	Transporting Waste to a Remote Site	R1 074 100 000
2	Expanding Current Site	R115 000 000
3	Total savings over 10 years if Option 2 is followed instead of Option 1	R959 100 000

6.5 Legal Implications

- a. The Constitutional, Act 108 of 1996, as amended, States under Schedule 5B, inter alia:

Part B

The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

- Refuse removal, refuse dumps and solid waste disposal
- b. The Municipal System Act, Act 32 of 2000, has reference and in Particular:
 - i. Section 78(1) and (2)
 - ii. Section 51
 - iii. Section 68

These sections are discussed under Item 5.1

6.6 Staff Implications

If an internal option is chosen and the landfill site is expanded, there will be no impact on staff.

6.7 Risk Implication

A risk of the current landfill site reaching capacity by 2019 has been raised. If the site is expanded this risk will have been mitigated.

6.8 Previous / Relevant Council Resolutions:

12TH COUNCIL: 2017-09-27: ITEM 7.6.2

RESOLVED (majority vote with abstentions)

- (a) that a Section 78 process be launched and that an internal waste disposal service delivery increase be investigated through the Section 78(1) approach; and
- (b) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal waste disposal by landfill and any recommendations to a possible external method of waste disposal landfill.

7.6.2	SECTION 78(2) REPORT ON THE PROVIDING OF SUFFICIENT PUBLIC PARKING
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

14 March 2018

1. SUBJECT: SECTION 78(2) REPORT ON THE PROVIDING OF SUFFICIENT PUBLIC PARKING

2. PURPOSE

To report in terms of a Section 78(2) Report on the Section 78(1) investigation on the providing of sufficient parking in the Greater Stellenbosch Municipal Area.

3. FOR DISCUSSION

Municipal Council.

Schedule 5B of the Constitution determines that Traffic and Parking is a Local Government competence. Section 77 of the MSA determines

“77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii)

4. EXECUTIVE SUMMARY

Due to a high number of external persons visiting Stellenbosch on a daily basis as well as the historical nature of Stellenbosch, a huge back log parking exists. It is calculated that currently a shortage of 2200 bays of parking exist within the Greater Stellenbosch Area.

Council decided that a study and an assessment be done on how such parking should be provided. Council resolved on 27 September 2017 that a Municipal Systems Act (MSA) Section 78 process be commenced.

A Section 78(1) process has been conducted to determine what manners of internal processes can be utilised to expand the current parking situation. It has very soon become clear that additional parking will have to be provided through parking garages with several floors. It became clear that this would be a highly capital intensive project at a cost of nearly R300 million.

It is therefore proposed that Council opts to also look at the provision of such a parking service through an external means. It is recommended that Council follows the Section 78(3) process to find appropriate external service provision scenarios. Council could then take a fully advised decision on the best appropriate way forward once an external assessment has also been done.

5. RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.6.2

RESOLVED

That it be recommended to Council:

- (a) that this report be noted;
- (b) that Council notes the attached report on the providing of sufficient public parking;
- (c) that Council accepts that all the requirements of Section 78(1) in terms of investigating the feasibility of the provision of sufficient parking have been complied with;
- (d) that Council, in terms of the Municipal Systems Act, Act 32 of 200, as amended, Section 78(2), accepts the scenario to "after having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).";
- (e) that Council formally proceeds to the Municipal Systems Act, Section 78(3) process of exploring the possibility of providing the municipal service of parking through an external mechanism; and
- (f) that a report on the outcome of this investigation be provided to Council, upon the completion of a Section 78(3) exercise in order for Council to take a Section 78(4) decision.

6. DISCUSSION / CONTENTS

6.1 Background

The availability of parking within the majority of the Stellenbosch Demarcated Urban Area has become a huge problem and it has become necessary to create additional parking through various methods. An example of this occurs in the Stellenbosch Town area where the University currently teaches about 32 000 students of which about 28% do not stay in Stellenbosch but commute from outside. These students would therefore need parking every day that they travel to Stellenbosch. The remaining 72% of students would also need parking but can also be accommodated at university residences or at private residences where students are been lodged.

The town of Stellenbosch has also grown considerably in the past 45 years and parking, which was already a problem in 1970, has become steadily worse as time has progressed. Various solutions has been put in place, all of which has now reached capacity and some of which are in need of upgrading namely, the Eikestad Mall/Town Hall Parking and the Bloemhof Parking.

The general direction of discussions between Stellenbosch Municipality and the University has also indicated a preference to curb vehicular traffic in the University Core and to promote None Motorised Traffic (NMT) in this core.

The proposed solution is to cater for all incoming traffic in parking facilities at the edges of this core and thereafter students could use public transport or Non-Motorised Transport (NMT) to travel to and back from classes. Various exercises have been conducted in the past with various solutions and now is the time to coordinate and consolidate all of these proposals into a final proposal upon which the Council can decide and act on an extended public parking provision.

Once Council has decided on the long term parking provision and the provision of a lighter traffic core, then a decision can be made whether parking at the Eikestad Mall/Town Hall and Bloemhof should merely be rebuilt and same amount of parking provided or whether the parking should be upgraded to a larger amount of parking.



Figure 2.1: Parking Detail within Stellenbosch Town



Figure 2.2: Parking Detail within Franschoek



Figure 2.3: Parking Detail within Klapmuts

Currently the Municipality owns and manages a number of parking facilities, such as the Eikestad Mall Parking, Bloemhof Parking, Stellmarket Parking, Checkers Parking, Parking bounded by Piet Retief -, Bird -, Louw -, Noordwal Wes Streets as well as some others, within the Town of Stellenbosch.

In order to drastically increase the amount of parking various solutions can be looked at, some of which are internal methods and other could be external such as paid parking garages. Similarly similar parking problems are being experienced within the Franschoek & Klapmuts areas where the large tourism industry requires that additional parking be investigated.

Many development opportunities are being sought in the Klappmuts area also and currently a large problem is being experienced with the amount of large trucks stopping overnight. To this extent parking needs to be investigated.

The Schedule 5B of the Constitution of SA, determines that "Traffic and Parking" is a Local Government competence and Section 77 of the MSA determines:

"77. Occasions when municipalities must review and decide on mechanisms to provide municipal services.—A municipality must review and decide on the appropriate mechanism to provide a municipal service in the municipality or a part of the municipality—

(a) in the case of a municipal service provided through an internal mechanism contemplated in section 76, when—

(i) an existing municipal service is to be significantly upgraded, extended or improved;

(ii)

As parking has become a severe problem and, as it is a Municipal Competence, the Act requires that a Section 78 process be performed to officially determine the best way forward.

6.2 Discussion

For more detail, please refer to the attached report under **ANNEXURE A**.

6.2.1 Requirements of the Section 78(1) process.

The Municipal Systems Act, Act 32 of 200, as amended, requires the following under Section 78(1):

"Criteria and process for deciding on mechanisms to provide municipal services.—

(1) *When a municipality has in terms of section 77 to decide on a mechanism to provide a municipal service in the municipality or a part of the municipality, or to review any existing mechanism—*

(a) *it must first assess—*

(i) *the direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety;*

(ii) *the municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a);*

(iii) *the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);*

(iv) *the likely impact on development, job creation and employment patterns in the municipality, and*

(v) *the views of organised labour; and*

(b) *it may take into account any developing trends in the sustainable provision of municipal services generally.”*

These requirements will be dealt with separately below:

6.2.2 The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health well-being and safety

g. Direct and Indirect Cost and Benefits

An additional 2500 parking bays are needed to provide sufficient parking within the greater Stellenbosch. There currently certain fixed positions where such parking can be provided and it is envisaged that such parking will have to be provide via multi-storey parking garages.

The Capital Cost of these parking garages is provided within table 5.2.1 below:

Table 5.2.1 Estimated Capital costs of parking bays

Parking Area	Estimated Costs
Franschhoek Tennis Courts	R21,600,000
The Braak	R92 100 000
Bloemhof.	R63,000,000
Behind City Hall	R94,000,000
Klapmuts Truckstop	R5 000 000
Total	R275 700 000

In order to manage all of these bays a further workforce will be needed. It is noted that these garages will probably have to be operated on a 24 hour per day basis.

Staffing will have to be adjusted for a 24 hour operation as well as operating 2500 more parking. It is estimated that staff would be needed as per table below:

Nr	Job Title	Per Garage	Per day of three shifts	Extra shift for leave	Total	Salary per person	Salary total
1	Parking Office attendant	2	6	2	8	R 50 000	R 433 333
2	Security one per floor	12	36	12	48	R 40 000	R 2 080 000
3	Parking machine attendant	1	3	1	4	R 50 000	R 216 667
4	Supervisor	1	3	1	4	R 80 000	R 346 667
5	Total	16	48	16	64	R 220 000	R 3 076 667

Nr	Expenditure Type	Per Annum
1	Salaries	R3 100 000
2	Maintenance (One thirtieth of Capital Cost)	R9 000 000
3	Municipal Services (R5000 per Unit per Month)	R300 000
4	Cost impact on other Departments (20% of Salaries)	R620 000
5	Capital Loan Servicing (10% of Capital Cost)	R27 570 000
6	Total Operational Cost	R40 590 000

In order to break even the income from parking must match the expenditure. It is assumed that an average 80% of parking will be utilised in day time (8 hours) and 20% over the rest (16hours). Parking hours are then calculated on 2200 parking bays. $(2200 \times 8 \times 0.8) + (2200 \times 16 \times 0.2) = 14080 + 7040 = 21120$ park hours per day in which parking bays are engaged. This amount of park hours must therefore bring in an income of R40 590 000 per annum. This means that the cost of one hour parking should be R5.30 per bay.

h. Expected effect on the environment and on human health well-being and safety

Parking Garages will accommodate the high number of private vehicles visiting the CBD. The current shortfall of parking result in cars idling around and driving around looking for parking, causing excessive CO₂ emissions and congestion which negatively impact the environment. The provision of the shortfall in parking will reduce the unnecessary driving and idling and subsequently the CO₂ emissions. Traffic congestion will also be reduced. It must be stated that this is only true as long as the parking provision aims to address the shortfall in parking in the CBD and not wanting to provide unnecessary more parking bays. In light of the above, the overall impact on the environment is expected to be positive – other than the short-term impact of noise pollution etc. caused by construction.

The safety of people and vehicles will generally be similar or slightly more in parking garages than parking in the open

i. The municipality's capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76 (a).

The Municipality generally have the skills to operate a business such as a parking garage, since most of its services have to be managed in a similar business manner. Additional staff will be needed.

j. the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);

Section 51:

51. Organisation of administration.—A municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to—

(a) be responsive to the needs of the local community;

-
- (b) *facilitate a culture of public service and accountability amongst its staff;*
 - (c) *be performance orientated and focused on the objects of local government set out in section 152 of the Constitution and its developmental duties as required by section 153 of the Constitution;*
 - (d) *ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan;*
 - (e) *establish clear relationships, and facilitate co-operation, co-ordination and communication, between—*
 - (i) *its political structures and political office bearers and its administration;*
 - (ii) *its political structures, political office bearers and administration and the local community;*
 - (f) *organise its political structures, political office bearers and administration in a flexible way in order to respond to changing priorities and circumstances;*
 - (g) *perform its functions—*
 - (i) *through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units; and*
 - (ii) *when necessary, on a decentralised basis;*
 - (h) *assign clear responsibilities for the management and co-ordination of these administrative units and mechanisms;*
 - (i) *hold the municipal manager accountable for the overall performance of the administration;*
 - (j) *maximise efficiency of communication and decision-making within the administration;*
 - (k) *delegate responsibility to the most effective level within the administration;*
 - (l) *involve staff in management decisions as far as is practicable; and*
 - (m) *provide an equitable, fair, open and non-discriminatory working environment.*

Due to the current operation that is already in existence and that this business has to be expanded to cater for 2200 parking bays, it merely means that the current operations, are increased to accommodate the additional 2200 parking bays, all of the above mentioned items, from (a) to (m) are conformed with, but additional staff would have to be employed.

Section 68:

68. *Capacity building.*—

- (1) *A municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way, and for this purpose must comply with the Skills Development Act, 1998 (Act No. 81 of 1998), and the Skills Development Levies Act, 1999 (Act No. 28 of 1999).*
- (2) *A municipality may in addition to any provision for a training levy in terms of the Skills Development Levies Act, 1999, make provision in its budget for the development and implementation of training programmes.*
- (3) *A municipality which does not have the financial means to provide funds for training programmes in addition to the levy payable in terms of the Skills Development Levies Act, 1999, may apply to the Sector Education and Training Authority for local government established in terms of the Skills Development Act, 1998, for such funds .*

The whole Section 68 will be conformed with if additional staff are employed as in the normal operation of all current staff.

k. The likely impact on development, job creation and employment patterns in the municipality,

Due to the need to employ additional staff this requirement will have a positive outcome.

l. The views of organised labour

Organised labour felt that internal job creation should be of paramount importance and would rather see that an internal option be followed whereby the Municipality would be in full control of the garages and also employ the staff to manage these facilities.

6.2.2 Requirements in terms of Section 78(2)

Section 78(2) states:

- (2) After having applied subsection (1), a municipality may—
 - (a) decide on an appropriate internal mechanism to provide the service; or
 - (b) before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).

It is felt that the amount of funding (R275 700 000 Capital) needed that this is possibly a good business to rather operate with an external service provider, where funds are provided by the external source, operated and maintained by this source and the parking garages become the property of the municipality after a certain length of time, normally 20 years.

It is therefore proposed that Section 78(2)(b) be followed: “After having applied subsection (1), a municipality may, before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76 (b).”

6.1 Environmental implications

It is expected that the impact on the Environment will be lessened by Parking Garages, since less CO₂ will be generated through vehicles finding parking space quicker as well as the NMT scenario being implemented within the core of the University

6.2 Financial implications

The financial implications are explained above but in summary:

Nr	Expenditure	Cost
1	Expected capital cost	R275 700 000
2	Expedited Operational Cost per annum	R40 590 000

6.3 Legal Implications

- c. The Constitutional, Act 108 of 1996, as amended, States under Schedule 5B, inter alia:

Part B

The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

- Traffic & Parking
- d. The Municipal System Act, Act 32 of 200, has reference and in Particular:
- i. Section 78(1) and (2)
 - ii. Section 51
 - iii. Section 68

These sections are discussed under Item 5.1

6.4 Staff Implications

If an internal option is chosen there will be a staff impact in that it is estimated that a further 64 staff members would have to be employed.

6.5 Risk Implication

The risk of inadequate parking and unhealthy components thereof, are reduced.

6.6 Previous / Relevant Council Resolutions:**12TH COUNCIL: 2017-09-27: ITEM 7.6.1****RESOLVED** (majority vote with abstentions)

- (a) that a Section 78 process be launched and that an internal parking service delivery increase be investigated through the Section 78(1) approach;
- (b) that parking service delivery increase be based on the towns of:
 - i) Stellenbosch
 - ii) Klapmuts, and
 - iii) Franschhoek; and
- (c) that a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking and any recommendations to a possible external method of rendering parking services.

<i>Meeting:</i>	<i>12th Council: 2017-09-27</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>17/2/3/6</i>	<i>Author</i>	<i>D Louw</i>
<i>Collab:</i>	<i>538693</i>	<i>Referred from:</i>	<i>Mayco: 2017-09-13</i>

ANNEXURE 1

Provincial Sustainable Transport
Program



The provision of parking facilities and parking management services in Stellenbosch Municipality

Section 78 (1) Assessment

November 2017

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DRAFT

1. Introduction

1.1 Background

Stellenbosch is experiencing severe traffic congestion due to various reasons including the undersupply of parking facilities. In an attempt to relieve the traffic congestion in Stellenbosch, the municipality embarked on a number of projects which include:

- The improvement of NMT facilities
- The development of rideshare and public transport through the Large Employer Trip Reduction Program (LETRP) project
- The investigation of into an Integrated Public Transport Network
- Possible TOD development

All of these alternative solutions are aimed at reducing the demand for travelling by private vehicle. The provision of parking is not a demand side management strategy, but rather a supply side solution to addressing the congestion problem.

The town of Stellenbosch and Franshoek has developed over more than 250 years. The development started before the advent of the private motor vehicle. Most road reserves are therefore not responding to the need for a hierarchical road network and are further limited by the heritage features such as water channels and historical perimeter walls. Most of the centre of town was zoned for residential purposes many years ago. They have been rezoned to business over decades and densification took place to such an extent that adequate parking could not be provided on-site.

Off-street parking has become inadequate and visitors to the centre of Stellenbosch do not get parking the first time they arrive at their desired destination. A study undertaken earlier this year found that 90% of vehicles entering Andringa-, Church- and Ryneveldt Streets did not get parking the first time they entered these streets. They will therefore have to drive around a number of times before they could find a parking and contribute to the congestion being experienced.

The Comprehensive Integrated Transport Plan (CITP), which is a statutory strategy document, also identified the shortage of parking a challenge that need to be addressed.

Council approved at its 12th Council meeting held on 27 September 2017 that:

- a) A Section 78 process be launched and that an internal parking service delivery mechanism be investigated through the Section 78(1) of the Systems Act (Act No 32 of 2000).
- b) That parking service delivery increase be based on the towns of Stellenbosch, Franshoek and Klapmuts
- c) That a formal report be submitted to Council as required by Section 78(2), which will indicate the best way of rendering internal parking or recommendations to a possible external method of rendering parking services.

1.2 Methodology and Report Layout

Section 78(1) of the MSA sets out the criteria and process that must be followed when deciding on the mechanism to be used for service provision. This report, therefore, adopts the structure set out in Section 78(1). The following sources of information have been used:

- Council approved documents: the IDP and the CIP (and related budget information).
- The original decision to do a Section 78(1) assessment.
- Interviews with key officials within the Municipality.
- Consultation with the relevant labour unions.

The document is structured as follows:

- **Chapter 2** outlines the nature and extent of the service envisaged.
- **Chapter 3** describes the requirements of the Municipal Systems Act.
- **Chapter 4** follows the MSA process and evaluates the suitability of an internal mechanism to deliver the service.
- **Chapter 5** summarises the conclusions.
- **Chapter 6** sets out the recommendations of the review.

2. Provision of Municipal Public Parking

This chapter outlines the nature and extent of the public parking service provision envisaged by the Municipality. It gives an indication of the resources that would be required to operate and manage the service.

2.1 Endorsement by the CITP and the IDP

The Municipality has an approved Integrated Development Plan (IDP) for the period 2012 to 2017. A component plan to the IDP is the Comprehensive Integrated Transport Plan (CITP) for the period 2015 – 2020, which has also been approved by the Municipal Council. The CITP includes proposals for the development of more parking areas. The following principles guide the provision of public parking:

- Compliance with the Department of Transport guidelines for parking requirements in terms of the Technical Recommendation for Highways TMH16 and 17.
- Compliance with the geometric and configurative requirements as prescribed in the Department of Transport TMH 17
- Compliance to the municipal zoning scheme
- Improve parking services and quality of life of residents.
- Provision of parking on the periphery of the town centre to be still within walking distance from the centre of town or in association with a shuttle service if parking is provided outside of town
- Financial sustainability

2.2 The extent of the parking service envisaged.

The portions of land identified for the provision of parking in Stellenbosch has been identified and are as follows:

- The Braak along Bird and Alexander streets
- Existing municipal parking behind the Council Hall
- Bloemhof parking area in Van Riebeeck Street.

The location of these sites are shown in Figure 2.1

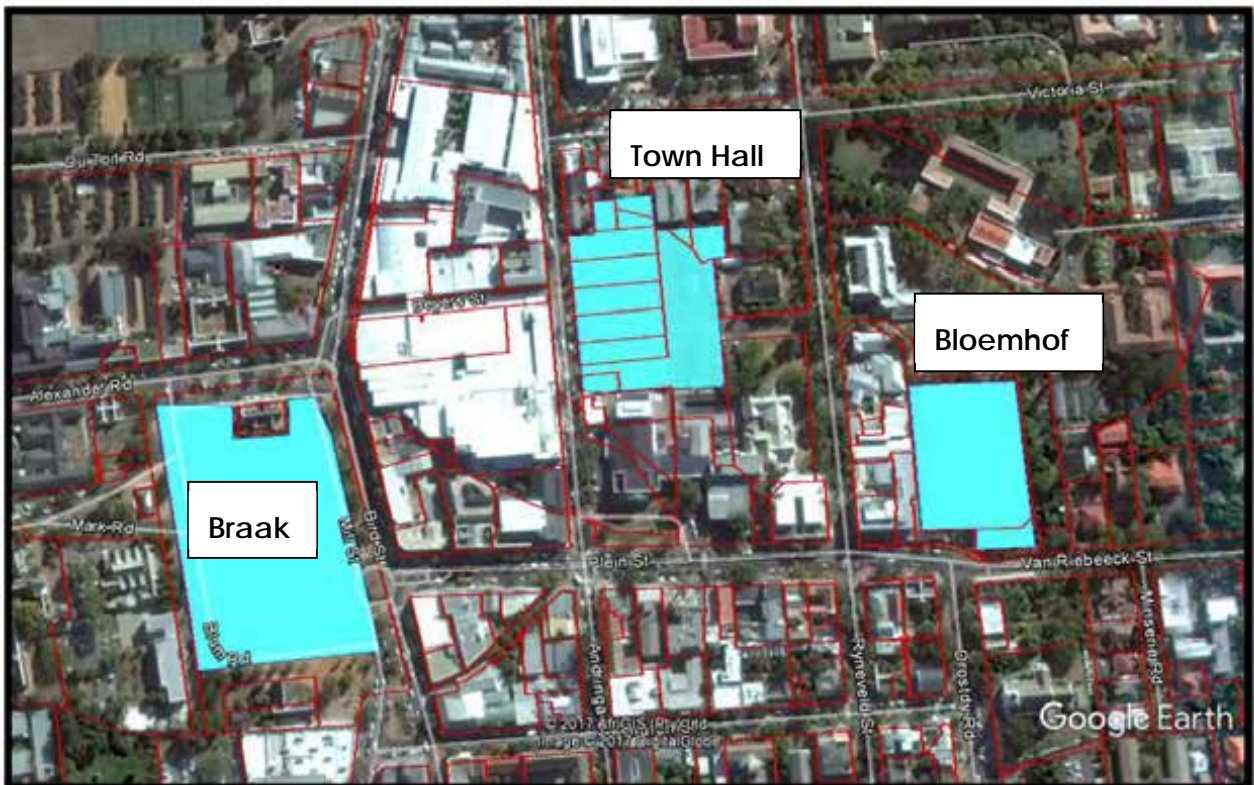


Figure 2.1: Location of proposed public parking areas.

The provision of the public parking service will be as follows:

- **The Braak**

The parking will be provided underground to keep the open space that has heritage status. It could be considered to provide double storey underground parking if feasible. The area is approximately 15000m² in extent and will be able to accommodate 1000 parking bays.

- **Bloemhof Parking Area**

This 7017m² area is currently being used as a parking area. Most people parking here work in the Ecclesia Building that house the municipal Engineering- and Corporate Services Departments. Day visitors also use the parking at a daily rate of R45 per vehicle. The area has a gravel surface and has capacity of accommodating 250 vehicles. A three level parking area will be provided here, with one level being underground and two above ground. A total of 720 vehicles will eventually be accommodated here.

- **Behind Town Hall**

The parking behind the Town Hall will be provided by the redevelopment of the existing parking area to a three storey parking facility, with one level being underground. The area is 10,600m² in extent and will be able to accommodate 1100 parking bays.

The land indentified for the provision of public parking in Franshoek is the old tennis court located behind the Franshoek town hall as shown in Figure 2.2.



Figure 2.2: Location of Parking Area in Franshoek

3. Requirements of the Municipal Systems Act

3.1 The responsibility

Section 78 (1) of the Municipal Systems Acts states that:

“When a municipality has in terms of Section 77 to decide on a mechanism to provide a municipal service in the municipality, or to review an existing mechanism”

Accordingly, a Municipality:

- a) Must first assess –
 - i. The direct and indirect costs and benefits associated with the project if the service is provided by the municipality through an internal mechanism, including the expected effect on the environment and on human health, well-being and safety;
 - ii. The municipality’s capacity and potential future capacity to furnish the skills, expertise and resources necessary for the provision of the service through an internal mechanism mentioned in section 76(a);
 - iii. The extent to which the re-organisation of its administration and the development of the human resource capacity within that administration, as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76 (a);
 - iv. The likely impact on development, job creation and employment patterns in the municipality, and
 - v. The views of organised labour; and
- b) It may take into account any developing trends in the sustainable provision of municipal services generally.

Section 78(2) of the MSA then states that, after having applied subsection (1), a municipality may -

- a) Decide on an appropriate internal mechanism to provide the service; or
- b) Before it takes a decision on an appropriate mechanism, explore the possibility of providing the service through an external mechanism mentioned in section 76(b).

What the above means is that when a municipality wants to deliver a new service, it must first decide whether it is broadly feasible to do so internally or whether it should consider outsourcing the service provision.

3.2 Definitions

Key considerations in the interpretation of the MSA relate to the definitions of the term “service”, and “mechanism”.

A "Municipal service" is defined as "a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether –

- a) such service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 or by engaging an external mechanism contemplated in section 76; and
- b) fees, charges or tariffs are levied in respect of such a service or not".

For the purposes of this review the parking service includes not only the provision of the parking area, but related services such as fee collection, security, ticketing systems, intelligent transport systems and facilities.

It is also useful to draw a distinction between the provision of a municipal service, on the one hand, and the actions taken and decisions made by a municipality in relation to a municipal service, on the other. The terms "service provider" and "service authority" are sometimes used to describe those two roles. Municipalities can, and often do, outsource the provision of municipal services, in terms of a service delivery agreement. A private (or public) company is then the service provider and the municipality remains the service authority.

The term "mechanism" is deemed to refer to either an internal mechanism (defined by section 76(a) as a department, business unit or any other component of the Municipality's administration) or an external mechanism (a municipal entity, another municipality, an organ of state, a community based organisation or other NGO, or any other institutions, entity or person legally competent to operate a business activity).

3.3 The Methodology for Assessment

Section 78 (1) sets out the method by which the delivery of the service via an internal mechanism is to be assessed. This report adopts the s78 (1) methodology.

3.4 Criteria for Assessment

In terms of Section 73(2), the municipality has the duty to ensure that the delivery of its services adheres to the following guidelines:

Municipal services must be

- a) equitable and accessible;
- b) provided in a manner that is conducive to:
 - i. The prudent, economic, efficient and effective use of available resources; and
 - ii. The improvement of standards of quality over time;
- c) financially sustainable;
- d) environmentally sustainable; and

e) regularly reviewed with a view to upgrading, extension and improvement.

Thus, the Section 78(1) investigation must consider the internal mechanisms for compliance with the above requirements.

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4. Assessment of Service Delivery

This section sets out the assessment for internal service delivery, using the structure provided by section 78(1) of the MSA.

4.1 Direct and indirect costs and benefits including the effect on the environment, human health, wellbeing and safety

The assessment undertaken here is at a high level, in order to give an indication of the resources required by the Municipality and the economic, environmental and social impact of providing the service internally.

Transport is widely recognised as a key driver of socio-economic growth and development, particularly in developing and emerging economies where many citizens are unemployed. The need for an efficient, effective, affordable and safe transport system to support economic growth and development is particularly relevant in South Africa. Indeed, recognition of the central role to be played by transport in South Africa's growth and transformation agenda is repeatedly highlighted in the National Development Plan 2030.

Parking areas use valuable land to accommodate vehicles, which could alternatively be used for higher intensity economic activity. By not providing parking on the other hand can contribute to higher frustration for all road users as a result of increased traffic congestion. An earlier study in the tourism centre of Stellenbosch revealed that 90% of vehicles entering this area do not find parking the first time they enter, but drive around looking for parking, adding to the already congested traffic situation. There is also the belief that providing more parking bays will attract more traffic to the already congested CBD of Stellenbosch. Although this seem to be a logical consequence, the bulk of the parking will be provided at the Braak site, which will be accessed from Alexander Street, which will intercept traffic from the busy R44 before they enter the CBD. Also as previously mentioned, vehicles will be able to drive immediately and direct to available parking areas, preventing congestion from driving around looking for parking.

Movement into and around the Municipality is hampered by a lack of good quality public parking areas and good quality parking services. The development of such services will help to facilitate safe, reliable and efficient access to business activities in the CBD.

4.1.1 Direct and Indirect Costs and Benefits

Benefits

The major benefit of a formal parking service is that motorists can directly drive to an available parking bay, without having to unnecessarily driving around looking for parking. The application of the latest technology and a specific cell phone application will make it possible for motorists to identify an available parking area, book it and drive there directly without unnecessarily driving around looking for parking and contributing to traffic congestion.

Table 4-1 Benefits of an improved parking service

Present	Future
Insufficient no of parking bays	An additional 2200 parking bays in Stellenbosch and 240 bays in Franshoek.
90% of motorist drive around looking for parking.	Motorists drive directly to a pre-booked parking area.
Access control outdated, slow and add to congestion.	Access control with modern and higher capacity which reduce traffic impact on adjacent streets.
Insufficient parking layout and configuration.	Improved layout configuration and parking system performance.
Very poor cost recovery and fee collection (below 30%).	Almost perfect monitoring and 100% fee recovery through application of technology.

Direct costs

The planned parking service to be run by the Stellenbosch Municipality is going to be more expensive than the current parking areas operated by a private company. The primary reasons for this are:

1. A quality parking service with technologically advanced features will require a high initial capital outlay.
2. The parking management and fee collection system will be upgraded and strict service and maintenance schedules will be followed.

3. Employment legislation (Labour Relations Act, Basic Conditions of Employment Act, Health and Safety Act) must be adhered to.
4. Public safety will be a priority, with systems implemented to reduce accidents and personal security incidents.
5. Fares are to be balanced between discouraging motorists from not using their private vehicles and recovering the costs of providing the parking infrastructure. This is a sensitive balancing act that can hamper the success of the project if not correctly implemented.

The costs of the proposed parking areas have been estimated, but need to be refined as more detail designs are being done. The estimated costs for the four parking areas are shown in Table 4.1 below:

Table 4-22 Estimated costs of parking bays

Parking Area	Estimated Costs
Franshoek Tennis Courts	R21,600,000
The Braak	R92,086,856
Bloemhof.	R63,000,000
Behind City Hall	R94,000,000

At current interest rates, the loans to provide these infrastructure can be serviced over a ten year period not taking into consideration price escalation. This calculation also assumes a parking occupancy of 75% for 25 days a month at current parking tariffs.

Detail business Plans need to be prepared to make a more accurate assessment of the business viability of providing the parking service.

Apart from the above costs, the operational costs to provide for include:

- Security costs
- Ticketing
- Maintenance

- Management
- Utility services

The service is expected to commence operations in Year 5 (2023/24).

The initial Operating Business Plan will give an indication of the direct operating costs at a later stage. The operating income has been estimated to be R3,650,000 per month. There seem to be a viable business case for the provision of these parking facilities from initial assessments.

4.1.2 Environment

Parking Garages will accommodate the high number of private vehicles visiting the CBD. The current shortfall of parking results in cars idling around and driving around looking for parking, causing excessive CO² emissions and congestion which negatively impact the environment. The provision of the shortfall in parking will reduce the unnecessary driving and idling and subsequently the CO² emissions. Traffic congestion will also be reduced. It must be stated that this is only true as long as the parking provision aims to address the shortfall in parking in the CBD and not wanting to provide unnecessary more parking bays. In light of the above, the overall impact on the environment is expected to be positive – other than the short-term impact of noise pollution etc. caused by construction.

4.1.3 Human Health, Wellbeing and Safety

The impact on human health, wellbeing and safety is expected to be positive, since the intended project places a particular emphasis on the improvement of safety and security. Reduced levels of frustration associated with looking for parking and idling will improve human wellbeing. The conditions of the existing parking areas are also bad and the quality of the facility and the service to be provided will be conducive for a more healthy and safe environment and will also improve overall wellbeing.

4.2 Stellenbosch Municipality's capacity and potential future capacity to furnish the necessary skills, expertise and resources

In order to run the envisaged parking service internally, the Stellenbosch Municipality would need to develop sufficient organisational capacity to perform the necessary functions.

4.2.1 *Understanding the functions required*

There are a range of strategic and operational functions that need to be fulfilled in order for a parking system to run effectively and efficiently. These functions are described below.

- ***Operational planning:*** this includes the technical design of the service (demand assessment, access to the facility, vehicle maneuverability and pricing strategy) and ongoing service refinement.
- ***Operations:*** The provision of the actual parking service on a set layout and configuration with the location of the paypoints at points convenient for motorists and the minimum delay at the access points. Delays can rather be experienced at the pay points to reduce traffic congestion. This function includes operations management, service monitoring, driver vehicle operations and incident response (e.g. ticketpayment machines bear down).
- ***Facility Management:*** The specialised management of the facility required to provide the parking service, including procurement, maintenance and servicing, cleaning, insurance, accident administration, licensing and financial asset management.
- ***Marketing and Communications:*** is focused on publicising the parking service to the community to encourage service patronage, communicate service changes or updates and to distribute motorist information in a usable format. An additional aspect of the communication is the ability to identify available parking bays through a downloadable application. The operation of the application must be managed and maintained to ensure effective communication that ensures optimum operation of the parking area.
- ***Contract management:*** All functions that are outsourced to external service providers will be contracted and these contracts need to be managed. Service providers need to be paid timeously as well as monitored in order to ensure that they are meeting their contractual obligations.
- ***Fare management:*** Is the sale of tickets and the collection of fares from the motorists. This function also ensures that motorists have paid the correct fare for the duration they have used the facility. The fare structure must be low enough to ensure that motorist use the facility and at the same time be sufficient to ensure cost recovery of all capital outlay and operational expenditure. The fare management system must allow for all forms of payment to be possible.
- ***Financial management:*** Managing the various financial elements of the system including revenues (fare revenue, any grants or subsidy contributions

from national or provincial government, municipal contribution, other system revenue) and costs (operating and capital costs).

- **Intelligent Parking Systems (IPS):** This function relates to the monitoring of the parking system to ensure services are operating optimally. Information of the average duration motorists park, what time of the day the parking bay is full. The origin of the vehicles etc will be available and can be used in the optimum management of the facility. This function requires a comprehensive information technology framework that connects parking activity to a central server. The information from the parking bay is obtained through a device that will be installed in the parking bay which provided the necessary management data.

The primary responsibility of the IPS system is to monitor whether or not a specific parking bay is occupied, and divert this information to the motorist who are connected to the server via a cellphone application.

The system should automatically generate reports that can provide strategic management information.

- **Safety and security co-ordination:** ensures the safety of the motorist using the parking facility. This function includes the co-ordination of the SAPS and other private security service providers.

4.2.2 Capacity Requirements

It is estimated that the Municipality would need to employ between 35 and 40 people to run the parking facilities. Main job categories include service managers, parking attendants, facility manager, bus drivers, maintenance staff, ticket sellers/cashiers, security personnel, inspectors, cleaners, financial staff, infrastructure specialists, administrative staff and IT staff (primarily to maintain the Intelligent Parking Systems and the Fare Management Systems).

The Municipality currently has 1,174 budgeted posts (of which only 1,054 are filled). The Transport, Roads and Stormwater division has 100 staff across three divisions:

- The Roads and Stormwater division has 86 staff, mostly road workers
- Traffic Engineering division has 14 staff
- Transport Planning and Public Transport division has a single approved position, which has recently been filled.

Establishing and running the proposed parking service, will therefore, increase the Stellenbosch Municipal Transport, Roads and Stormwater staffing structure by between 30% and 40% (based on filled posts).

The Municipality does not have the capacity to increase its staff complement by the extent required in the short term. It may, in the long term, be able to develop the capacity by recruiting from the existing industry and instituting training programmes to develop the required skills over time. However this would also require an increase in the overall management capacity of the Municipality – not just for the Engineering Services Department, but also other Departments, since there would be additional burdens placed on Departments such as Financial Services, Community Safety, Corporate Services and the Municipal Manager's Office.

4.3 Extent that re-organisation could be utilised

Section 78(1)(a)(iii) states that a municipality “must first assess the extent to which the re-organisation of its administration and the development of the human resource capacity within that administration as provided for in sections 51 and 68, respectively, could be utilised to provide a service through an internal mechanism mentioned in section 76(a)”

Section 51(g)(i) states that “a municipality must within its administrative and financial capacity establish and organise its administration in a manner that would enable the municipality to perform its functions through operationally effective and appropriate administrative units and mechanisms, including departments and other functional or business units.”

Section 68(1) states that “a municipality must develop its human resource capacity to a level that enables it to perform its functions and exercise its powers in an economical, effective, efficient and accountable way...”

The analysis under section 4.2 above indicates the extent of the organisational resources required to run a parking service. It is clear that, in the near term, Stellenbosch Municipality does not have the capacity to take on these functions through a re-organisation of its existing staff and structures. The Directors of Departments that may potentially be responsible for such a service, Engineering Services and Community Safety, have also both indicated that they do not have the capacity to initiate such a service.

4.4 Likely impact on development, job creation and employment patterns in the municipality

The initiation of the parking service will create at least 40 jobs within the Municipality during the operation phase and up to 300 new jobs during the construction phase of the project.

The overall impact of a parking service is expected to have significant benefits for the broader development, as discussed in the cost benefit analysis above, by facilitating continued economic growth and job creation through the establishment of an efficient transport system.

4.5 Views of organized labour

On 20 April 2018 a letter was sent to the following unions:

- Independent Municipal and Allied Trade Union (IMATU)
- South African Municipal Workers Union (SAMWU)

The Unions have not yet had the opportunity to respond. However it is unlikely that their views will alter the current findings of this report, although their views will be important should a S78 (3) report be required.

Copies of the correspondence are contained in Appendix A.

4.6 Trends in the sustainable provision of municipal services

Section 78(1)(b) states that a municipality "may take into account any developing trends in the sustainable provision of municipal services generally."

The provision of services by the municipality must be provided in a sustainable manner, where the costs is not going to grow faster than the benefit the service or facility is bringing. Our experience from the public transport sector where public transport systems have been rolled out through external mechanisms in Cape Town, Johannesburg and Tshwane is that the income has not realised as anticipated, resulting in the public transport service sustainability being questioned.

We need to learn from the experience of the above Cities and make the necessary adjustments to the income stream to ensure that at a low case scenario, the parking system will still operate in a sustainable manner.

With regards to the specific focus of this assessment, Cape Town, Johannesburg, George, Pretoria, Polokwane and eThekweni have all considered external options for the provision of services. The typical approach has been to allow bus operations to be run by the private sector (usually a company or companies representing consortia of existing bus and minibus taxi owners and operators). The contracts governing the bus operations are usually managed by the Municipality via a transport department. The relevant department is also expected to manage contracts governing fare management, infrastructure design and development, inspection and monitoring(intelligent parking systems) and marketing and communications rather than providing these services internally.

5. Conclusions

5.1 Aspects Reviewed

The above report has provided an overview of the extent of the parking service as identified in Chapter 1 of this report, considered the process that the Municipality must follow in terms of section 78(1) of the MSA, and then reviewed each issue listed by section 78(1). These include the costs and benefits of providing the service, the Municipality's capacity to provide the service, and international and local trends with respect to transport service provision.

5.2 Conclusions

The conclusions reached from interviewing key municipal officials and considering each of the aspects required by s78 (1) are that the Municipality does not currently have the financial resources or organisational capacity to internally provide a public transport service. The major factors counting against it are the increased budget required to cover the establishment and recurring costs of the service, the significant increase in staffing that would be required and a national shift in the approach to sustainable transport.

Irrespective of the mechanism selected to deliver a parking service (internal vs. external), the Municipality should consider pursuing an alternative approach to parking service in and around the Stellenbosch and Franshoek CBD, based on the experience of other cities and towns. The experience of Boulder in the USA can be beneficial as it has become world renowned for its sustainable transport system, that strike a good balance between non-motorised transport modes and the private vehicle.

6. Recommendations

Based on the conclusions reached above, it is recommended that:

1. The Municipality consider an external mechanism for the provision of parking services in Stellenbosch. This consideration should be conducted in terms of section 78(3) of the Municipal Systems Amendment Act (No 44 of 2003).
2. That the Municipality pursue an alternative approach to parking improvement based on the principles of the Provincial Sustainable Transport Programme.
3. That the Municipality seek a partnership with the Western Cape Government's Department of Transport and Public Works for support in implementing incremental improvements to parking services and the broader transport system, in line with the principles of the Provincial Sustainable Transport Programme.
4. That the municipality develop a relationship with Boulder in the USA who has similar characteristic as Stellenbosch in terms of student population, town size, agricultural activities, etc, and has successfully introduced initiatives that improve mobility and access in a sustainable manner.

7.6.3	PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

14 March 2018

1. SUBJECT: PNIEL ELECTRICITY NETWORK TAKEOVER FROM DRAKENSTEIN MUNICIPALITY: PROJECT TIMELINE AND MOU

2. PURPOSE

To report on the proposed timeline for the taking over of the Pniel Electricity Takeover from Drakenstein as well as the updated Memorandum of Understanding (MOU).

3. DELEGATED AUTHORITY

Municipal Council.

In terms of the Constitutional Act 108 of 1994 Chapter 7, S151(3) and Schedule 4B

4. EXECUTIVE SUMMARY

It has the wish of Stellenbosch Municipality to include the Pniel/Hollandsche Molen electricity network into its fold since 2008. This matter has now culminated in a joint Memorandum of Understanding (MOU) between the Municipalities of Drakenstein and Stellenbosch. After an independent assessment of the network to be taken over by Stellenbosch from Drakenstein, the electricity network cost of R16 236 253 has been arrived at.

It is now the intention to conduct a formal public participation process in order to formally apply to NERSA for an extension of the electricity supply licence of Stellenbosch Municipality. It is endeavoured to take over the network, customer and metering systems on the evening of 30 June 2018 and to operate the electricity network beyond that date. Council is requested to provide approval for the signing of the MOU plus the performing of all the processes necessary to complete a successful takeover.

5. RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.6.3

RESOLVED

That it be recommended to Council:

- (a) that this report be noted;
- (b) that the Final MOU be accepted;
- (c) that the Municipal Manager be authorised to sign the MOU on behalf of the Municipality;

- (d) that the amount of R16 236 253 for the purchase of the Pniel/Hollandsche Molen Electricity Network from Drakenstein be considered at the setting up of the 2018/2019 Capital Budget;
- (e) that an application be forwarded to NERSA to incorporate the Pniel/Hollandsche Molen Electricity Network into the license of Stellenbosch Municipality; and
- (f) that an application be forwarded to Drakenstein Municipality to supply bulk electricity to the Pniel/Hollandsche Molen upon a successful response from NERSA and the appropriate capital amount be placed on the 2018/2019 capital budget.

6. DISCUSSION / CONTENTS

6.1 Background

During approximately 2008, Stellenbosch Municipality commenced with the discussions of taking over the Pniel/Hollandsche Molen Electricity Network. Various options were looked at but in 2015 investigations proved that purchasing electricity from Drakenstein in bulk and reselling to the Pniel/Hollandsche Molen areas at retail, to be the most advantageous option for Stellenbosch Municipality.



Stellenbosch Municipality acquired a mandate to discuss terms with Drakenstein Municipality and the final discussion agreed to was:

- a. Stellenbosch to pay the depreciated replacement value (drv) of the networks within the municipal boundary of Stellenbosch.
- b. The full value of additional circuit breakers and metering units to be installed.
- c. A special selling tariff at the same Eskom tariff that Drakenstein Purchases 11kV electricity at, plus a surcharge of 10%

Upon investigation it was felt that the 10% surcharge is too high and further investigations were entered into.

It was decided to jointly appoint a consultant to determine the actual depreciated replacement value of the network and also the principles how the network will be

purchased. It was further decided to propose that Stellenbosch Municipality purchase electricity direct from Eskom instead of the previous proposal that electricity be purchased from Drakenstein Municipality. This methodology is perceived to be the least costly.

The proposed MOU indicated the following:

- a. Transfer of the ownership of the electricity network from Drakenstein to Stellenbosch;
- b. Verified purchase price of R16 000 000.00;
- c. Proposed payment structure which entails that Stellenbosch pays the amount upfront, which is then held in trust until all conditions are met and then paid to Drakenstein Municipality. However, Drakenstein Municipality has indicated that this could be done in stages depending on the availability of the funds on our budget. Our current budget made provision for R10 300 000 and was therefore not sufficient;
- d. Suspensive conditions
 - (i) NERSA (National Energy Regulator of South Africa) approval to be sought which includes the public participation process required by the Electricity Regulation Act (ERA);
 - (ii) Approval of both the Stellenbosch and Drakenstein Councils; and
 - (iii) Transfer of the network to Stellenbosch
- e. Connection costs to Eskom and separation cost to Drakenstein Municipality

Council made the following resolution:

- (a) that the content of this report be noted;
- (b) that the Memorandum of Agreement (MOA) be noted;
- (c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and
- (d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting.

6.2 Discussion

6.2.1 Asset Evaluation

Drakenstein Municipality and Stellenbosch Municipality have met on various occasions at which time the network was assessed by an independent consultant: Hendrik Barnard and Lyners Consulting Engineers and meetings held with technical staff, legal representatives and financial staff present from both sides.

The Consultant reviewed the assessment of assets and the amount of R16 236 253 was calculated. Report attached as **ANNEXURE A**

This is slightly higher than the initial price of R16 000 000 in the draft MOU.



6.2.2 Initial Scope of the Takeover

The updated MOU is attached as **ANNEXURE B**

The following plan of action was decided upon:

- a. That Stellenbosch will initially purchase electricity from Drakenstein at the equivalent of the Eskom Megaflex Tariff at 11kV.
- b. Stellenbosch would pay a connection fee to Drakenstein for a set of meters and an isolated 11kV supply
- c. That Stellenbosch would put in motion a process to purchase electricity from Eskom directly and for this purpose would identify a site to build a substation from to which the current network will be transferred to.

6.2.3 Takeover Program

The following program was devised to which the process will be run:

- a. Stellenbosch conducts a public participation process during March 2018, which is a requirement of NERSA
- b. Report back to Councils in the March 2018 Council meetings upon a final MOU
- c. Sign MOU
- d. Apply for a license adjustment from NERSA
- e. Place an order with Drakenstein to construct the 11kV connection at a quoted price of R1 500 000.
- f. Finalise customer and asset detail to be taken over by May 2018
- g. Conduct financial billing and prepayment system takeover exercises in May 2018
- h. Do due diligence exercise in June 2018
- i. Conclude a Electricity Purchase agreement with Drakenstein Municipality
- j. Network takeover at 24:00 on 30 June 2018
- k. Payment of R16 236 254 at earliest possible time when the financial systems goes open on the 2018/2019 Financial budget

6.3 Environmental implications

No environmental implications.

6.4 Financial implications

The financial implications are explained above but in summary:

Nr	Expense	Cost
1	Assessed capital cost	R16 236 253
2	Quoted Connection fee	R1 500 000

6.5 Legal Implications

- e. The Constitutional, Act 108 of 1996, as amended,

Chapter 7 151(3): A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.

States under Schedule 4B inter alia:

- Electricity and Gas Reticulation
- f. The Electricity Regulation Act, Act 4 of 2006, as amended

Amendment of licence

17(1) The Regulator may vary, suspend or remove any licence condition, or may include additional conditions-

- (a) on application by the licensee;
- (b) with the permission of the licensee;

(c) upon non-compliance by a licensee with a licence condition;

(d) if it is necessary for the purposes of this Act; or

(e) on application by any affected party.

(2) The Minister must prescribe the procedure to be followed in varying, suspending, removing or adding any licence condition.

6.6 Staff Implications

No staff will be taken over.

6.7 Risk Implications

The risk of a foreign electricity network to be taken over.

6.8 Previous / Relevant Council Resolutions:

14TH COUNCIL MEETING: 2017-11-29: ITEM 7.6.5

RESOLVED (nem con)

- (a) that the content of this report be noted;
- (b) that the Memorandum of Agreement (MOA) be noted;
- (c) that approval be given to the Municipal Manager to negotiate a final version of the Memorandum of Agreement (MOA); and
- (d) that Council considers the approval of the final Memorandum of Agreement (MOA) at a future Council Meeting.

6.9 Comments from Executive Management:

6.9.1 Director: Infrastructure Management

Writer of this report

6.9.2 Director: Community & Protection Services:

The Directorate Community and Protection Services support the item.

ANNEXURE 1

Caring
Innovative
Focussed

Neil
LYNERS
and Associates (RF) (Pty) Ltd



Consulting Engineers & Project Managers

Our reference E17077/COR/TP/17/06

Your reference :

27 November 2017

Postal Address : 110 Boshaven 1, Bellville, Fk 7516
Street Address : Office 2, Ground Floor, Hertzogstraat
South Gate Entrance, Midrand, 2009
Tweede Vloer, Waterkant 15F, 2011, Fk 2010

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E-mail: bellville@lyniers.co.za | Website: www.lyniers.co.za

PNIEL AND HOLLANDSE MOLEN ELECTRICITY TAKEOVER (2017/18) – EXECUTIVE SUMMARY & ENGINEER'S RECCOMENDATION

Drakenstein currently supplies electricity to the Pniel and Hollandse Molen area Stellenbosch municipality intend to take over the area and supply customers. Discussions have been on-going for many years.

Neil Lyners & Associates was appointed to analyse this and make recommendations.

The recommendations made are as follows:

- Stellenbosch pay directly for network separation, metering and billing costs as quoted by Drakenstein.
- Stellenbosch pay R 16 236 253, the appreciated replacement value, for the network
- That a clear network break be made between the two municipalities and that Stellenbosch obtain a direct 66 kV supply from Eskom
- All of this be subject to approval and granting of a license by NERSA.

The value of the network to be compensated for was previously agreed to be the Drakenstein Book value. This refers to the depreciated replacement values. The Engineer then undertook the required work to establish the book value.

- The network asset register was analysed and all assets in the takeover area was selected
- These were then compared with the network operating diagrams and some field investigations were undertaken.
- The required changes were made to the MV assets.
- The LV assets lacked location details in the Drakenstein asset register
- A proxy was developed and the LV assets were calculated from this
- An assessment was done of the replacement values and installation dates and some adjustments were made
- The full depreciated replacement value was then calculated.

Neil Lyners & Associates can with a high level of certainty say that the R 16 236 253 is a fair representation of the book values of the assets to be transferred.

For any further information please contact the undersigned or Mr Hendrik Barnard – 083 654 8402.

Yours faithfully

Theo Potgieter Pr Eng
(Head of Electrical Department)
for LYNERS

SABS
150 9001

Neil Lyners & Associates (RF) (Pty) Ltd (2011/436-21/07)

CESA

DIRECTORS: Neil Lyners Pr Eng (SABCE) - Maria Flippel Pr Eng (SABCE) - Fred Taker Pr Tech Eng (SABCE) - Esméndie Lyners

ANNEXURE 2

MEMORANDUM OF AGREEMENT



Van der Spuy & Partners
member of the phatshoane henney group of associated firms

PAARL

☐ 218 ☐ 860 1240 FAX: 860 1241

MEMORANDUM OF AGREEMENT

entered into and between

DRAKENSTEIN MUNICIPALITY

herein represented by

JOHAN LEIBBRANDT

in his capacity as Municipal Manager duly authorised thereto,

(hereinafter referred to as "DRAKENSTEIN")

and

STELLENBOSCH MUNICIPALITY

herein represented by

GERALDINE METTLER

in her capacity as Municipal Manager, duly authorised thereto

(hereinafter referred to as "STELLENBOSCH")

WHEREAS the Parties agreed in principal to carry over the Pniel area electricity network as shown in Annexure "A" (hereafter called "the Network"); to Stellenbosch Municipality; and

WHEREAS a reasonable price was calculated; and

NOW THEREFORE the Parties agree as follows:

1. **TRANSFER**

- 1.1. DRAKENSTEIN will transfer ownership of the Network to STELLENBOSCH as soon as the suspensive conditions have been met.
- 1.2. The Parties will endeavour to finish the transfer by 30 June 2018.

2. **PURCHASE PRICE**

- 2.1. STELLENBOSCH will pay R16 000 000.00 (SIXTEEN MILLION RAND) for the Network to DRAKENSTEIN.
- 2.2. Payment will be made into the **VAN DER SPUY & PARTNERS Trust account 404 975 1024, ABSA 334 210, REFERENCE: AR4834.**
- 2.3. STELLENBOSCH will make payments into the account named in clause 2.2 above as and when money becomes available. Moneys paid will be invested for STELLENBOSCH'S interest until date of payment.
- 2.4. The money will be paid to DRAKENSTEIN when the transfer has been completed and the conditions of clause 3 & 4 below has been met.

3. **SUSPENSIVE CONDITIONS**

This agreement is subject to:

- 3.1. STELLENBOSCH obtaining the approved from NERSA; and

- 3.2. the approval by the Municipalities of STELLENBOSCH and DRAKENSTEIN; and
- 3.3. the transfer of the power supply to the Network from DRAKENSTEIN to STELLENBOSCH or Escom

4. **SEPARATION AND CONNECTION COSTS**

- 4.1. STELLENBOSCH will pay all costs of the separation process including the possible upgrading costs.
- 4.2. STELLENBOSCH will also be responsible for all the Eskom connection fees.

5. **NO VARIATION**

- 5.1. No addition to or variation, deletion, or agreed cancellation of all or any clauses or provisions of this Agreement will be of any force or effect unless in writing and signed by the Parties.

6. **BREACH**

- 6.1. If a party ("Defaulting Party") commits any breach of this Agreement and fails to remedy such breach within 5 (five) Business Days of receipt of written notice requiring the breach to be remedied, then the party giving the notice ("Aggrieved Party") will be entitled, as its option;
- 6.2. to claim immediate specific performance of any of the Defaulting Party's obligations under this Agreement, with or without claiming whether or not such obligation has fallen due for performance and to require the Defaulting Party to provide security to the satisfaction of the Aggrieved Party for the Defaulting Party's obligations; or
- 6.3. to cancel the Agreement and claim damages.

6.4. The failure of any of the Parties at any time during the Contract Period of the Agreement to demand strict performance by the others of any of the obligations, warranties, covenants or representations herein contained shall not be construed as a continuing waiver thereof, and any party may at any time demand strict and complete performance from the others of any obligation, warranty, covenant or representation.

7. **DISPUTES**

If any party raises a dispute the parties shall:

- 7.1. Re-negotiate the terms of the transaction in order to resolve the dispute, or
- 7.2. If the dispute cannot be resolved, then either Party may refer the matter to the Referee for resolution as set out in ANNEXURE B
- 7.3. Notwithstanding the provisions of this clause 7, any Party shall be entitled to approach a competent court of law having jurisdiction to obtain any urgent relief which may be required by such Party.
- 7.4. Should urgent circumstances necessitate protection of any of the rights of a Party, such Party will be entitled, notwithstanding the terms hereof, to obtain interim legal relief on an urgent basis from any competent court in anticipation of the ruling of the Referee.

THUS DONE AND SIGNED at PAARL on the _____ day of _____ 2017 in the presence of the undersigned witnesses.

AS WITNESSES:

1. _____

2. _____

for and on behalf of

DRAKENSTEIN MUNICIPALITY

THUS DONE AND SIGNED at PAARL on the _____ day of _____ 2017 in the presence of the undersigned witnesses.

AS WITNESSES:

1. _____

2. _____

for and on behalf of
STELLENBOSCH MUNICIPALITY

ANNEXURE "B"

DISPUTE RESOLUTION BY REFEREE

1. Should any dispute arise between the Parties in respect of their rights and duties contained in this agreement, the Parties will meet immediately to try and resolve such dispute. Should they fail to resolve such dispute within 7 (seven) days after such dispute has been declared by any of the Parties, the said dispute will be submitted to a Referee for resolution in terms of the conditions contained herein, if any of the Parties request such resolution, in writing, from the other party.

2. Should urgent circumstances necessitate protection of any of the rights of a Party, such Party will be entitled, notwithstanding the terms hereof, to obtain interim legal relief on an urgent basis from any competent court in anticipation of the ruling of the Referee.

3. THE HEARING OF THE DISPUTE RESOLUTION WILL BE HELD:

3.1. At Paarl or any other place agreed between the Parties, as soon as possible after appointment of the Referee at the place and on the date and time as determined by him;

3.2. informally, with only the representatives of the Parties present (which may include a legal representative, except if the Referee rules otherwise);

3.3. on the basis that both Parties should present the Referee and the other Party with a written explanation of their viewpoint, containing full details of the matter according to their opinion, within 2 (two) days of appointment of the Referee;

3.4 according further to the procedure prescribed by the Referee for the resolution of the dispute, without the necessity to abide by formal procedural legal rules, in order to solve the dispute easily, economically and confidentially.

4. THE REFEREE:

4.1. will be entitled in his discretion to make enquiries and/or to obtain evidence and/or to accept further submissions from the Parties;

4.2. will be entitled to consult attorneys, advocates or any other expert in respect of any matter he considers expedient;

4.3. will make a ruling in his discretion in respect of the admissibility, relevancy, and importance of evidence, whether oral or written;

4.4. will, should the agreement be vague or imperfect regarding a substantive issue relating to the dispute, interpret the agreement in such a manner so as to give effect to the general purpose of the Parties as he understands it in the context of the agreement, and which is fair to the parties in the applicable circumstances;

4.5. will announce his ruling within 14 (fourteen) days after it has been requested in terms of clause 1, also taking into account the urgency of the matter in dispute;

4.6. will appoint the party responsible for his costs and that of any consulted expert and that party will pay such costs;

4.7. will act as expert and not as arbitrator.

5. THE REFEREE WILL, IF THE MATTER IS:

5.1 mainly a legal matter, be a practicing attorney with at least 15 (fifteen) years experience;

5.2. mainly an accounting matter be a practicing chartered accountant with at least 15 (fifteen) years' experience;

5.3. mainly an electricity matter be a practicing electrical engineer with at least 15 (fifteen) years' experience

5.4. any other matter, be an independent person appointed by agreement between both Parties.

6. Should the Parties fail to agree on whether the dispute is a legal, accounting or any other matter within 48 (forty eight) hours after a hearing for the dispute was requested, the matter will be considered to be a legal matter.

7. If the Parties fail to appoint a Referee within 48 (forty eight) hours after a hearing for the dispute was requested in terms of clause 1, the Referee will on request by any one of the Parties, be appointed by the President of the Cape Law Society (or his successor in title).

8. THE DECISION OF THE REFEREE WILL BE:

8.1. binding on all Parties to this agreement and may, if applicable, be made an order of the High Court of South Africa (Western Cape High Court, Cape Town) on request of any of the Parties in dispute; and

9. EXECUTED IMMEDIATELY

9.1. The Parties agree to keep the proceedings and matter of dispute, as well as any evidence given during the proceedings confidential, and will not, except for the purpose of an order in accordance with clause 8.1, disclose any information to the public.

10. THE PROVISIONS WITH REGARD TO THE DISPUTE RESOLUTION SET OUT ABOVE:

10.1. constitute an irrevocable consent by both Parties to any proceedings and neither Party will have the right to withdraw, claim or declare that he/she is not bound to the abovementioned provisions;

10.2. is divisible of the agreement and will be of full force and effect notwithstanding the termination, or invalidity for any reason whatsoever, of the agreement.

7.6.4	UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS THE COSTING THEREOF
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Collaborator No:
IDP KPA Ref No:
Meeting Date:

14 March 2018

1. SUBJECT: UPDATE REPORT ON THE DROUGHT SITUATION AS WELL AS THE COSTING THEREOF

2. PURPOSE

To provide an update on the Drought Situation and the Preparation of augmenting the supply of water as well as the costing thereof.

3. FOR DISCUSSION

4. EXECUTIVE SUMMARY

5. RECOMMENDATIONS

MAYORAL COMMITTEE MEETING: 2018-03-14: ITEM 5.6.4

RESOLVED

That it be recommended to Council:

- (a) that this report be noted;
- (b) that Council notes the total required funding to complete the full project at R77 980 756.94 rounded off to R78 000 000;
- (c) that Council notes that a total of R67 071 468.66 must be spent this year to complete a workable borehole water networked system;
- (d) that an amount of R10 400 000.00 be considered in the 2018/19 budget to formally complete all borehole augmentation work;
- (e) that the 2017/18 budget be adjusted to accommodate the R67 071 468.66 intended expenditure and that the shortfall be found from other projects; and
- (f) that an updated report be brought to Council in May 2018.

6. DISCUSSION / CONTENTS

Please find full report attached as ANNEXURE A.

6.1 Background

The Stellenbosch Municipality has been actively fighting water losses and non-revenue water through the water conservation and water demand management project. This project includes various initiatives including pipe leak repairs, pipe replacement, domestic leak repairs, customer meter replacement, water meter audits, installation of volume controlled meters, pressure management etc. Various contracts are on-going

and significant strides and achievements have been made to drive physical water losses down from about 21% of 15% for the Stellenbosch area.

The domestic leak repairs tender is in process to be advertised to be renewed.

The on-going drought in the Western Cape is impacting on water supply security and the likelihood of water in the 6 large dams supplying Cape Town and surrounding towns running out by early 2018 has become a reality. The Municipality has therefore decided to implement a Drought Response Plan over and above the water conservation and water demand management efforts to implement the emergency measures required to mitigate the effects of the drought. This progress report provides a high level progress update on the Drought Response Plan implementation.





Drought Response Plan

5Hatch Africa, the consultants appointed for the water conservation and water demand management project implementation were given to task to compile a Drought Response Plan (90 days action plan) in June 2017. The first draft was compiled by 9 June 2017 and the plan is continually being updated.

The Drought Response Plan details a set of actions for drought mitigation based on triggers and criteria agreed upon by the Municipality.

The plan includes the outcome and recommendations from various consultant studies, and specialist studies and documents to combined efforts being implemented for drought mitigation.

The Municipality issues a weekly Drought Monitoring Report where all dams levels, days of water storage remaining and other critical information is published and circulated to stake holders.

The Plan also includes disaster risk management actions to be implemented in the event that the dams supplying Stellenbosch actually run out of usable water.

Water Restrictions

- The CoCT and Stellenbosch Municipality have now introduced Level 6B Water Restrictions from 1 Feb 2018.
- Stellenbosch has implemented level 6B Water Restrictions from 19 Feb 2018.
- Water restrictions continue to be an important tool to reduce consumer demand and the Municipality is actively promoting responsible water usage by distributing posters and flyers, sign in all public building and through billboards.

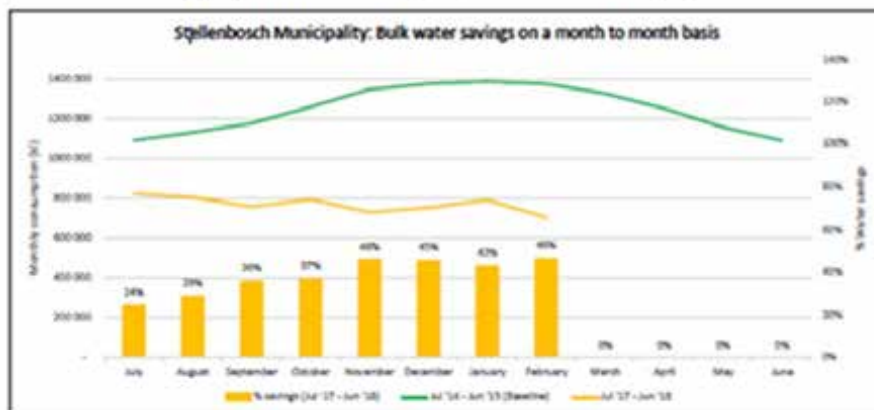
Drought Monitoring

- Stellenbosch Municipality repeats on a weekly base to DWS and to other official structures on drought interventions and statistics.
- Stellenbosch Dashboard.



Stellenbosch Municipality (SM) : Water Dashboard

19 February 2018



Stellenbosch Municipality: Bulk water savings per supply area

Town/ supply area	Baseline demand (Feb 2015) ML/d	Current demand (average of last 7 days) ML/d	% Reduction (Target = 45%)
Stellenbosch town ¹	29.4	16.9	42.0%
Franschhoek area	6.2	2.6	51.3%
Dwars River area	3.2	2.8	12.5%
Klapmuts ²	2.3	1.3	44.3%
Rural water schemes	6.6	2.6	62.2%
Total	48.8	26.0	46.4%

Stellenbosch Municipality: Bulk water savings per source

Town/ supply area	Baseline demand (Feb 2015) ML/d	Current demand (average of last 7 days) ML/d	% Reduction (Target = 45%)
CCT	16.4	8.6	48.0%
SM - WCWSS ³	30.2	18.6	46.6%
Total	48.8	26.0	48.4%

¹ De Zalze supplied from Faure rural water scheme during 2014/15 financial year, currently supplied with water from the Stellenbosch system.

² Current demand is average of last 14 days

³ Integrated system

The table indicates also that we have found about 161 l/second, whereas we are currently using 248 l/s. We are therefore attempting to find sufficient water to be able to deliver 248l/s and some boreholes are already being drilled.

The following conditions were found which were out of the ordinary:

- a. Effective boreholes tended to be further away from existing networks
- b. Quality of water tended to contain more impurities such iron, manganese.
- c. The possibilities of finding harmful pathogens in some case are quite high.
- d. As a result the network to be installed and the purification standard was found to be more expensive.

Table 6.2.1: Estimated capacity of holes already drilled.

Area	Required Yield AASD (l/s)	Required Yield AASD (Max Quarter (l/s/year))	Savings: 60% of Yield (l/s)	Savings: 60% of AASD (l/s)	AASD Allowed (l/s)	AASD after 60% (l/s)	Number of Existing Boreholes	Total Existing Boreholes (l/s)	Yield (l/s)	New Boreholes already drilled	Expected Yield from New Boreholes already drilled (l/s)	Existing Borehole Combined Yield (l/s)	Number of holes to be drilled	Yield (l/s) of Boreholes to be drilled	Yield of Boreholes to be drilled (l/s)	Cost (R)
Stellenbosch	26.72	33	12.03	18.5	24.74	17.0	0	448	12.8			12.8	8	6	144	10
Franschhoek (Stellenbosch)	112	41	138	18.4	190	22				4	46.9	46.9				46
Wynberg (Stellenbosch)	2142	25	164	11.2	1179	114	2	347	3.8	2	3.8	11.8	8	20	170	20
Walden	17	4	20	2	27	2.4	0					2.4				20
Parkland	82	11	43	1	59	6.2	0					6.2				40
Farm De Zee & Farby	1463	21	74	8.7	85	104	3					8.7				20
Crofton							0					0				0
Waldenburg	46	1	21	2	25	2	0					2.2				20
Walden	46	1	21	2	25	2	0			1	1.1	1.1				20
Klapmuts	140	21	72	8.8	80	10.2										20
Karibief	1381	21	34	8.8	1387	12										20
Total	1400	41	170	18.2	139	22.2				7	48.9	48.9	8	20	170	100
TOTAL	8880		2748	388	8148	248	28	1396	42	10	48	48	18	40	1918	200

Table 6.2.2: Details of holes already drilled

Borehole (BH)	Town/Area	Status	Comment	p test results					recommended Pump depth	Yield needed	Max yield of	Safe	Yield Comment	
				Max draw depth (m)	Pump rate (l/s)	Pump duration (h)	Rest duration (h)	Safe yield (m³/d)						
Coetzeville BH	Stellenbosch	Existing BH	Potential production BH	8.5	12	12	12	367		9 950	11 050	3 551	25	Tested
Doombosch BH		Existing BH	Potential production BH	15.0	12	12	12	543						Tested
De Brak BH		Existing BH	Production BH	15.0	12	12	12	543						Tested
Van der Stel BH		Existing BH	Production BH	15.0	12	12	12	364						Tested
Kayamatho BH		Existing BH	Potential production BH	10.0	12	12	12	402						Tested
STB Centre Subm 1		Completed	Production BH	15.0	12	12	12	543	139					Subsided/Failed
STB Centre Subm 2		Completed	Production BH	15.0	12	12	12	402	100					Subsided/Failed
STB Centre Subm 3		Completed	Production BH	15.0	12	12	12	543	100					Subsided/Failed
STB Centre Subm 4		Completed	Production BH	15.0	12	12	12	402	100					Subsided/Failed
STB Centre Subm 5		Not drilled	Feb-18	10.0	12	12	12	402	unknown TO					Not drilled
STB Centre Subm 7		Not drilled	Reasoned											
Donk Eke Houtkops		Not drilled	Reasoned											
STB PDC Subm 1		Not drilled	Reasoned											
STB PDC Subm 2		Completed	Dr BH will be drilled											
STB PDC Subm 3		Completed	Exploration BH only	200	4.0	12	12		38					Drilled, not tested
STB PDC Subm 4		Completed	Dry BH	200										
JH BH 1	Jansbaaihoek	Started	Feb-18						60					Not drilled
JH BH 2		Not drilled	Feb-18						60					Not drilled
JH BH 3		Not drilled	Feb-18						60					Not drilled
JH BH 4		Not drilled	Feb-18						60					Not drilled
WH BH 1	Wammarshoek	Completed	Potential production BH	190					0	4 052	4 825	3 038	25	
WH BH 2		Completed	Dry BH	364										
WH BH 3		Completed	Exploration Monitoring	200										
WH BH 4		Completed	Not drilled											
WH BH 5		Not drilled	Reasoned											
WH BH 6		Completed	Dry BH											
WH P BH 1		Completed	Exploration Monitoring	264										
WH P BH 2		Completed	Production BH	400	7.0	12	12	302	190					Drilled, not tested
WH P BH 3		Completed	Production BH	200	15	8	8	1 152	150					Tested, awaiting yield test data
WH P BH 4		Completed	Production BH	15.0	12	12	12	402	150					Drilled, not tested
WH P BH 5		Completed	Production BH	20.0	15	8	8	1 152	150					Drilled, not tested
PH BH 1	Phanphook	Not drilled	Reasoned											
PH BH 2		Not drilled	Reasoned											
PH BH 3		Not drilled	Reasoned											
PH BH Houtkops 1		Not drilled	Reasoned											
PH BH Houtkops 2		Not drilled	Mar-18											
KLM BH 1	Kyalama	Completed	Potential production BH	360	2.0	12	12	60	120	2 450	2 812	1 317	25	Drilled, not tested
KLM BH 2		Completed	Dry BH											
KLM BH 3		Completed	Dry BH											
KLM BH 4		Completed	Production BH		10.0	12	12	402	80					
KLM BH 5		Completed	Dry		3.0	12	12	150	80					Drilled, not tested
KLM BH 6		In progress	Low yielding											
KLM BH 7H		In progress	Potential production BH	1.7	24	0	0	147						
Kyalama BH 1		Existing BH	Production BH	3.0	15	8	8	194						Tested
Kyalama BH 2		Existing BH	Production BH	10.0										
Phal BH	Phal	Existing BH	Potential production BH	4.0	15	8	8	220						
ML BH 1	Meerlust	Completed	Production BH	27	1.5	12	12	97		96	130	97	Meerlust	Tested
ML BH 2		Not drilled	Reasoned											
KM BH 3	Kapmuis	Recon	BH cancelled	155	3.0	12	12	60		5 443	3 888	1 728	25	Drilled, not tested
KM BH 4		Completed	Potential production BH	4.0	12	12	12	173	105					Drilled, not tested
KM BH 5		Completed	Production BH	3.0	12	12	12	150						
KM BH 6		Completed	Production BH	3.0	12	12	12	150	128					Drilled, not tested
KM BH 7		Completed	Production BH	4.0	12	12	12	173	80					Drilled, not tested
KM BH 8		In progress	Feb-18		7.0	12	12	302	80					
KM BH 9		Completed	Feb-18		7.0	12	12	302	80					
KM BH 10	Kopanoth	Completed	Production BH	200	4.0	10	14	144	100				25	Tested
KM BH 11		Completed	Production BH	150	3.0	12	12	98	158					Tested
KM BH 12		Not drilled	Reasoned											
KM BH 13		Completed	Dry BH											
KM BH 14		In progress	Low yielding											
KM BH 15		Completed	Production BH	80	4.0	10	14	144	80					Tested, awaiting yield test data
KM BH 16		Not drilled	Jan-18											
OK Kapmuis borehole		Completed	Production BH	150	4.0	10	14	144	140					Tested

More funding is therefore required. The funding detail is shown in item 5.4 below

- Consultants appointment for WULA (Water use license applications). The DWS originally gave us 2 years to complete but this is now to be put into motion due to all other third party involvement.
- Eskom only wanted to do connections to boreholes if Water Use Licenses are in place.
- Environmental approvals near wetlands and a combination of other environmental aspects.
- Groundwater monitoring and measurement implemented by DWS
- New groundwater use guidelines.
- Environ impacts of pipelines to be laid need water volumes and licensing.
- Increased capital works increased the consultancy fees according to ECSA fees.
- Tariff study to determine best practice
- Environmental consultants appointed to monitor work in environmental sensitive areas.
- All other working areas also to be rehabilitated after the projects are completed.

6.3 Environmental implications

The position of boreholes are determined as follows:

- a. Probable geological positioning of underground aquifers
- b. As close as possible to water purification plants.
- c. As close as possible to reservoirs
- d. As close as possible to pipe and electricity networks.

In some cases the final position of a hole with sufficient water has fallen within environmentally sensitive areas such as Wemmershoek and Jonkershoek or heritage sensitive areas such as Die Braak. It is also true that these areas proved to have the biggest sources of water. In fact about 80% of our water needs were found in these areas. The Municipality did get a Directive which allowed it to drill in sensitive areas and the Municipality found the most water in these areas. However in all of these cases boreholes were made intensely deep enough to penetrate the first rock layer, normally found at about 100m depth. The borehole sleeving was designed to seal off the upper layer such that the sensitivity of the upper layer of water was protected, and therefore also the primary source of water to plants in these areas. The boreholes in these areas are between 200m and 400m deep.

We also found problems where permission was granted to drill a hole but permission for the pipe connecting hole became a bone of contention. The National Environmental Management Act (NEMA) endeavours to protect the environment as far as practically possible, but the Act states that the upkeep of human life is more important than the upkeep of the environment where conditions are in contradiction.

Various newspaper reports were written from concerned citizens of the environment, but it must be noted that human life is of primary importance as stated within the Constitution:

Human dignity

10. Everyone has inherent dignity and the right to have their dignity respected and protected.

Life

*11. **Everyone has the right to life.***

Environment

24. Everyone has the right -

- a. *to an environment that is **not harmful to their health or well-being**; and*
- b. *to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -*
 - i. *prevent pollution and ecological degradation;*
 - ii. *promote conservation; and*
 - iii. *secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.*

Health care, food, water and social security

27. (1) *Everyone has the right to have access to -*

- a. *health care services, including reproductive health care;*
- b. *sufficient food and **water**; and*
- c. *social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.*

(2) The state must take reasonable legislative and *other measures, within its available resources, to achieve the progressive realisation of each of these rights.*

(3) No one may be refused emergency medical treatment.

It is therefore clear that the Constitution puts the life of humans first and therefore the right to water becomes paramount in a state of drought. Any piece of contrary legislation would become invalid if it contradicts the above and would therefore not be *reasonable* legislation.

The use of environmentally sensitive sites would therefore not be able to prevent the search for life-giving water and it is therefore felt that those places where water was found in environmentally or heritage sensitive areas, such as:

- Wemmershoek
- Jonkershoek
- Die Braak

Is justified within the severe drought conditions and within the State of Emergency we find ourselves in, as a result of this drought.

6.4 Financial implications

6.4.1 Increased costs of construction due to:

- Production boreholes are further away from existing infrastructure.
- Klapmuts and Dwarsrivier needed more boreholes to produce needed volumes of water
- Wemmershoek borehole water quality indicates high concentrations of minerals including iron and manganese that was not present in the existing borehole water. An additional 30 l/s purification plant needed in Wemmershoek to ensure correct water quality.
- Additional plant to be installed at Cloetesville to create a collection point at the sportsground to accommodate filling points.
- Additional borehole yield tests, beneath the blow yielding tests, to be included in the WULA's.
- Pipeline routes to be changed due to property and road issues.

6.4.2 Total projected costs in line with approved deviation approvals

- All divisions for drillers are based on a rates quotation. The amount of work determines the total payment.
- The civil and mechanical contractors are also appointed on the deviation on a rate per task or work done in line with the deviation.
- Existing consultancy fees are based on the ECSA fees and according to their roster appointment.
- The deviation states that the exact amount of the intervention is uncertain but will be determined by the available funds and the deviations approved.

6.4.3 Total Funding needed to fully complete work

DROUGHT RESPONSE - POTABLE WATER AUGMENTATION BOREHOLES				
Financial Summary				
Contractor	Description	Work Orders (estimate)		Adjusted Work Order (estimate)
Civil	CSV		R 7 315 218.60	
		Total	R 7 315 218.60	R 2 815 218.60
Civil	EXEO		R 6 840 773.36	
		Total	R 6 840 773.36	R 4 340 773.36
Mechanical	Water Solutions SA		R 9 381 288.00	
		Total	R 9 381 288.00	R 9 381 288.00
Mechanical	Veolia		R 5 573 012.00	
		Total	R 5 573 012.00	R 4 873 012.00
Mechanical	Sustainable Engineering		R 10 725 949.00	
		Total	R 10 725 949.00	R 10 725 949.00
Mechanical	Aquamat		R 3 994 515.98	
		Total	R 3 994 515.98	R 3 994 515.98
Driller	JM/Senzogystix			
		Total	R 2 000 000.00	R 1 571 129.08
Driller	SA Rotsbore			
		Total	R 8 000 000.00	R 8 428 472.00
Driller	EDRS			
		Total	R 5 000 000.00	R 3 943 856.64
Driller	Master Drilling			
		Total	R 8 000 000.00	R 9 395 954.00
GEOSS	Geologists			
		Total	R 1 500 000.00	R 1 500 000.00
	Consultants			
		Total	R 1 000 000.00	R 1 000 000.00
Cornerstone	Environmentalists			
		Total	R 500 000.00	R 500 000.00
	Consultants			
		Total	R 3 650 000.00	R 2 600 000.00
	Consultants		-	
		Total	R 4 500 000.00	R 2 000 000.00
TOTAL PRICE (VAT Excluded)			R 77 980 756.94	R 67 070 168.66
Difference			R 10 910 288.28	

Funding that can be delayed to a next year:

Description	Cost Estimation
Top 100 Water users - Water Meters	R 2 000 000.00
Fire Brigades Civil Works - (4 X R250 0000)	R 1 000 000.00
PRVs - (8 X R500 0000)	R 4 000 000.00
Fire Brigade - Tank installations (4 X R350 0000)	R 1 400 000.00
Stellenbosch Town to Ida's Valley Water Works pipe line/ BH installations (10 X R200 000)	R 2 000 000.00
TOTAL	R 10 400 000.00

It is therefore proposed that we limit this year's spending to R67 070 168.66, but that we consider the amounts mentioned above in the 2018/19 Financial budget deliberations

6.5 Legal Implications

- Municipal Finance Management Act, Act 56 Of 2003, as amended
- Disaster Management Act, Act no 57 of 2002, as amended
- National Environmental Management Act, Act No. 107 of 1998, as amended

6.6 Staff Implications

Currently all additional functions are performed by contractors and will do so for a period of time. After their contracts have expired, our own staff would have to take over. This is expected to be required from July 2019 onwards.

6.7 Risk Implication

The Drought Risk has happened and is therefore called an issue. The Issue is being controlled as described in this report.

7.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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NONE

7.8	PROTECTION SERVICES: [PC: CLLR Q SMIT]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
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NONE